



Public Service Commission  
State of North Dakota

COMMISSIONERS

Julie Fedorchak  
Randy Christmann  
Sheri Haugen-Hoffart

*sent via certified mail*

March 11, 2022

600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

Mercer County Commissioners  
Mercer County Courthouse  
410 Van Slyck Ave.  
PO Box 39  
Stanton, ND 58571

Dear Commissioners:

This is to inform you of the Commission's March 9<sup>th</sup> approval of Bond Release No. 1 to Surface Coal Mining Permit NACT-9001 at the Freedom Mine, PSC Case No. RC-20-156. Final bond release has been approved for 811.8 acres of land located in a portion of Sections 1 and 2 of T145N, R88W, Mercer County. This property is owned by the Coteau Properties Company and consists of 683 acres of reclaimed grassland, four stockponds comprising about 2.7 acres, a 2.5-acre wetland and approximately 10.5 acres associated with County Road No. 15. Approximately 113 acres in this bond release was not affected by surface coal mining activities.

The bond release will become effective April 11, 2022, unless a formal hearing is requested. The consolidated bond amount at the Freedom Mine will not be reduced due to continued mining and reclamation operations at the Freedom Mine.

Enclosed is a copy of the bond release award form. If you have any questions, please contact this office.

Sincerely,

Zanna A. Brinkman  
Director  
Reclamation Division

Enclosure: Award Form

Freedom Mine\Permits\NACT - 9001\Bond Release\No. 1\BR1\_apprvl\_ltrs\_3-11-22

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

**Coteau Properties Company**  
**Bond Release No. 1, Permit NACT-9001**  
**Application**

**Case No. RC-20-156**

**RELEASE OF BOND**  
**FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS**

**March 9, 2022**

Based on the application for **Bond Release Number 1 for Surface Coal Mining Permit NACT-9001**, dated March 25, 2020 and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. Attached to the application for release of bond were copies of all letters sent by the Permittee as required by NDCC §38.14.1-17(1)(b). Affidavits of publication for the advertisement required by NDCC §38.14.1-17(1)(a) have been filed and have been made part of the application for release of bond. The last date of publication was September 24, 2020.
2. On May 9, 2020, the Commission conducted an inspection and evaluation of the reclamation work involved in this bond release as required by NDCC §38.14.1-17(3). The surface owners, agents, or lessees were given notice of the bond release inspection and had the opportunity to participate with the Commission in conducting the inspection of the bond release areas at the Freedom Mine.

In accordance with NDCC §38.14.1-17, Bond Release No. 1 for Surface Coal Mining Permit NACT-9001 is hereby granted to the Coteau Properties Company effective April 11, 2022, unless a formal hearing is requested. No monetary release is being requested since the current bond amount is based on the worst-case reclamation condition in a consolidated bond area that includes this permit and others at the Freedom Mine. The area is described by metes and bounds descriptions and is generally as follows:

**Portions of Sections 1 and 2, T145N, R88W, Mercer County,**  
**releasing all reclamation liabilities on 811.82 acres.**

The decision to release all remaining bond on this acreage is made for the following reasons:

The Coteau Properties Company has met the requirements of the reclamation law and rules administered by the Commission for successfully reclaiming 699 acres of land, which consist of approximately 683.4 acres of grassland that includes four stockponds, 2.7 acres, 10.5 acres of County Road, and a 2.5 acre seasonal wetland. The bond release area also includes approximately 112.7

acres of land that was not affected by mining activities. The vegetation success standards and all other applicable performance standards have been met to the satisfaction of the Commission. The acreage included in this bond release is subject to the 1979 reclamation law.

**IMPORTANT – PLEASE READ**

1. If bond release has been approved, actual release of bond shall not occur until the effective date of this decision. If a formal hearing is requested on this bond release decision by a person with a valid legal interest or by the head of any state or local government agency with appropriate jurisdiction, the actual release of bond may not occur until after a final decision is issued following the formal hearing. A request for formal hearing by any such person must be filed with the Public Service Commission within 30 days of this bond release decision.
2. If bond release has been disapproved or if you are unsatisfied with the amount of bond approved for release, you have the right to request a formal hearing regarding this decision by filing an application for a hearing with the Public Service Commission within 30 days of the date of this decision.

