

# Public Service Commission

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*sent via email only*

June 24, 2024

Mr. Jeremy Eckroth  
Environmental Manager  
Coyote Creek Mining Company, LLC  
6502 17th St. SW  
Zap, ND 58580  
jeremy.eckroth@nacoal.com

Dear Mr. Eckroth:

The Reclamation Division has conducted a completeness review of the applications for Renewal No. 2 and Revision No. 13 to Permit NACC-1302 for the Coyote Creek Mine. The following items must be adequately addressed before the application can be deemed complete and approval granted to begin publication of the newspaper notice for the permit renewal and revision. A prompt response is necessary to keep the revision and renewal applications on schedule prior to the expiration of the current permit term.

## **Section 1.1 – Introductory Information**

1. The verification sections on Pages 35 and 37 of Section 1.1.1 (Application Forms) have not been fully filled out and notarized. Please completely fill out and notarize Pages 35 and 37 of Section 1.1.1. (BSM)

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

2. Please revise the Revision 13 summary, Summary and List of Changes, to clarify the changes proposed to Sections 3.3, 4.1, and 4.2; the Surface Water Management, Post-Mining Land Use Plans, and Revegetation Procedures and Establishment and Management. This can be accomplished by revising the revision summary narrative or by including language behind the section listing. (GAW)
3. The Summary and List of Changes for Revision 13 indicates that page 1 of Section 3.2.27 has been updated but Section 3.2.27 cannot be found in the permit. It appears that Section 3.3.27 should be listed rather than 3.2.27. Please review and revise as necessary. (GAW)

#### **Section 1.2.4 – Revision 13/Renewal No. 2 Newspaper Publication Notice**

4. Please revise the Renewal No. 2 and Revision No. 13 newspaper notice heading, page 68 of Section 1.2.4 to read: “Notice of filing of an Application for Renewal and Revision of permit to Conduct Surface Coal Mining and Reclamation Operations” rather than notice of filing for a permit to conduct surface coal mining operations. (JAR/GAW/BSM)
5. Please arrange the last sentence of the first paragraph in the Newspaper Publication Notice (Section 1.2.4) so it is included with the first paragraph. (JAR)
6. The newspaper notice does not depict the renewal number. Please update the first sentence for the first paragraph of the notice to specify the application is for Renewal No. 2. (BSM)
7. On page 68 of Section 1.2.4 (Newspaper Publication Notice), the narrative states the notice will be published in the Hazen Star, Beulah Beacon, and the Bismarck Tribune. The Beulah Beacon is not the official newspaper of Mercer County, so the notice is not required to be published in the Beulah Beacon (N.D.C.C. § 34-14.1-18(1)). (JWE)
8. The third paragraph of the Newspaper Publication Notice, Section 1.2.4, includes outdated information regarding Permit NACC-1301 that should be removed. Please delete the last two sentences of the third paragraph in Section 1.2.4, since these sentences are no longer applicable. (BSM/JAR/GAW/JWE)
9. Please update the third paragraph of the Newspaper Publication Notice to read as follows: “The permit area is approximately ten miles southwest of Beulah, North Dakota and approximately six miles south of Zap, North Dakota. The newspaper publication map shows the distance to the cities of Beulah and Zap, North Dakota, and the outline of the permit area.” Also, since Beulah, North Dakota is identified as a reference city in the Newspaper Publication Notice, please place an arrow with the distance from the permit area to Beulah on the Newspaper Publication Notice Map (Section 1.2.4.6). (JAR)
10. The public notice states that Perry Winkler and Beth A. Winkler are the surface and coal owners of Tract 0005 but the Surface and Coal Ownership Map, Section 1.5.3, provides that Perry Winkler and Beth A Winkler, Life Estate with three remaindermen have surface and coal interest. Please review and revise to provide clarity. (GAW)
11. Please revise the County Road 13 narrative on page 85 of Section 1.2.4, Newspaper Publication Notice, to include a concise statement describing the particular portion of the road to be relocated and the duration as required by NDCC 69-05.2-10-01(1)(d). (GAW)
12. Section 1.2.4.5 (Newspaper Publication Notice Map) depicts a scale bar that does not include units. Please update the scale bar to include units on the Newspaper Publication Notice Map. (BSM)

#### **Section 3.3 – Surface Water Management**

13. Sediment pond P23-02 is being deleted from Section 3.3.4, Pond Construction and Reclamation Schedule, but it continues to be depicted on the Surface Water Management Map, Section 3.3.2. Please review and revise to provide clarity. (GAW/BSM)

Mr. Jeremy Eckroth

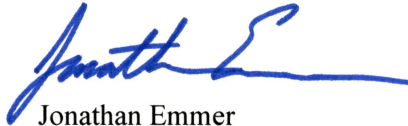
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14. According to Section 3.3.4, diversions are planned in Sections 23 and 26 that will eliminate the need for three sediment ponds: P23-02, P26-03, and P26-04. Detailed design plans should be provided for diversions that are to manage surface water runoff from watersheds 40 acres or greater in size. Design plans for any diversions or sediment ponds to be constructed within one year of the permit renewal should be included. Please review and revise as appropriate. (GAW/BSM)

If you have any questions, please contact this office.

Sincerely,



Jonathan Emmer

Director

Reclamation Division