

February 20, 2025

Mr. Jonathan Emmer
Director Reclamation
Division Public Service
Commission 600 East
Boulevard Avenue
Department 408
Bismarck, ND 58505-0480

Dear Mr. Emmer:

Revision 52 to Permit NACT-0401 has been mailed via the United States Postal Service and uploaded to Permit Services. Deficiencies listed in your January 3, 2025, letter have been addressed, with responses listed below. Enclosed is an original signed application form for revision 52 of permit NACT-0401, and 3 copies of this permit. All changes have been tracked in track changes.

Section 1.2 – Legal Information

1. *The Current Certificate of Liability insurance expired February 1, 2024. Please update Section 1.2.6 (Certificate of Liability Insurance) with the current certificate and its endorsement as required by NDCC 38-14.1-14(3) and NDAC 69-05.2-12-20. (JAR/PJR/AAC)*

A copy of the most current liability insurance has been updated in Section 1.2.6.

2. *Section 1.2.7.1 (Proposed Section Line Road Closures and Setback Waivers Map) illustrates temporary and anticipated section line closures, as well as operations within 100 feet of public roads. However, it does not clearly indicate the specific locations where the Coteau Properties Company received approval from Mercer County to close section lines or conduct operations within 100 feet of public roads (N.D.A.C. 69-05.2-04-01.3). Please revise Section 1.2.7.1 to clearly indicate where the Coteau Properties Company has received approval from Mercer County to close section lines or operate within 100 feet of a public road, including the corresponding approval dates (N.D.A.C. 69-05.2-05-02). (JWE/MLJ/GAW/SMN)*

Section 1.2.7.1 has been updated as requested.

3. *Please review and update, if necessary, Section 1.2.9 (Mercer County Section Line Right-of-Way Closure and Setback Waiver Documents) to ensure that it is complete and up*

to date. Additionally, please add bookmarks to Section 1.2.9 so that information can be readily found in this document (N.D.A.C. 69-05.2-05-02). (JWE/MLJ/GAW/SMN)

Section 1.2.9 (Mercer County Section Line Right-of-Way Closure and Setback Waiver Documents) has also been updated to include the amendment to the resolution for the portion of section line road between the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21 and the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, Township 146 North, Range 87 West.

Section 1.3 – Business Entity/Compliance Information

4. Please provide an updated Consolidated Legal Information Report covering Section 1.3.1 (Ownership and Control Information), Sections 1.3.2 (Current Permits and Permit Applications), and Section 1.3.3 (Schedule of Violations) referenced in Permit NACT-0401 if there are any changes to ownership and control information, the list of current or previous coal mining permits held during the past five years, or the schedule of violation notices in the past three years since the most recent consolidated report dated December 9, 2024. (JAR/PJR/AAC)

Sections 1.3.1, 1.3.2 and 1.3.3 have been updated and were uploaded to Permit Services on February 13, 2025.

5. Please update Section 1.3.5 (Other Licenses and Permits) as required by NDAC 69-05.2-06-04 with any necessary changes, including an agency name change for the North Dakota State Water Commission. (JAR/PJR)

Section 1.3.5 (Other Licenses and Permits) has been updated as requested.

Section 1.5 - Identification of Interests and Rights of Entry

6. Please review the surface and coal leases or other right-to-mine documents in Section 1.5.1 (Permit Area Surface and Coal Interests) to ensure the Coteau Properties Company has the legal right to enter and commence surface coal mining operations on lands to be mined during the next term of the permit as required by NDCC 38-14.1-14(1)(k). (JAR)

Section 1.5.1 has been updated as requested.

7. Please update Section 1.5.1 (Permit Area Surface and Coal Interests) as required by NDCC 38-14.1-14(1)(c)(2) and make the corresponding updates to Section 1.5.3 (Surface and Coal Ownership Map) if any ownership changes have occurred since the most recent updates with Revision No. 51. (JAR/AAC)

Section 1.5.2 and 1.5.3 have been updated as requested.

