



Public Service Commission

State of North Dakota

COMMISSIONERS

Brian P. Kalk
Randy Christmann
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Executive Secretary
Darrell Nitschke

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

March 27, 2014

Mr. Allen D. Klein, Regional Director
Office of Surface Mining
Western Regional Coordinating Center
1999 Broadway, Suite 3320
Denver, CO 80202-3050

Dear Mr. Klein:

The Coyote Creek Mining Company, L.L.C. has filed the application for Surface Coal Mining Permit No. NACC-1302 to permit 8092 acres of land in Mercer County. The lands included in this application include several tracts of unleased federal coal. The federal coal tracts are located in portions of Section 6, T142N, R88W; Section 2, T142N, R89W; Section 30, T143N, R88W; and Sections 24, 26 and 34, of T143N, R89W. The surface of these tracts is privately owned and Coyote Creek has surface leases to allow mining related disturbances on these lands. Mining of federal coal is not proposed, only surface disturbances are proposed on this tract at this time; however, the permit application states that Coyote Creek is planning to apply for a coal lease on all tracts containing federally owned coal in the future.

Enclosed is a DVD that contains the entire permit application. You will note that the permit application contains some underlined and/or strike-through text due to changes made during our completeness review. The surface and subsurface ownership listings are shown on Surface and Coal Ownership Map, Section 1.5.3. The Pit Layout and Facilities Map, Section 3.1.3, shows some surface disturbances over federal coal that is proposed to support mining of the adjacent non-federal coal tracts.

Our Cooperative Agreement (Article V, Section B.7) gives the Commission the authority to issue permits allowing surface disturbances on land containing unleased federal coal after consultation with BLM through OSM. This consultation is to insure that actions taken by the Commission do not result in substantial and adverse effects to the federal mineral estate. We are requesting a determination from BLM that the permitting of the federal coal tracts as proposed in Permit Application NACC-1302 will not adversely affect the federal mineral estate. A response within 60 days will be greatly appreciated.

Mr. Allen D. Klein

March 27, 2014

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If you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Deutsch", written in a cursive style.

James R. Deutsch
Director
Reclamation Division

Enclosure

cc: Phillip Perlewitz, BLM w/enclosure
Jeff Fleischman, OSM w/enclosure
Bob Postle, OSM
Gene Hay, OSM
Donn Steffen, Coyote Creek Mining Company

Minedata/Coyote/Permits/NACC-1302/AdvisoryCommittee/2014/OSM_rvw_rqst_ltr_3-27-14