



**APPLICATION FOR PERMIT TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION OPERATIONS**

PUBLIC SERVICE COMMISSION  
RECLAMATION DIVISION  
SFN 10552 (1-2004)

**RECEIVED**

33739

Date **MAY 31 2013**  
**May 31, 2013**

Permit Number  
**NACC-1301**

State **ND** Zip Code **58501-1264**

Name of Company, Corporation, Partnership, or Individual <b>Coyote Creek Mining Company, L.L.C.</b>		Permit Number <b>NACC-1301</b>	
Address <b>2000 Schafer Street</b>	City <b>Bismarck</b>	State <b>ND</b>	Zip Code <b>58501-1264</b>

The above named hereby makes application for the above listed permit number to engage in surface coal mining and reclamation operations in the State of North Dakota during the period from **February 1, 2014** (date) to **February 1, 2019** (date) on the following area (attach a copy of metes and bounds description):

NAME OF MINE	ACRES	LOCATION			
		SEC.	TWP.	RANGE	COUNTY
<b>Coyote Creek Mine</b>	<b>84.24</b>	<b>See Attachment 1</b>			
ADDRESS					
<b>2000 Schafer Street</b>					
<b>Bismarck, ND 58501-1264</b>					
<b>TOTAL ACRES</b>	<b>84.24</b>				

A 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 \$ **1,342.40**, is included with the permit application.

Name of Official Authorized to Represent the Applicant <b>Sarah J. Flath</b>
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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 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 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 of the North Dakota Century Code 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 applicant has the legal right to surface mine the land for which this permit 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 proposed method of surface coal mining and reclamation operations contained in this permit 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 <b>Senior Environmental Specialist</b>
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**VERIFICATION**

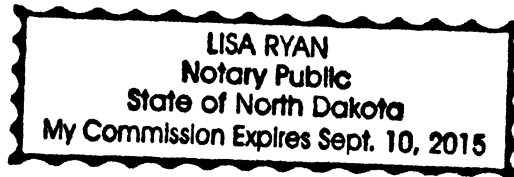
I, **Donn R. Steffen**, being first and duly sworn, verify that the information contained in this Permit Application is true and correct to the best of my knowledge and belief.

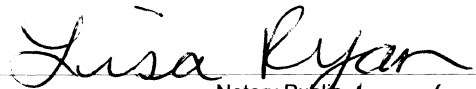
Signature of Official 	Title <b>Engineering/Environmental Manager</b>
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STATE OF \_\_\_\_\_ )  
 )ss.  
 COUNTY OF \_\_\_\_\_ )

Subscribed and Sworn before me, this 31st day of May, 2013.

(SEAL)



  
 Notary Public  
 My Commission Expires: 9/10/15

Metes and Bounds Description for Entire Permit Area

A tract of land for a mining permit being the east 1/2 of the southeast 1/4 of Section 30 and a part of the northeast 1/4 of the northeast 1/4 Section 31, all in T143N, R88W, of the 5<sup>th</sup> P.M., Mercer County, North Dakota. All bearings and distances are based on the North Dakota State Plane Coordinate System, South Zone, NAD 83. All bound calls supersede any metes within this description. Described as follows:

Beginning at the southeast corner of said Section 30; thence N 00°54'16" E a distance of 2639.62', to the east 1/4 corner of said Section 30; thence N 89°08'33" W a distance of 1314.85', to the C-E 1/16 corner of said Section 30; thence S 00°56'14" W a distance of 2638.32', to the E 1/16 corner on the south line of said Section 30; thence S 00°51'39" W a distance of 150.00', on the 1/16 line of said Section 31; thence S 89°05'10" E a distance of 1316.25', on a line parallel with the north line to the east line of said Section 31; thence N00°54'16" E a distance of 150.00', on the east line to the northeast corner of said Section 31, being the point of beginning.

Said tract of land contains 84.24 acres.

# COYOTE CREEK MINING COMPANY, L.L.C.

A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION

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2000 Schafer Street, Suite D  
Bismarck, ND 58501-1204  
(701) 258-2200 • Fax (701) 222-7594  
Toll-Free 1-877-258-3300

May 31, 2013

To the Reviewing Agency:

This letter serves to certify the design information contained within this surface water management plan for the Coyote Creek Mine, which was prepared by myself, or under my direction, for the purpose of filing Permit NACC-1301. I also certify that I have experience in the design of water management structures, and that the plans prepared for this permit incorporate current design requirements established by the North Dakota Public Service Commission.

Sincerely,

COYOTE CREEK MINING COMPANY, L.L.C.



Michael D. Berg  
Mining Engineer  
Registration No. PE-5942  
North Dakota

MDB

