



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Montana State Office, Law Enforcement Staff
5001 Southgate Drive
Billings, Montana 59101-4669
www.blm.gov/mt

September 11, 2014

In Reply Refer To:
3482(921)



Elaine Ramsey, Manager
Field Operations Branch
Office of Surface Mining
Reclamation and Enforcement
Western Region Office
1999 Broadway, Suite 3320
Denver, CO 80202-3050

Dear Ms. Ramsey,

Thank you for giving the Bureau of Land Management (BLM) an opportunity to determine whether disturbances proposed by Coyote Creek Mining Company, L.L.C. (CCMC) will have substantial or adverse effects on the Federal coal tracts. We have reviewed CCMC's application for Surface Coal Mining Permit No. NACC-1302 to permit 8,092 acres of land for a new mine in Mercer County, North Dakota.

Unleased Federal coal lies adjacent to proposed mining operations in:

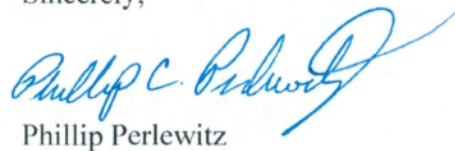
T.142N., R.88W., Section 6,
T.142N., R.89W., Section 2,
T.143N., R.88W., Section 30,
T.143N., R.89W., Sections 24, 26, and 34,

It was not discussed in the permit application how the operator will prevent the Federal coal bearing formations from being wasted, damaged, or degraded when the proposed mining operations approach the boundary lines adjoining Federal coal. The current mining plan of operations cannot hinder the future mining of Federal coal. It is BLM's recommendation that this discussion be included in the permit application.

Also, for T.142N., R.89W., Section 2, both the MT Plats and the Mineral Management Status Map for Hazen, North Dakota indicate that the entire coal deposit is reserved to the United States. This information conflicts with CCMC's information submitted in the permit application. CCMC's Surface and Coal Ownership Map (Section 1.5.3) and Pit Layout and Facilities Map (Section 3.1.3) portrays that 50 percent of the coal reserve for the N1/2, NE1/4 of Section 2 belongs to North Dakota Department of Trust Lands, and the remaining 50 percent divided between private interests. Please see enclosures to verify this information and resolve the discrepancy.

If you have any questions, please call Anne Allen at 406-896-5082.

