



Public Service Commission

State of North Dakota

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September 27, 2019

Ms. Jessica K. Unruh
Environmental Manager
Coyote Creek Mining Company, LLC
6502 17th St. SW
Zap, ND 58523

Dear Ms. Unruh:

The Reclamation Division has reviewed Coyote Creek Mining Company's September 16, 2019 response to our August 9, 2016 technical review letter for Revision No. 9 to Permit NACC-1302 at the Coyote Creek Mine. The following items require additional information and/or clarification prior to revision approval. Please respond in a timely manner so that processing of the revision and pending renewal can proceed.

Printable Table of Contents

New Item: The Printable Table of Contents has not been updated with Revision No. 9. Required updates include new Sections 1.2.4.3, 3.1.1.8.10, and perhaps others. Please review and provide all required updates to this section. (BEB)

Section 1.5.1 – Permit Area Surface and Coal Interests

Follow-up to Item No. 26: Please update Easements of Record information for Tracts 0061 and 0066 in Section 1.5.1, Permit Area Surface and Coal Interests, if Mercer County has obtained road easements for the road that is to be constructed on the east-west quarter line in Section 36. (GAW)

Section 2.8 – Cultural Resources

Follow-up to Item No. 11: With submittal of the 2016 data recovery report of 17 sites at Coyote Creek Mine in response to the approved cultural resource management plan and subsequent approval of the report by the State Historical Society, please simply add a sentence to the updated narrative on page 3 of Section 2.8.1 indicating that all historic and cultural resource sites located within the permit area have been cleared for disturbance by SHPO, if that is the case. (BEB)

Follow-up to Item No. 11: Page 4 of the Cultural Resource Summary Table in Section 2.8.2 provides the same information header as the previous three pages in this section and has the date AUGUST 2019 and some other cut-off narrative located above the date that is listed under Mitigation Strategy & Status at the top of the page. We are unsure of what this illegible information is in reference to. Please review and either eliminate all of page 4 or update the page so that the information intended to be provided is legible.

Also, the top sentence of the track change narrative in the footer on page 3 is cut-off on the right hand side so please reduce the font size so the intended word is legible. (BEB)

Section 3.1 – Operations Plans

Follow-up to Item No. 12: CCMC's response stated that further investigation would be required to repair hyperlink function in Section 3.1. Assuming the technical issue has been identified and remedied, please update the hyperlinks in Section 3.1 of the permit so they connect to their intended sources. (BEB)

Section 3.1.1.2 – Mining Methods Narrative

Follow-up to item No. 14: Please update the Fugitive Dust Control Plan narrative that begins on page four of Section 3.1.1.2 to describe any changes to the measures used to control fugitive dust during the next term of the permit. Details regarding the use of calcium chloride on haul roads as outlined in an email request dated January 16, 2017 should be included in the permit and wind erosion control measures described in an email dated December 4, 2015 should be described in the permit. (GAW)

Section 3.2.1 – Transportation Facilities Narrative

Follow-up to Item No. 15: CCMC's response stated that further investigation would be required to repair hyperlink function in Section 3.2.1. Assuming the technical issue has been identified and remedied, please update the hyperlinks in Section 3.2.1 of the permit so they connect to their intended sources. (BEB)

Section 4.1 – Post-Mining Land Use Plans

Follow-up to Item No. 25: CCMC's response stated that further investigation would be required to repair hyperlink function in Section 4.1.1. Assuming the technical issue has been identified and remedied, please update the hyperlinks in Section 4.1.1 of the permit so they connect to their intended sources. (BEB)

Follow-up to Item No. 26: Please revise Section 4.1.1, Post Mining Land Use Narrative, to mention the road that will be constructed on the east-west quarter line in Section 36 and reference the Mercer County Agreement in Section 1.2.8, Mercer County Section Line Right-of-Way Closure and Setback Waiver Documents. If Mercer County has not yet obtained the necessary easements, CCMC may describe the road location as tentative pending the acquisition of the necessary easements by Mercer County. Please also update Section 4.1.2, Post-Mine Topography and Land Use Map, to depict the road, and adjust the road acreage value in Section 4.1.3, Pre and Post-Mine Land Use Comparison Table, if appropriate. (GAW)

Follow-up to Item No. 28: The Pit Layout and Facilities Map, Section 3.1.3, does not depict disturbance of the woodlands in the SW1/4 of Section 24 that are identified as an exclusion area in the BA and EA for federal coal lease by application NDM 110277. However, the Post Mine Topography and Land Use Map, Section 4.1.2, depicts reclaimed woodlands in this tract. Please add narrative to clarify what appears to be a discrepancy or revise the Post-Mine Topography and Land Use Map, Section 4.1.2, and information in Section 4.2.3, Trees and Shrubs. (GAW)

Section 4.2 – Revegetation Procedures, Establishment and Management

Follow-up to pre-renewal review Item No. 37 and technical review Item No. 32: NDCC 38-14.1-24(14) requires all reclamation through the initial planting on any land within the permit to be completed no later than 3 years after the completion of coal removal, unless otherwise prescribed by the Commission. Please revise the permit to include a specific request for a variance from NDCC 38-14.1-24(14) for each area where a perennial seeding (including native grass and woodland plantings) will exceed the 3 year rule for all areas that will be disturbed through the next permit term and including the current permit term. The plan needs to include a projected date of reclamation and justification for each variance requested. We recommend including a map in the permit that identifies each area where a perennial seeding is proposed to be delayed. We suggest using the Post Mine Land Use map as a base template and shading or hatching the variance request areas. Haulroads, sediment ponds, stockpiles, or other long term facilities do not require a variance; however, CCMC should depict these features especially if they provide justification for the variance. For example, depict the long term features that fragment reclaimed native grassland into small, unmanageable tracts. (GAW/ZAB/DKM)

New Item: CCMC is proposing to change the seed mixture used for topsoil and subsoil piles, diversions, pond slopes, road slopes and ditches with Revision No. 9. Please retain information about the original seed mixture in Section 4.2.2, Seed Mixes, to document that slender, western and tall wheatgrass were planted at 5, 7 and 7 lbs./acre, respectively, on these features during the first term of the permit. (GAW)

If you have any questions, please contact this office.

Sincerely,



Dean K. Moos
Director
Reclamation Division