



# Public Service Commission

## State of North Dakota

---

### COMMISSIONERS

Julie Fedorchak  
Randy Christmann  
Brian Kroshus

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

*Sent via email and regular mail*

August 18, 2021

Jeffrey W. Fleischman, Chief  
Denver Field Division  
Office of Surface Mining  
PO Box 11018  
Casper, WY 82601  
[jfleischman@osmre.gov](mailto:jfleischman@osmre.gov)

Dear Mr. Fleischman:

This is to inform you of the August 18, 2021 approval of Revision No. 58 to Permit No. NACT-8102 held by the Coteau Properties Company for the Freedom Mine. Revision No. 58 deletes all 1,352.7418 acres from this permit and transfers all reclamation liabilities on this acreage to Permit No. NACT-1801 for the Freedom Mine. This action effectively terminates Permit No. NACT-8102.

This permit revision was found to be an insignificant alteration to Permit No. NACT-8102 and was not subject to public notice requirements. Commission approval was required for the revision because of the acreage deletion.

Enclosed is a copy of the revision and the revision award form. Please contact us with any questions.

Sincerely,

Dean K. Moos  
Director  
Reclamation Division

Enclosures

Freedom Mine\Permits\NACT - 8102\Revisions\_Renewals\Rev. 58\Rev58\_AL\_8-18-21

# STATE OF NORTH DAKOTA

## PUBLIC SERVICE COMMISSION

Coteau Properties Company  
Revision 58, Permit NACT-8102  
Application

Case No. RC-21-107

### REVISION OF PERMIT TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION OPERATIONS

August 18, 2021

Based on the application for **Revision Number 58 to Permit Number NACT-8102 received March 3, 2021**, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The revision application received on March 3, 2021 is complete and accurate and the applicant has complied with the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code; and,
2. Permit No. NACT-8102 is effectively terminated with the deletion of 1,352.7418 acres; however, the acres affected by mining activities within the permit area remain subject to the applicable mining and reclamation standards and approved plans in Permit No. NACT-1801.

**Revision Number 58 to Permit Number NACT-8102 is hereby granted to the Coteau Properties Company to delete 1,352.7418 acres in portions of Sections 18 and 19, T145N, R87W, and Sections 12, 13, and 24, T145N, R88W, Mercer County, from this permit and to transfer all reclamation liabilities on this acreage to Permit No. NACT-1801 for the Freedom Mine.**

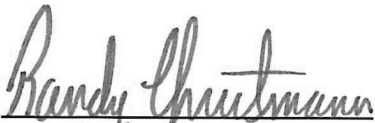
The approved revision is subject to the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, the conditions of the approved permit, and any additional or revised permit conditions listed on attached PSC Reclamation Form - 3. Pursuant to Section 38-14.1-23 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, this revision was found to be a significant alteration to the previously approved permit.

#### LOCATION

| Mine    | Address    | Acres     | Sections       | Twp. | Range | County |
|---------|------------|-----------|----------------|------|-------|--------|
| Freedom | Beulah, ND | -670.1649 | 18 and 19      | 145N | 87W   | Mercer |
|         |            | -682.5769 | 12, 13, and 24 | 145N | 88W   | Mercer |

**-1,352.7418 acres - Total Area Deleted**

PUBLIC SERVICE COMMISSION



Randy Christmann  
Commissioner



Julie Fedorchak  
Chair



Brian Kroshus  
Commissioner

Freedom Mine\Permits\NACT - 8102\Revisions\_Renewals\Rev. 58\Rev58\_apprvl\_award\_8-18-21

**Permit No. NACT-8102 Revision No. 58 Metes and Bounds of Deleted Acres:**

A tract of land located in T145N, R87W, and T145N, R88W, 5th P.M., Mercer County, North Dakota, having all bearings and distances based on the North Dakota State Plane Coordinate System, South Zone, 1927 N. A. D. All bound calls supersede any metes within this description.

