

June 1, 2021

Dean Moos  
Director  
ND Public Service Commission  
Inside Mail

Dear Mr. Moos:

This is in response to your request for a review of the environmental impacts associated with the Revision No. 11 to Surface Coal Mining Permit No. NACC-1302 at the Coyote Creek Mine.

The proposed project has been reviewed by State Water Commission staff, and the following comments are provided:

- There are no FEMA regulatory floodplains identified and/or mapped where this proposed project is to take place. No permits relative to the NFIP are required based on the current effective FIRM and State minimum standards.

- The Office of the State Engineer (OSE) and Water Resource Districts are responsible for regulating drainage in North Dakota. The OSE is also responsible for regulating the construction and modification of any dike, levee, or other device capable of obstructing or diverting more than 50 acre-feet of water. Consequently, the OSE requests to be notified regarding a proposed project's impacts, if any, to water resources, such as watercourses (i.e. streams or rivers), agricultural drains, and wetlands (i.e. ponds, sloughs, lakes, or any series thereof), and dikes, levees, diversion, and other water control devices, as any alterations, modifications, improvements, or impacts to those may require a drainage permit(s) or a construction permit(s) from the OSE. Drainage projects draining an area of 80 acres or more likely do not require a drainage permit through the OSE Engineering and Permitting Section according to N.D.A.C § 89-02-01-05(2.f).

Please contact the OSE Engineering and Permitting Section at 701-328-4288 if you have any questions.

- In accordance with North Dakota Century Code §61-16.1-38, any new construction or construction modifications on water storage impoundments, including dams or ponds, may require a construction permit from the Office of the State Engineer (OSE) based on the storage volume and hazard classification. Similarly, if any dams or ponds are to be removed, we request that the OSE Regulatory Division be notified. Please contact the OSE Regulatory Division at 701-328-2752 if you have any questions.

Thank you for the opportunity to provide review comments. Should you have further questions, please contact me at 701-328-4970 or [stevebest@nd.gov](mailto:stevebest@nd.gov).

Sincerely,



Steven Best  
Planner III

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Comments received from State Water Commission  
North Dakota State Water Commission  
Steven Best

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