



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Brian Kroshus

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

Sent via email only

February 23, 2021

Mr. Jeremy Eckroth
Environmental Manager
Coyote Creek Mining Company, LLC
6502 17th St. SW
Zap, ND 58523
Jeremy.Eckroth@nacoal.com

Dear Mr. Eckroth:

The Reclamation Division has conducted a completeness review of Coyote Creek Mining Company's application for Revision No. 11 to Permit NACC-1302 at the Coyote Creek Mine. The following items must be adequately addressed before the application can be deemed complete and approval is granted to begin publication of the permit revision newspaper notice. Some items may appear to be more technical than completeness in nature; however, they will provide additional clarity before the revision application is sent to the Advisory Committee and other interested parties.

Section 1.1.1 – Application Forms

1. Please revise the date on the application form for Revision No. 11 in Section 1.1.1 from 1/21/2020 to 1/21/2021. (JAR)

Section 1.2.4 – Newspaper Publication Notice

2. The publication notice provides two different contact addresses for Coyote Creek Mining Company, LLC. One address is at the beginning of the notice and a different address is at the end of the notice. To provide consistency in the public notice, please use the Zap address for Coyote Creek Mining Company because that is the address that is normally used and that is also provided on the Revision No. 11 application form in Section 1.1.1. (BEB, PJR)
3. Please update the first paragraph of the public notice to indicate that surface water management plans and worst-case bonding were also updated with the revision. (BEB, PJR)
4. Please update the second sentence of the newspaper publication by specifically stating "Revision 11" as opposed to stating "permit revision" to eliminate any possible future confusion to the public if several revisions are ongoing at the same time. (JAR)

5. Please revise the second sentence in the first paragraph of the public notice as follows. *The permit revision adds mining plans for the SE¼ of Section 23, and the federal coal in the SW¼ of Section 24 and the SE¼ of Section 26, T143N, R89W, of the Fifth Principal Meridian, Mercer County, North Dakota.* (ZAB)
6. Public review of the permit revision application in Commission or County Auditor offices remains uncertain because of the COVID-19 pandemic. Please replace the first paragraph in the second page of the Notice of Publication with the following paragraph informing the public how to obtain a copy of the permit revision application. Also, the current wording in the notice is overlain with the words REVISION 11 – JANUARY 2021, so please eliminate that when the paragraph is updated as described below. (BEB, GAW, PJR, JAR)

“Copies of the application for this revision are available for public inspection at the offices of the North Dakota Public Service Commission, 600 East Boulevard Ave., Bismarck, ND 58505-0480 and at the office of the County Auditor, Mercer County Courthouse, Stanton, North Dakota 58571. A copy of the revision application may also be requested 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 the Public Service Commission, at the address above.

7. The first sentence in the last paragraph of the public notice states *“Written comments, objections, or requests for an informal conference on the revision and/or renewal may be submitted...”* Since this revision application is not associated with a permit renewal, please delete the words and/or renewal from the public notice. (BEB, PJR, JAR)
8. The public notice indicates that Tract 045 located in the SE1/4 of Section 23 is federal coal; however, other lease information in the permit indicates the coal is privately owned. Please review and update. (BEB, PJR, JAR)
9. In addition to being Remaindermen of the Sharon Unruh, Life Estate as indicated in the public notice, Shawn Unruh and SheVele Unruh are currently 25% surface owners of Tract 045 in the SE1/4 of Section 23 and Tract 050 in the SE1/4 of Section 26. Please list their names in the public notice as surface owners in Tract 045 and Tract 050. (BEB)
10. Please consider revising the surface ownership in Tract 048 to state a portion of the tract is subject to Contract for Deed. (ZAB)

Section 1.2.4.4 – Newspaper Publication Map

11. If you choose to retain the location/depiction of the cemetery in the NE1/4 of Section 29 on the publication map, please spell the word cemetery correctly. However, to eliminate clutter we feel the map provides sufficient location information regarding the affected areas without providing the cemetery information. (BEB)

