

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Coyote Creek Mining Company, LLC
Renewal 1 to Permit NACC-1302
Application

Case No. RC-19-189

Coyote Creek Mining Company, LLC
Revision 9 to Permit NACC-1302
Application

Case No. RC-19-190

ORDER REGARDING ACCESS

An informal conference in this matter is scheduled for October 8, 2019. The informal conference is a means to allow a person with an interest to express their concerns to the Public Service Commission (PSC) without having to formally challenge the decision of the PSC. In short, it allows input at the front end of the process so that concerns of people with an interest may be considered by the PSC.

The Voigts concern is with reclamation. The Voigts are concerned Coyote Creek Mining Company (CCMC) will not properly reclaim their property because of alleged deficiencies in reclamation on other property. The Voigts have not asked for any remedy for the reclamation issue but merely want to make the PSC aware of the issue and that it is an area of concern for the Voigts. In short, the Voigts have concerns as the result of knowing about certain property that is in the process of reclamation and do not know without looking at that property if the concerns relate to them. The understanding of the ALJ is the areas in question are not completely reclaimed and are not on the Voigt's property.

The Voigts have requested access to certain property before the informal conference. The informal conference is not meant to be a formal hearing with formal discovery. Under N.D.C.C. § 38-14.1-19(3), upon request of any party to the informal conference, the commission may arrange with the applicant access by the requesting party to the proposed mining area for the purpose of gathering information relative to such conference. The law provides the information

sought through access only needs to be relative information, *i.e.*, relevant information, for the conference. The information sought through access is relevant to reclamation and reclamation is part of the permitting process. The information comes from land in the process of reclamation that is near to land to be mined. Although there are countless variables that could make the access less relevant, this cannot be determined without accessing the land. As such, the access is for a general viewing and not for a complete analysis or taking samples. The viewing is so the Voigts can assess their concerns, but it is not to create a burden on CCMC or the PSC. The PSC may arrange for access for the Voigts to the locations identified in Section 3.1.3 of CCMC's Applications as reclamation variance areas number one and two for the purpose of visual inspection and photographic evidence. No further access is needed to be provided to any other property.

It is ordered that the PSC may arrange for access for the Voigts to the locations identified in Section 3.1.3 of CCMC's Applications as reclamation variance areas number one and two.

Dated at Bismarck, North Dakota, this 30th day of September 2019.

State of North Dakota
Public Service Commission

By: 

Timothy J. Dawson
Administrative Law Judge
Office of Administrative Hearings
2911 North 14th Street – Suite 303
Bismarck, North Dakota 58503
Telephone: (701) 328-3200

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CERTIFICATE OF SERVICE

The undersigned certifies that the original of the **ORDER REGARDING ACCESS** was mailed, inside mail, at the State Capitol, on the 30 day of September 2019, to:

John Hamre
Public Service Commission
State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505-0480

and that true and correct copies of the above document was mailed, regular mail, on the 30 day of September 2019, to:

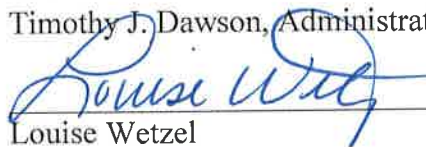
Wade Mann
Crowley Fleck, PLLP
PO Box 2798
Bismarck, ND 58502-2798

JJ England/Derrick Braaten
Braaten Law Firm
109 North 4th Street – Suite 100
Bismarck, ND 58501

and that a true correct copy of the above document was mailed, inside mail, at the State Capitol on the 30 day of September 2019, to:

John Schuh
Public Service Commission
State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505-0480

OFFICE OF ADMINISTRATIVE HEARINGS
Timothy J. Dawson, Administrative Law Judge


Louise Wetzel