Described as follows:

Beginning at the northwest corner of Section 13, T145N, R88W; thence bearing S 00°57'13"W a distance of 2511.15 feet, on the west line of said Section; thence bearing S 88°59'02"E a distance of 330.03 feet; thence bearing S 01°00'59"W a distance of 70.95 feet; thence bearing S 88°59'38"E a distance of 63.14 feet; thence bearing S 01°00'32"W a distance of 61.84 feet, to the east-west 1/4 line of said Section; thence bearing S 88°34'59"E a distance of 2189.28 feet, on the east-west 1/4 line of said Section; thence bearing N 00°57'07"E a distance of 970.78 feet, parallel with the north-south 1/4 line of said Section; thence bearing S 89°02'00"E a distance of 58.35 feet; thence bearing N 41°18'42"E a distance of 884.06 feet; thence bearing S 24°44'46"E a distance of 747.85 feet; thence bearing S 15°45'50"E a distance of 134.72 feet; thence bearing N 89°02'15"W a distance of 12.33 feet; thence on a curve concaved to the northeast with an arc length of 83.83 feet, a radius of 161.95 feet, and a delta angle of 29°39'33"; thence bearing N 59°22'42"W a distance of 96.64 feet; thence bearing N 89°02'00"W a distance of 599.12 feet; thence bearing S 45°58'26"W a distance of 141.43 feet; thence bearing S 00°57'07"W a distance of 3146.29 feet, parallel with the north-south 1/4 line of said Section; thence bearing S 88°43'02"E a distance of 144.99 feet, parallel with the south line of said Section; thence bearing S 00°57'07"W a distance of 285.06 feet, parallel with the north-south 1/4 line of said Section; thence bearing S 88°43'02"E a distance of 575.35 feet, parallel with the south line of said Section; thence bearing S 00°57'07"W a distance of 15.07 feet, parallel with the north-south 1/4 line of said Section; thence bearing S 88°43'02"E a distance of 519.32 feet, on the south line of said Section; thence bearing S 01°00'36"W a distance of 985.18 feet; thence bearing S 80°08'20"W a distance of 1372.75 feet; thence bearing S 00°58'13"W a distance of 193.66 feet; thence bearing N 89°01'45"W a distance of 188.77 feet; thence bearing S 45°58'30"W a distance of 30.00 feet; thence bearing S 00°58'22"W a distance of 203.76 feet; thence bearing S 41°18'30"E a distance of 100.01 feet; thence bearing S 89°01'40"E a distance of 124.71 feet; thence bearing S 36°54'09"E a distance of 45.60 feet; thence bearing S 89°01'49"E a distance of 79.99 feet; thence bearing S 00°58'16"W a distance of 157.98 feet; thence bearing S 35°40'17"E a distance of 301.56 feet; thence bearing S 00°58'15"W a distance of 144.98 feet; thence bearing S 19°53'03"E a distance of 561.73 feet; thence bearing N 69°15'51"E a distance of 554.22 feet; thence bearing N 51°36'57"E a distance of 1643.71 feet; thence bearing S 78°05'11"E a distance of 79.07 feet; thence bearing S 66°56'55"E a distance of 79.77 feet; thence bearing S 67°21'19"E a distance of 73.80 feet; thence bearing S 09°07'26"E a distance of 399.59 feet; thence bearing S 12°24'46"E a distance of 326.56 feet; thence bearing S 12°06'47"W a distance of 68.64 feet; thence bearing S 49°10'06"W a distance of 88.78 feet; thence bearing S 74°13'31"W a distance of 95.14 feet; thence bearing S 47°41'15"W a distance of 43.63 feet; thence bearing S 24°58'17"W a distance of 791.19 feet; thence bearing S 38°54'13"W a distance of 68.68 feet;

