

# LEONARDITE PRODUCTS-LLC



July 14, 2020

Dean Moos  
North Dakota Public Service Commission  
Reclamation Division  
600 East Blvd Ave., Dept. 408  
Bismarck, ND 58505-0480

Re: Stony Creek Mine Revision and Renewal  
NDAC 69-05.2-13-02  
GRGR-0501

Dear Director Moos,

The information in this mailing is a revised from the Renewal Three and Revision Nine applications sent on June 2, 2020. The changes itemized below are requested in a letter from your office dated June 29, 202.

### **Revision No. 9 Application (SFN 10562)**

1. A red date of July 14, 2020 is now in the upper right-hand page of this application.
  - a. the application details in the revision description has been revised to point out the overall changes to the revision and is a precursor to Renewal #3.
  - b. The acreage and legal description have been removed from this form.
  - c. More care has been taken to identify and sign all four area where the authorized representative of Leonardite Products it to provide a signature or be identified.
2. A separate page outlining the changes in the Revision Application as submitted on June 2 and in this revision is submitted as an attachment to the Form 10562 Application. As suggested the details of this attachment are taken from the June 2, 2020 cover letter sent with the first Revision 9 application .

### **Renewal No. 3 Application (SFN 10566)**

3. The dates for the renewal application have been updated to the specific date, November 2, of the next five-year period. Renewal number "Three" has been added where "nine" had been erroneously inserted. A revision date is entered in the upper right-hand corner in red.
4. Three new headings have been added below the *Legal Description of Permit Area*. These additions include explanations for the reason for the application, liability insurance certification and the updated Bond arrangements.

### **Newspaper Notice**

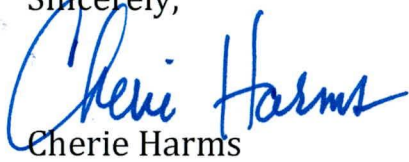
5. The phrase indicating the permit area surface and subsurface ownership has been updated is removed.

Please advise when I am allowed to place this public notice. Thank you.

Thank you for your diligence and assistance with our mining revisions and renewals.

Please, feel free to contact me with any further changes to this information.

Sincerely,



Cherie Harms

President

[Cherie@leonarditeproducts.com](mailto:Cherie@leonarditeproducts.com)

701-471-2704



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

July 14, 2020 Revision

Name of Company, Corporation, Partnership, or Individual Leonardite Products		Permit Number GRGR-0501	Date June 2, 2020	
Address PO Box 548		City Williston	Revision Number Nine (9)	State ND
			Zip Code 58802	

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.)

This revision identifies the five-year commercial leonardite removal subarea to be mined in the next five year permit term.

This revision application updates the permit for Renewal #3.

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
ADDRESS					
<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  
Cherie Harms


- 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 President/CEO
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**VERIFICATION**


I, Cherie Harms, 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 President/CEO
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STATE OF NORTH DAKOTA )  
 )ss.  
 COUNTY OF Williams )

Subscribed and Sworn before me, this 14th day of July, 2020.

(SEAL) 
 BRENDA J LYNCH  
 Notary Public  
 State of North Dakota  
 My Commission Expires October 5, 2020

  
 Notary Public  
 My Commission Expires: 10-5-2020

## **Attachment to SFN 10562 Revision Application**

The July 14, 2020 revision to the June 2, 2020 Revision Nine application has been updated to include the revision date- July 14, 2020.

In addition, the application details in the revision description has been revised to point out the overall changes to the revision and is a precursor to Renewal #3. The details of those changes are numerated below.

More care has been taken to identify and sign all four area where the authorized representative of Leonardite Products it to provide a signature or be identified.

## **II. Legal Requirements**

1. There is no change to the permit area Surface and Subsurface Ownership Data as indicated on Map C ( Property Map).
2. There have been address and a couple ownership changes to the contiguous area Surface Ownership. Pages L-3 through L-9 with those changes are included and will correspond to the areas itemized by Tracts A,B,C, D and section numbers on the enclosed Property Map C
3. Page L-10 has been updated to include a board member. Ownership has not changed since Revision 8.
4. The North Dakota Department of Environmental Quality has been properly identified on Page L-12.

## **IV. Environmental Requirements**

5. Page E-1 and Table E-1 have been updated to include actual topsoil, subsoil and spoil removal volumes plus the revised mining sequence.

