

PUBLIC SERVICE COMMISSION
Reclamation Division

Memorandum

TO: Commissioners Christmann, Fedorchak, and Haugen-Hoffart
Steve Kahl, Executive Director
John Schuh

FROM: *JE* Jonathan Emmer, *MT* Monty Johnson, and *GW* Guy Welch

DATE: April 1, 2024

SUBJECT: Application for Renewal 4 to Permit NACT-0201 held by The Coteau Properties Company, Case No. RC-23-332

On October 13, 2023, the Reclamation Division received Coteau Properties Company's application for Renewal 4 to Permit NACT-0201 to continue to conduct mining operations within the existing permit area until April 14, 2029. Permit NACT-0201 covers all or portions of Sections 2, 3, 4, 5, 6, 7, 8 and 9, T144N, R88W; Sections 1 and 12, T144N, R89W; Sections 30, 31 and 32, T145N, R87W; and Sections 3, 4, 9, 10, 11, 14, 15, 16, 21, 22, 23, 25, 26, 27, 28, 33, 34, 35, and 36, T145N, R88W, Mercer County, totaling approximately 17,170.7 acres. The Reclamation Division has completed its review of this five-year permit renewal and respectfully recommends that it be approved.

Coteau has applied for this five-year renewal because coal removal operations will continue for many years in this permit area. Mining and reclamation plans and other information were updated for the next permit term as part of Revision 28 which was submitted with the renewal application.

Coteau has submitted the affidavits of publication of the newspaper notice. We notified the appropriate agencies, affected landowners, and the advisory committee members. The North Dakota Department of Water Resources provided one technical deficiency regarding Revision No. 28. We received no other comments or objections to this renewal application. Evidence of adequate performance bond and liability insurance are currently on file. The mine-wide Consolidated Bonding Plan was approved June 28, 2023, and is in the process of being revised to account for recent variable cost updates. Self and collateral bonds that total \$200,000,000.00 cover this and other permits at the Freedom Mine.

A map showing the location of this permit area is attached. Also attached for your consideration are the proposed motion and renewal approval forms.

Attachments

Freedom Mine\Permits\NACT - 0201\Revisions & Renewals\Rev 28 & Ren 4\Ren4_apprvl_memo_4-10-24

NACT-0201 Permit Area Map

