



**NOTICE OF VIOLATION**  
**NORTH DAKOTA PUBLIC SERVICE COMMISSION**  
 SFN 18099 (10-91)

		N.O.V. Number 1502	
Name of Permittee Coyote Creek Mining Company, L.L.C.		Permit Number NACC-1302	
Address 6502 17th St. SW	City Zap	State ND	Zip Code 58580
Telephone Number 701-873-7800	Mine Coyote Creek Mine	County Mercer	
Name of Operator (if other than permittee)			
Address		City	State Zip Code
Date of Inspection June 30, 2015		Time of Inspection From: 1:00 <input type="checkbox"/> a.m. <input checked="" type="checkbox"/> p.m. To: 3:00 <input type="checkbox"/> a.m. <input checked="" type="checkbox"/> p.m.	

Under the authority of North Dakota Century Code Chapter 38-14.1, the undersigned authorized representative of the Commission has conducted an inspection of the above mine on the above date and has found a violation of the statute, rules, permit condition(s), or section(s) of the approved operations and reclamation plan listed on page 2 of this Notice of Violation.

You must abate this violation within the designated abatement time.

The undersigned authorized representative finds that cessation of surface mining activities  is  is not expressly or implicitly required by this Notice of Violation.

This Notice of Violation shall remain in effect until it expires as provided on the reverse side of this page, or is terminated or vacated by written notice by an authorized representative of the Commission.

Print Name of Person Served Donn Steffen	Print Title of Person Served Engineering and Environmental Manager
Method of Service <input type="checkbox"/> Personal <input checked="" type="checkbox"/> Certified Mail	Date of Service 07-07-2015
Signature of Person Served	Signature of Authorized Representative 

**Nature of Violation**

A runoff event in late June caused erosion downstream of the outlet of the 60" low flow culvert in the Coyote Creek Mine shop access road. Flows from the culvert created an erosion feature on the opposite stream bank ("island area") that was approximately 15-20' wide, 15-20' long and about 10' deep. No special erosion control or stabilization measures were in place at the culvert outlet.(Continued

(if applicable, include the extent to which the violation cannot be corrected)

**IMPORTANT - PLEASE READ THE REVERSE OF THIS PAGE**

Coyote Creek Mining Company  
June 30, 2015 Inspection

Nature of Violation

Water flows in Coyote Creek had been diverted through this culvert while the adjacent larger high flow box culverts were being installed.

Notice of Violation Number  
NOV-1502

Provision(s) of the Statute, Rules, or Permit Violated
NDCC 38-14.1-24(15): Failure to control erosion
NDAC 69-5.2-24-03(5)(b): Failure to control erosion at the culvert outlet

Portion of the Operation to which this Notice Applies (Include legal description)
The area below the Coyote Creek culvert outlet located in the SE¼ of Section 30, T143N, R88W.

Remedial Action Required (including interim steps, if any)
Submit a plan for stabilization and protection of the outlet area of the low flow culvert and/or removal of the stream bed island for review and approval by the Reclamation Division. Upon approval, implement the approved plan.

Time for Abatement (including interim steps, if any)
The stabilization and protection plan and/or island removal plan must be submitted within 5 days of receipt of the NOV. The approved plan must be implemented within 10 days of approval.

**IMPORTANT - PLEASE READ CAREFULLY**

1. **MINESITE HEARING.** A Notice of Violation which requires cessation of surface mining activities, expressly or by necessary implication, shall expire within thirty (30) days after it is served unless an informal public minesite hearing has been held at or near the minesite within that time or the hearing has been waived. On the reverse of this page, an authorized representative has made a finding as to whether this Notice requires cessation of surface mining activities. If cessation of mining is required, an informal public minesite hearing will be automatically scheduled by the North Dakota Public Service Commission and will be held within thirty (30) days of the service of this Notice, unless you or your agent waive that hearing in writing.
2. **INFORMAL CONFERENCE.** Notwithstanding the informal minesite hearing provided for in paragraph 1, you must apply for an informal conference with the North Dakota Public Service Commission within thirty (30) days of issuance of this Notice in order to preserve your appeal rights. You may apply for an informal conference by submitting a written request for an informal conference to the North Dakota Public Service Commission within thirty (30) days of issuance of this Notice to you or your agent. The informal conference will be held in the locality of the mine if requested. A stenographic record will be made of the informal conference unless waived by all parties.
3. **FORMAL PUBLIC HEARING.** If you do not desire an informal conference, you may apply for a formal hearing regarding this Notice by submitting a written request for a hearing to the North Dakota Public Service Commission within thirty (30) days of issuance of this Notice to you or your agent. If you do not request an informal conference or a formal public hearing within thirty (30) days, your right to appeal will be forfeited. Please note that you will also have the opportunity to request a formal hearing within thirty (30) days of the decision on the informal conference held under paragraph 2.
4. **TEMPORARY RELIEF.** You have the right to request temporary relief from this Notice pending completion of any investigation and hearing procedures being conducted. A request for temporary relief must be in writing as set forth in subsection 4 of North Dakota Century Code Section 38-14.1-30 and filed with the North Dakota Public Service Commission. The request for temporary relief must include a detailed statement giving reasons why such temporary relief should be granted. The request for an informal conference or a formal public hearing will not stay enforcement of this Notice unless temporary relief is requested and granted.