## **V. Operations Plan**

6. The last sentence on the bottom of Page O-1 has been completed.
7. The narrative on Page O-2 has been changed to reflect the future mining sequence and justification for these changes.
8. Table O-1 has been changed to indicate the proposed mining changes and has eliminated the area bond released and the C Pits.
9. Page O-7 is a reworded waiver and (hopefully) appropriate justification for such.

## **VI. Reclamation Plan**

10. Pages R-4 and R-5 have been updated to describe the current mining sequence.

11. A worst case scenario has been calculated to update the estimated reclamation costs for the next five-year period. This will be found on pages R-7 and R-8.

## **VIII. Exhibits**

12. A certificate of liability in effect January 1, 2020 through January 1, 2021 is included.

## **IX. Maps**

13. Map B with the permit boundary post Bond Release No. 1 is in this packet

14. Map D has been updated to identify and provide current pit sizes and the future pits to correspond with the mining sequence.

In addition, a letter from the landowner's registered agent, Lance Olson, with their reclamation preferences is include with this mailing.



**APPLICATION FOR RENEWAL OF PERMIT TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION OPERATIONS**  
 PUBLIC SERVICE COMMISSION  
 RECLAMATION DIVISION  
 SFN 10566 (1-2004)

July 14, 2020- Revision

Name of Permittee Leonardite Products		Date June 2, 2020	
Address PO Box 548		City Williston	Permit Number GRGR-0501
		State ND	Zip Code 58802

The above named hereby makes application for Renewal Number Three of the above Permit Number in order to continue to engage in surface coal mining and reclamation operations within the area described below in the permit during the period from November 2, 2020 to November 2, 2025.

The reasons for requesting the renewal is attached and any changes to the matters set forth in the approved Permit are particularly described in the accompanying revision application.

The applicable public notice provisions of Section 38-14.1-18 of the North Dakota Century Code have been complied with. A copy of the advertisement is attached and affidavits of publications will be furnished to the Commission prior to issuance of the Permit Renewal.

Bond for surface coal mining and reclamation operations and liability insurance will be provided for the proposed period of renewal. Attached is a statement evidencing that the bond is sufficient and will continue in full force for the renewal period and that liability insurance will be provided for the renewal period.

LOCATION				ACRES
SECTION	TOWNSHIP	RANGE	COUNTY	
8	154 N	100W	Williams	96
<b>TOTAL ACRES</b>				<b>96</b>

Signature of Official <i>Cherie Harms</i>	Title President/CEO
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**VERIFICATION**

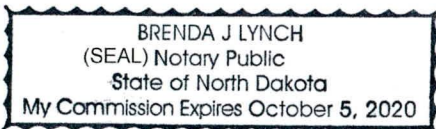
Name of Official Cherie Harms
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I, the above named, being first and duly sworn, verify that the information contained in the Permit Renewal Application is true and correct to the best of my knowledge and belief.

Signature of Official <i>Cherie Harms</i>	Title President/CEO
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STATE OF NORTH DAKOTA )  
 COUNTY OF Williams )<sup>ss.</sup>

Subscribed and Sworn before me, this 14th day of July, 2020.



*Brenda J Lynch*  
 Notary Public

My Commission Expires: 10-5-2020

## **Attachment to SFN 10566 GRGR -0501 Renewal Application**

### **Legal Description of Permit Area:**

S $\frac{1}{2}$ NW $\frac{1}{4}$ , Section 8, T154N, R100W, 5th P.M. Williams County, North Dakota and N  $\frac{1}{2}$  SW  $\frac{1}{4}$  of Section 8, T154N, R100W, 5th P.M. Williams County, North Dakota

excluding a parcel beginning at the Point of Beginning N442,692.509, E1,216,496.988; thence N00° 06' 37" W a distance of 100.00 feet; thence N 89° 56' 34" E a distance of 763.15 feet; thence N 00° 06' 37" W a distance of 336.13 feet; thence N 89° 56' 34" E a distance of 1112.53 feet; thence N 10° 25' 09" E a distance of 919.19 feet; thence N 89° 56' 34" E a distance of 593.48 feet; thence S 00° 05' 42" E a distance of 1340.00 feet; thence S 89° 56' 34" W a distance of 2636.77 feet to the Point of Beginning. Said parcel contains 34.57 acres, more or less.