8. *Please update Section 1.5.2 (Adjacent Surface and Coal Ownership and Leasehold Information) as required by NDAC 69-05.2-06-01(1)(a) and make the corresponding updates to Section 1.5.3 (Surface and Coal Ownership Map) if any ownership changes have occurred since the most recent updates with Revision No. 51. (JAR/AAC)*
This has been updated as requested.

Sections 1.5.2 and 1.5.3 have been updated as requested.

Section 2.2.6 – Post-Mining Probable Hydrologic Consequences Map

9. *If there are any planned or proposed changes to the post-mining topography, please update Section 2.2.6 (Post-Mining Probable Hydrologic Consequences Map) accordingly. (JAR/PJR)*

There are no planned or proposed post-mine topography changes, therefore no changes Section 2.2.6 were made.

Section 2.3 - Ground Water Hydrology

10. *Please update any necessary narrative in Section 2.3.1 (Hydrogeology of the Permit and Adjacent Area) since it has not been updated since initial permitting. (PJR)*

Section 2.3.1 narrative updated as requested.

11. *Please update Section 2.3.3.1 (Beulah/Lower Beulah Lignite Potentiometric Map) and Section 2.3.3.2 (Spaer Lignite Potentiometric Map) while still retaining the historic maps (2008) for reference. Please also update the narrative in Section 2.3.3 (Aquifer Potentiometric Maps) to address the updated maps and the historical maps. (PJR)*

The following updates were made to Section 2.3.3.1 (Beulah/Lower Beulah Lignite Potentiometric Map): Added the location text for monitoring wells MP81-P05, MP82-P15, MP02-P05B, and MP02-P08C; added R17 to the text for MP02-P02B, and added R19 to the text for MW-13A.

The Potentiometric Surface contours will not be changed in these maps due to the need to preserve and understand the pre-mining ground water conditions. Changes due to mining cannot be addressed properly in this section. As mining occurs and progresses within each permit area, aquifer changes and impacts due to mining are, and will continue to be, addressed and explained thoroughly in the Annual Ground Water Monitoring Reports for the Freedom Mine, submitted under Appendix C of the Consolidated Ground Water Monitoring Plan (CGWMP). As mining progresses, monitoring wells are abandoned due to mining, and monitoring wells are added back into reclaimed areas. Therefore, with the constant changes and differences in what is

being monitored (i.e., in-place lignite vs. base of spoil), the CGWMP is the place to address these changes properly.

Section 2.3.3.2 and Section 2.3.3 were reviewed and it was determined that no changes were necessary at this time.

12. *Please update Section 2.3.5.1 (Beulah/Lower Beulah Aquifer Monitoring Well Hydrographs) and Section 2.3.5.2 (Spaer Aquifer Monitoring Well Hydrographs) as well as any necessary narrative in Section 2.3.5 (Ground Water Potentiometric Surface Information). (PJR)*

Section 2.3.5.1, Section 2.3.5.2, and section 2.3.5 have been updated as requested.

13. *Information provided in Section 2.3.7 (Ground Water Use Information), Section 2.3.7.1 (Summary of Certified Wells and Springs), and Section 2.3.7.2 (Certified Wells and Springs Water Quality) have not been updated since 2008. Changes to well/spring ownership and any other changes will need to be updated at this time. Any additional well and developed spring, or significant natural spring certifications or re-certifications that may have been conducted since the last update should also be updated. (PJR)*

Sections 2.3.7.1 and 2.3.7.2 has been updated in the permit. Both of these sections have been revised to reference the Consolidated Ground Water Monitoring Plan as this is where any changes to well/spring ownership or condition of water source will be updated moving forward. Please see Sections 2.3.7.1 and 2.3.7.2 for further details.

