



Public Service Commission

Sheri Haugen-Hoffart

Randy Christmann

Jill Kringstad

600 East Boulevard Ave
Dept. 408
Bismarck, ND 58505-0480
701-328-2400
ndpsc@nd.gov

sent via email and regular mail

November 19, 2025

Mr. Michael Berg
Environmental Manager
Coteau Properties Company
204 County Rd. 15
Beulah, ND 58523
michael.berg@nacoal.com

Dear Mr. Berg:

This is to inform you of the Commission's November 19, 2025 approval of Bond Release 2 to Surface Coal Mining Permit NACT-9501 at the Freedom Mine, PSC Case No. RC-21-383. Final bond release has been approved for 162.5 acres of land located in portions of Sections 15 and 16, T146N, R88W, Mercer County. The bond release will become effective December 19, 2025, 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 December 19, 2025 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,

Jonathan Emmer
Director
Reclamation Division

Enclosure

cc via email only w/o enclosure:

Mark Wallen (mark.wall@nacoal.com)
Dillon Belisle (dillon.belisle@nacoal.com)

Freedom Mine\Permits\NACT - 9501\Bond Release\Bond Release 2\BR2_AL_11-19-25



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November 19, 2025

Mr. Jeffrey Fleischman, Chief
Denver Field Division
Office of Surface Mining
PO Box 11018
150 East B Street
Casper, WY 82601
jfleischman@osmre.gov

Dear Mr. Fleischman:

This is to inform you of the Commission's November 19, 2025 approval of Bond Release 2 to Surface Coal Mining Permit NACT-9501 held by the Coteau Properties Company for the Freedom Mine, PSC Case No. RC-21-383. Final bond release has been approved for 162.5 acres of land located in portions of Sections 15 and 16, T146N, R88W, Mercer County. This property is owned by Pfennig Properties LLLP and consists of 64.9 acres of reclaimed native grassland, a 0.4-acre stock pond, and 97.2 acres that were not affected by mining activities. This bond release application did not contain federal coal.

The bond release will become effective December 19, 2025, 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 copy of the application. If you have any questions, please contact this office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan Emmer".

Jonathan Emmer
Director
Reclamation Division

Enclosures

cc via email only w/o enclosures: John Sieving (jsieving@osmre.gov)

Freedom Mine\Permits\NACT - 9501\Bond Release\Bond Release 2\BR2_AL_11-19-25



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Dept. 408
Bismarck, ND 58505-0480
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ndpsc@nd.gov

sent via certified mail

November 19, 2025

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 November 19, 2025 approval of Bond Release 2 to Surface Coal Mining Permit NACT-9501 held by the Coteau Properties Company for the Freedom Mine, PSC Case No. RC-21-383. Final bond release has been approved for 162.5 acres of land located in portions of Sections 15 and 16, T146N, R88W, Mercer County. This property is owned by Pfennig Properties LLLP and consists of 64.9 acres of reclaimed native grassland, a 0.4-acre stock pond, and 97.2 acres that were not affected by mining activities.

The bond release will become effective December 19, 2025, 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,

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Jonathan Emmer
Director
Reclamation Division

Enclosure

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Randy Christmann

Jill Kringstad

600 East Boulevard Ave
Dept. 408
Bismarck, ND 58505-0480
701-328-2400
ndpsc@nd.gov

sent via certified mail and email

November 19, 2025

Mr. Sean Cheatley, Mayor
120 Central Ave N
P.O. Box 910
Beulah, ND 58523-0910
beulahndmayor@gmail.com

Dear Mr. Cheatley:

This is to inform you of the Commission's November 19, 2025 approval of Bond Release 2 to Surface Coal Mining Permit NACT-9501 held by the Coteau Properties Company for the Freedom Mine, PSC Case No. RC-21-383. Final bond release has been approved for 162.5 acres of land located in portions of Sections 15 and 16, T146N, R88W, Mercer County. This property is owned by Pfennig Properties LLLP and consists of 64.9 acres of reclaimed native grassland, a 0.4-acre stock pond, and 97.2 acres that were not affected by mining activities.

