

Thompson, Pamela J.

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Sent: Tuesday, July 18, 2023 3:09 PM
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Subject: Filing Accepted for Case: 08-2023-CV-01338; Casey Voigt, et al. vs. North Dakota Public Service Commission, et al.; Envelope Number: 5272482

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**North Dakota
Court System**

Filing Accepted

Envelope Number: 5272482
Case Number: 08-2023-CV-01338
Case Style: Casey Voigt, et al. vs. North Dakota
Public Service Commission, et al.

The filing below was reviewed and has been accepted by the clerk's office. You may access the file copy of the document filed by clicking on the below link.

Filing Details	
Court	Burleigh County
Case Number	08-2023-CV-01338
Case Style	Casey Voigt, et al. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	7/18/2023 11:19 AM CST
Date/Time Accepted	7/18/2023 3:08 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 4 - 1st Completeness Review Letter
Activity Requested	EFileAndServe
Filed By	Pamela Thompson
Filing Attorney	John Schuh

Document Details	
Lead Document	CR Exhibit 4 - 1st Completeness Review Letter.pdf
Lead Document Page Count	2
File Copy	View Document

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Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
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sent via email only

April 25, 2022

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. 12 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.

Table of Contents

1. Please update the Printable Table of Contents for the following sections to account for new/updated sections: 2.2.1.2, 3.3.27, 3.3.27.1, 3.3.28, 3.3.28.1, 3.3.29, 3.3.29.1, and 4.2.4. Please update page 3 of 9 in Table of Contents to have Section 2.3.3 on its own line (it is currently in-line with Section 2.3.2.8). (BSM)

Section 1.2 – Legal Information

2. Please include a copy of the newspaper publication notice for Revision 12 in the permit, Section 1.2.4, Newspaper Publication Notice. (GAW)
3. Please revise the Revision No. 12 newspaper notice to mention that a variance from the contemporaneous reclamation requirements is being requested on approximately 21 acres in Section 6, Variance Area No. 7, design plans for three sediment ponds are being included in the permit, and the location of the haul roads and dragline corridors are being adjusted with Revision No. 12. (GAW)
4. The third paragraph of the public notice states that surface and coal owners are listed in the notice, but only surface owners are listed in the public notice. Please correct this error. (GAW)
5. Casey and Julie Voigt's names are listed as surface owners twice for Tract 0018. It appears the last listing of the name could be removed. Please review and correct as necessary. (GAW)

Section 1.3.5 – Other Licenses and Permits

6. Please update addresses for the ND DEQ to 4201 Normandy Street, Bismarck, ND 58503-1324. (JAR)
7. Please update the North Dakota State Water Commission to the North Dakota Department of Water Resources. (JWE)

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

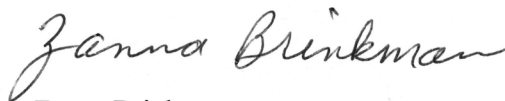
8. Please update Section 2.2.4, Surface Water Hydrologic Reclamation Plan and Probable Hydrologic Consequences, to address the changes proposed with Revision 12. This would include showing the revised topography on the Post-Mining Probable Hydrologic Consequences Map, and the Post-Mine Ephemeral Drain Map, Sections 2.2.4.2 and 2.2.4.4, respectively. Sections 2.2.4.5 and 2.2.4.6, Ephemeral Drain Summary and Profiles, should be updated to provide stability information for new or altered ephemeral drainages. The narratives in Section 2.2.4 and the post-mining watershed sizes listed in the tables in Section 2.2.4.3, Surface Water Probable Hydrologic Consequences Data, should be updated if watershed size changes are greater than a few acres. (GAW)

Section 3.1.1.3 – Reclamation Procedures and Schedule

9. All the hyperlinks within Section 3.1.1.3, Reclamation Procedures and Schedule, do not open as intended. Please repair these hyperlinks to open as intended. (JAR)

If you have any questions, please contact this office.

Sincerely,



Zanna Brinkman
Director
Reclamation Division

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