Section 2.7.3 – Mining Impacts

14. *Please update the Threatened or Endangered Species subsection of Section 2.7.3 (Mining Impacts) to state that Coteau will periodically utilize the USFWS iPaC tool to realize species status listing changes and provide a Protection and Enhancement Plan discussion with Species-Specific Protective Measures to be used for each listed and proposed species potentially occurring in the permit area according to iPaC for the next term of the permit (NDAC 69-05.2-13-08). The Reclamation Division will use the information provided to make written threatened and endangered species findings as required by NDAC 69-05.2-10-03(6)(d). The Reclamation Division intends to provide a draft copy of its anticipated findings to USFWS Bismarck Field Office for concurrence prior to Revision and Renewal approval in accordance with Addendum A to OSMRE's 2020 Biological Assessment. (GAW)*

Section 2.7.3 has been updated to include language referencing the USFWS iPaC tool and how it will be utilized to address newly and currently listed species.

15. *The Western Regal Fritillary and Monarch Butterfly are proposed species for listing under the Threatened and Endangered Species Act. Protection and Enhancement Plans will need to be developed for these species as required by NDAC 69-05.2-08-15(3)(a). Please update the Threatened or Endangered Species subsection of Section 2.7.3 (Mining Impacts) accordingly. (AAC)*

Section 2.7.3 has been updated to include language referencing the USFWS iPaC tool and newly listed species.

Section 2.8 – Cultural Resources

16. *If there are any updates or modifications to cultural resources information, mitigation status or SHS correspondence, please revise the appropriate cultural resource subsections of Section 2.8 (Cultural Resources). (PJR/GAW)*

Section was reviewed and no updates were required.

Section 3.1 – Operations - General

17. *Please review Section 3.1.1 (Operations/Reclamation Narrative) and update if any changes are necessary for mining planned during the next term of the permit. (JAR)*

Section 3.1.1 has been updated as requested.

18. *Please review Section 3.1.1.2 (Mining Methods Narrative) and update if any changes are necessary for mining planned during the next term of the permit. Also, the reference to NDAC 33-20-02.1-01 on page 7 of Section 3.1.1.2 should be updated to NDAC 33.1-20-02.1-01. (JAR)*

Section 3.1.1.2 has been updated as requested.

19. *Please review Section 3.1.1.3 (Reclamation Procedures and Schedule) and update the contemporaneous reclamation variance narrative and the post-mining topography narrative for the next term of the permit, if necessary. (JAR)*

Section 3.1.1.3 has been updated as requested.

20. *Please update Section 3.1.1.4 (Coal Production Schedule) to show estimated coal production through the next permit term as required by NDAC 69-05.2-09-01(1). (JAR/PJR)*

Section 3.1.1.4 has been updated as requested.

21. *Please update Section 3.1.1.5 (List of Equipment) if necessary, as required by NDAC 69-05.2-09-01(1). (JAR/PJR/AAC/SMN)*

Section 3.1.1.5 has been updated as requested.

22. *Please review Section 3.1.3 (Pit Layout and Facilities Map) and revise if any pit sequence changes are planned and identify the five-year coal removal subarea for the next permit term as required by NDAC 69-05.2-09-02(3). (GAW/JAR/AAC)*

Section 3.1.3 has been updated as requested.

23. *Please review Section 3.1.3 (Pit Layout and Facilities Map) and revise if any changes with the status or presence of SPGM stockpiles, overburden stockpiles, water management structures, haul roads, buildings, facilities, utilities, and structures have occurred since the map was last updated with Revision No. 51 as required in part by NDAC 69-05.2-09-02. (GAW/JAR/PJR/AAC/SMN)*

Section 3.1.3 has been updated as requested.

24. *Please depict the prime farmland topsoil stockpile (PTS-801) in Section 3.1.3 (Pit Layout and Facilities Map) as stated in our October 25, 2023, approval letter. (GAW/JAR/PJR/AAC/SMN)*

Section 3.1.3 has been updated as requested.

25. *Please update Section 3.1.4 (Extended Mining Plan Map) with the most recent Freedom Mine Extended Mining Plan Map to show current mining plans for the mine as required as required by NDAC 69-05.2-07-03. Any updates to Section 3.1.4 will also require updates to the pit sequence timeline as depicted in Section 3.1.5 (Post-Mining Topography Development Map). (JAR)*

Section 3.1.4 has been updated as requested.