The bond release will become effective December 19, 2025, 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,

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Jonathan Emmer
Director
Reclamation Division

Enclosure

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Randy Christmann

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600 East Boulevard Ave
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ndpsc@nd.gov

sent via certified mail

November 19, 2025

Jesse Schiferl
Commission President
146 Main Street E
P.O. Box 717
Hazen, ND 58545-0717

Dear Commission President:

This is to inform you of the Commission's November 19, 2025 approval of Bond Release 2 to Surface Coal Mining Permit NACT-9501 held by the Coteau Properties Company for the Freedom Mine, PSC Case No. RC-21-383. Final bond release has been approved for 162.5 acres of land located in portions of Sections 15 and 16, T146N, R88W, Mercer County. This property is owned by Pfennig Properties LLLP and consists of 64.9 acres of reclaimed native grassland, a 0.4-acre stock pond, and 97.2 acres that were not affected by 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.

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Jonathan Emmer
Director
Reclamation Division

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Randy Christmann

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600 East Boulevard Ave
Dept. 408
Bismarck, ND 58505-0480
701-328-2400
ndpsc@nd.gov

sent via email only

November 19, 2025

Ms. Carmen Reed
Mercer County Auditor
PO Box 39
Stanton, ND 58571
careed@nd.gov

Dear Ms. Reed:

This is to inform you of the Commission's November 19, 2025 approval of Bond Release 2 to Surface Coal Mining Permit NACT-9501 held by the Coteau Properties Company for the Freedom Mine, PSC Case No. RC-21-383. Final bond release has been approved for 162.5 acres of land located in portions of Sections 15 and 16, T146N, R88W, Mercer County. This property is owned by Pfennig Properties LLLP and consists of 64.9 acres of reclaimed native grassland, a 0.4-acre stock pond, and 97.2 acres that were not affected by 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.

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Jonathan Emmer
Director
Reclamation Division

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sent via regular mail

November 19, 2025

Pfenning Properties LLLP
5904 4th St. NW
Beulah, ND 58523

Dear Pfenning Properties LLLP:

This is to inform you of the Commission's November 19, 2025 approval of Bond Release 2 to Surface Coal Mining Permit NACT-9501 held by the Coteau Properties Company for the Freedom Mine, PSC Case No. RC-21-383. Final bond release has been approved for 162.5 acres of land located in portions of Sections 15 and 16, T146N, R88W, Mercer County. This property is owned by Pfenning Properties LLLP and consists of 64.9 acres of reclaimed native grassland, a 0.4-acre stock pond, and 97.2 acres that were not affected by mining activities.

The bond release will become effective December 19, 2025, 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.

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Jonathan Emmer
Director
Reclamation Division

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Coteau Properties Company
Bond Release 2, Permit NACT-9501
Application

Case No. RC-21-383

RELEASE OF BOND
FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS

November 19, 2025

Based on the application for **Bond Release Number 2 for Surface Coal Mining Permit NACT-9501**, dated September 1, 2021, 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 June 22, 2023.
2. On September 28, 2022, 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 2 for Surface Coal Mining Permit NACT-9501 is hereby granted to the Coteau Properties Company effective December 19, 2025, 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:

A portion of Sections 15 and 16, T146N, R88W, Mercer County,
releasing all reclamation liabilities on 162.5 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 64.9 acres of native grassland and a 0.4-acre stock pond. The bond release application contains 97.2 acres of land that was not disturbed by mining and reclamation 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


Sheri Haugen-Hoffart
Commissioner


Randy Christmann
Chair


Jill Kringstad
Commissioner

Freedom Mine\Permits\NACT - 9501\Bond Release\Bond Release 3\BR2_apprvl_award_11-19-25