

# Public Service Commission

## State of North Dakota

### COMMISSIONERS

Randy Christmann  
Sheri Haugen-Hoffart  
Julie Fedorchak

*sent via email and regular mail*

April 10, 2024

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

Mr. Michael Berg  
Environmental Manager  
Coteau Properties Company  
204 County Rd. 15  
Beulah, ND 58523  
[michael.berg@nacoal.com](mailto:michael.berg@nacoal.com)

Dear Mr. Berg:

This is to inform you of the Commission's April 10, 2024 conditional approval of Revision No. 28 and Renewal No. 4 to Surface Coal Mining Permit NACT-0201 held by the Coteau Properties Company for the Freedom Mine. Revision No. 28 identifies the coal removal areas for the next five-year permit term and updates the legal and ownership information, and the mining and reclamation plans. Renewal No. 4 extends the permit term for another five years until April 14, 2029.

Revision No. 28 was considered a significant revision and was therefore subject to the public notice requirements. The total amount of the existing bonds, \$200,000,000, which covers this and other permits at the Freedom Mine was determined to be adequate at this time. This permit contains leased Federal coal and OSMRE has determined that Revision No. 28 constitutes a mine plan modification. Special Condition No. 1 to Permit NACT-0201, attached to the initial permit issuance and remains in full force, prohibits Coteau from removing overburden or coal from federal coal tracts until the Department of the Interior approves the mine plan.

Special Condition No. 5 is being added to Permit NACT-0201, which states no SPGM removal or other mining related disturbance is allowed within 100 feet of any eligible cultural resource site until Coteau Properties Company obtains approval for disturbance of the site from the ND State Historic Preservation Officer (SHPO) and has submitted the approval documents to the Commission.

Enclosed are the original award forms for the revision, permit renewal, and Special Condition No. 5. If you have any questions, please contact this office.

Sincerely,

Jonathan Emmer  
Director  
Reclamation Division

Enclosures

cc via email only: Mark Wallen ([mark.wallen@nacoal.com](mailto:mark.wallen@nacoal.com))

Freedom Mine\Permits\NACT - 0201\Revisions & Renewals\Rev 28 & Ren 4\Rev28\_Ren4\_Cond\_AL\_4-10-24



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Jeffrey W. Fleischman, Chief  
Denver Field Division  
Office of Surface Mining  
P.O. Box 11018  
Casper, WY 82602-5004  
[jfleischman@osmre.gov](mailto:jfleischman@osmre.gov)

Dear Mr. Fleischman:

This is to inform you of the Commission's April 10, 2024 conditional approval of Revision No. 28 and Renewal No. 4 to Surface Coal Mining Permit NACT-0201 held by the Coteau Properties Company for the Freedom Mine. Revision No. 28 identifies the coal removal areas for the next five-year permit term and updates the legal and ownership information, and the mining and reclamation plans. Renewal No. 4 extends the permit term for another five years until April 14, 2029.

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Enclosed are copies of the award forms, Special Condition No. 5, and a thumb drive of the approved revision application. If you have any questions, please contact this office.

Sincerely,

Jonathan Emmer  
Director  
Reclamation Division

Enclosures

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

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Ms. Elizabeth Shaeffer  
Field Operations Manager  
P.O. Box 25065  
Denver, CO 80225-0065  
[eshaeffer@osmre.gov](mailto:eshaeffer@osmre.gov)

Dear Ms. Shaeffer:

This is to inform you of the Commission's April 10, 2024 conditional approval of Revision No. 28 and Renewal No. 4 to Surface Coal Mining Permit NACT-0201 held by the Coteau Properties Company for the Freedom Mine. Revision No. 28 identifies the coal removal areas for the next five-year permit term and updates the legal and ownership information, and the mining and reclamation plans. Renewal No. 4 extends the permit term for another five years until April 14, 2029.

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Jonathan Emmer  
Director  
Reclamation Division

Enclosures

cc via email only w/o enclosures: Erica Trent ([etrent@osmre.gov](mailto:etrent@osmre.gov))  
Charlie Kwak ([ckwak@osmre.gov](mailto:ckwak@osmre.gov))

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Josh Alexander  
Bureau of Land Management  
Billings Field Office  
Eastern Montana Dakotas District Office  
5001 Southgate Dr.  
Billings, MT 59101  
[jalexand@blm.gov](mailto:jalexand@blm.gov)

Dear Mr. Alexander:

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Mr. Edward Kraft  
Field Office Manager  
Bureau of Land Management  
ND Field Office  
99 23rd Ave West, Suite A  
Dickinson, ND 58601  
[ekraft@blm.gov](mailto:ekraft@blm.gov)

Dear Mr. Kraft:

This is to inform you of the Commission's April 10, 2024 conditional approval of Revision No. 28 and Renewal No. 4 to Surface Coal Mining Permit NACT-0201 held by the Coteau Properties Company for the Freedom Mine. Revision No. 28 identifies the coal removal areas for the next five-year permit term and updates the legal and ownership information, and the mining and reclamation plans. Renewal No. 4 extends the permit term for another five years until April 14, 2029.

