

PUBLIC SERVICE COMMISSION

Reclamation Division

Memorandum

TO: Commissioners Kroshus, Fedorchak and Christmann
Steve Kahl, Executive Secretary
John Schuh, General Counsel

FROM: *DKM* *ZAB* *BB*
Dean Moos, Zanna Brinkman and Bruce Beechie

DATE: October 18, 2019

SUBJECT: Application for Revision No. 9 to Permit No. NACC-1302 held by the Coyote Creek Mining Company, Case No. RC-19-190.

On May 20, 2019, The Coyote Creek Mining Company filed the application for Revision No. 9 to Surface Coal Mining Permit No. NACC-1302. Revision No. 9 identifies the next five year coal removal areas and addresses items that were identified as requiring updating or modification by the Reclamation Division during a pre-renewal review of the permit. This revision updates introductory, legal and business entity information, identification of interests and rights of entry, surface and ground water hydrology, worst case reclamation cost estimate, fish and wildlife resources, revegetation procedures, cultural resources, probable hydrologic consequences, updates the post-mining topography, variance areas and other operations and reclamation plans. The Reclamation Division has completed its review of this revision application and respectfully recommends it be approved.

Coyote Creek Mining Company applied for this revision and corresponding Renewal No. 1 to the permit since mining is scheduled to continue in the existing permit area until 2040 as shown on the extended mining plan map in the permit. The surface and coal ownership information for the permit and adjacent area, and related lease information was updated as necessary. The Pit Layout and Facilities Map was revised to show coal removal subareas through the next permit term and the coal production schedule was updated accordingly. Minor updates were made to the surface water probable hydrologic consequences section of the permit. Cultural resource sections were updated to provide current mitigation and approval information in the permit. The fish and wildlife resource sections were updated to include up-to-date threatened and endangered species lists and practices. Revegetation procedures were revised to adjust the timing of seeding for native grassland tracts. Operations plan updates describe the addition of two variance areas to the permit and minor changes to the post-mining topography. Post-mining land use plans were updated to describe reconstruction of permit area roads, updates to grass seed mixtures and timing, tree and shrub planting information, and wetland and stockpond replacement design parameters.

This revision was considered a significant revision application and was subject to the public notice requirements. Coyote Creek Mining Company has submitted affidavits of publication of the newspaper notices. We notified the appropriate agencies, affected landowners and the advisory committee members.

An informal conference was requested by landowners Casey and Julie Voigt and that conference was held on October 8, 2019. The Hearing Officer issued the Informal Conference Findings and Recommended Order on October 18, 2019 recommending that the renewal and revision be approved.

Adequate performance bond is currently in effect for the worst-case reclamation estimate, which was updated as part of Revision 9. This permit is covered by a surety bond totaling \$23,300,000.

Attached for your consideration is an Order to adopt the Hearing Officer's Recommended Findings and Ruling, the proposed motion, revision approval form, special permit conditions and revision approval notice that we will publish in the appropriate newspapers.

Minedata/CoyoteCreek/Permits/NACC-1302/Revisions/No.9/Rev9_apprvl_memo_10-18-19