



# Public Service Commission

## State of North Dakota

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June 13, 2019

Ms. Jessica Unruh  
Environmental Manager  
Coyote Creek Mining Company, LLC  
6502 17th St. SW  
Zap, ND 58580

Dear Ms. Unruh:

The Reclamation Division has conducted a completeness review of the applications for Renewal No. 1 and Revision No. 9 to Permit NACC-1302 for the Coyote Creek Mine. The following items must be adequately addressed before the application can be deemed complete and approval granted to begin publication of the newspaper notice for the permit renewal and revision. Some of the items may be more technical in nature; however, they will provide additional clarity before the revision application is sent to the Advisory Committee and other interested parties. A prompt response is necessary to keep the revision and renewal applications on schedule prior to the expiration of the current permit term.

### **Section 1.1.1 – Application Forms**

1. Please include a Revision 9 Bookmark subsection in Section 1.1.1, Application Forms, as was done for the previous eight revisions. (GAW)
2. The first sentence of the Revision description states, “This revision serves as Renewal 1”. Please revise to clarify that Revision No. 9 updates the permit for Renewal 1, which is the second term of the permit. (GAW/PJR)

### **Section 1.1.2 – Revision Summary Pages**

3. Please revise the summary description of Revision 9 to include the same change requested in item No. 2 above and to include detailed information regarding the changes being proposed with Revision 9 as required by NDAC 69-05.2-11-02(4)(a). Stating that various sections of the permit are being updated provides no meaningful information regarding the changes being proposed. (GAW/PJR)

### **Section 1.2.4 – Newspaper Publication Notice**

4. Please revise the first sentence in the public notice that states “*The Coyote Creek Mining Company...as application, has filed.*” The word application should be changed to applicant. Alternatively, the words as application can be completely deleted so that the sentence would state

*"The Coyote Creek Mining Company...has filed an application..."* Please review and update. (PJR/BEB)

5. The word "term" is misspelled in the second sentence of the second paragraph in the public notice. Please correct this error. (GAW/PJR/BEB)
6. Please consider revising the third paragraph of the newspaper notice by replacing the wording "and is found" to "as depicted" so the sentence states, *the permit area is approximately ten miles southwest of Beulah as depicted on the newspaper publication notice map.* (GAW)
7. As required by NDAC 69-05.2-11-03(6), please also reference Renewal 1 in the first sentence of the last paragraph on page 62 of the newspaper notice. "Written comments, objections, or requests for an informal conference on the revision **and/or renewal**..." (GAW)
8. As required by NDAC 69-05.2-10-01(1)(d), please consider describing any section line(s) on page 62 of Section 1.2.4 for which Coyote Creek Mining Company LLC will request temporary closure to conduct surface coal mining and reclamation operations or approve to conduct mining operations within 100 feet of the outside right-of-way during the second permit term. The Pit Layout and Facilities Map, Section 3.1.3, indicates that a portion of the section line between the SE1/4 of Section 1 and the SW1/4 of Section 6 of T142N, R88W will be disturbed during the next term of permit. (GAW)
9. Please include bookmark subsections in Section 1.2.4, Newspaper Publication Notice, so that an individual notice can be found without paging through the entire document. Including the revision number and date in the lower right hand portion of the page footer would help identify the individual notice. (GAW/PJR/RLK)

#### **Section 1.2.4.3 – Newspaper Publication Notice Map for Revision 9**

10. Please remove the NACC-1301 permit boundary and label from the publication map. The permit was consolidated into Permit NACC-1302 and is no longer relevant. (PJR/RLK)

#### **Section 2.2 – Surface Water Hydrology**

11. Pre-renewal Item No. 9 requested that the Surface Water Hydrologic Reclamation Plan and Probable Hydrologic Consequences in Section 2.2.4 of the permit be updated, if necessary, for any changes planned during the next term of the permit. CCMC responded that Section 2.2.4 was reviewed and no changes were necessary. However, postmining watershed changes are proposed with Revision 9 that require updated analysis of the pre- and post-mining watersheds shown in Tables in Sections 2.2.4.3 and the Post-Mining Probable Hydrologic Consequences Map, Section 2.2.4.2. Please review and revise Section 2.2 accordingly. (GAW)

#### **Section 2.4 – Pre-Mining Land Use and Vegetation**

12. Pre-Renewal Item No. 11 requested updates to Section 2.4 if any land use changes occurred since the permit was originally approved. CCMC responded that no changes were required but the cropland located in the southwest corner of the E1/2NE1/4 of Section 30 is no longer being annually tilled and the county road corridor northeast of the Coyote Creek crossing in the SE1/4

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of Section 31 has been altered. Please review and revise the permit to address these changes so that the permit is current and up-to-date. (GAW)

**Section 2.7 – Fish and Wildlife Resources**

13. Follow-up to Pre-renewal item No. 12: Please update Sections 2.7.2.8 and 2.7.3 in regards to Federal Threatened, Endangered, and Candidate Species found in North Dakota, to include a discussion about the potential presence of the Rusty Patched Bumble Bee (*Bombus affinis*). This species was listed as endangered on January 11, 2017, effective February 10, 2017, and its historic range included a portion of North Dakota. (PJR)

If you have any questions, please contact this office.

Sincerely,



Dean K. Moos  
Director  
Reclamation Division