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[www.land.nd.gov](http://www.land.nd.gov)

Lance D. Gaebe, Commissioner

January 15, 2016

MERCER COUNTY COMMISSIONERS  
C/O SHANA BROST  
PO BOX 39  
STANTON ND 58571-003

Re: Petition for Closing Public Roads pursuant to N.D.C.C. Chapters 38-01-07.1 and 38-01-07.2 in:  
**Mercer County**  
Township 142 North, Range 88 West  
Section 6: W2, W2E2  
Township 142 North, Range 89 West  
Section 12: N2N2  
Township 143 North, Range 89 West  
Section 24: N2, SE4  
Section 26: N2, SW4  
Section 36 ALL

Dear County Commissioners:

The Department of Trust Lands (DTL) recently received notification from Coyote Creek Mining Company (CCMC) regarding a hearing on a Petition for Temporarily Closing of Public Roads in Township 142 North, Range 88 West, Township 143 North, Range 89 West, Township 143 North, Range 88 West, and Township 143 North, Range 89 West, in Mercer County. The DTL is providing this written comment and will appear in person before the Mercer County Commission to answer any questions.

The DTL manages surface and mineral interests within the Coyote Creek Coal Mine, including the W2 and W2E2 of Section 6, T142N, R88W, N2N2 of Section 12, T142N, R89W, and the N2 and SE4 of Section 24, the N2 and SW4 of Section 26 and all of Section 36, T143N, R89W, in Mercer County. This land was granted by Congress to the State of North Dakota at statehood for the support of public schools. The surface and mineral interests on these tracts are leased in order to provide income to support schools. On those mineral tracts within the Coyote Creek mine there is potential to provide coal royalties of substantial benefit to the Common School Trust Fund.

The DTL supports the proposed temporary closure of the statutory section line easement in order for CCMC to complete mining operations, as well as closure of the undocumented road passing through the SW4 Section 36, T143N, R89W. The DTL is unaware of any issued or recorded legal document permitting this road, and because the road has been improved, it is a liability risk. The DTL intends to ask the CCMC to not rebuild the road following mining as this would re-create a liability. Unimproved trails are not uncommon on school trust lands, as they are considered agricultural access for management purposes. These types of trails should not be improved without a valid right-of-way.

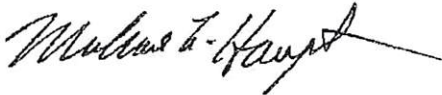
Upon the conclusion of coal mining and before reclamation of the surface, should Mercer County desire to obtain a valid road right-of-way on an agreed upon route across the SW4 Section 36, T143N, R89W, the DTL will cooperate in doing so. The DTL would also work with Mercer County on road right-of-way options on DTL land outside of the current statutory section line right-of-way.

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The temporary closure of the section line roads and roads listed in the petitions that involve school trust lands is desired, because it allows for the development of the coal mineral interest thus increasing the value of this property.

Please accept this letter as our formal testimony.

Sincerely,



Michael L. Haupt, CPRM  
Land Management Professional

cc: COYOTE CREEK MINING COMPANY  
2000 SCHAFER ST STE D  
BISMARCK ND 58501-1204

cc: CASEY VOIGT  
PO BOX 454  
BEULAH ND 58523-0454