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August 16, 2024

Mr. Jonathan Emmer
Public Service Commission
600 East Boulevard Ave
Dept 408
Bismarck, North Dakota 58505-0480
ndpsc@nd.gov
701-328-2400

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NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Dear Mr. Emmer

This is in response to your request for a review of the environmental impacts associated with the Notification of Revision No. 13 and Renewal No. 2 to Surface Coal Mining Permit NACC-1302 held by the Coyote Creek Mining Company, L.L.C.

The proposed project has been reviewed by Department of Water Resources (DWR), and the following comments are provided:

-Initial review indicates the project does not require a conditional or temporary permit for water appropriation. However, if surface water or groundwater will be diverted for construction of the project, a water permit will be required per North Dakota Century Code § 61-04-02. Please consult with the DWR Water Appropriation Division if you have any questions at (701) 328-2754 or appropinfo@nd.gov.

-There is a FEMA National Flood Insurance Program (NFIP) regulatory floodplain identified or mapped where this proposed project is to take place. Impacted areas are designated to be in NFIP Zone AE. The State of North Dakota has no formal NFIP permitting authority, as all NFIP permitting decisions are considered by impacted NFIP participating communities, which is the community with zoning authority for the area in question. Please work directly with the local floodplain administrator of the zoning authority impacted to achieve NFIP and community compliance.

-The DWR Regulatory Division's Engineering and Permitting Section reviewed the project and determined that no construction permits or drain permits will be required for the revision and renewal.

Thank you for the opportunity to provide review comments. Should you have further questions, please contact me at 701-328-4970 or kyrkoski@nd.gov

Sincerely,



Kyle Yrkoski
Planner III

KY:dm/1570