thence bearing S 79°22'45"W a distance of 72.36 feet; thence bearing N 75°56'13"W a distance of 190.50 feet; thence bearing N 88°28'21"W a distance of 64.63 feet; thence bearing S 21°10'37"W a distance of 96.54 feet; thence bearing S 00°00'10"W a distance of 489.54 feet; thence bearing S 61°13'20"W a distance of 379.45 feet; thence bearing S 29°01'47"E a distance of 799.99 feet; thence bearing S 88°50'29"E a distance of 116.98 feet; thence bearing N 80°24'07"E a distance of 806.93 feet, to the east line of Section 24, T145N, R88W of the 5th P.M.; thence bearing N 00°57'57"E a distance of 1968.18 feet, on the east line to the east 1/4 corner of said Section; thence bearing S 89°17'39"E a distance of 5261.59 feet, on the east-west 1/4 line to the east 1/4 corner of Section 19, T145N, R87W of the 5th P.M.; thence bearing N 01°12'45"E a distance of 2629.70 feet, on the east line to the northeast corner of said Section; thence bearing N 00°50'52"E a distance of 1820.00 feet, on the east line of Section 18, T145N, R87W of the 5th P.M.; thence bearing N 72°05'41"W a distance of 2760.19 feet, to the center 1/4 corner of said Section; thence bearing N 45°00'18"W a distance of 2521.20 feet; thence bearing S 89°59'44"W a distance of 817.00 feet to the west line of said Section; thence bearing S 00°57'07"W a distance of 472.14 feet, on the east line of Section 13, T145N, R88W, 5th P.M.; thence bearing S 46°08'33"W a distance of 1266.79 feet; thence bearing S 89°59'45"W a distance of 442.21 feet; thence bearing N 13°22'15"W a distance of 510.99 feet; thence bearing N 02°45'20"W a distance of 1604.71 feet; thence bearing N 14°55'21"E a distance of 194.24 feet, to the north line of said Section; thence bearing S 88°34'20"E a distance of 1524.21 feet, on the north line to the northeast corner of said Section; thence bearing N 00°58'08"E a distance of 1302.20 feet, on the east line to the south 1/16 corner of Section 12, T145N, R88W of the 5th P.M.; thence bearing N 88°22'19"W a distance of 2641.44 feet, to the center-south 1/16 corner of said Section; thence bearing N 88°22'23"W a distance of 2639.99 feet, to the south 1/16 corner of said Section; thence bearing S 00°57'20"W a distance of 1320.70 feet, on the west line of said Section to the point of beginning.

Said tract contains an area of 1380.4821 acres of land less 27.7403 acres as described.

Less an area of land located in Section 18, T145N, R87W and Section 13, T145N, R88W of the 5th P.M., Mercer County, North Dakota described as follows:

Beginning at the west 1/4 corner of said Section 18; thence bearing N 00°57'07"E a distance of 146.54 feet, on the west line of said Section to the True Point of Beginning; thence bearing N 48°11'38"E a distance of 351.44 feet; thence bearing S 32°32'47"E a distance of 461.57 feet, to the east-west 1/4 line of said Section; thence bearing S 89°04'25"E a distance of 57.71 feet, on the east-west 1/4 line of said Section; thence bearing S 39°54'26"E a distance of 412.28 feet; thence bearing S 50°05'34"W a distance of 400.00 feet; thence bearing N 39°54'26"W a distance of 225.00 feet; thence bearing S 50°05'34"W a distance of 516.34 feet, to the west line of said Section; thence bearing S 50°05'34"W a distance of 657.20 feet; thence bearing N 39°54'26"W a distance of 225.01 feet; thence bearing S 50°05'34"W a distance of 349.13 feet; thence bearing N 09°28'56"W a distance of 465.42 feet; thence bearing N 48°11'38"E a distance of 1351.95 feet, to the True Point of Beginning.

Said tract contains an area of 27.7403 acres of land.

Total permitted area is 1352.7418 acres.



# Public Service Commission

## State of North Dakota

---

### COMMISSIONERS

Julie Fedorchak  
Randy Christmann  
Brian Kroshus

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

*Sent via email and regular mail*

August 18, 2021

Sarah Flath  
Environmental Manager  
Coteau Properties Company  
204 County Road 15  
Beulah, ND 58523-9475  
[sarah.flath@nacoal.com](mailto:sarah.flath@nacoal.com)

Dear Ms. Flath

This is to inform you of the August 18, 2021 approval of Revision No. 58 to Permit No. NACT-8102 held by the Coteau Properties Company for the Freedom Mine. Revision No. 58 deletes all 1,352.7418 acres from this permit and transfers all reclamation liabilities on this acreage to Permit No. NACT-1801 for the Freedom Mine. This action effectively terminates Permit No. NACT-8102.

This permit revision was found to be an insignificant alteration to Permit No. NACT-8102 and was not subject to public notice requirements. Commission approval was required for the revision because of the acreage deletion.

Enclosed is the original revision award form. Please contact us with any questions.

