



# Public Service Commission

## State of North Dakota

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*sent via email only*

June 17, 2021

Mr. Jeremy Eckroth  
Environmental Manager  
Coyote Creek Mining Company, LLC  
6502 17th St. SW  
Zap, ND 58580  
[Jeremy.Eckroth@nacoal.com](mailto:Jeremy.Eckroth@nacoal.com)

Dear Mr. Eckroth:

The Reclamation Division has conducted a technical review of the application for Revision No. 11 to Permit NACC-1302. The following items must be adequately addressed before we can recommend Commission action on this significant revision application.

### **Table of Contents**

1. Please update the Printable Table of Contents to account for new Sections 1.2.4.4, 3.1.1.3.1, 3.3.26, 3.3.26.1, and any other new sections that were added to the permit with Revision No. 11. (BEB, JWE)

### **Section 1.1.2 – Revision Summary Pages**

2. The Revision Summary Pages for Section 1.1.2 states that only page 20 was updated for Revision No. 11 and this should be revised to state that pages 20-22 were updated for the revision. Please review and update the listing. (BEB, PJR)

### **Section 1.3.5 – Other Licenses and Permits**

3. The ND DEQ P.O. Box 5520 address is outdated. Please update the address for the ND DEQ to 918 East Divide Ave. (*add the appropriate division*), Bismarck, ND 58501-1947. (JAR)

### **Section 1.5 – Identification of Interests and Rights of Entry**

4. Please review mineral ownership for Tract 0019 in the NE1/4 of Section 2, T142N, R89W. Permit Area Surface and Coal Interests in Section 1.5.1 and the Surface and Coal Ownership Map in Section 1.5.3 for Revision No. 11 both show 100% unleased coal ownership of this tract belonging to the U.S. Department of Interior and that the tract is permitted for surface disturbance

only. However, Revision No. 8 to NACC-1302 (approved on June 20, 2018) shows that 50% of the minerals are or were owned by six separate individuals/entities and the other 50% is owned by the ND Department of Trust Lands. Coal Lease – CO-14-0005 (02582) is the lease document with the State of North Dakota Board of University & School Lands, further complicating our understanding of this mineral ownership issue. If Tract 0019 is subdivided into different mineral ownerships for differing lots within the tract, please provide that information in Section 1.5. Please review and provide a final/definitive determination of mineral ownership for Tract 0019; however, if your records indicate there was a mineral ownership swap within this particular tract sometime after Revision No. 8 was approved, please state that in your response to this item. (ZAB, BEB)

#### **Section 2.1.6.2 – Geophysical Logs**

5. The geophysical logs for drillholes CC20023C, CC20024C, CC20025C, and CC20026C are labeled on the Geophysical Log sheets in Section 2.1.6.2 as CC2023C, CC2024C, etc. for all of the drillholes in that sequence. At a minimum, please provide the corrected hand-written drillhole numbers on top of the log sheets so that they correlate with the naming convention used for those particular drillholes throughout the rest of the geology sections in the permit. (BEB)

#### **Section 3.1.1.8 – Reclamation Costs**

6. Section 3.1.1.8.2 (Overburden Calculations) does not include the following sedimentation ponds in the calculation: P10-01, P10-02, and P30-03. Please update the calculations to include reclamation of these ponds. (JWE)
7. Sediment pond P24-06 is not depicted in Section 3.1.1.8.2 (Overburden Calculations), Section 3.1.1.8.7 (Topsoil Disturbance Area Map), and Section 3.1.1.8.8 (Subsoil Disturbance Area Map). Please update these sections to include pond P24-06. (JWE)
8. Please change the hyperlink name and title block of the drawing in Section 3.1.1.8.10 – “Cross Sections 5-12” to “Cross Sections 5-15”. (SMN)

#### **Section 3.2 – Transportation Facilities**

9. Please review the Transportation Facilities Narrative on page 1 in Section 3.1.2. The Air Quality Division of NDDEQ provided us with a phone message review comment that indicates the NDDOH should be changed to NDDEQ. Since no changes or updates were provided in the transportation sections of the permit with this revision application, you may disregard that request at this time. However, please feel free to make this minor update to the permit at this time if you choose. (BEB, JAR)

#### **Section 3.3.1 – Surface Water Management Plan**

10. The footer on every page of the Surface Water Management Plan in Section 3.3.1 identifies Revision 11 updated in January 2021 even though there were no updates to the pages. Please replace the Revision 11 and January 2021 with the applicable revision and date that the changes were made. (JAR)

**Section 3.3.4 – Pond Construction and Reclamation Schedule**

11. Several pond watershed areas (P23-02, P24-03, and P24-05) in this section depict watershed acreages that do not correspond with acreages depicted on the Surface Water Management Plan Map. Please clarify or correct the acreage differences between the pond construction and reclamation schedule and the map. (JAR)

**Section 4.1.1 – Post-Mine Land Use Narrative**

12. The footer on every page of this narrative identifies Revision 11 updated in January 2021 even though there were no updates to the pages after page one. Please replace Revision 11 and January 2021 with the applicable revision number and date the changes were made to the pages. (JAR)

Attached is a copy of the State Water Commission's review response to the revision application. Their review did not result in any deficiencies.

If you have any questions, please contact this office.

Sincerely,



Dean K. Moos  
Director  
Reclamation Division