Section 1.4 – Surface Owner Protection Act Compliance Information

12. Please provide updated landowner notification letters and post-mining land use preference statements in Section 1.4.2, and an updated surface owner notification map in Section 1.4.3 for

those tracts where mining plan changes are proposed with Revision No. 11. The most recent surface owner notification maps mailed to affected surface owners (February 2014) do not show mining of the private coal in the SE1/4 of Section 23 or mining of the federal coal tracts in the SW1/4 of Section 24 and SE1/4 of Section 26. Revision No. 11 proposes new construction and location changes to long-term features and facilities such as haul roads, dragline corridors, stockpiles, and sediment ponds. Updated landowner post-mining preference statements should be placed in Section 4.1.4 of the permit. We have noted that previous landowner notification letters and post-mining preference statements do address/list the above-mentioned tracts; however, those tracts were not proposed for mining when those letters and preference statements were mailed to the surface owners. Please review and update as necessary. [NDCC 38-18-06(1)] (BEB, GAW, JAR)

Section 2.1 - Geology

13. As required by NDAC 69-05.2-08-05(2) please provide the lithologic logs and geophysical logs in Sections 2.1.6.1 and 2.1.6.2, respectively, for drilling work that was conducted on the federal coal tracts located in the SW1/4 of Section 24 and SE1/4 of Section 26. (BEB)
14. As required, the permit was updated with Overburden Sample Analyses and Coal Core Sample Analyses in Sections 2.1.7 and 2.1.8, respectively, but without Coyote Creek Mining Company providing the required location information for those data points we can only assume those updates are for the federal coal tracts in the SW1/4 of Section 24 and SE1/4 of Section 26. Please update the Geologic Cross Section Location Map in Section 2.1.9.1, which also serves as the drillhole location map, by depicting the overburden analyses and coal core sample analyses locations for the geologic information that was added to the permit with this revision. (BEB)
15. Please update the Drill Hole Lithology and Survey Data spreadsheet in Section 2.1.12 to provide the location, elevation, and lithology information for drillholes CC20023C through CC20030C and CC12002-C-20 that are associated with updated mining plans proposed with Revision No. 11. (BEB)

Section 2.2.4 – Surface Water Hydrologic Reclamation Plan and Probable Hydrologic Consequences

16. Please update the Surface Water Hydrologic Reclamation Plan and Probable Hydrologic Consequences subsection to account for topographic boundary changes proposed with Revision No. 11 and previously approved mineral removal boundary changes in the SE1/4 of Section 6. (GAW)

Section 3.1.1 – Operations/Reclamation Narrative

17. The hyperlink for Section 3.1.1.6, Landowner and Public Access, is broken. Please repair the link so that it connects to its intended source. It appears functionality may be restored by editing the corresponding <a> tag in the html file. (JWE, SMN)

Section 3.2.4 – North-South Haulroad

18. The hyperlink for Section 3.2.4.3, North-South Haulroad - Sheet 3 of 5, does not work. It appears functionality may be restored by editing the corresponding <a> tag in the html file. (SMN)

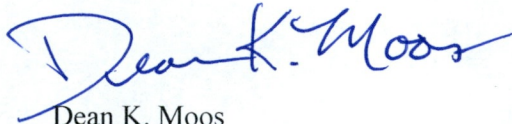
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Section 3.3 – Surface Water Management

19. Please review the location of sediment pond P24-06 on the Surface Water Management Plan Map and other maps provided in the permit to ensure it is not located within the BLM wooded draw exclusion area. Perhaps runoff from this area could be directed to sediment pond P24-07. Please review and update if necessary. (GAW)

If you have any questions, please contact this office.

Sincerely,



Dean K. Moos
Director
Reclamation Division

cc via email only: JJ England (jj@braatenlawfirm.com)

Mine Data\Coyote Creek Mine\Permits\NACC - 1302\Revisions & Renewals\No. 11\1st_completeness_Rvw_Ltr_2-23-21