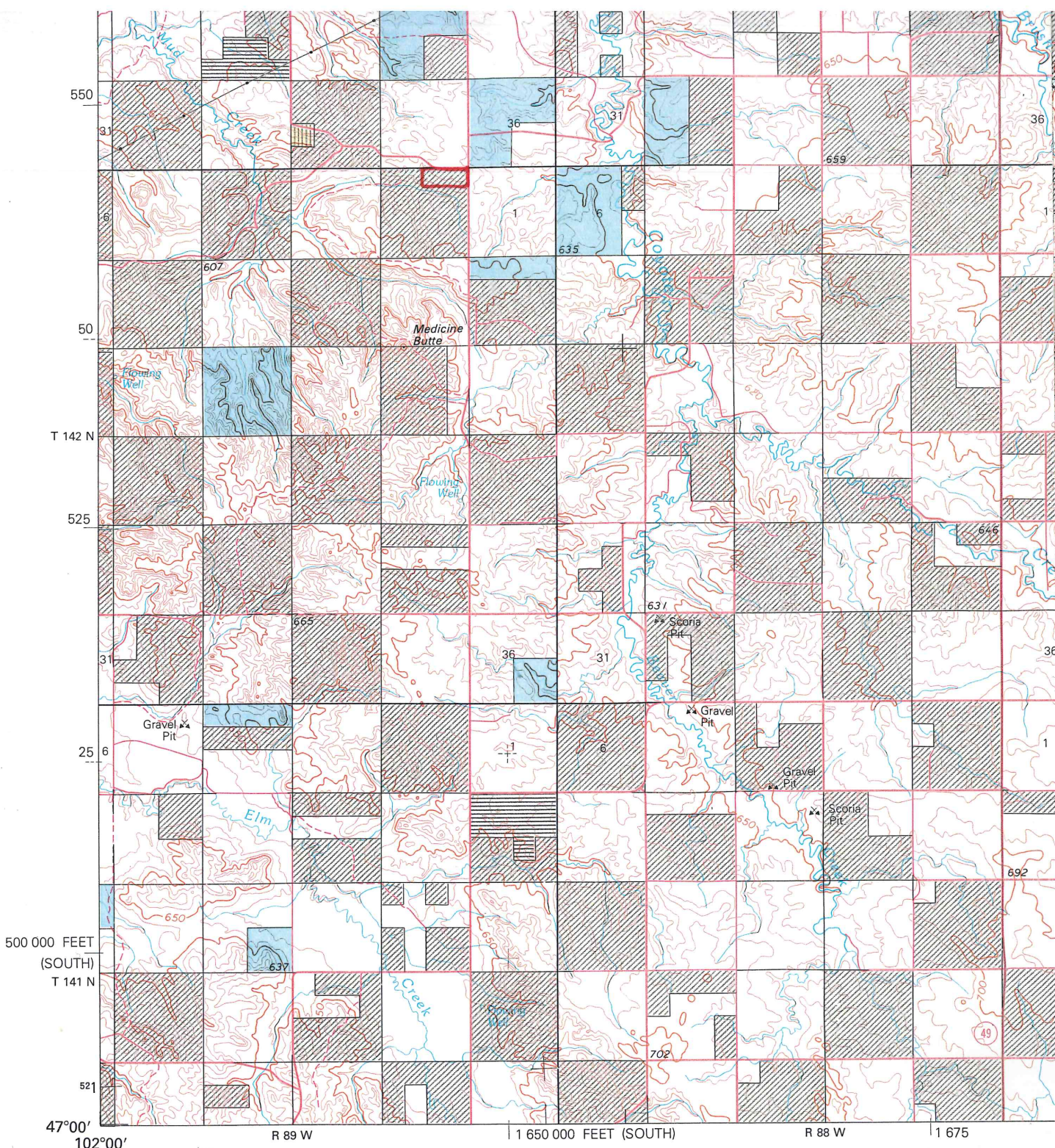
Sincerely,

A handwritten signature in blue ink, appearing to read "Phillip C. Perlewitz". The signature is fluid and cursive, with a large initial "P" and a long, sweeping underline.

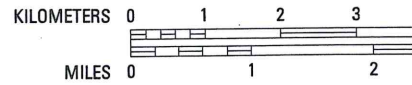
Phillip Perlewitz

Enclosures

cc: James R. Deutsch, Director
Reclamation Division
North Dakota Public Service Commission
600 E. Boulevard Ave., Dept. 408
Bismarck, North Dakota 58505-0480



BLM Edition - 1982
 Surface Management Status
 Mineral Management Status
 1:100000 scale metric
 topographic map of
 Hazen, ND



MINERALS OWNED BY THE FEDERAL GOVERNMENT

All minerals		Oil, Gas and Coal only		Put
Coal only		Other		Bur
Oil and Gas only		No symbol indicates no Federal minerals		Ore
				Co
				Na
				Na

North Dakota

LIST NO. 34

INDEMNITY SCHOOL LAND SELECTIONS

Bismarck, Dickinson, Minot, and Williston LAND DISTRICTS

EMBRACING 3435.92 ACRES.

Approved DEC 1 - 1920, ~~192~~

20. - Div. O, please note coal reservations, Acts of 3-3-09 and 6-22-10 (as amended)

Approval noted Dec. 14, 1920 G.P.O. &

12/20/20 coal reservation noted on title book ESB "9" P

920 Certified copy to the Governor - Receipt acknowledged 12-28-20 (G.P.O.)

920 Carbon copy to P. H. Dickinson, with instructions - Receipt acknowledged 1-2-21

920 Notice as to approval to P. H. Bismarck - Receipt acknowledged 1-2-21

920 Notice as to approval to P. H. Minot - Receipt acknowledged 1-2-21

920 Notice as to approval to P. H. Williston - Receipt acknowledged 12-25-20

Index Cards

2 P. 4.

1922

SCHOOL INDEMNITY LANDS.

Land Districts in lieu of, or as indemnity for, the corresponding elections, which were made under the provisions of the Acts of Congress approved February 22, 1889 States Revised Statutes.

