



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

July 9, 2015

Mr. JJ England
Baumstark Braaten Law Partners
109 N 4th Street, Suite 100
Bismarck, ND 58501

Dear Mr. England:

The Reclamation Division conducted two unannounced inspections of the Coyote Creek Mine on June 25th and 30th in response to Casey Voigt's June 24th verbal complaint and the follow-up written complaint that you e-mailed to us on June 25th. As a result of these inspections, Notice of Violation (NOV) No. 1502 was issued and mailed to the Coyote Creek Mining Company on July 7th. Attached are copies of the NOV and inspection reports prepared by staff for the June 25th and 30th mine inspections. In addition, we conducted a flyover of the five active mines in Mercer, McLean and Oliver Counties on June 25th and a copy of the aerial inspection report for the Coyote Creek Mine is also attached.

We found that a large erosion feature developed immediately below that outlet of the 60-inch culvert that was installed in the shop access road this spring and that Coyote Creek Mining Company had not taken appropriate measures to prevent erosion at the culvert outlet. The NOV was issued for the failure to prevent and control erosion at this outlet as required by N.D. Admin. Code Section 69-05.2-24-03(5)(b).

Also, if Mr. Voigt is not satisfied with our actions he has the right to request an informal review of this matter pursuant to N.D. Admin. Code Section 69-05.2-28-02. Please contact me if you or Mr. Voigt have any questions.

Sincerely,

James R. Deutsch
Director
Reclamation Division

Attachments

cc: Casey Voigt
Donn Steffen
Jeff Fleischman

CERTIFIED MAIL

Minedata/CoyoteCreek/Permits/NACC-1302/AdminCorr/2015/Voigt_complaint_rsp_ltr_7-9-15