



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

Brian Kroshus  
Julie Fedorchak  
Randy Christmann

600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
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Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
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TDD: 800-366-6888 or 711

July 12, 2019

Mr. Jeffrey Fleischman, Chief  
Denver Field Division  
Office of Surface Mining  
PO Box 11018  
150 East B Street  
Casper, WY 82602-5004

Dear Mr. Fleischman:

Coyote Creek Mining Company, L.L.C. has filed an application for Revision No. 9 and Renewal No. 1 to Surface Coal Mining Permit NACC-1302 for the Coyote Creek Mine. Revision No. 9 identifies the next five-year coal removal areas. The revision also updates the legal information, natural and cultural resource information, operations and reclamation plans and the worst case bond estimate for the permit renewal. Enclosed is a DVD of the revision application for your agency's review.

As you are aware, a lease by application is in progress for a 320 acre federal coal tract at the Coyote Creek Mine (NDM 110277). The federal coal tract being considered in this lease application is located in the SW1/4 of Section 24 and the SE1/4 of Section 26, T143N, R89W. Permit NACC-1302 currently includes a condition that no overburden or coal removal may occur on this tract prior to federal mine plan approval and that condition will remain effective with this revision.

Please reply with any comments on the revision application by July 31, 2019.

Sincerely,

Dean K. Moos  
Director  
Reclamation Division

Enclosure

Minedata/CoyoteCreek/Permits/NACC-1302/Revisions/No.9/Rev9\_Ren1\_Advsry\_rw\_rqst\_ltr\_7-12-19



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July 12, 2019

Mr. Marcelo Calle  
Program Support Division  
Western Regional Coordinating Center  
Office of Surface Mining  
1999 Broadway, Suite 3320  
Denver, CO 80202-3050

Dear Mr. Calle:

Coyote Creek Mining Company, L.L.C. has filed an application for Revision No. 9 and Renewal No. 1 to Surface Coal Mining Permit NACC-1302 for the Coyote Creek Mine. Revision No. 9 identifies the next five-year coal removal areas. The revision also updates the legal information, natural and cultural resource information, operations and reclamation plans and the worst case bond estimate for the permit renewal. Enclosed is a DVD of the revision application for your agency's review.

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July 12, 2019

Mr. Nate Arave  
Chief, Branch of Solid Minerals  
Bureau of Land Management  
5001 Southgate Dr.  
Billings, MT 59101-4669

Dear Mr. Arave:

Coyote Creek Mining Company, L.L.C. has filed an application for Revision No. 9 and Renewal No. 1 to Surface Coal Mining Permit NACC-1302 for the Coyote Creek Mine. Revision No. 9 identifies the next five-year coal removal areas. The revision also updates the legal information, natural and cultural resource information, operations and reclamation plans and the worst case bond estimate for the permit renewal. Enclosed is a DVD of the revision application for your agency's review.

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Sincerely,

Dean K. Moos  
Director  
Reclamation Division

Enclosure

cc: w/o Enclosure John Ames



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July 12, 2019

Mr. Loren Wickstrom  
Field Office Manager  
Bureau of Land Management  
ND Field Office  
99 23<sup>rd</sup> Ave West, Suite A  
Dickinson, ND 58601

Dear Mr. Wickstrom:

Coyote Creek Mining Company, L.L.C. has filed an application for Revision No. 9 and Renewal No. 1 to Surface Coal Mining Permit NACC-1302 for the Coyote Creek Mine. Revision No. 9 identifies the next five-year coal removal areas. The revision also updates the legal information, natural and cultural resource information, operations and reclamation plans and the worst case bond estimate for the permit renewal. Enclosed is a DVD of the revision application for your agency's review.

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Sincerely,

Dean K. Moos  
Director  
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July 12, 2019

Mr. Garland Erbele  
State Engineer  
North Dakota State Water Commission  
900 East Boulevard, Dept. 770  
Bismarck, ND 58505-0850

Dear Mr. Erbele:

Enclosed is a DVD containing the application for Revision No. 9 and Renewal No. 1 to Surface Coal Mining Permit NACC-1302 held by Coyote Creek Mining Company, L.L.C. This revision updates various sections of the permit for the next 5-year permit term. The Pit Layout and Facilities Map, Section 3.1.3, has been updated to identify the coal removal areas during the next permit term. Other relevant updates are provided to the surface water hydrologic consequences in Section 2.2.4 and the surface water management plans in Section 3.3.4. All updates to the permit with Revision No. 9 are listed in the Revision Summary Pages found in Section 1.1.2.

Please review those portions of the revision application within your areas of responsibility and provide us with comments by July 31, 2019.

If you have any questions, please contact this office.