Sincerely,

Dean K. Moos  
Director  
Reclamation Division

Enclosure

cc via email only:     Amanda Hoffer ([amanda.hoffer@nacoal.com](mailto:amanda.hoffer@nacoal.com))  
                              Kayla Torgerson ([Kayla.Torgerson@nacoal.com](mailto:Kayla.Torgerson@nacoal.com))  
                              Dillon Belisle ([Dillon.Belisle@Nacoal.com](mailto:Dillon.Belisle@Nacoal.com))  
                              Tyler Freuer ([tyler.freuer@nacoal.com](mailto:tyler.freuer@nacoal.com))  
                              Rylan Sundsbak ([Rylan.Sundsbak@nacoal.com](mailto:Rylan.Sundsbak@nacoal.com))

# STATE OF NORTH DAKOTA

## PUBLIC SERVICE COMMISSION

Coteau Properties Company  
Revision 58, Permit NACT-8102  
Application

Case No. RC-21-107

### REVISION OF PERMIT TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION OPERATIONS

August 18, 2021

Based on the application for **Revision Number 58 to Permit Number NACT-8102 received March 3, 2021**, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The revision application received on March 3, 2021 is complete and accurate and the applicant has complied with the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code; and,
2. Permit No. NACT-8102 is effectively terminated with the deletion of 1,352.7418 acres; however, the acres affected by mining activities within the permit area remain subject to the applicable mining and reclamation standards and approved plans in Permit No. NACT-1801.

**Revision Number 58 to Permit Number NACT-8102 is hereby granted to the Coteau Properties Company to delete 1,352.7418 acres in portions of Sections 18 and 19, T145N, R87W, and Sections 12, 13, and 24, T145N, R88W, Mercer County, from this permit and to transfer all reclamation liabilities on this acreage to Permit No. NACT-1801 for the Freedom Mine.**

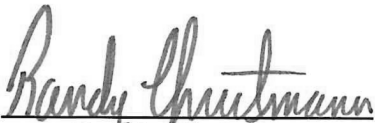
The approved revision is subject to the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, the conditions of the approved permit, and any additional or revised permit conditions listed on attached PSC Reclamation Form - 3. Pursuant to Section 38-14.1-23 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, this revision was found to be a significant alteration to the previously approved permit.

#### LOCATION

| Mine    | Address    | Acres     | Sections       | Twp. | Range | County |
|---------|------------|-----------|----------------|------|-------|--------|
| Freedom | Beulah, ND | -670.1649 | 18 and 19      | 145N | 87W   | Mercer |
|         |            | -682.5769 | 12, 13, and 24 | 145N | 88W   | Mercer |

**-1,352.7418 acres - Total Area Deleted**

PUBLIC SERVICE COMMISSION



Randy Christmann  
Commissioner



Julie Fedorchak  
Chair



Brian Kroshus  
Commissioner

Freedom Mine\Permits\NACT - 8102\Revisions\_Renewals\Rev. 58\Rev58\_apprvl\_award\_8-18-21

**Permit No. NACT-8102 Revision No. 58 Metes and Bounds of Deleted Acres:**

A tract of land located in T145N, R87W, and T145N, R88W, 5th P.M., Mercer County, North Dakota, having all bearings and distances based on the North Dakota State Plane Coordinate System, South Zone, 1927 N. A. D. All bound calls supersede any metes within this description.

Described as follows:

Beginning at the northwest corner of Section 13, T145N, R88W; thence bearing S 00°57'13"W a distance of 2511.15 feet, on the west line of said Section; thence bearing S 88°59'02"E a distance of 330.03 feet; thence bearing S 01°00'59"W a distance of 70.95 feet; thence bearing S 88°59'38"E a distance of 63.14 feet; thence bearing S 01°00'32"W a distance of 61.84 feet, to the east-west 1/4 line of said Section; thence bearing S 88°34'59"E a distance of 2189.28 feet, on the east-west 1/4 line of said Section; thence bearing N 00°57'07"E a distance of 970.78 feet, parallel with the north-south 1/4 line of said Section; thence bearing S 89°02'00"E a distance of 58.35 feet; thence bearing N 41°18'42"E a distance of 884.06 feet; thence bearing S 24°44'46"E a distance of 747.85 feet; thence bearing S 15°45'50"E a distance of 134.72 feet; thence bearing N 89°02'15"W a distance of 12.33 feet; thence on a curve concaved to the northeast with an arc length of 83.83 feet, a radius of 161.95 feet, and a delta angle of 29°39'33"; thence bearing N 59°22'42"W a distance of 96.64 feet; thence bearing N 89°02'00"W a distance of 599.12 feet; thence bearing S 45°58'26"W a distance of 141.43 feet; thence bearing S 00°57'07"W a distance of 3146.29 feet, parallel with the north-south 1/4 line of said Section; thence bearing S 88°43'02"E a distance of 144.99 feet, parallel with the south line of said Section; thence bearing S 00°57'07"W a distance of 285.06 feet, parallel with the north-south 1/4 line of said Section; thence bearing S 88°43'02"E a distance of 575.35 feet, parallel with the south line of said Section; thence bearing S 00°57'07"W a distance of 15.07 feet, parallel with the north-south 1/4 line of said Section; thence bearing S 88°43'02"E a distance of 519.32 feet, on the south line of said Section; thence bearing S 01°00'36"W a distance of 985.18 feet; thence bearing S 80°08'20"W a distance of 1372.75 feet; thence bearing S 00°58'13"W a distance of 193.66 feet; thence bearing N 89°01'45"W a distance of 188.77 feet; thence bearing S 45°58'30"W a distance of 30.00 feet; thence bearing S 00°58'22"W a distance of 203.76 feet; thence bearing S 41°18'30"E a distance of 100.01 feet; thence bearing S 89°01'40"E a distance of 124.71 feet; thence bearing S 36°54'09"E a distance of 45.60 feet; thence bearing S 89°01'49"E a distance of 79.99 feet; thence bearing S 00°58'16"W a distance of 157.98 feet; thence bearing S 35°40'17"E a distance of 301.56 feet; thence bearing S 00°58'15"W a distance of 144.98 feet; thence bearing S 19°53'03"E a distance of 561.73 feet; thence bearing N 69°15'51"E a distance of 554.22 feet; thence bearing N 51°36'57"E a distance of 1643.71 feet; thence bearing S 78°05'11"E a distance of 79.07 feet; thence bearing S 66°56'55"E a distance of 79.77 feet; thence bearing S 67°21'19"E a distance of 73.80 feet; thence bearing S 09°07'26"E a distance of 399.59 feet; thence bearing S 12°24'46"E a distance of 326.56 feet; thence bearing S 12°06'47"W a distance of 68.64 feet; thence bearing S 49°10'06"W a distance of 88.78 feet; thence bearing S 74°13'31"W a distance of 95.14 feet; thence bearing S 47°41'15"W a distance of 43.63 feet; thence bearing S 24°58'17"W a distance of 791.19 feet; thence bearing S 38°54'13"W a distance of 68.68 feet;

thence bearing S 79°22'45"W a distance of 72.36 feet; thence bearing N 75°56'13"W a distance of 190.50 feet; thence bearing N 88°28'21"W a distance of 64.63 feet; thence bearing S 21°10'37"W a distance of 96.54 feet; thence bearing S 00°00'10"W a distance of 489.54 feet; thence bearing S 61°13'20"W a distance of 379.45 feet; thence bearing S 29°01'47"E a distance of 799.99 feet; thence bearing S 88°50'29"E a distance of 116.98 feet; thence bearing N 80°24'07"E a distance of 806.93 feet, to the east line of Section 24, T145N, R88W of the 5th P.M.; thence bearing N 00°57'57"E a distance of 1968.18 feet, on the east line to the east 1/4 corner of said Section; thence bearing S 89°17'39"E a distance of 5261.59 feet, on the east-west 1/4 line to the east 1/4 corner of Section 19, T145N, R87W of the 5th P.M.; thence bearing N 01°12'45"E a distance of 2629.70 feet, on the east line to the northeast corner of said Section; thence bearing N 00°50'52"E a distance of 1820.00 feet, on the east line of Section 18, T145N, R87W of the 5th P.M.; thence bearing N 72°05'41"W a distance of 2760.19 feet, to the center 1/4 corner of said Section; thence bearing N 45°00'18"W a distance of 2521.20 feet; thence bearing S 89°59'44"W a distance of 817.00 feet to the west line of said Section; thence bearing S 00°57'07"W a distance of 472.14 feet, on the east line of Section 13, T145N, R88W, 5th P.M.; thence bearing S 46°08'33"W a distance of 1266.79 feet; thence bearing S 89°59'45"W a distance of 442.21 feet; thence bearing N 13°22'15"W a distance of 510.99 feet; thence bearing N 02°45'20"W a distance of 1604.71 feet; thence bearing N 14°55'21"E a distance of 194.24 feet, to the north line of said Section; thence bearing S 88°34'20"E a distance of 1524.21 feet, on the north line to the northeast corner of said Section; thence bearing N 00°58'08"E a distance of 1302.20 feet, on the east line to the south 1/16 corner of Section 12, T145N, R88W of the 5th P.M.; thence bearing N 88°22'19"W a distance of 2641.44 feet, to the center-south 1/16 corner of said Section; thence bearing N 88°22'23"W a distance of 2639.99 feet, to the south 1/16 corner of said Section; thence bearing S 00°57'20"W a distance of 1320.70 feet, on the west line of said Section to the point of beginning.

