

Definitions:  
**NAC:** North American Coal / Coteau  
**PSC:** ND Public Service Commission  
**Eisenbeis:** Clyde Eisenbeis  
**Farmland:** T146N R88W S34 NW1/4 (north of Beulah, ND)

# THE COTEAU PROPERTIES COMPANY

A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION

2000 Schafer Street, Suite D  
 Bismarck, ND 58501-1204  
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July 5, 2018

Clyde Eisenbeis  
 2819 Hogan Drive  
 Bismarck, ND 58503

Delivered via E-mail to [cte677@gmail.com](mailto:cte677@gmail.com)

RE: Township 146 North, Range 88 West  
 Section 34: NW¼  
 Mercer County, North Dakota

Dear Mr. Eisenbeis:

The Coteau Properties Company (hereinafter "Coteau"), is in receipt of the e-mail you sent to Sarah Flath, and several other individuals, on June 20, 2018.

In response to the questions posed in your e-mail, we did receive your May 1, 2017, September 15, 2017 and October 10, 2017 e-mail messages. We also received your referenced "written authorization." However, these e-mails, and your "written authorization" were not sufficient written documents to satisfy the terms between the parties. This is why we provided you with a written agreement, which was provided for the first time on May 19, 2017. You did not respond to Coteau but rather to the North Dakota Public Service Commission ("PSC"), and did not identify specific issues related to the agreement. Much later, on September 15, 2017, you again sent an e-mail to the PSC and indicated the agreement included items that were not relevant. But again, you did not communicate directly to Coteau nor did you provide any suggestions for changes. We strongly disagree with your assertion that the agreement includes items that are not relevant. Please understand that the first step in any action surrounding this approach required your signature on that agreement. We again provided the agreement to you in a letter dated September 22, 2017 and offered to install an approach. As Coteau did not receive a positive response to that offer, the offer lapsed on October 23, 2017, as noted in the letter.

Coteau has not caused any damage to your land and we are losing patience with these continued baseless allegations against us, which are most often not made directly to us, but through e-mails sent to the PSC. We are also disappointed in the waste of public resources by continued inclusion of the PSC in what is at best a private matter between you and Coteau. We have yet to see anything but broad and baseless allegations and are growing tired of these continued provocations. Coteau is always willing to listen but cannot respond specifically to broad allegations with no evidentiary background. Please understand that should these actions continue in this manner we will be forced to identify all of our available legal options. Rather than doing that, we would prefer that you contact us directly at any time so that we could meet to discuss any direct, reasonable concerns you may have.

This is the first time **NAC** acknowledged receiving the **Eisenbeis** written authorization for installing the approach to the **Farmland**. Prior to this, **NAC** claimed they did not receive the **Eisenbeis** written authorization.

**Eisenbeis** did respond. On 15 Sep 2017, **Eisenbeis** sent an email to **PSC** staff and to **NAC** staff: Sarah J Flath, Brad Erickson, and Christopher Friez. That email included, "I have provided North American Coal with the written authorization to install the approach at the location shown to me ... see attachment. What else is needed?". **NAC** did not respond.

These written agreement contain this statement: "... agrees to fully indemnify and hold harmless Coteau against any and all claims, losses, expenses, actions, causes of action and liability of whatsoever kind or nature arising from the use or existence of said approach and diversion."

This contradicts the topsoil on the **Farmland**, the **PSC** photos, and the **PSC** reports.

**Eisenbeis** views this as a threat.

NDCC and NDAC makes this a "North Dakota law" matter which makes this a "PSC matter". A good example is mining coal. Before **NAC** puts a shovel into the ground to extract coal, **NAC** must obtain a permit and follow North Dakota law.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CWF', with a long horizontal line extending to the right.

Christopher D. Friez  
Land Manager

cc: Sarah Flath  
Brad Erickson