**PUBLIC SERVICE COMMISSION**

  
Randy Christmann      Julie Fedorchak      Sheri Haugen-Hoffart  
Commissioner      Chairman      Commissioner

Freedom Mine\Permits\NACT - 9001\Bond Release\No. 1\BR1\_apprvl\_award\_3-9-22

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 410 Van Slyck Ave  
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 Stanton, ND 58571

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- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

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for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

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KC-20-156

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1. Article Addressed to:

Mercer County Commissioners  
 Mercer County Courthouse  
 410 Van Slyck Ave  
 PO Box 39  
 Stanton, ND 58571



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2. Article Number (Transfer from service label)

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*Alice Ginsstein*  Agent  
 Addressee

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*Alice Ginsstein*

C. Date of Delivery

*3/14/22*

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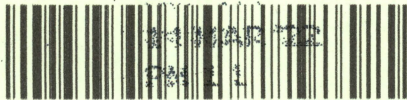
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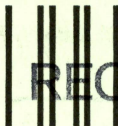
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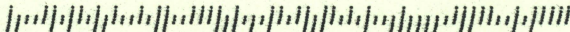
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NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

North Dakota Public Service Commission  
600 E Blvd Ave Dept. 408  
Bismarck, ND 58505-0480





Public Service Commission  
State of North Dakota

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Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

*sent via certified mail*

March 11, 2022

Mr. Mark Nygard  
Mayor  
146 Main Street E  
P.O. Box 717  
Hazen, ND 58545-0717

Dear Mayor:

This is to inform you of the Commission's March 9<sup>th</sup> approval of Bond Release No. 1 to Surface Coal Mining Permit NACT-9001 at the Freedom Mine, PSC Case No. RC-20-156. Final bond release has been approved for 811.8 acres of land located in a portion of Sections 1 and 2 of T145N, R88W, Mercer County. This property is owned by the Coteau Properties Company and consists of 683 acres of reclaimed grassland, four stockponds comprising about 2.7 acres, a 2.5-acre wetland and approximately 10.5 acres associated with County Road No. 15. Approximately 113 acres in this bond release was not affected by surface coal mining activities.

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Enclosed is a copy of the bond release award form. If you have any questions, please contact this office.

Sincerely,

Zanna A. Brinkman  
Director  
Reclamation Division

Enclosure: Award Form

Freedom Mine\Permits\NACT - 9001\Bond Release\No. 1\BR1\_apprvl\_ltrs\_3-11-22

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**PUBLIC SERVICE COMMISSION**

  
Randy Christmann      Julie Fedorchak      Sheri Haugen-Hoffart  
Commissioner      Chairman      Commissioner

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RC-20-156

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1. Article Addressed to:

Mark Nygard  
 Mayor  
 146 Main Street E  
 P.O. Box 717  
 Hazen, ND 58545-0717



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2. Article Number (Transfer from service label)

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**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Pam Borlaug*

Agent

Addressee

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*Pam Borlaug*

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*3/14/22*

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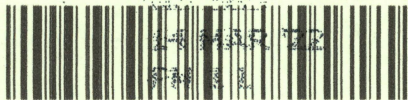
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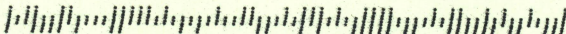
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Bismarck, ND 58505-0480





Public Service Commission  
State of North Dakota

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Fax: 701-328-2410  
TDD: 800-366-6888 or 711

*sent via certified mail*

March 11, 2022

Mr. Travis Frey  
Mayor  
P.O. Box 910  
120 Central Ave N  
Beulah, ND 58523-0910

Dear Mayor:

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Reclamation Division

Enclosure: Award Form

Freedom Mine\Permits\NACT - 9001\Bond Release\No. 1\BR1\_apprv1\_ltrs\_3-11-22

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

**Coteau Properties Company**  
**Bond Release No. 1, Permit NACT-9001**  
**Application**

**Case No. RC-20-156**

**RELEASE OF BOND**  
**FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS**

**March 9, 2022**

Based on the application for **Bond Release Number 1 for Surface Coal Mining Permit NACT-9001**, dated March 25, 2020 and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. Attached to the application for release of bond were copies of all letters sent by the Permittee as required by NDCC §38.14.1-17(1)(b). Affidavits of publication for the advertisement required by NDCC §38.14.1-17(1)(a) have been filed and have been made part of the application for release of bond. The last date of publication was September 24, 2020.
2. On May 9, 2020, the Commission conducted an inspection and evaluation of the reclamation work involved in this bond release as required by NDCC §38.14.1-17(3). The surface owners, agents, or lessees were given notice of the bond release inspection and had the opportunity to participate with the Commission in conducting the inspection of the bond release areas at the Freedom Mine.