Said tract contains an area of 1380.4821 acres of land less 27.7403 acres as described.

Less an area of land located in Section 18, T145N, R87W and Section 13, T145N, R88W of the 5th P.M., Mercer County, North Dakota described as follows:

Beginning at the west 1/4 corner of said Section 18; thence bearing N 00°57'07"E a distance of 146.54 feet, on the west line of said Section to the True Point of Beginning; thence bearing N 48°11'38"E a distance of 351.44 feet; thence bearing S 32°32'47"E a distance of 461.57 feet, to the east-west 1/4 line of said Section; thence bearing S 89°04'25"E a distance of 57.71 feet, on the east-west 1/4 line of said Section; thence bearing S 39°54'26"E a distance of 412.28 feet; thence bearing S 50°05'34"W a distance of 400.00 feet; thence bearing N 39°54'26"W a distance of 225.00 feet; thence bearing S 50°05'34"W a distance of 516.34 feet, to the west line of said Section; thence bearing S 50°05'34"W a distance of 657.20 feet; thence bearing N 39°54'26"W a distance of 225.01 feet; thence bearing S 50°05'34"W a distance of 349.13 feet; thence bearing N 09°28'56"W a distance of 465.42 feet; thence bearing N 48°11'38"E a distance of 1351.95 feet, to the True Point of Beginning.

Said tract contains an area of 27.7403 acres of land.

Total permitted area is 1352.7418 acres.



# Public Service Commission

## State of North Dakota

---

### COMMISSIONERS

Julie Fedorchak  
Randy Christmann  
Brian Kroshus

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

*Sent via email only*

August 18, 2021

Shana Brost  
Mercer County Auditor  
PO Box 39  
Stanton, ND 58571  
[sbrost@nd.gov](mailto:sbrost@nd.gov)

Dear Ms. Brost:

This is to inform you of the August 18, 2021 approval of Revision No. 58 to Permit No. NACT-8102 held by the Coteau Properties Company for the Freedom Mine. Revision No. 58 deletes all 1,352.7418 acres from this permit and transfers all reclamation liabilities on this acreage to Permit No. NACT-1801 for the Freedom Mine. This action effectively terminates Permit No. NACT-8102.

This permit revision was found to be an insignificant alteration to Permit No. NACT-8102 and was not subject to public notice requirements. Commission approval was required for the revision because of the acreage deletion.

Enclosed is a copy of the revision award form. Please contact us with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Dean K. Moos".

Dean K. Moos  
Director  
Reclamation Division

Enclosure

Freedom Mine\Permits\NACT - 8102\Revisions\_Renewals\Rev. 58\Rev58\_AL\_8-18-21

# STATE OF NORTH DAKOTA

## PUBLIC SERVICE COMMISSION

Coteau Properties Company  
Revision 58, Permit NACT-8102  
Application

Case No. RC-21-107

### REVISION OF PERMIT TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION OPERATIONS

August 18, 2021

Based on the application for **Revision Number 58 to Permit Number NACT-8102 received March 3, 2021**, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The revision application received on March 3, 2021 is complete and accurate and the applicant has complied with the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code; and,
2. Permit No. NACT-8102 is effectively terminated with the deletion of 1,352.7418 acres; however, the acres affected by mining activities within the permit area remain subject to the applicable mining and reclamation standards and approved plans in Permit No. NACT-1801.

**Revision Number 58 to Permit Number NACT-8102 is hereby granted to the Coteau Properties Company to delete 1,352.7418 acres in portions of Sections 18 and 19, T145N, R87W, and Sections 12, 13, and 24, T145N, R88W, Mercer County, from this permit and to transfer all reclamation liabilities on this acreage to Permit No. NACT-1801 for the Freedom Mine.**

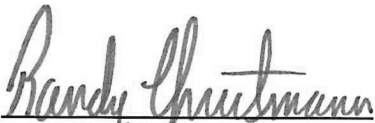
The approved revision is subject to the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, the conditions of the approved permit, and any additional or revised permit conditions listed on attached PSC Reclamation Form - 3. Pursuant to Section 38-14.1-23 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, this revision was found to be a significant alteration to the previously approved permit.

