

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**The Coteau Properties Company**  
**Variance, Permit NACT-9001**  
**Application**

**Case No. RC-18-332**

**VARIANCE TO THE PERFORMANCE BOND LIABILITY**  
**PERIOD OF A SURFACE COAL MINING PERMIT**

**September 4, 2019**

Based on the application initially received **September 6, 2018**, a variance to the Ten-Year Performance Bond Liability Period for a portion of Permit Number NACT-9001 is hereby granted to The Coteau Properties Company. This variance combines the performance bond responsibility period of areas affected by haul roads/access roads, sedimentation ponds and stockpiles with that of surrounding reclamation tracts on lands described below:

**Approximately 127 acres of reclaimed native grassland, 2.5 acres of wetland, 0.6 acres of stockpond and 2.8 acres of reclaimed road within tracts of reclaimed lands located in Sections 1 and 2 of T145N, R88W, Mercer County.**

Based on the application for the variance to Permit Number NACT-9001 and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The Coteau Properties Company has affirmatively demonstrated that reclamation of areas revegetated in 2011 and 2014 will provide equal or greater protection to the environment and to public health and safety;
2. The Commission has determined that all areas are reclaimed and that vegetation is established as required by the approved reclamation plan; and
3. The Coteau Properties Company must satisfy all reclamation success standards described in NDAC Chapter 69-05.2-22 when final bond release is requested.

**PUBLIC SERVICE COMMISSION**

  
**Julie Fedorchak**  
**Commissioner**

  
**Brian Kroshus**  
**Chairman**

  
**Randy Christmann**  
**Commissioner**