In accordance with NDCC §38.14.1-17, Bond Release No. 1 for Surface Coal Mining Permit NACT-9001 is hereby granted to the Coteau Properties Company effective April 11, 2022, unless a formal hearing is requested. No monetary release is being requested since the current bond amount is based on the worst-case reclamation condition in a consolidated bond area that includes this permit and others at the Freedom Mine. The area is described by metes and bounds descriptions and is generally as follows:

**Portions of Sections 1 and 2, T145N, R88W, Mercer County,**  
**releasing all reclamation liabilities on 811.82 acres.**

The decision to release all remaining bond on this acreage is made for the following reasons:

The Coteau Properties Company has met the requirements of the reclamation law and rules administered by the Commission for successfully reclaiming 699 acres of land, which consist of approximately 683.4 acres of grassland that includes four stockponds, 2.7 acres, 10.5 acres of County Road, and a 2.5 acre seasonal wetland. The bond release area also includes approximately 112.7

acres of land that was not affected by mining activities. The vegetation success standards and all other applicable performance standards have been met to the satisfaction of the Commission. The acreage included in this bond release is subject to the 1979 reclamation law.

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**PUBLIC SERVICE COMMISSION**

  
Randy Christmann      Julie Fedorchak      Sheri Haugen-Hoffart  
Commissioner      Chairman      Commissioner

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Mayor of Beulah  
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- for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.
- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
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**IMPORTANT: Save this receipt for your records.**

RC-20-156

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1. Article Addressed to:

Mr. Travis Frey  
 Mayor of Beulah  
 120 Central Ave N  
 P.O. Box 910  
 Beulah, ND 58523



9590 9402 6880 1104 0497 33

2. Article Number (Transfer from service label)

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**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*Paula Knutson*

- Agent
- Addressee

B. Received by (Printed Name)

*Darla Knutson*

C. Date of Delivery

*3/14/22*

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

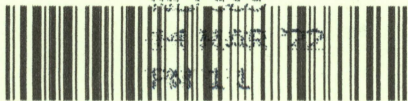
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- Adult Signature
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- Certified Mail®
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- Collect on Delivery Restricted Delivery

- Priority Mail Express®
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- Signature Confirmation™
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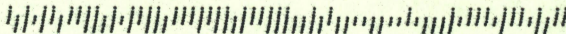
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NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

North Dakota Public Service Commission  
600 E Blvd Ave Dept. 408  
Bismarck, ND 58505-0480





# Public Service Commission

## State of North Dakota

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Randy Christmann  
Sheri Haugen-Hoffart

*sent via regular mail*

March 11, 2022

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Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

Mr. Jeffrey Fleischman  
Chief  
OSM Casper Field Office  
PO Box 11018  
150 East B Street  
Casper, WY 82601-7032

Dear Mr. Fleischman:

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The bond release will become effective April 11, 2022, unless a formal hearing is requested. The consolidated bond amount at the Freedom Mine will not be reduced due to continued mining and reclamation operations at the Freedom Mine.

Enclosed is a copy of the bond release award form and a DVD copy of the application. If you have any questions, please contact this office.

Sincerely,

Zanna A. Brinkman  
Director  
Reclamation Division

Enclosure: Award Form and DVD of the Bond Release Application

cc w/o DVD enclosure via email only: John Sieving ([jsieving@osmre.gov](mailto:jsieving@osmre.gov))

Freedom Mine\Permits\NACT - 9001\Bond Release\No. 1\BR1\_apprvl\_ltrs\_3-11-22

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

**Coteau Properties Company**  
**Bond Release No. 1, Permit NACT-9001**  
**Application**

**Case No. RC-20-156**

**RELEASE OF BOND**  
**FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS**

**March 9, 2022**

Based on the application for **Bond Release Number 1 for Surface Coal Mining Permit NACT-9001**, dated March 25, 2020 and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. Attached to the application for release of bond were copies of all letters sent by the Permittee as required by NDCC §38.14.1-17(1)(b). Affidavits of publication for the advertisement required by NDCC §38.14.1-17(1)(a) have been filed and have been made part of the application for release of bond. The last date of publication was September 24, 2020.
2. On May 9, 2020, the Commission conducted an inspection and evaluation of the reclamation work involved in this bond release as required by NDCC §38.14.1-17(3). The surface owners, agents, or lessees were given notice of the bond release inspection and had the opportunity to participate with the Commission in conducting the inspection of the bond release areas at the Freedom Mine.