#### LOCATION

| Mine    | Address    | Acres     | Sections       | Twp. | Range | County |
|---------|------------|-----------|----------------|------|-------|--------|
| Freedom | Beulah, ND | -670.1649 | 18 and 19      | 145N | 87W   | Mercer |
|         |            | -682.5769 | 12, 13, and 24 | 145N | 88W   | Mercer |

**-1,352.7418 acres - Total Area Deleted**

PUBLIC SERVICE COMMISSION



Randy Christmann  
Commissioner



Julie Fedorchak  
Chair



Brian Kroshus  
Commissioner

Freedom Mine\Permits\NACT - 8102\Revisions\_Renewals\Rev. 58\Rev58\_apprvl\_award\_8-18-21

**Permit No. NACT-8102 Revision No. 58 Metes and Bounds of Deleted Acres:**

A tract of land located in T145N, R87W, and T145N, R88W, 5th P.M., Mercer County, North Dakota, having all bearings and distances based on the North Dakota State Plane Coordinate System, South Zone, 1927 N. A. D. All bound calls supersede any metes within this description.

Described as follows:

Beginning at the northwest corner of Section 13, T145N, R88W; thence bearing S 00°57'13"W a distance of 2511.15 feet, on the west line of said Section; thence bearing S 88°59'02"E a distance of 330.03 feet; thence bearing S 01°00'59"W a distance of 70.95 feet; thence bearing S 88°59'38"E a distance of 63.14 feet; thence bearing S 01°00'32"W a distance of 61.84 feet, to the east-west 1/4 line of said Section; thence bearing S 88°34'59"E a distance of 2189.28 feet, on the east-west 1/4 line of said Section; thence bearing N 00°57'07"E a distance of 970.78 feet, parallel with the north-south 1/4 line of said Section; thence bearing S 89°02'00"E a distance of 58.35 feet; thence bearing N 41°18'42"E a distance of 884.06 feet; thence bearing S 24°44'46"E a distance of 747.85 feet; thence bearing S 15°45'50"E a distance of 134.72 feet; thence bearing N 89°02'15"W a distance of 12.33 feet; thence on a curve concaved to the northeast with an arc length of 83.83 feet, a radius of 161.95 feet, and a delta angle of 29°39'33"; thence bearing N 59°22'42"W a distance of 96.64 feet; thence bearing N 89°02'00"W a distance of 599.12 feet; thence bearing S 45°58'26"W a distance of 141.43 feet; thence bearing S 00°57'07"W a distance of 3146.29 feet, parallel with the north-south 1/4 line of said Section; thence bearing S 88°43'02"E a distance of 144.99 feet, parallel with the south line of said Section; thence bearing S 00°57'07"W a distance of 285.06 feet, parallel with the north-south 1/4 line of said Section; thence bearing S 88°43'02"E a distance of 575.35 feet, parallel with the south line of said Section; thence bearing S 00°57'07"W a distance of 15.07 feet, parallel with the north-south 1/4 line of said Section; thence bearing S 88°43'02"E a distance of 519.32 feet, on the south line of said Section; thence bearing S 01°00'36"W a distance of 985.18 feet; thence bearing S 80°08'20"W a distance of 1372.75 feet; thence bearing S 00°58'13"W a distance of 193.66 feet; thence bearing N 89°01'45"W a distance of 188.77 feet; thence bearing S 45°58'30"W a distance of 30.00 feet; thence bearing S 00°58'22"W a distance of 203.76 feet; thence bearing S 41°18'30"E a distance of 100.01 feet; thence bearing S 89°01'40"E a distance of 124.71 feet; thence bearing S 36°54'09"E a distance of 45.60 feet; thence bearing S 89°01'49"E a distance of 79.99 feet; thence bearing S 00°58'16"W a distance of 157.98 feet; thence bearing S 35°40'17"E a distance of 301.56 feet; thence bearing S 00°58'15"W a distance of 144.98 feet; thence bearing S 19°53'03"E a distance of 561.73 feet; thence bearing N 69°15'51"E a distance of 554.22 feet; thence bearing N 51°36'57"E a distance of 1643.71 feet; thence bearing S 78°05'11"E a distance of 79.07 feet; thence bearing S 66°56'55"E a distance of 79.77 feet; thence bearing S 67°21'19"E a distance of 73.80 feet; thence bearing S 09°07'26"E a distance of 399.59 feet; thence bearing S 12°24'46"E a distance of 326.56 feet; thence bearing S 12°06'47"W a distance of 68.64 feet; thence bearing S 49°10'06"W a distance of 88.78 feet; thence bearing S 74°13'31"W a distance of 95.14 feet; thence bearing S 47°41'15"W a distance of 43.63 feet; thence bearing S 24°58'17"W a distance of 791.19 feet; thence bearing S 38°54'13"W a distance of 68.68 feet;