DATE OF SELECTION.	NUMBER OF LOTS.	DESCRIPTION OF TRACTS SELECTED.	SECTION.	TOWNSHIP.	RANGE.	MERIDIAN.	AREA OF TRACTS ACRES.	TOTAL AREA OF SELECTIONS ACRES.
<u>Coal reserved to the United States under the Act of March 3, 1909 (35 Stat., 844).</u>								
<u>Bigarok Land District</u>								
June 15, 1908	016120	NE $\frac{1}{4}$	8	141 N	89 W	Fifth		160 00
February 20, 1908	016794	Lots 1, 2, 3 and 4	30	143 N	88 W	"		156 00
June 15, 1908	016802	NE $\frac{1}{4}$	32	144 N	88 W	"		160 00
June 14, 1907	017065	Lots 1 and 2 (NE $\frac{1}{2}$ NE $\frac{1}{4}$)	2	142 N	89 W	"		80 00
<u>Dickinson Land District</u>								
July 2, 1908	019	SW $\frac{1}{4}$	2	138 N	104 W	"		160 00
June 11, 1908	0152	NE $\frac{1}{4}$	22	144 N	96 W	"		160 00
Sept. 16, 1908	01227	S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$	24	133 N	103 W	"		160 00
June 18, 1910	011589	NE $\frac{1}{4}$	12	143 N	98 W	"		160 00
June 18, 1910	011589	W $\frac{1}{2}$	20	144 N	98 W	"		320 00
<u>Minot Land District</u>								
June 9, 1906	014188	Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$	18	153 N	91 W	"		159 84
<u>Coal reserved to the United States under the Act of June 22, 1910 (36 Stat., 583), as supplemented by the Act of April 30, 1912 (37 Stat., 105).</u>								
<u>Dickinson Land District</u>								
June 5, 1915	022850	E $\frac{1}{2}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$	4, 22	138 N	103 W	"	160 00 480 00	640 00
November 4, 1915	023434	SE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$	2	141 N	102 W	"		160 00
June 26, 1917	025126	E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$	8	144 N	103 W	"		320 00
May 24, 1917	025127	NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$	14	141 N	102 W	"		480 00
<u>Williston Land District</u>								
May 3, 1917	023020	N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$	33, 34	153 N	99 W	"	80 00 80 00	160 00
							Total	3435 94

in the

school lands, or losses to its grant for the support of Common Schools, assigned as bases for the
(25 Stat., 576) and February 28, 1891 (26 Stat., 796), amending Secs. 2275 and 2276, United

CAUSE OF LOSS	DESCRIPTION OF BASES	SECTION	TOWNSHIP	RANGE	MERIDIAN	AREA OF TRACTS ACRES		TOTAL AREA OF BASES ACRES	
Cash entry	E $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$	36	145 N	66 W	Fifth	120	00)		
Patented H.E.	SW $\frac{1}{4}$ SW $\frac{1}{4}$	36	163 N	57 W	"	40	00)	160	00
"	E $\frac{1}{2}$ NW $\frac{1}{4}$, Lot 1, 20.44	16	136 N	80 W	"	150	85)		
"	acres of Lot 2, &	36	147 N	91 W	"	5	15)	156	00
Indian allotment	22.32 A. of Lots 3 and 4 Part of NW $\frac{1}{4}$ SE $\frac{1}{4}$	16	163 N	74 W	"	10	00)		
Fractional township	Part of deficiency	16	137 N	80 W	"	22	48)		
"	"	"	142 N	81 W	"	10	00)		
"	"	"	144 N	84 W	"	67	51)		
"	"	"	145 N	79 W	"	6	20)		
"	All of deficiency	"	147 N	84 W	"	43	81)	160	00
"	Balance of deficiency	"							
Patented H.E.	Lot 1 and SW $\frac{1}{4}$ NW $\frac{1}{4}$	16	152 N	104 W	"	72	60)		
Cash entry	Balance of Lot 7	16	163 N	74 W	"	7	48)	80	08
Indian allotment	SE $\frac{1}{4}$	16	162 N	72 W	"			160	00
"	NW $\frac{1}{4}$	16	133 N	81 W	"			160	00
Patented H.E.	SE $\frac{1}{4}$	16	136 N	103 W	"			160	00
Fractional township	Part of deficiency	16	163 N	72 W	"			160	00
"	Balance of deficiency	16	163 N	72 W	"	41	60)		
"	All of deficiency	36	163 N	72 W	"	189	10)		
"	Part of deficiency	"	147 N	102 W	"	88	33)	320	00
"	Part of deficiency	"	148 N	96 W	"		97)		
"	Part of deficiency	"	129 N	50 W	"			159	84
Indian allotment	All	16	132 N	82 W	"			640	000
Indian allotment	NW $\frac{1}{4}$ SE $\frac{1}{4}$, Lots 1, 4, 5, &	36	132 N	84 W	"	101	40)		
"	6.30 acres of Lot 6	36	131 N	80 W	"	5	00)		
"	W $\frac{1}{2}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$	36	131 N	80 W	"	10	00)		
"	W $\frac{1}{2}$ of W $\frac{1}{2}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$	36	129 N	79 W	"	31	80)		
"	(or Lots 29 and 30)	16	151 N	92 W	"		24)		
"	lots 29, 30, 31, 32, 33, 34, &	36	147 N	87 W	"		08)		
"	.79 acre of Lot 35	16	129 N	54 W	"	2	30)		
Cash entry	Balance of SE $\frac{1}{4}$ SE $\frac{1}{4}$	16	147 N	89 W	"	9	18)	160	00
Fractional township	Deficiency	36	147 N	91 W	"			320	00
Indian allotment	Part of NE $\frac{1}{4}$ NE $\frac{1}{4}$	16	148 N	92 W	"			480	00
"	W $\frac{1}{2}$	16	147 N	91 W	"				
"	N $\frac{1}{2}$ and SE $\frac{1}{4}$	16	147 N	91 W	"				
Indian allotment	NE $\frac{1}{4}$	16	147 N	91 W	"			160	00
						Total		3435	98

DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

Washington, D. C., November 19, 1920.