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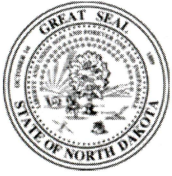
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Director  
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*sent via email only*

April 10, 2024

Mr. Luke Toso  
U.S. Fish and Wildlife Service  
3425 Miriam Avenue  
Bismarck, North Dakota 58501-7926  
[luke\\_toso@fws.gov](mailto:luke_toso@fws.gov)

Dear Mr. Toso:

This is to inform you of the Commission's April 10, 2024 conditional approval of Revision No. 28 and Renewal No. 4 to Surface Coal Mining Permit NACT-0201 held by the Coteau Properties Company for the Freedom Mine. Revision No. 28 identifies the coal removal areas for the next five-year permit term and updates the legal and ownership information, and the mining and reclamation plans. Renewal No. 4 extends the permit term for another five years until April 14, 2029.

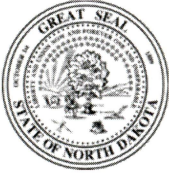
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Jonathan Emmer  
Director  
Reclamation Division

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April 10, 2024

Carrie Johnson  
NDSU Dept 7390, PO Box 6050  
Morrill Hall, 307C  
Fargo, ND 58108  
[carrie.johnson.1@ndsu.edu](mailto:carrie.johnson.1@ndsu.edu)

Dear Ms. Johnson:

This is to inform you of the Commission's April 10, 2024 conditional approval of Revision No. 28 and Renewal No. 4 to Surface Coal Mining Permit NACT-0201 held by the Coteau Properties Company for the Freedom Mine. Revision No. 28 identifies the coal removal areas for the next five-year permit term and updates the legal and ownership information, and the mining and reclamation plans. Renewal No. 4 extends the permit term for another five years until April 14, 2029.

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Sincerely,

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Jonathan Emmer  
Director  
Reclamation Division

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April 10, 2024

Richard Webb  
State Resource Conservationist  
Natural Resources Conservation Service  
2005 N. Kavaney Drive  
Bismarck, ND 58501  
[richard.webb@usda.com](mailto:richard.webb@usda.com)

Dear Mr. Webb:

This is to inform you of the Commission's April 10, 2024 conditional approval of Revision No. 28 and Renewal No. 4 to Surface Coal Mining Permit NACT-0201 held by the Coteau Properties Company for the Freedom Mine. Revision No. 28 identifies the coal removal areas for the next five-year permit term and updates the legal and ownership information, and the mining and reclamation plans. Renewal No. 4 extends the permit term for another five years until April 14, 2029.

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Reclamation Division

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April 10, 2024

Mr. Tom Claeys  
State Forester  
North Dakota Forest Service  
307 1st Street East  
Bottineau, ND 58318-1100  
[thomas.claeys@ndsu.edu](mailto:thomas.claeys@ndsu.edu)

Dear Mr. Claeys:

This is to inform you of the Commission's April 10, 2024 conditional approval of Revision No. 28 and Renewal No. 4 to Surface Coal Mining Permit NACT-0201 held by the Coteau Properties Company for the Freedom Mine. Revision No. 28 identifies the coal removal areas for the next five-year permit term and updates the legal and ownership information, and the mining and reclamation plans. Renewal No. 4 extends the permit term for another five years until April 14, 2029.

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April 10, 2024

North Dakota Department of Water Resources  
C/O Project Review  
1200 Memorial Highway, Dept 770  
Bismarck, ND 58504  
[dwrprojectreview@nd.gov](mailto:dwrprojectreview@nd.gov)

Dear Project Review Team:

This is to inform you of the Commission's April 10, 2024 conditional approval of Revision No. 28 and Renewal No. 4 to Surface Coal Mining Permit NACT-0201 held by the Coteau Properties Company for the Freedom Mine. Revision No. 28 identifies the coal removal areas for the next five-year permit term and updates the legal and ownership information, and the mining and reclamation plans. Renewal No. 4 extends the permit term for another five years until April 14, 2029.

