



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
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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 9, 2015

Mr. Donn Steffen
Environmental Manager
Coyote Creek Mining Company
6502 17th St. SW
Zap, ND 58580

Dear Mr. Steffen:

The Reclamation Division has reviewed Coyote Creek Mining Company's February 16, 2015 response to our February 5, 2015 completeness review letter for Revision No. 1 to Permit NACC-1302 for the Coyote Creek Mine. This revision proposes to add approximately 352 acres for a haul road corridor and is a significant revision, therefore subject to the notice, hearing and procedural requirements. The following items must be satisfactorily addressed before the Reclamation Division can deem the application complete.

Section 1.1.2 – Revision Summary Pages

1. Please include a statement in the revision summary indicating that the revision application also updates the design information for the Coyote Creek crossings in the existing permit area.
(RLK/GAW)

Section 1.5.1 – Permit Area Surface and Coal Interests

2. Follow-up to item No. 8: Although recorded plats for Tract 0070 (Section 9) and Tract 0071 (Section 10) were added as pages 7 and 8 to Easement Agreement No. CY010 in Section 1.5.1 as requested, it appears that the metes and bounds descriptions for these tracts were revised after the plats for Tracts 0070 and 0071 were certified in mid to late 2013. The metes and bounds descriptions, acreages, and resulting permit boundaries for Tracts 0070 and 0071 are consistent throughout Sections 1.2.4, 1.5.1, 1.5.3, and Exhibit A - Subject Lands Description (page 5) of Easement Agreement No. CY010, but the descriptions and depictions on recorded plats for Tracts 0070 and 0071 added to Easement Agreement No. CY010 differ considerably. Tract 0070 (Section 9) is the south 840 feet of the section measuring 101.6 acres but the recorded plat describes and depicts the south 480 feet of the section measuring 58 acres. Tract 0071 (Section 10) measures 114.8 acres in the south half of the section but the recorded plat describes and depicts 182.4 acres encompassing portions of every quarter section. Please provide revised certified plats for Tract 0070 (Section 9) and Tract 0071 (Section 10) for Easement Agreement No. CY010 that are consistent with the metes and bounds descriptions, acreages, and resulting permit boundaries for Tracts 0070 and 0071 in Sections 1.2.4, 1.5.1, 1.5.3, and

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Exhibit A - Subject Lands Description (page 5) of Easement Agreement No. CY010. Please also verify that the revised plats have been filed with the Mercer County Recorder as part of Easement Agreement No. CY010. (WTG)

Section 2.8 – Cultural Resources

3. Follow-up to item No. 25: None of the hyperlinks provided in the Cultural Resource Summary, Section 2.8.1, are operable. It was noted that the hyperlinks in the Revision No. 1 application version do work. Please restore the hyperlink functions in Section 2.8.1. (BEB)

Section 3.1 – Operations – General

4. Follow-up to item No. 27: Regarding design of the coal processing facility, please add KBR Engineering to the listing of Permit Application Authors and Consultants in Section 1.3.6, under the heading of Operations Plans. (BEB)
5. Follow-up to item No. 29: Surface topographic elevations are nearly impossible to discern on the maps in Section 3.1.2, 3.1.3, and 3.1.5. In most instances, the index contour lines are covering up the elevation labels. Please either position the elevation numbers on top of the index contours and/or provide a different or darker color for the contour elevation numbers so that they're legible and the information is usable. (BEB)
6. Follow-up to item No. 32: Please update the narrative for the County Road 12 paragraph on page 1 of Section 3.1.1.6 to reflect the Mercer County Commission's decision to require a bridge for County Road 12 or haulroad underpass as opposed to an existing grade haulroad crossing. Please provide a description and schedule for the temporary existing grade haulroad crossing and constructing the bridge or underpass. (WTG/RLK)

Section 3.2 – Transportation Facilities

7. Follow-up to item No. 32: Please update the narrative for the North-South Haulroad and County Road 12 in the first paragraph of page 1 of Section 3.2.4 and the first and second paragraphs of page 1 of Section 3.2.8 to reflect the Mercer County Commission's decision to require a bridge for County Road 12 or haulroad underpass. Please provide a description and schedule for installing the temporary existing grade haulroad crossing and the life of mine structure. (WTG)
8. Follow-up to item No. 32: Please update Section 3.2.4.1(Sheet 1 of North-South Haulroad) to reflect the Mercer County Commission's decision to require a bridge for County Road 12 or haulroad underpass by depicting and labeling a temporary existing grade haulroad crossing and make appropriate changes for the life of mine bridge or underpass. Please also revise note number 2 for County Road 12 as necessary. (WTG)
9. Follow-up to item No. 32: Please update Section 3.2.8.1 (Sheet 1 of Haulroad North of County Road 12) to reflect the Mercer County Commission's decision to require a bridge for County Road 12 or haulroad underpass by depicting and labeling a temporary existing grade haulroad crossing and make appropriate changes for the life of mine structure. Please revise the current haulroad crossing labeling for County Road 12 as necessary. (WTG)

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Also, the 120-day review period remains suspended until all of the items listed above have been satisfactorily addressed.

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