

**THE COTEAU**  
**PROPERTIES COMPANY**  
A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION

RECEIVED  
35167  
FREEDOM MINE  
DEC 10 2015  
204 County Road 15  
Beulah, North Dakota 58523-9475  
(701) 873-2281 • Fax (701) 873-7226

December 9, 2015

Mr. James R. Deutsch  
Director Reclamation Division  
Public Service Commission  
600 East Boulevard Avenue  
Department 408  
Bismarck, ND 58505-0480

Dear Mr. Deutsch:

Enclosed are three sets of revised materials for Revision 28 to Permit NACT-9001. Responses below refer to deficiencies in you December 1, 2015 letter:

1. See revised page 71 of Section 1.1.1. An original page 1 of the application form has also been provided.
2. See new Deletion of 119.753 Acres Map of Section 1.2.2a. The metes and bounds description is provided on the map. In this permit, the description is NOT listed on a separate page.
3. See Attachment 1 to the permit renewal application form.
4. See the revised newspaper publication.
5. See the revised newspaper publication.
6. See the revised newspaper publication.
7. See the revised newspaper publication.
8. See the revised newspaper publication.
9. See the revised newspaper publication.
10. See the revised newspaper publication map.

If you have any questions, please contact me.

Sincerely,

THE COTEAU PROPERTIES COMPANY

*William R. Kib*  
for

Troy J. Leingang  
Environmental Manager

AJH/LDR  
Enc.

cc: Shana Brost, Mercer County Auditor

- 3 RC-15-736 Filed 12/10/2015 Pages: 9  
Response to the completeness deficiency letter filed by the applicant
- 3 RC-15-735 Filed 12/10/2015 Pages: 9  
Response to the completeness deficiency letter filed by the applicant  
Coteau Properties Company  
Troy Leingang



**APPLICATION FOR REVISION OF PERMIT TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION OPERATIONS**

PUBLIC SERVICE COMMISSION  
RECLAMATION DIVISION  
SFN 10562 (1-2004)

Date  
**November 13, 2015**

Name of Company, Corporation, Partnership, or Individual <b>The Coteau Properties Company</b>	Permit Number <b>NACT-9001</b>	Revision Number <b>28</b>	
Address <b>204 County Road 15</b>	City <b>Beulah</b>	State <b>ND</b>	Zip Code <b>58523</b>

The above named hereby makes application for the above Revision Number to: (include a brief description of the surface coal mining and reclamation operation being revised.)

Revision 28 updates the permit for the next five-year permit term and updates introductory information, legal information, business entity/compliance information, identification of interests and rights of entry, operation plan - general, operations - surface water management, post-mining land use and revegetation, and reclamation plans. Also as a part of this revision, 119.753 acres in Section 11, T145N, R88W are being deleted from Permit NACT-9001 following the acreage addition to Permit NACT-0201 with the October 21, 2015 approval to Revision 18.

Attached to this Permit Revision Application are a narrative describing the proposed permit revision, reasons for requesting the revision, and appropriate maps, cross-sections, graphs, construction details, revised reclamation plans and other data which demonstrate compliance with Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and the permit conditions of the approved permit. If an incidental boundary revision involving an acreage adjustment is being requested as part of the permit revision application, the following information shall be included (attach a copy of a metes and bounds description):

NAME OF MINE	ACRES	LOCATION			
		SEC.	TWP.	RANGE	COUNTY
Freedom Mine	-119.753	11	T145N	R88W	Mercer
ADDRESS					
204 County Road 15					
Beulah, ND 58523					
<b>TOTAL ACRES</b>	<b>-119.753</b>				

Based upon the proposed changes and any incidental boundary revisions to the permit as stated herein, a new or adjusted bond, or its equivalent, duly executed in accordance with Section 38-14.1-16 of the North Dakota Century Code and Chapter 69-05.2-12 of the North Dakota Administrative Code will be delivered to the Public Service Commission prior to issuance of the surface coal mining and reclamation operations permit herein requested. A check for filing fees, pursuant to Section 38-14.1-13 of the North Dakota Century Code, in the amount of \$ 0, is included with the revision application.

Name of Official Authorized to Represent the Applicant  
**William R. Kirk**

- I, the above named, certify that:
1. All information and documents required by Sections 38-14.1-13, 38-14.1-14, and 38-14.1-15 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, are submitted as part of this permit application;
  2. Information and documentation contained in the permit application affirmatively demonstrate that:
    - a. The permit revision application is accurate and complete and all the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code have been complied with;
    - b. Reclamation as required by Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code can be accomplished under the reclamation plan contained in this permit revision application;

This renewal is being requested because portions of the permit (ponds, haulroads, stockpiles) continue to be used in support of mining in other permit areas. All coal removal is complete within this permit area.

The bond for this permit area is sufficient and will continue for the renewal period, as shown in the Consolidated Bonding Plan updated with Revision 27 to Permit NACT-0401. Liability insurance is provided and will be renewed on a yearly basis throughout the renewal period.

**NOTICE OF FILING OF AN APPLICATION FOR RENEWAL AND REVISION OF PERMIT  
TO CONDUCT SURFACE COAL MINING AND RECLAMATION OPERATIONS**

The Coteau Properties Company, 204 County Road 15, Beulah, ND 58523, has filed applications for Renewal 5 and Revision 28 to Permit NACT-9001 with the North Dakota Public Service Commission. Revision 28 updates the permit for the next five-year permit term and updates introductory information, legal information, business entity/compliance information, identification of interests and rights of entry, operation plan - general, operations - surface water management, post-mining land use and revegetation, and reclamation plans. Also as a part of this revision, 119.753 acres in Section 11, T145N, R88W are being deleted from Permit NACT-9001 following the acreage addition to Permit NACT-0201 with the October 21, 2015 approval to Revision 18. The permit area covers portions of Sections 1, 2, and 3, T145N, R88W; and Sections 5, 6, 9, and 10, T145N, R87W, of the Fifth Principle Meridian, Mercer County, North Dakota, and contains approximately 2698.977 acres. The permit term will be from April 16, 2016 to April 16, 2021.

