



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

Brian P. Kalk  
Randy Christmann  
Julie Fedorchak

Executive Secretary  
Darrell Nitschke

600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

February 19, 2014

Mr. Donn Steffen  
Environmental Manager  
Coyote Creek Mining Company  
204 County Rd. 15  
Beulah, ND 58523

Dear Mr. Steffen:

The Reclamation Division has reviewed Coyote Creek Mining Company's January 31, 2014, response to our November 27, 2013 completeness review letter for Surface Coal Mining Permit No. NACC-1302 for the Coyote Creek Mine. The following items must be satisfactorily addressed before the Reclamation Division can deem the application complete.

#### **Section 1.2.4 - Newspaper Publication Notice**

1. Please make a minor word correction in the new paragraph relating to county road closures on page 39 by deleting and inserting the emphasized text as follows: "*During the first term of the permit, The Coyote Creek Mining Company, L.L.C., does not **purpose propose** closing any county roads within the permit area ...*" (WTG)

#### **Section 1.5.1 - Permit Area Surface and Coal Interests**

2. Follow-up to item No. 21: Although the legal land descriptions were corrected as requested within individual Tracts 0039, 0040, and 0049, please also correct the legal land descriptions for each of these three tracts on the Tract Summary page. (RLK/BEB/WTG)

#### **Section 2.2 – Surface Water Hydrology**

3. Follow-up to Item No. 31: The requested information or statement regarding water rights for surface water use in or near the permit area was not found in Section 2.2.4 as indicated. NDCC 38-14.1-14(2)(i)(2). (RLK)

#### **Section 2.3 – Ground Water Hydrology**

4. Follow-up to item No. 34: Please incorporate baseline water quality data for Lyle Winkler Well #2 into Section 2.3.2.2. Also, copies of the Landowner Well and Spring Certification Documents are provided in Section 2.3.2.7, but none of the documents have been signed by the well owner/operator

Mr. Donn Steffen  
February 19, 2014  
Page 2 of 2

or by a representative of D & L Enterprises. In order for the certification documents to be legally binding or considered "Certified" they must be signed by the listed parties on the forms that are provided. (BEB)

**Section 3.1.1.5 – List of Equipment**

5. The link provided for the equipment list does not work correctly, please review and make appropriate corrections. (FSE)

We received notice that a public hearing has been scheduled regarding the application to lease the tracts owned by the North Dakota Department of Trust Lands within the permit area. A certified copy of the coal leases with the North Dakota Department of Trust Lands will need to be included in the application prior to permit approval for the following tracts:

- a. Tract 0019 in Section 2, T142N, R89W, 50 percent coal only.
- b. Tract 0061 in Section 36, T143N, R89W, 50 percent coal only.
- c. Tract 0062 in Section 6, T142N, R88W, surface and coal.
- d. Tract 0063 in Section 12, T142N, R89W, surface and coal.
- e. Tract 0064 in Section 24, T143N, R89W, surface and coal.
- f. Tract 0065 in Section 26, T143N, R89W, surface and coal.
- g. Tract 0066 in Section 36, T143N, R89W, surface and coal.

Also, please ensure that changes made to address Items No. 17 and 39 of our November 27, 2013 review have been included in the permit application as indicated in the February 11 emails from Sarah Flath.

The 120-day review period remains suspended until all of the items listed above have been satisfactorily addressed and the permit application is deemed complete.

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch  
Director  
Reclamation Division