Section 3.2 – Transportation Facilities

26. *Please review and update Sections 3.2.1 (Transportation Facilities Narrative) and Section 3.2.7 (Mine Area 2 – Far East Haulroad) to ensure the information provided in the permit is consistent with recent changes submitted to the Reclamation Division. Coteau's July 18, 2024, request letter for the revised design for the Far East Haulroad states "updated design drawing as well as any narrative changes and calculation for the BMP sump, will be included in the next revision to Permit NACT-9101 and NACT-0401". (GAW/JAR)*

Section 3.2.7 and Section 3.2.8.1R has been updated as requested. Section 3.2.1 was reviewed and no updated were made.

Section 3.3 – Surface Water Management

27. Please update Section 3.3.2 (Surface Water Management Plan Map) to indicate any changes with the status or presence of water management structures, SPGM stockpiles, overburden stockpiles, and haul roads that may have occurred since the map was last updated with Revision No. 51 as required in part by NDAC 69-05.2-09-02 and NDAC 69-05.2-09-09. (JAR)

Section 3.3.2 has been updated as requested.

28. Please update Section 3.3.2 (Surface Water Management Plan Map) to show where mining has been completed through 2024 and update the pit sequence subareas and other features and facilities through the next term of the permit as necessary. (JAR)

Section 3.3.2 has been updated as requested.

29. Please review Section 3.3.4 (Pond Construction and Reclamation Schedule) and update if necessary. (JAR)

Section 3.3.4 has been updated as requested.

Section 4.1 – Post-Mining Land Use Plans

30. Please update Section 4.1.2 (Post-Mining Topography and Land Use Map) to depict actual prime farmland respread areas, and to revise potential post-mining prime farmland landscapes that have been respread as non-prime farmland, since the map was last updated with Revision No. 51. (GAW)

Section 4.1.2 has been updated as requested.

31. Please consider depicting pollinator plots in reclaimed native grassland tracts in Section 4.1.2 (Post-Mining Topography and Land Use Map). (GAW)

Coteau will consider depicting pollinator plots after they are planted to Section 4.1.2 (Post-Mining Topography and Land Use Map).

32. The Beulah/Zap and Lower Beulah/Zap coal cropline layers in Section 4.1.2 (Post-Mining Topography and Land Use Map) obscure other post-mining land use map layers. Please adjust these line layers so that they appear beneath important layers such as sediment ponds, contours, post mine land use layers, etc. (GAW)

This has been updated as requested.

33. Reclaimed wetland CW-N33-01 is depicted downstream of stock pond SP-N33-02 in a relatively small watershed in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 33 on Section 4.1.2 (Post-Mining Topography and Land Use Map). Please consider moving this wetland northward a few hundred yards to the larger watershed where sediment pond P-N33-03 exists. The drainage way associated with this watershed is to be a grassed waterway which will help protect the wetland from sedimentation and it is likely that the pool area of sediment pond P-N33-03 will settle and pond water after it has been reclaimed. (GAW)

Coteau will take into consideration moving wetland CW-N33-01 during the design phase of the wetland.

34. Section 4.1.3 (Pre- and Post-Mining Land Use Comparison Table) classifies 0.67 acres as post-mining shelterbelt acreage in Tract 23 and 1.53 acres in Tract 33. Reclaimed shelterbelts W-N28-01 and W-N34-01 are the only tree plantings depicted in Tracts 23 and 33, respectively, in Section 4.1.2 (Post-Mining Topography and Land Use Map), and these are symbolized as conservation shelterbelt plantings. However, a conservation shelterbelt planting is also depicted in the southwest corner of Section 22 (Tract 8) in Section 4.1.2, but this acreage is not classified as post-mining shelterbelt acreage in Section 4.1.3. Please clarify why some conservation tree plantings are classified as post-mining shelterbelt acreage and some are not or otherwise revise to provide clarity. (GAW)