The permit area is approximately eight miles north of Beulah, North Dakota. The newspaper publication notice map shows the distance to the city of Beulah, North Dakota, and the outline of the permit area.

The owners of the surface in the permit area are as follows:

**TRACT 1**

Township 145 North, Range 88 West  
Section 1: Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$

Surface Ownership:                   The Coteau Properties Company

**TRACT 2**

Township 145 North, Range 88 West  
Section 1: Lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$

Surface Ownership:                   The Coteau Properties Company

**TRACT 3**

Township 145 North, Range 88 West  
Section 1: W $\frac{1}{2}$ SW $\frac{1}{4}$

Surface Ownership:                   The Coteau Properties Company

#### **TRACT 4**

Township 145 North, Range 88 West

Section 1: SE $\frac{1}{4}$

Township 145 North, Range 87 West

Section 6: Lots 6 and 7, E $\frac{1}{2}$ SW $\frac{1}{4}$

Surface Ownership:                   The Coteau Properties Company

#### **TRACT 5**

Township 145 North, Range 88 West

Section 2: A 13.64 acre tract in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of said section, which is described as follows: Beginning at the southwest corner of the NE $\frac{1}{4}$  Section 2, thence due north 450 feet, thence due east 1,320 feet, thence due south 450 feet, thence due west 1,320 feet to the point of beginning.

Surface Ownership:                   The Coteau Properties Company

#### **TRACT 6**

Township 145 North, Range 88 West

Section 2: E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , less and except a 13.64 acre tract of land in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of said section, which is described as follows: Beginning at the southwest corner of the NE $\frac{1}{4}$  Section 2, thence due north 450 feet, thence due east 1,320 feet, thence due south 450 feet, thence due west 1,320 feet to the point of beginning.

Surface Ownership:                   The Coteau Properties Company

#### **TRACT 7**

Township 145 North, Range 88 West

Section 2: Lots 2, 3, and 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$

Surface Ownership:                   The Coteau Properties Company

#### **TRACT 8**

Township 145 North, Range 88 West

Section 2: E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$

Surface Ownership:                   The Coteau Properties Company

**TRACT 9**

Township 145 North, Range 88 West

Section 2: SE $\frac{1}{4}$

Surface Ownership:           The Coteau Properties Company

**TRACT 10**

Township 145 North, Range 88 West

Section 3: Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$  less the south 660 feet of the SW $\frac{1}{4}$ NE $\frac{1}{4}$

Surface Ownership:           E. Wayne Eisenbeis and Margo L. Eisenbeis  
  Subject to Contract for Deed from:  
  Erwin Eisenbeis and Evelyn Eisenbeis, Trustees UTD,  
  Dated May 7, 1992

**TRACT 11**

Township 145 North, Range 88 West

Section 3: NE $\frac{1}{4}$ SE $\frac{1}{4}$

Surface Ownership:           The Coteau Properties Company

**TRACT 12**

Township 145 North, Range 87 West

Section 5: N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$

Surface Ownership:           The Coteau Properties Company

**TRACT 13**

Township 145 North, Range 87 West

Section 5: SW $\frac{1}{4}$ SW $\frac{1}{4}$

Surface Ownership:           The Coteau Properties Company

**TRACT 14**

Township 145 North, Range 87 West

Section 6: SE $\frac{1}{4}$

Surface Ownership:           The Coteau Properties Company

**TRACT 15**

Township 145 North, Range 87 West

Section 6: Lots 4 and 5, SE $\frac{1}{4}$ NW $\frac{1}{4}$

Surface Ownership: The Coteau Properties Company

**TRACT 16**

Township 145 North, Range 87 West

Section 9: SE $\frac{1}{4}$

Surface Ownership: The Coteau Properties Company

**TRACT 17**

Township 145 North, Range 87 West

Section 9: SW $\frac{1}{4}$

Surface Ownership: The Coteau Properties Company

**TRACT 18**

Township 145 North, Range 87 West

Section 10: S $\frac{1}{2}$ S $\frac{1}{2}$

Surface Ownership: The Coteau Properties Company

**TRACT 19**

Township 145 North, Range 87 West

Section 6: Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$

Surface Ownership: The Coteau Properties Company

**TRACT 20**

Township 145 North, Range 88 West

Section 2: Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$

Surface Ownership: The Coteau Properties Company

**TRACT 21**

Township 145 North, Range 87 West

Section 6: Lot 3

Surface Ownership: The Coteau Properties Company

A copy of the Application for Renewal and the Application for Revision of Permit NACT-9001 are available for public inspection at the office of the North Dakota Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480, and at the office of the County Auditor, Mercer County Courthouse, Stanton, North Dakota 58571.

Written comments, objections, or requests for an informal conference on the renewal and revision may be submitted by any person with an interest that is or may be adversely affected, to the North Dakota Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480, within 30 days after the last publication of this notice. Any request for informal conference must be in writing to the Commission. The request must also state specifically the issues or objections that an affected party has regarding the renewal.

The Coteau Properties Company  
204 County Road 15  
Beulah, North Dakota 58523