In accordance with NDCC §38.14.1-17, Bond Release No. 1 for Surface Coal Mining Permit NACT-9001 is hereby granted to the Coteau Properties Company effective April 11, 2022, unless a formal hearing is requested. No monetary release is being requested since the current bond amount is based on the worst-case reclamation condition in a consolidated bond area that includes this permit and others at the Freedom Mine. The area is described by metes and bounds descriptions and is generally as follows:

**Portions of Sections 1 and 2, T145N, R88W, Mercer County,**  
**releasing all reclamation liabilities on 811.82 acres.**

The decision to release all remaining bond on this acreage is made for the following reasons:

The Coteau Properties Company has met the requirements of the reclamation law and rules administered by the Commission for successfully reclaiming 699 acres of land, which consist of approximately 683.4 acres of grassland that includes four stockponds, 2.7 acres, 10.5 acres of County Road, and a 2.5 acre seasonal wetland. The bond release area also includes approximately 112.7

acres of land that was not affected by mining activities. The vegetation success standards and all other applicable performance standards have been met to the satisfaction of the Commission. The acreage included in this bond release is subject to the 1979 reclamation law.

**IMPORTANT – PLEASE READ**

1. If bond release has been approved, actual release of bond shall not occur until the effective date of this decision. If a formal hearing is requested on this bond release decision by a person with a valid legal interest or by the head of any state or local government agency with appropriate jurisdiction, the actual release of bond may not occur until after a final decision is issued following the formal hearing. A request for formal hearing by any such person must be filed with the Public Service Commission within 30 days of this bond release decision.
2. If bond release has been disapproved or if you are unsatisfied with the amount of bond approved for release, you have the right to request a formal hearing regarding this decision by filing an application for a hearing with the Public Service Commission within 30 days of the date of this decision.

**PUBLIC SERVICE COMMISSION**

  
Randy Christmann  
Commissioner

Julie Fedorchak  
Chairman

Sheri Haugen-Hoffart  
Commissioner

Freedom Mine\Permits\NACT - 9001\Bond Release\No. 1\BR1\_apprvl\_award\_3-9-22



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

Julie Fedorchak  
Randy Christmann  
Sheri Haugen-Hoffart

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TDD: 800-366-6888 or 711

*sent via email only*

March 11, 2022

Ms. Shana Brost  
Mercer County Auditor  
PO Box 39  
Stanton, ND 58571

Dear Ms. Brost:

This is to inform you of the Commission's March 9<sup>th</sup> approval of Bond Release No. 1 to Surface Coal Mining Permit NACT-9001 at the Freedom Mine, PSC Case No. RC-20-156. Final bond release has been approved for 811.8 acres of land located in a portion of Sections 1 and 2 of T145N, R88W, Mercer County. This property is owned by the Coteau Properties Company and consists of 683 acres of reclaimed grassland, four stockponds comprising about 2.7 acres, a 2.5-acre wetland and approximately 10.5 acres associated with County Road No. 15. Approximately 113 acres in this bond release was not affected by surface coal mining activities.

The bond release will become effective April 11, 2022, unless a formal hearing is requested. The consolidated bond amount at the Freedom Mine will not be reduced due to continued mining and reclamation operations at the Freedom Mine.

Enclosed is a copy of the bond release award form. If you have any questions, please contact this office.

Sincerely,

A handwritten signature in blue ink that reads "Zanna A. Brinkman".

Zanna A. Brinkman  
Director  
Reclamation Division

Enclosure: Award Form

Freedom Mine\Permits\NACT - 9001\Bond Release\No. 1\BR1\_apprv1\_ltrs\_3-11-22

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1. Attached to the application for release of bond were copies of all letters sent by the Permittee as required by NDCC §38.14.1-17(1)(b). Affidavits of publication for the advertisement required by NDCC §38.14.1-17(1)(a) have been filed and have been made part of the application for release of bond. The last date of publication was September 24, 2020.
2. On May 9, 2020, the Commission conducted an inspection and evaluation of the reclamation work involved in this bond release as required by NDCC §38.14.1-17(3). The surface owners, agents, or lessees were given notice of the bond release inspection and had the opportunity to participate with the Commission in conducting the inspection of the bond release areas at the Freedom Mine.