Sincerely,

Dean K. Moos  
Director  
Reclamation Division

Enclosure

Minedata/CoyoteCreek/Permits/NACC-1302/Revisions/No.9/Rev9\_Ren1\_Advsry\_rw\_rqst\_ltr\_7-12-19



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July 12, 2019

Mr. David Glatt, Director  
Department of Environmental Quality  
918 East Divide Avenue  
Bismarck, ND 58501

Dear Mr. Glatt:

Enclosed is a DVD containing the application for Revision No. 9 and Renewal No. 1 to Surface Coal Mining Permit NACC-1302 held by Coyote Creek Mining Company, L.L.C. This revision updates various sections of the permit for the next 5-year permit term. The Pit Layout and Facilities Map, Section 3.1.3, has been updated to identify the coal removal areas during the next permit term. Other relevant updates are provided to the surface water hydrologic consequences in Section 2.2.4 and the surface water management plans in Section 3.3.4. All updates to the permit with Revision No. 9 are listed in the Revision Summary Pages found in Section 1.1.2.

Please review those portions of the revision application within your areas of responsibility and provide us with comments by July 31, 2019.

If you have any questions, please contact this office.

Sincerely,

A handwritten signature in blue ink that reads "Dean K. Moos".

Dean K. Moos  
Director  
Reclamation Division

Enclosure

Minedata/CoyoteCreek/Permits/NACC-1302/Revisions/No.9/Rev9\_Ren1\_Advsry\_rw\_rqst\_ltr\_7-12-19



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July 12, 2019

Mr. Terry Steinwand, Director  
North Dakota Game and Fish Department  
100 North Bismarck Expressway  
Bismarck, ND 58501-5095

Dear Mr. Steinwand:

Enclosed is a DVD containing the application for Revision No. 9 and Renewal No. 1 to Surface Coal Mining Permit NACC-1302 held by Coyote Creek Mining Company, L.L.C. This revision updates various sections of the permit for the next 5-year permit term. The Pit Layout and Facilities Map, Section 3.1.3, has been updated to identify the coal removal areas during the next permit term. Other relevant updates are provided to the Fish and Wildlife Resources information found in Sections 2.7.3 and 2.7.4. All updates to the permit with Revision No. 9 are listed in the Revision Summary Pages found in Section 1.1.2.

Prior to permit renewal, the Reclamation Division and the USFWS are required to make findings regarding impacts to threatened and endangered species, and designated critical habitat and habitat proposed for listing for the next term of the permit. A copy of our letter to USFWS is enclosed.

Please review those portions of the revision application within your areas of responsibility and provide us with comments by July 31, 2019.

If you have any questions, please contact this office.

Sincerely,

Dean K. Moos  
Director  
Reclamation Division

Enclosures



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July 12, 2019

Mr. Jerry Reinisch  
Fish and Wildlife Biologist  
U. S. Fish and Wildlife Service  
3425 Miriam Avenue  
Bismarck, ND 58501-7926

Dear Mr. Reinisch:

The Reclamation Division is reviewing Coyote Creek Mining Company's (CCMC) applications for Renewal No. 1 and Revision No. 9 to Surface Coal Mining Permit NACC-1302 at the Coyote Creek Mine. Revision No. 9 updates mining and reclamation plans for the next 5-year term of the permit, October 22, 2019 through October 22, 2024. Prior to permit renewal, the Reclamation Division and the USFWS are required to make findings regarding impacts to threatened and endangered species, and designated critical habitat and habitat proposed for listing for the next term of the permit.

Enclosed is a DVD copy of Revision No. 9 to Permit NACC-1302. This revision application contains baseline environmental resource information, and updated mining and reclamation plans for the next 5-year term of the permit. The Pit Layout and Facilities map in Section 3.1.3 of the permit identifies areas to be mined and affected during the next permit term. Premining land use information is in Section 2.4 and baseline fish and wildlife resource information is in Section 2.7 of the permit. Native grassland ecological sites and species composition information is provided in Section 2.4.7 of the permit. Baseline Dakota skipper habitat and survey information is provided in Section 2.7.2, and additional surveys were conducted in recent years in areas believed to have the most suitable habitat. The results of those surveys are included in CCMC's biennial Wildlife Report.

As you are aware, the Bureau of Land Management (BLM) and the Office of Surface Mining (OSM) identified potentially suitable Dakota skipper habitat in Permit NACC-1302 when preparing an Environmental Assessment for federal coal leases (DOI-BLM-MT-000-2018-EA). In follow-up to our meetings last spring, the Reclamation Division recommended that CCMC complete Dakota skipper habitat assessment surveys over the entire mine in 2019 using 2018 USFWS Survey Protocol to ensure that current and appropriate habitat inventory data is available in case the species status changes in Mercer County.

Please review the enclosed DVD copy of Revision No. 9 to Permit NACC-1302 and provide us with comments by July 31, 2019 if USFWS believes any additional species-specific measures are warranted to ensure for the protection of any threatened or endangered species or any species proposed for listing.

**Figure 1**, attached, depicts areas expected to be disturbed during the next term of the permit. If you have any questions, please contact Guy Welch at 701-328-2298.

Sincerely,



Dean K. Moos  
Director  
Reclamation Division

Enclosure

Minedata/CoyoteCreek/Permits/NACC-1302/Revisions/No.9/Rev9\_Ren1\_Advsry\_rw\_rqst\_ltr\_7-12-19

Figure 1: Coyote Creek Mine, Permit NACC-1302

