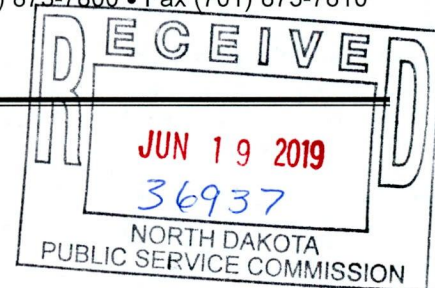


# COYOTE CREEK MINING COMPANY, L.L.C.

A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION

6502 17<sup>th</sup> Street SW  
Zap, ND 58580

(701) 873-7800 • Fax (701) 873-7810



June 17, 2019

Mr. Dean K. Moos  
Director Reclamation and AML Divisions  
North Dakota Public Service Commission  
600 East Boulevard Avenue  
Department 408  
Bismarck, ND 58505-0480

Dear Mr. Moos:

Enclosed are three DVDs containing responses to your letter dated June 13, 2019 regarding a completeness review for renewal and Revision 9 of Surface Coal Mining Permit NACC-1302. Upon notice from your office that the revision has been deemed complete, Coyote Creek Mining Company, L.L.C. will begin public notice of the permit renewal as can be found in Section 1.2.4. Please see responses below for other changes.

### 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)
  - a. Requested changes were made.
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)
  - a. Requested changes were made to page 3 of the Revision Application Form.

### 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)
  - a. Requested changes were made to page 16 of Section 1.1.2 and page 3 of the Revision Application Form.

**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)
  - a. Requested changes were made to page 49 of Section 1.2.4.
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)
  - a. Requested changes were made to page 49 of Section 1.2.4.
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)
  - a. Requested changes were made to page 49 of Section 1.2.4.
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)
  - a. Requested changes were made to page 63 of Section 1.2.4.
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)
  - a. Requested changes were made to page 62 of Section 1.2.4.
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)
  - a. Requested changes were made to Section 1.2.4.

**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)
  - a. Requested changes were made to Section 1.2.4.3.

### **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)
  - a. Requested changes were made to pages 10-12 of Section 2.2.4, Section 2.2.4.2 and pages 1-3 of Section 2.2.4.3.

### **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 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)
  - a. Requested changes were made to Sections 2.4.3, 2.4.4 and 4.1.3. While the county road corridor northeast of the Coyote Creek crossing in the SE¼ of Section 31 has been altered, it was not altered as a result of mining activities.

### **Section 2.7 – Fish and Wildlife Resources**

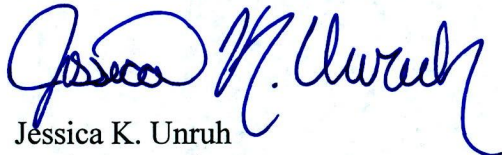
13. Follow-up to Pre-renewal item No. 12: Please update Sections 2.7.2.8 and 2.7.3 in regards to Federal Threatened, Endangered, and Candidate Species found in North Dakota, to include a discussion about the potential presence of the Rusty Patched Bumble Bee (*Bombus affinis*). This species was listed as endangered on January 11, 2017, effective February 10, 2017, and its historic range included a portion of North Dakota. (PJR)
  - a. The rusty patched bumblebee was listed as an endangered species on January 11, 2017. Historically the range of the rusty patched bumble bee extended into North Dakota. Upon final listing, the USFWS did not list North Dakota as a state in which they believe the rusty patched bumble bee to occur. Therefore, CCMC does not feel it is necessary to include information within the permit on the rusty patched bumble bee at this time. Source:<https://www.fws.gov/midwest/endangered/insects/rpbb/factsheetrpbb.html>  
<https://www.fws.gov/midwest/endangered/insects/rpbb/rpbbmap.html>

Mr. Dean Moos  
June 17, 2019  
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Please feel free to contact me with any questions. Thank you for your consideration.

Sincerely,

COYOTE CREEK MINING COMPANY, L.L.C.



Jessica K. Unruh  
Environmental Manager

JKU  
Enc.



**APPLICATION FOR REVISION OF PERMIT TO ENGAGE IN  
SURFACE COAL MINING AND RECLAMATION OPERATIONS**  
PUBLIC SERVICE COMMISSION  
RECLAMATION DIVISION  
SFN 10562 (1-2004)

Date  
May 20, 2019

Name of Company, Corporation, Partnership, or Individual Coyote Creek Mining Company	Permit Number NACC-1302	Revision Number 9	
Address 6502 17th Street SW	City Zap	State ND	Zip Code 58580

The above named hereby makes application for the above Revision Number to: (include a brief description of the surface coal mining and reclamation operation being revised.)  
Please see attached.