Section 4.1.2 (Post-Mining Topography and Land Use Map) has been updated to properly depict the post-mine conservation tree plantings instead of "conservation shelterbelts". The post-mine shelterbelt acreage has been removed from Section 4.1.3 (Pre- and Post-Mining Land Use Comparison Table), as these acres have been included with the surrounding land use acreage. The conservation tree planting in the southwest corner of Section 22 (Tract 8) acreage is not included in the post-mine shelterbelt acreage in Section 4.1.3, as it has already been included with the surrounding land use acreage total.

35. Please revise the pre-mine shelterbelt plantings polygons associated with the abandoned farmstead in the SE $\frac{1}{4}$ of Section 4 on Section 4.1.2 (Post-Mining Topography and Land Use Map) if portions of these shelterbelts have been disturbed by the construction of the Far East haul road. Post-mining shelterbelt acreage in Section 4.1.3 (Pre- and Post-Mining Land Use Comparison Table) will need to be updated accordingly. (GAW)

Section 4.1.2 (Post-Mining Topography and Land Use Map) has been updated to properly depict the undisturbed shelterbelts. Section 4.1.3 (Pre- and Post-Mining Land Use Comparison Table) has also been updated to show the correct post-mining shelterbelt acreage. The disturbed shelterbelt acreage will be reclaimed to the surrounding land use of native grasslands.

Section 4.2.2 – Seed Mixes

36. *Please consider revising the native grassland seed mixture in Section 4.2.2 (Seed Mixes) to include at least 3 native forbs. The North Dakota NRCS native grassland planting specification (Range Planting – 550) requires a minimum of 5 percent forbs in native grass seedings. (GAW)*

The native grassland seed mixture in Section 4.2.2 (Seed Mixes) was not updated to include the addition of forbs. Coteau often utilizes broadleaf herbicide during establishment of native grassland for noxious weed control and would result in a majority of the forbs being sprayed out during establishment.

Section 4.4.2 – Wetland Designs

37. *Please consider including detailed design plans for all reclaimed wetlands that will be constructed in the next permit term. (WWS)*

Section 4.4.2-Wetland Designs was reviewed updated to include CW-N35-03.

Section 4.5 Post-Mining Stockponds

38. *Please consider including detailed design plans for all post mining stockponds that will be constructed in the next permit term. (WWS)*

Section 4.5-Post-Mining Stockponds was reviewed and all detailed design plans for reclaimed stockponds that will be constructed in the next permit term are up to date.

Consolidated Vegetation Success Standards

39. *Please update the Consolidated Revegetation Success Standards (CVSS) document to include unadjusted production standard changes made with bond release applications submitted since February 24, 2020. The Mine Area 4 (MA4) – North native grassland regional standards in Section B-1 of the CVSS needs to be revised to include the changes made with Final Bond Release No. 1 to Permit NACT-9001 and Final Bond Release No. 3 to Permit NACT-9501. The MA4 – South native grassland regional standard needs to be revised to account for the land use changes associated with Final Bond Releases No. 1 and No. 2 to Permit NACT-1801. The individual tract unadjusted standards used to develop the MA4 regional standards will need to be revised to be consistent with the changes included with these final bond release applications. Likewise, the changes made to the unadjusted productivity standards in pending Final Bond Release No. 2 to Permit NACT-9501 need to be made in the CVSS. (GAW)*

Coteau is currently updating the Consolidated Vegetation Success Standards document and will submit once all necessary sections have been updated.

40. *Please update the CVSS document to include updated NRCS native grassland, hayland, and tame pastureland mapping unit descriptions and NRCS mapping unit yield estimates. For native grassland this would include changing range sites to ecological sites and for hayland and tame pastureland forage suitability groups. (GAW)*

Coteau is currently updating the Consolidated Vegetation Success Standards document and will submit once all necessary sections have been updated.