In accordance with NDCC §38.14.1-17, Bond Release No. 1 for Surface Coal Mining Permit NACT-9001 is hereby granted to the Coteau Properties Company effective April 11, 2022, unless a formal hearing is requested. No monetary release is being requested since the current bond amount is based on the worst-case reclamation condition in a consolidated bond area that includes this permit and others at the Freedom Mine. The area is described by metes and bounds descriptions and is generally as follows:

**Portions of Sections 1 and 2, T145N, R88W, Mercer County,**  
**releasing all reclamation liabilities on 811.82 acres.**

The decision to release all remaining bond on this acreage is made for the following reasons:

The Coteau Properties Company has met the requirements of the reclamation law and rules administered by the Commission for successfully reclaiming 699 acres of land, which consist of approximately 683.4 acres of grassland that includes four stockponds, 2.7 acres, 10.5 acres of County Road, and a 2.5 acre seasonal wetland. The bond release area also includes approximately 112.7

acres of land that was not affected by mining activities. The vegetation success standards and all other applicable performance standards have been met to the satisfaction of the Commission. The acreage included in this bond release is subject to the 1979 reclamation law.

**IMPORTANT – PLEASE READ**

1. If bond release has been approved, actual release of bond shall not occur until the effective date of this decision. If a formal hearing is requested on this bond release decision by a person with a valid legal interest or by the head of any state or local government agency with appropriate jurisdiction, the actual release of bond may not occur until after a final decision is issued following the formal hearing. A request for formal hearing by any such person must be filed with the Public Service Commission within 30 days of this bond release decision.
2. If bond release has been disapproved or if you are unsatisfied with the amount of bond approved for release, you have the right to request a formal hearing regarding this decision by filing an application for a hearing with the Public Service Commission within 30 days of the date of this decision.

**PUBLIC SERVICE COMMISSION**

  
Randy Christmann      Julie Fedorchak      Sheri Haugen-Hoffart  
Commissioner      Chairman      Commissioner

Freedom Mine\Permits\NACT - 9001\Bond Release\No. 1\BR1\_apprvl\_award\_3-9-22



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

Julie Fedorchak  
Randy Christmann  
Sheri Haugen-Hoffart

*sent via email and regular mail*

March 11, 2022

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Bismarck, North Dakota 58505-0480  
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TDD: 800-366-6888 or 711

Ms. Sarah Flath  
Environmental Manager  
Coteau Properties Company  
204 County Rd. 15  
Beulah, ND 58523  
[Sarah.flath@nacoal.com](mailto:Sarah.flath@nacoal.com)

Dear Ms. Flath:

This is to inform you of the Commission's March 9<sup>th</sup> approval of Bond Release No. 1 to Surface Coal Mining Permit NACT-9001 at the Freedom Mine, PSC Case No. RC-20-156. Final bond release has been approved for 811.8 acres of land located in a portion of Sections 1 and 2 of T145N, R88W, Mercer County. The bond release will become effective April 11, 2022, unless a formal hearing is requested.

The consolidated bond amount at the Freedom Mine will not be reduced due to continued mining and reclamation operations at the Freedom Mine. Self and Collateral Bond Riders, Forms SFN-19152 and SFN-19366 may be submitted after April 11, 2022 to reduce the bond area, if a formal hearing is not requested.

Enclosed is the original bond release award form. If you have any questions, please contact this office.

Sincerely,

Zanna A. Brinkman  
Director  
Reclamation Division

Enclosure: Award Form

cc w/enclosure via email only: [Amanda Hoffer \(amanda.hoffer@nacoal.com\)](mailto:Amanda.Hoffer@nacoal.com)  
[Dillon Belisle \(Dillon.Belisle@Nacoal.com\)](mailto:Dillon.Belisle@Nacoal.com)  
[Rylan Sundsbak \(Rylan.Sundsbak@nacoal.com\)](mailto:Rylan.Sundsbak@nacoal.com)

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Freedom Mine\Permits\NACT - 9001\Bond Release\No. 1\BR1\_apprvl\_award\_3-9-22