This certifies that the tracts of land described in the foregoing list have been carefully examined and compared with the township plats and tract books in this office, and the same have been found to inure to the State of North Dakota, under its grant for the purpose stated, being free from conflicts or other adverse claims of record. All of the selected lands have been withdrawn as coal lands, some of which have been classified as coal lands at a stated price. A portion of the selected lands has been withdrawn after date of filing of the State's application to select same. These selections are governed by the Act of March 3, 1909 (35 Stat., 844). In these cases the State has elected to take title to the lands exclusive of the coal deposits therein under said act. The lands covered by the remainder of the selections were withdrawn for coal prior to date of selection. In these cases the State has consented to take title with reservation to the United States of all coal deposits in the lands under the act of June 22, 1910 (36 Stat., 583), as supplemented by the Act of April 30, 1912 (37 Stat., 105). The selected lands are not embraced in any withdrawal for power-site or reservoir purposes. The Director of the U. S. Geological Survey has reported that the records of the Survey indicate that the selected lands contain no valuable deposits of mineral, other than coal, and that the selected lands have no valuable power-site or reservoir possibilities.

Daniel J. O'Connell
Examiner.

APPROVED:

G. B. Driesbach
Chief, Division "G".

DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

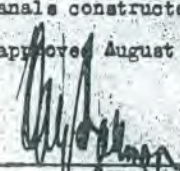
Washington, D. C. December 6, 1920.

It is hereby certified that the tracts of land described in this list, number 34, are embraced in the original lists, on file in this office, of lands selected by the State of North Dakota pursuant to the laws of said State, in the Bismarck, Dickinson, Minot and Williston land districts, as indemnity for losses in the sections and townships named, which school land indemnity selections, are authorized by the Acts of Congress cited.

It is further certified that the lands reported lost or deficient in said list and those selected in lieu thereof have been examined and compared with the township plats and tract books in this office; that the indemnity lands claimed have been found to be properly due the townships for which they were selected, and the selected lands are shown to be subject to such selection, being surveyed public lands, within the limits of said State, free from adverse claims of record. It is disclosed by the records of this office, as indicated on the face of this list, that all of the selected lands have been withdrawn as coal lands, or have been classified as coal lands at a stated price. The lands selected in some of the lists, having been withdrawn as coal lands after date of selection, are governed by the Act of March 3, 1909 (35 Stat., 844). The State has elected to take title to the lands selected in such lists with reservation to the United States of all coal deposits therein

under said act. The other selections come under the act of June 22, 1910 (36 Stat., 583). As to these lands the State has filed waiver of all its rights to the coal deposits therein and has consented to take title to such lands under the Act of June 22, 1910 (36 Stat., 583).

It is, therefore, recommended that said list, embracing 3,435.92 acres, be approved, subject to any valid interfering rights existing at date of selection, excepting and reserving, however, to the United States all the coal in the lands, and to the United States, or persons authorized by the United States, the right to prospect for, mine and remove the coal from the same upon compliance with the conditions and subject to the provisions and limitations of the Acts of Congress approved March 3, 1909 (35 Stat., 844), and June 22, 1910 (36 Stat., 583), and excepting and reserving unto the United States rights-of-way over and across the said selected lands for ditches or canals constructed by its authority, all as directed and required by the Act of Congress approved August 30, 1890 (26 Stat., 391).


Commissioner.

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Washington, D. C.

DEC 7-1920

The foregoing selections, embracing 3,435.92 acres, are hereby approved, subject to any valid interfering rights existing at date of selection, but excepting and reserving to the United States all coal deposits in the lands, and to the United States, or persons authorized by the United States, the right to prospect for, mine, and remove the coal, from the same, upon compliance with the conditions and subject to the provisions and limitations of the Acts of Congress approved March 3, 1909 (35 Stat., 844), and June 22, 1910 (36 Stat., 583), and excepting and reserving unto the United States rights-of-way over and across said selected lands for ditches or canals constructed by its authority, all as directed and required by the Act of Congress approved August 30, 1890 (26 Stat., 391).


First Assistant Secretary
RWD
T.M.