

**FREEDOM MINE**  
THE COTEAU PROPERTIES COMPANY

June 2, 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 uploaded to Permit Services. Deficiencies listed in your May 16, 2025, letter have been addressed, with responses listed below. All changes have been tracked in track changes and highlighted in green.

**Section 1.2.6 – Certificate of Liability Insurance**

1. *The Certificate of Liability Insurance expired on May 1, 2025. Please update Section 1.2.6 (Certificate of Liability Insurance) with the current Certificate of Liability Insurance. (JAR/AAC)*

Section 1.2.6 (Certificate of Liability Insurance) has been updated as requested.

**Section 1.3 – Business Entity/Compliance Information**

2. *The Revision 52 summary in Section 1.1.2 (Revision Summary Pages) states that page 1 of Section 1.3.1 (Ownership and Control Information), Section 1.3.2 (Current Permits and Permit Applications), and Section 1.3.3 (Schedule of Violations) were updated but the date stamp at the bottom of these pages indicates they were last revised with Revision 42 in March of 2020. Please update these date stamps to reference Revision 52 if the associated information was reviewed and updated. (GAW/JAR/AAC)*

Sections 1.3.1, 1.3.2, and 1.3.3 have been updated to reference Revision 52.

**Section 1.5.1 – Identification of Interests and Rights of Entry**

3. *The footer for Section 1.5.1 (Identification of Interests and Rights of Entry) indicates the last change to ownership information was Revision 51 in June of 2023. Please update the footer to reflect that changes were made with Revision 52. (AAC)*

**Freedom Mine – Coteau Properties Company**

204 County Road 15  
Beulah, ND 58523  
P: 701.873.2281  
[NACoal.com](http://NACoal.com)

Coteau Properties Company, a subsidiary company of The North American Coal Corporation

15 RC-25-78 Filed 06/02/2025 Pages: 4  
Revision 52 Technical 1 Response Letter

Coteau Properties Company  
Mark A Wallen



A NACCO COMPANY

Section 1.51 has been updated to reference Revision 52.

### **Section 3.1.3 – Pit Layout and Facilities Map**

4. *Section 3.1.3 (Pit Layout and Facilities Map) depicts mining on unleased federal coal in the NW¼ of Section 6 in Permit NACT-9101. Please update Section 3.1.3 to not show mining (pits) on unleased federal coal. (GAW)*

Section 3.1.3 was updated as requested.

5. *Please add federal coal tracts to the map and legend in Section 3.1.3 (Pit Layout and Facilities Map) in a similar manner to the pit layout and facilities maps of Permits NACT-0201 and NACT-9101. (GAW/MLJ)*

Section 3.1.3 was updated as requested showing federal coal tracts. No federal coal is planned to be leased in Permit NACT-0401.

6. *Section 3.1.3 (Pit Layout and Facilities Map) depicts a planned overburden stockpile on private property in the southwest corner of Section 25. Due to the uncertainty of the lifetime of this stockpile, please consider relocating this planned overburden stockpile to Coteau owned property that is beyond statutory section line rights-of-way. (GAW)*

Section 3.1.3 was updated as requested.

7. *Section 3.1.3 (Pit Layout and Facilities Map) depicts a note adjacent to the future water management features and SPGM stockpiles in the S½SE¼ of Section 23 states that “prior to placement of SPGM stockpiles and construction of water management in this area Coteau will consult the Public Service Commission and evaluate placement of these stockpiles on regraded land.” Please consider evaluating the necessity of relocating a public road, constructing sediment pond P-N23-01, and placing SPGM stockpiles on this private property with pending Revision 52. (GAW)*

No changes were made.

### **Section 3.2.7 – Mine Area 2 – Far East Haulroad**

8. *The first paragraph of the narrative in Section 3.2.7 (Mine Area 2 – Far East Haulroad) states, “Construction of 1½ miles of this road is scheduled to be built in 2024.” Please update this narrative to state if this section of haulroad was completed in 2024, or update the new scheduled year it will be completed. (AAC)*

Section 3.2.7 was updated as requested.

### **Section 3.3.2 – Surface Water Management Plan Map**

9. *Section 3.3.2 (Surface Water Management Plan Map) depicts mining on unleased federal coal in the NW¼ of Section 6 in Permit NACT-9101. Please update Section 3.3.2 to not show mining (pits) on unleased federal coal. (GAW)*

Section 3.3.2 (Surface Water Management Plan Map) has been updated as requested.

10. *Please add federal coal tracts to the map and legend in Section 3.3.2 (Surface Water Management Plan Map) in a similar manner to the surface water management plan map of permit NACT-9101. (GAW/MLJ)*

Section 3.3.2 was updated as requested showing federal coal tracts. No federal coal is planned to be leased in Permit NACT-0401.

11. *MSHA pond P-D15-03 in Permit NACT-9101 is used to treat surface water runoff from the southeastern portion of Permit NACT-0401 (within watershed P-D15-03). However, this water management feature is not clearly depicted in Section 3.3.2 (Surface Water Management Plan Map) of Permit NACT-0401. For clarification, please consider updating Section 3.3.2 of Permit NACT-0401 by including the portion of the surface water management plan map from Permit NACT-9101 that contains the surface water management structure used to treat surface water within that portion of the P-D15-03 watershed in Permit NACT-0401. (JAR)*

Section 3.3.2 (Surface Water Management Plan Map) has been updated to depict MSHA pond P-D15-03.

### **Section 4.1.2 – Post-Mining Topography and Land Use Map**

12. *Please revise Section 4.1.2 (Post-Mining Topography and Land Use Map) to depict all constructed wetlands with shading as indicated in the legend. This would include constructed wetlands CW-N25-01, CW-N26-02, CW-N26-03, CW-N27-03, CW-N28-02, CW-N33-01, CW-N35-03 and CW-N36-01. (GAW)*

Section 4.1.2 (Post-Mining Topography and Land Use Map) has been updated as requested.

13. *Please revise Section 4.1.2 (Post-Mining Topography and Land Use Map) to not show potential post-mining prime farmland landscapes in the pool areas of constructed seasonal or permanent wetlands. This would include constructed wetlands CW-N26-02, CW-N26-03, CW-N27-03, CW-N35-02, and CW-N35-03. (GAW)*

Mr. Jonathan Emmer  
June 2, 2025  
Page 4 of 4

Section 4.1.2 (Post-Mining Topography and Land Use Map) has been updated as requested.

If you have any questions, please contact this office.

Sincerely,

THE COTEAU PROPERTIES COMPANY

/s/

Mark A. Wallen  
Environmental Specialist

MAW:mdb  
Enc.

Uploaded via Permit Services