thence bearing S 79°22'45"W a distance of 72.36 feet; thence bearing N 75°56'13"W a distance of 190.50 feet; thence bearing N 88°28'21"W a distance of 64.63 feet; thence bearing S 21°10'37"W a distance of 96.54 feet; thence bearing S 00°00'10"W a distance of 489.54 feet; thence bearing S 61°13'20"W a distance of 379.45 feet; thence bearing S 29°01'47"E a distance of 799.99 feet; thence bearing S 88°50'29"E a distance of 116.98 feet; thence bearing N 80°24'07"E a distance of 806.93 feet, to the east line of Section 24, T145N, R88W of the 5th P.M.; thence bearing N 00°57'57"E a distance of 1968.18 feet, on the east line to the east 1/4 corner of said Section; thence bearing S 89°17'39"E a distance of 5261.59 feet, on the east-west 1/4 line to the east 1/4 corner of Section 19, T145N, R87W of the 5th P.M.; thence bearing N 01°12'45"E a distance of 2629.70 feet, on the east line to the northeast corner of said Section; thence bearing N 00°50'52"E a distance of 1820.00 feet, on the east line of Section 18, T145N, R87W of the 5th P.M.; thence bearing N 72°05'41"W a distance of 2760.19 feet, to the center 1/4 corner of said Section; thence bearing N 45°00'18"W a distance of 2521.20 feet; thence bearing S 89°59'44"W a distance of 817.00 feet to the west line of said Section; thence bearing S 00°57'07"W a distance of 472.14 feet, on the east line of Section 13, T145N, R88W, 5th P.M.; thence bearing S 46°08'33"W a distance of 1266.79 feet; thence bearing S 89°59'45"W a distance of 442.21 feet; thence bearing N 13°22'15"W a distance of 510.99 feet; thence bearing N 02°45'20"W a distance of 1604.71 feet; thence bearing N 14°55'21"E a distance of 194.24 feet, to the north line of said Section; thence bearing S 88°34'20"E a distance of 1524.21 feet, on the north line to the northeast corner of said Section; thence bearing N 00°58'08"E a distance of 1302.20 feet, on the east line to the south 1/16 corner of Section 12, T145N, R88W of the 5th P.M.; thence bearing N 88°22'19"W a distance of 2641.44 feet, to the center-south 1/16 corner of said Section; thence bearing N 88°22'23"W a distance of 2639.99 feet, to the south 1/16 corner of said Section; thence bearing S 00°57'20"W a distance of 1320.70 feet, on the west line of said Section to the point of beginning.

Said tract contains an area of 1380.4821 acres of land less 27.7403 acres as described.

Less an area of land located in Section 18, T145N, R87W and Section 13, T145N, R88W of the 5th P.M., Mercer County, North Dakota described as follows:

Beginning at the west 1/4 corner of said Section 18; thence bearing N 00°57'07"E a distance of 146.54 feet, on the west line of said Section to the True Point of Beginning; thence bearing N 48°11'38"E a distance of 351.44 feet; thence bearing S 32°32'47"E a distance of 461.57 feet, to the east-west 1/4 line of said Section; thence bearing S 89°04'25"E a distance of 57.71 feet, on the east-west 1/4 line of said Section; thence bearing S 39°54'26"E a distance of 412.28 feet; thence bearing S 50°05'34"W a distance of 400.00 feet; thence bearing N 39°54'26"W a distance of 225.00 feet; thence bearing S 50°05'34"W a distance of 516.34 feet, to the west line of said Section; thence bearing S 50°05'34"W a distance of 657.20 feet; thence bearing N 39°54'26"W a distance of 225.01 feet; thence bearing S 50°05'34"W a distance of 349.13 feet; thence bearing N 09°28'56"W a distance of 465.42 feet; thence bearing N 48°11'38"E a distance of 1351.95 feet, to the True Point of Beginning.

Said tract contains an area of 27.7403 acres of land.

Total permitted area is 1352.7418 acres.