Attached to this Permit Revision Application are a narrative describing the proposed permit revision, reasons for requesting the revision, and appropriate maps, cross-sections, graphs, construction details, revised reclamation plans and other data which demonstrate compliance with Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and the permit conditions of the approved permit. If an incidental boundary revision involving an acreage adjustment is being requested as part of the permit revision application, the following information shall be included (attach a copy of a metes and bounds description):

NAME OF MINE	ACRES	LOCATION			
		SEC.	TWP.	RANGE	COUNTY
Coyote Creek Mine	N/A				
ADDRESS					
6502 17th Street SW					
Zap, ND 58580					
<b>TOTAL ACRES</b>					

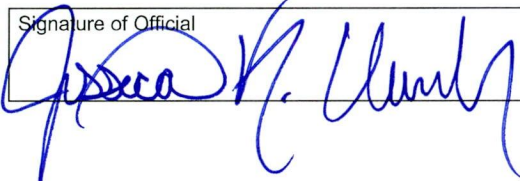
Based upon the proposed changes and any incidental boundary revisions to the permit as stated herein, a new or adjusted bond, or its equivalent, duly executed in accordance with Section 38-14.1-16 of the North Dakota Century Code and Chapter 69-05.2-12 of the North Dakota Administrative Code will be delivered to the Public Service Commission prior to issuance of the surface coal mining and reclamation operations permit herein requested. A check for filing fees, pursuant to Section 38-14.1-13 of the North Dakota Century Code, in the amount of \$ 0, is included with the revision application.

Name of Official Authorized to Represent the Applicant  
Jessica K. Unruh

I, the above named, certify that:


1. All information and documents required by Sections 38-14.1-13, 38-14.1-14, and 38-14.1-15 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, are submitted as part of this permit application;
2. Information and documentation contained in the permit application affirmatively demonstrate that:
  - a. The permit revision application is accurate and complete and all the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code have been complied with;
  - b. Reclamation as required by Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code can be accomplished under the reclamation plan contained in this permit revision application;

- c. An assessment of the probable cumulative impact of all anticipated mining in the general area on the hydrologic balance as specified in subdivision o of subsection 1 of Section 38-14.1-14 has been made and the proposed operation has been designed to prevent material damage to the hydrologic balance both on and off the mine site;
  - d. The area proposed to be affected is not included within an area designated unsuitable for all or certain types of surface coal mining and is not within an area under study for such designation in an administrative proceeding;
  - e. The proposed surface coal mining operation will not interrupt, discontinue or preclude farming on alluvial valley floors that are irrigated or naturally subirrigated and will not materially damage the quantity or quality of water in surface or underground water systems that supply these alluvial valley floors; and
  - f. The permit revision applicant has the legal right to surface mine the land for which this permit revision application is made and all of the requirements of Chapter 38-18 of the North Dakota Century Code have been complied with.
3. The area proposed to be affected is not included within an area where mining is prohibited pursuant to Section 38-14.1-07 of the North Dakota Century Code; unless specifically allowed in accordance with the provisions of Section 69-05.2-04-01 of the North Dakota Administrative Code; and
4. The surface coal mining and reclamation operations contained in this permit revision application will be carried out at all times in a manner which ensures that all of the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and any permit conditions attached thereto are complied with.

Signature of Official 	Title Environmental Manager
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**VERIFICATION**

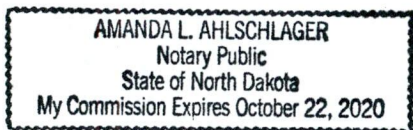
I, Tyler Barth, being first and duly sworn, verify that the information contained in this Permit Revision Application is true and correct to the best of my knowledge and belief.


Signature of Official 	Title Engineering Manager
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STATE OF North Dakota )  
 )ss.  
 COUNTY OF Mercer )

Subscribed and Sworn before me, this 17<sup>th</sup> day of June, 2019.

(SEAL)



  
 Notary Public

My Commission Expires: \_\_\_\_\_

This revision updates the permit for Renewal 1, which is the second term of the permit. Updates to legal information were made to reflect current ownership within the permit area. The fish and wildlife resource sections were updated to include up to date threatened and endangered species lists and practices. Pit layouts were adjusted in the operations sections, and associated changes were made to variance areas, coal production, and pit layout and facilities map. Revegetation procedures were revised to adjust the timing of seeding of native grassland tracts and location of reference areas. Woodland replacements were adjusted in the post-mine land use map to accurately reflect affected acres. Updates were made to the worst case bond to reflect changes in mining. Also, the post-mining topography was revised to better reflect mining progression during the first term of the permit and allow for the preservation of woodlands, slope reductions and the natural shift in overburden. The probable hydrologic consequences section was updated to reflect these changes.