41. *Please review the native grassland reference area information in Section B-1 to ensure the information is valid and up to date. The recently approved mine plan in Permit NACT-0201 shows a portion of the sandy site in Section 4 of T145N, R88W may be affected by mining activities so the boundaries of this reference area may need to be revised, or a new site found. Likewise, the thin upland site in Section 26 of Permit NACT-0401 has been affected by mining. In addition, the Reclamation Division is concerned with the yield and ecological condition of the silty (loamy) site in Section 9, T145N, R88W. Please update Table 3, Rangeland Similarity Index, in Section B-1 for Reference Sites, in order to document the approved range (ecological) sites continue to be in reasonable ecological condition. (GAW)*

Coteau is currently updating the Consolidated Vegetation Success Standards document and will submit once all necessary sections have been updated.

Consolidated Wildlife and Habitat Monitoring Plan

42. *Please review and update the Consolidated Wildlife and Habitat Monitoring Plan (CWHMP) if monitoring plans have changed and to ensure the survey work planned is accurately described. A narrative on all listed and proposed threatened and endangered species potentially occurring in the monitoring area according to IPaC should be included. Section B-3 (Federal Threatened, Endangered, and Candidate Species found in North Dakota) of the CWHMP should be updated for the next term of the permit according to IPaC. (AAC)*

Coteau will update the CWHMP with requested changes during the next bi-annual update occurring in the first quarter of 2025.

43. *As stated above in Item No. 15, the Western Regal Fritillary and Monarch Butterfly are proposed species for listing under the Threatened and Endangered Species Act. Protection and Enhancement Plans will need to be developed for these species and incorporated in the CWHMP. (AAC/WWS)*

Coteau will update the CWHMP with requested changes during the next bi-annual update occurring in the first quarter of 2025.

44. Please update the Consolidated Wildlife and Habitat Monitoring Plan to include a long-term area specific analysis subsection for the North Mine Area, and other areas at the mine eligible for final bond release, to ensure wildlife and habitat assessments are available for reference in future bond release applications. (AAC)

Coteau does not agree that a long-term area specific analysis for the North Mine Area should be included. The area specific sections included in the CWHMP are historical data. Those used in conjunction with the mine wide surveys presented in the CWHMP provide an analysis already for all permitted areas.

Consolidated Bonding Plan

45. As stated in an email to Jason Sailer dated October 10, 2024, and in accordance with Policy Memorandum No. 18 to Mine Operators, please update the Consolidated Bonding Plan to consider the worst-case reclamation cost determination considering all anticipated mining disturbance up to the latest expiration date of the permits covered by the Consolidated Bond Plan, which will be April 2029. This includes revising Section C-2, Mine Facilities Map, to show new worst-case pits and SPGM and spoil haul distances. The worst-case calculations will also need to be updated using the July 2024 variable costs. (GAW/BSM)

Coteau is currently updating the Consolidated Bonding Plan to be submitted the PSC for review.

Mr. Jonathan Emmer
February 20, 2025
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If you have any questions, please contact this office.

Sincerely,

THE COTEAU PROPERTIES COMPANY

A handwritten signature in black ink, appearing to read "Michael D. Berg".

Michael D. Berg P.E.
Environmental Manager

MAW:mdb
Enc.

Uploaded via Permit Services

cc. Carmen Reed, Mercer County Auditor (w/enc)



**APPLICATION FOR REVISION OF PERMIT TO ENGAGE IN
SURFACE COAL MINING AND RECLAMATION OPERATIONS**
PUBLIC SERVICE COMMISSION
RECLAMATION DIVISION
SFN 10562 (1-2004)

		Date February 20, 2025	
Name of Company, Corporation, Partnership, or Individual The Coteau Properties Company	Permit Number NACT- 0401	Revision Number 52	
Address 204 County Road 15	City Beulah	State ND	Zip Code 58523

The above named hereby makes application for the above Revision Number to: (include a brief description of the surface coal mining and reclamation operation being revised.)
Please see Attachment I.

