

FREEDOM MINE
THE COTEAU PROPERTIES COMPANY

August 4, 2025

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

Dear Mr. Emmer:

Revision 3 to Permit NACT-1801 has been mailed via the United States Postal Service and uploaded to Permit Services. Deficiencies listed in your July 17, 2025 letter have been addressed, with responses listed below. All changes have been tracked in track changes and highlighted in yellow.

Section 1.1.1 – Application Forms

1. *The Application for Renewal of Permit to Engage in Surface Coal Mining and Reclamation Operations form (SFN 10566) for Renewal 1 was not included in Section 1.1.1 (Application Forms). Even though it is not required, please consider updating Section 1.1.1 by including the application form for Renewal 1. (AAC)*

To remain consistent with other permit renewals, Coteau did not include the renewal application in Section 1.1.1.

Section 1.1.2 – Revision Summary Pages

2. *Please update Section 1.1.2 (Revision Summary Pages) to include Section 1.2.5.2 (Newspaper Publication Notice – Revision 3/Renewal #1) and Section 1.2.5.3 (Newspaper Publication Notice Map – Revision 3/Renewal #1). (JAR)*

Section 1.1.2 has been updated as requested.

Section 1.2 – Legal Information

3. *Section 1.2.5.2 (Newspaper Publication Notice – Revision 3/Renewal #1) states the total acreage in the permit area is 4,696.58, but Final Bond Release No. 1 and No. 2 appear*

to be included in the list of surface and coal owners as Tracts 10, 11, 26 and 27. Section 1.2.5.3 (Newspaper Publication Notice Map – Revision 3/Renewal #1) does not include areas associated with Final Bond Release No. 1 and 2 in the permit renewal area. Final Bond Release No. 1 became effective on October 28, 2024 and Final Bond Release No. 2 is scheduled to become effective on July 18, 2025. Please review and revise Section 1.2.5.2 as necessary. (WWS/GAW)

Section 1.2.5.2 (Newspaper Publication Notice – Revision 3/Renewal #1) has been updated as requested. Tract 27 was removed as the entire tract was bond released with bond release No. 2 to NACT-1801. Tracts 10, 11, and 26 were not changed as these tracts are still present within the permit and only partially bond released. Not changing the legal description of the remaining tracts stays consistent with how tracts have been managed in previous revisions.

- 4. It does not appear that Section 1.2.2 (Metes and Bounds Description for Entire Permit Area) was updated to account for Final Bond Release No. 1 and No. 2. Please update Section 1.2.3 accordingly. (JWE, WWS, SMN)*

Section 1.2.2 has been updated to account for Final Bond release No. 1 and No. 2.

- 5. In addition to Item No. 3 and 4 above, please review Section 1.2.3 (Metes and Bounds Map for Entire Permit Area) to ensure the permit area acreage is consistent with the acreage listed in Section 1.2.5.2 (Newspaper Publication Notice – Revision 3/Renewal #1). (GAW)*

Section 1.2.3 (Metes and Bounds Map for Entire Permit Area) has been updated and is accurate.

- 6. Please remove “proposed” from the third sentence of the first paragraph in Section 1.2.5.2 (Newspaper Publication Notice – Revision 3/Renewal #1). (JAR)*

Section 1.2.5.2 (Newspaper Publication Notice – Revision 3/Renewal #1) has been updated as requested.

- 7. For clarity, please remove “for renewal #1 of the permit” from the second sentence of the second paragraph in Section 1.2.5.2 (Newspaper Publication Notice – Revision 3/Renewal #1). (JAR)*

Section 1.2.5.2 (Newspaper Publication Notice – Revision 3/Renewal #1) has been updated as requested.

8. *Please revise the first sentence of the third paragraph on the last page of Section 1.2.5.2 (Newspaper Publication Notice – Revision 3/Renewal #1) to “Written comments, objections, or requests for an informal conference on the revision or renewal may be submitted by any person...” (WWS)*

Section 1.2.5.2 (Newspaper Publication Notice – Revision 3/Renewal #1) has been updated as requested.

Section 1.2.5.3 – Newspaper Publication Notice Map – Revision 3/Renewal #1

9. *Please revise Section 1.2.5.3 (Newspaper Publication Notice Map – Revision 3/Renewal #1) by moving the County Road 21 label away from the shaded area to make the label more legible. (WWS/PJR)*

Section 1.2.5.3 (Newspaper Publication Notice Map – Revision 3/Renewal #1) has been updated as requested.

Section 1.5.3 – Surface and Coal Ownership Map

10. *Please update the permit boundary on Section 1.5.3 (Surface and Coal Ownership Map) to ensure consistency with the permit area metes and bounds description. (GAW)*

Section 1.5.3 (Surface and Coal Ownership Map) was 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