

May 9, 2015

North Dakota Public Service Commission
600 E Boulevard Ave., Dept. 408
Bismarck, North Dakota 58505-0480

RE: Comments and request for informal hearing regarding surface mining permit application NACC-1302, Revision 1

Casey Voigt respectfully submits the following public comment on mining permit application NACC-1302, Revision 1, by and through counsel. In addition, Mr. Voigt also incorporates by reference into this comment the comments of the Dakota Resource Council submitted on May 9, 2015 for this mining permit application and requests an informal hearing as provided under N.D.C.C. § 38-14.1-18 and N.D.C.C. § 38-14.1-19 to further discuss the issues raised in this comment.

Revision 1 to mining permit NACC-1302 would establish a coal haul road, coal processing facility, and an open coal pile. Mr. Voigt is particularly concerned about dust and fugitive emissions from these facilities. Mr. Voigt owns land in the SW1/4 of Section 16, T143N, R88W, as well as the N ½ of section 21. He also runs cattle on lands that he owns in Section 19 of T143N, R88W. These lands immediately abut or are in close proximity to the land encompassed by Coyote Creek's application for Revision 1 to this mining permit.

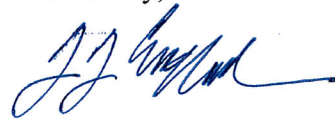
Mr. Voigt has direct experience with dust emissions from haul roads, as he presently leases land near a haul road from Dakota Westmoreland. He has had to treat his cattle for dust-induced livestock pneumonia in the past, the risk of which would be increased by these new significant sources of dust in the area. Dust emissions also change his cattle's grazing patterns and reduce the ability for his grasses to grow near the sources of these emissions.

Mr. Voigt is concerned that Coyote Creek's application does not contain standards that will ensure that "all surface areas" will be "effectively control[led]" for dust and other air pollution and that this may impact his ranch's productivity, his livestock's health, and the health of his family and neighbors.¹ For example, Coyote Creek's application's fugitive dust emissions

¹ N.D.A.C. § 69-05.2-24-08(3).

plan is extremely vague.² If the application is approved in its current form, it would be difficult, if not impossible, to ensure that Coyote Creek will in fact effectively control for air pollution from exposed surface areas such as roads and coal piles. He therefore requests that the PSC add particularized standards to this permit to ensure that air quality is protected as required by SMCRA.

Sincerely,

A handwritten signature in blue ink, appearing to read "JJ England", with a long horizontal flourish extending to the right.

JJ England

² See Section 3.1.1.2 of Coyote Creek's application.