Attached to this Permit Revision Application are a narrative describing the proposed permit revision, reasons for requesting the revision, and appropriate maps, cross-sections, graphs, construction details, revised reclamation plans and other data which demonstrate compliance with Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and the permit conditions of the approved permit. If an incidental boundary revision involving an acreage adjustment is being requested as part of the permit revision application, the following information shall be included (attach a copy of a metes and bounds description):

NAME OF MINE	ACRES	LOCATION			
		SEC.	TWP.	RANGE	COUNTY
Freedom Mine	N/A				
ADDRESS					
204 County Road 15					
Beulah, ND 58523					
TOTAL ACRES	N/A				

Based upon the proposed changes and any incidental boundary revisions to the permit as stated herein, a new or adjusted bond, or its equivalent, duly executed in accordance with Section 38-14.1-16 of the North Dakota Century Code and Chapter 69-05.2-12 of the North Dakota Administrative Code will be delivered to the Public Service Commission prior to issuance of the surface coal mining and reclamation operations permit herein requested. A check for filing fees, pursuant to Section 38-14.1-13 of the North Dakota Century Code, in the amount of \$ -0-, is included with the revision application.

Name of Official Authorized to Represent the Applicant Mark A. Wallen
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I, the above named, certify that:


1. All information and documents required by Sections 38-14.1-13, 38-14.1-14, and 38-14.1-15 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, are submitted as part of this permit application;
2. Information and documentation contained in the permit application affirmatively demonstrate that:
 - a. The permit revision application is accurate and complete and all the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code have been complied with;
 - b. Reclamation as required by Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code can be accomplished under the reclamation plan contained in this permit revision application;

- c. An assessment of the probable cumulative impact of all anticipated mining in the general area on the hydrologic balance as specified in subdivision o of subsection 1 of Section 38-14.1-14 has been made and the proposed operation has been designed to prevent material damage to the hydrologic balance both on and off the mine site;
 - d. The area proposed to be affected is not included within an area designated unsuitable for all or certain types of surface coal mining and is not within an area under study for such designation in an administrative proceeding;
 - e. The proposed surface coal mining operation will not interrupt, discontinue or preclude farming on alluvial valley floors that are irrigated or naturally subirrigated and will not materially damage the quantity or quality of water in surface or underground water systems that supply these alluvial valley floors; and
 - f. The permit revision applicant has the legal right to surface mine the land for which this permit revision application is made and all of the requirements of Chapter 38-18 of the North Dakota Century Code have been complied with.
3. The area proposed to be affected is not included within an area where mining is prohibited pursuant to Section 38-14.1-07 of the North Dakota Century Code; unless specifically allowed in accordance with the provisions of Section 69-05.2-04-01 of the North Dakota Administrative Code; and
 4. The surface coal mining and reclamation operations contained in this permit revision application will be carried out at all times in a manner which ensures that all of the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and any permit conditions attached thereto are complied with.

Signature of Official 	Title Environmental Specialist
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VERIFICATION

I, Michael D. Berg P.E., being first and duly sworn, verify that the information contained in this Permit Revision Application is true and correct to the best of my knowledge and belief.

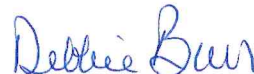
Signature of Official 	Title Environmental Manager
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STATE OF North Dakota)
) ss.
 COUNTY OF Mercer)

Subscribed and Sworn before me, this 20 day of February, 2025.

(SEAL)

DEBBIE BURR Notary Public State of North Dakota My commission expires November 14, 2028


 Notary Public
 My Commission Expires: 11/14/28

Revision 52 identifies the coal removal subarea that will be mined during the next five-year permit term and updates introductory information, legal information, business entity/compliance information, identification of interests and rights of entry, ground water hydrology, fish and wildlife resources, operations – general, surface water management, post-mining land use plans and post-mine wetlands for renewal #4 of the permit. The mining activity disturbance schedule has been updated, as were the coal production and reclamation schedules.