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April 10, 2024

Mr. Edward C. Murphy  
State Geologist  
North Dakota Geological Survey  
600 East Boulevard  
Bismarck, ND 58505-0480  
[emurphy@nd.gov](mailto:emurphy@nd.gov)

Dear Mr. Murphy:

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April 10, 2024

David Glatt, P.E.  
Director  
North Dakota Department of Environmental Quality  
4201 Normandy Street  
Bismarck, ND 58503-1324  
[dglatt@nd.gov](mailto:dglatt@nd.gov)

Dear Mr. Glatt:

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April 10, 2024

Mr. Bill Peterson  
State Historical Society of North Dakota  
612 East Boulevard Avenue  
Bismarck, ND 58505  
[billpeterson@nd.gov](mailto:billpeterson@nd.gov)

Dear Mr. Peterson:

This is to inform you of the Commission's April 10, 2024 conditional approval of Revision No. 28 and Renewal No. 4 to Surface Coal Mining Permit NACT-0201 held by the Coteau Properties Company for the Freedom Mine. Revision No. 28 identifies the coal removal areas for the next five-year permit term and updates the legal and ownership information, and the mining and reclamation plans. Renewal No. 4 extends the permit term for another five years until April 14, 2029.

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April 10, 2024

Jeb Williams, Director  
North Dakota Game and Fish Department  
100 North Bismarck Expressway  
Bismarck, ND 58501-5095  
[jwilliam@nd.gov](mailto:jwilliam@nd.gov)

Dear Mr. Williams:

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Randy Christmann  
Sheri Haugen-Hoffart  
Julie Fedorchak

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*

April 10, 2024

Ms. Carmen Reed  
Mercer County Auditor  
PO Box 39  
Stanton, ND 58571  
[careed@nd.gov](mailto:careed@nd.gov)

Dear Ms. Reed:

This is to inform you of the Commission's April 10, 2024 conditional approval of Revision No. 28 and Renewal No. 4 to Surface Coal Mining Permit NACT-0201 held by the Coteau Properties Company for the Freedom Mine. Revision No. 28 identifies the coal removal areas for the next five-year permit term and updates the legal and ownership information, and the mining and reclamation plans. Renewal No. 4 extends the permit term for another five years until April 14, 2029.

Enclosed are copies of the award forms. If you have any questions, please contact this office.

Sincerely,

Jonathan Emmer  
Director  
Reclamation Division

Enclosures

Freedom Mine\Permits\NACT - 0201\Revisions & Renewals\Rev 28 & Ren 4\Rev28\_Ren4\_Cond\_AL\_4-10-24



# Public Service Commission State of North Dakota

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*sent via regular mail and email*

April 10, 2024

Mr. Sean Cheatley, Mayor  
120 Central Ave N  
P.O. Box 910  
Beulah, ND 58523-0910  
[BeulahNDMayor@gmail.com](mailto:BeulahNDMayor@gmail.com)

Dear Mr. Cheatley:

This is to inform you of the Commission's April 10, 2024 conditional approval of Revision No. 28 and Renewal No. 4 to Surface Coal Mining Permit NACT-0201 held by the Coteau Properties Company for the Freedom Mine. Revision No. 28 identifies the coal removal areas for the next five-year permit term and updates the legal and ownership information, and the mining and reclamation plans. Renewal No. 4 extends the permit term for another five years until April 14, 2029.

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# Public Service Commission

## State of North Dakota

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TDD: 800-366-6888 or 711

*sent via regular mail*

April 10, 2024

Mr. Jerry Obenauer  
Commission President of Hazen  
146 Main Street East  
P.O. Box 717  
Hazen, ND 58545

Dear Mr. Obenauer:

This is to inform you of the Commission's April 10, 2024 conditional approval of Revision No. 28 and Renewal No. 4 to Surface Coal Mining Permit NACT-0201 held by the Coteau Properties Company for the Freedom Mine. Revision No. 28 identifies the coal removal areas for the next five-year permit term and updates the legal and ownership information, and the mining and reclamation plans. Renewal No. 4 extends the permit term for another five years until April 14, 2029.

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Sincerely,

Jonathan Emmer  
Director  
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# Public Service Commission

## State of North Dakota

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April 10, 2024

Cody Schulz  
North Dakota Parks and Recreation  
604 E Boulevard Ave, Dept. 750  
Bismarck, ND 58505  
[jcschulz@nd.gov](mailto:jcschulz@nd.gov)

Dear Mr. Schulz:

This is to inform you of the Commission's April 10, 2024 conditional approval of Revision No. 28 and Renewal No. 4 to Surface Coal Mining Permit NACT-0201 held by the Coteau Properties Company for the Freedom Mine. Revision No. 28 identifies the coal removal areas for the next five-year permit term and updates the legal and ownership information, and the mining and reclamation plans. Renewal No. 4 extends the permit term for another five years until April 14, 2029.

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Sincerely,

Jonathan Emmer  
Director  
Reclamation Division

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