

Thompson, Pamela J.

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Sent: Tuesday, July 18, 2023 3:09 PM
To: Thompson, Pamela J.
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 5 - 1st Completeness Response Letter
Activity Requested	EFileAndServe
Filed By	Pamela Thompson
Filing Attorney	John Schuh

Document Details	
Lead Document	CR Exhibit 5 - 1st Completeness Response Letter.pdf
Lead Document Page Count	3
File Copy	View Document

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North Dakota Court's Information Technology Department 701-328-4218
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COYOTE CREEK MINING COMPANY, L.L.C.

A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION

6502 17th Street SW
Zap, ND 58580
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RECEIVED

May 27, 2022

MAY 31 2022

Ms. Zanna Brinkman
Director Reclamation Division
Public Service Commission
600 East Boulevard Avenue
Department 408
Bismarck, ND 58505-0480

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

RE: Completeness Review Responses for Revision 12 to NACC-1302

Dear Ms. Brinkman:

Coyote Creek Mine submits the following responses to the completeness review of the application for Revision No. 12 to Surface Coal Mining Permit NACC-1302 for The Coyote Creek Mine in your letter dated April 25, 2022.

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)**

Please see the updated Table of Contents.

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)**

Please see the updated Section 1.2.4 - Newspaper Publication Notice and new Section 1.2.4.5 - Newspaper Publication Notice Map for Revision 12.

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)**

Please see the updated Section 1.2.4 - Newspaper Publication Notice.

- 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)**

Please see the updated Section 1.2.4 - Newspaper Publication Notice.

- 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)**

Casey and Julie Voigt are listed twice because they own 46.4% of the land, but the other 53.6% is subject to a contract for deed. So, to differentiate between the two types of ownership, they are listed twice. No changes were made.

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)**

Please see the updated Section 1.3.5 – Other Licenses and Permits.

- 7. Please update the North Dakota State Water Commission to the North Dakota Department of Water Resources. (JWE)**

Please see the updated Section 1.3.5 – Other Licenses and Permits.

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 2.2.4.2 and 2.2.4.4 were updated with the revised topography. Section 2.2.4.5, Ephemeral Drain Summary was updated to show changes. Section 2.2.4 and 2.2.4.3 were updated with revised watershed changes.

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)**

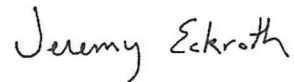
The section references within the permit narratives have never been linked. No changes were made.

Other

10. Please see the updated Section 3.1.3 - Pit Layout and Facility Map. Coyote Creek slightly updated the alignment of ramp 5 in sections 1 and 6. The change improved the haulroad grade and haul distance.

Sincerely,

THE COYOTE CREEK MINING COMPANY, L.L.C



Jeremy Eckroth
Environmental Manager