Also excluding a parcel of land located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  commencing at the west quarter corner of said Section Eight (8), said point being a rebar; thence N 02° 10' 11" E along the west line of the Northwest quarter (NW $\frac{1}{4}$ ) of said Section Eight (8), a distance of 437.01 feet to the point of beginning; thence continuing N 02° 10' 11" E along said west line a distance of 881.94 Feet; Thence S 87° 48' 58" E, a distance of 771.85 feet; thence S 02° 15' 37" W, a distance of 381.22 Feet ; Thence S 16° 42' 59" W, a distance of 233.00 feet; thence S 45° 27' 39" W, a distance of 377.78 feet; thence N 87° 49' 56" W, a distance of 453.68 feet to the point of the beginning. Said parcel contains 14.28 acres, more or less.

And also excluding in parts of the SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  and the N  $\frac{1}{2}$  SW  $\frac{1}{4}$  of Section 8, described as follows: Commencing at the SW corner of said Section 8; thence North 00° 06' 37" West on an assumed bearing, along the west line of said Section 8 for 1418.45 feet; thence North 89° 56' 34" East for 763.15 feet; thence North 00° 06' 37" West 336.13 feet to the point of beginning; thence South 89° 56' 34" West for 6.00 feet; thence North 11° 17' 17" East for 450.38 feet; thence North 89° 56' 34" East for 690.47 feet; thence North 23° 43' 03" East for 505.2 feet; thence North 89° 56' 34" East for 302.94 feet; thence South 10° 25' 09" West for 919.24 feet; thence South 89° 56' 34" West for 1112.53 feet to the point of beginning. Said Tract continuing 15.15 acres, more or less.

### **Reasons for Requesting Renewal**

Renewal Three is being sought to complete mining the available commercial leonardite in the state and federal permit.

### **Liability Insurance**

Leonardite Products will continue to provide adequate liability insurance as evidenced by the certificate attached to Revision Nine. Each January the ND Public Service Commission , Director of Reclamation Division is listed as a certificate holder on the Certificate of Liability issued by Manger Insurance.

### **Sufficient Bond**

By the Renewal Date of November 2, 2020 Leonardite Products will have a \$230,674.85 worst case reclamation bond in place for the full renewal term. This amount has been reviewed and confirmed by the ND Reclamation Division review process.

*Legal Ad for Leonardite Products  
Submitted with pre-renewal  
Size: 2 columns (3.625 inches x 10 inches)  
Black and White*

Headline:

**NOTICE OF APPLICATION FOR REVISION AND RENEWAL  
OF SURFACE COAL MINING AND RECLAMATION OPERATIONS PERMIT**

Body copy:

Please take notice that Leonardite Products, LLC, PO Box 548 Williston, ND 58802 as applicant has made an application to the North Dakota Public Service Commission for Revision 9 and Renewal 3 of their Surface Mining and Reclamation Operations Permit.

The permit area, GRGR-0501 is located in Section 8 T154N, R100 W, Williams County, ND. The revision to this permit identifies the five-year commercial leonardite removal subarea to be mined during the next five-year permit term. The revision also updates the environmental resource information, the sequence and timing of the mining, reclamation plans and worse case bonding. The precise location and boundary of the permit area is depicted below. This application for renewal encompasses 96 acres in permit GRGR-0501 issued to Leonardite Products, LLC for commercial leonardite excavation, mining and associated disturbance activities in support thereof for the next five-year permit term of November 2, 2020 to November 2, 2025.

Due to the COVID-19 pandemic, a copy of the permit revision and renewal applications will not be available for review at the Public Service Commission, State Capitol, Bismarck, ND, or the Williams County Auditor's office. Those wishing to review the revision and renewal applications may request copies by contacting the Public Service Commission at 701-328-2400 (877-245-6685 toll free) or ndpsc@nd.gov, or by sending a written request to: Public Service Commission, 600 East Boulevard Avenue, Dept. 408, Bismarck, North Dakota 58505-0480, within 30 days after the last publication of this notice.

Any person with an interest which is or may be adversely affected may file written comments, objections, or request an informal conference on the applications with the North Dakota Public Service Commission within 30 days of the last publication of this notice. Any request for an informal conference must include the reason for the request.

North Dakota Public Service Commission  
Reclamation Division  
13th Floor, Dept 408  
600 East Blvd. Ave  
Bismarck, ND 58505-0408

The legal description and name of the apparent surface and commercial leonardite owners of land included within the permit area is as follows:

Williams County, Township 154 North, Range 100 West

Section	Location	Surface Owner	Commercial Leonardite Owner
8	S1/2NW1/4; N1/2SW1/4;	Ellis-Olson, LLC	United States of America

Run-dates TBD upon approval

(June \_\_ 2020)

Graphic: see attached