



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Brian P. Kalk

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

April 2, 2015

David Berry, Regional Director
Office of Surface Mining
Western Regional Coordinating Center
1999 Broadway, Suite 3320
Denver, CO 80202-3050

Dear Mr. Berry:

The Coyote Creek Mining Company, L.L.C. has filed an application for Revision No. 1 to Surface Coal Mining Permit NACC-1302 to add 352 acres of land to the permit for a haul road and other associated disturbances. The lands included in this application include several tracts of unleased federal coal. The federal coal tracts are located in portions of Sections 10 and 18, T143N, R88W in Mercer County. 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.

Enclosed is a DVD that contains the approved permit as well as the revision application. 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 the surface disturbances over federal coal that is proposed to support mining of the adjacent non-federal coal tracts. More detailed plans for the haul road are in Section 3.2.8 for the portion north of County Road 12.

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 additional unleased federal coal tracts as proposed in Revision No. 1 to Permit NACC-1302 will not adversely affect the federal mineral estate. A response within 60 days will be greatly appreciated.

Mr. David Berry

April 2, 2015

Page 2 of 2

If you have any questions, please contact this office.

Sincerely,



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/CoyoteCreek/Permits/NACC-1302/Revisions/No.1/OSM_advry_rvw_rqst_ltr_4-2-15.docx