

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Coyote Creek Mining Company
Revision No. 9, Permit NACC-1302
Approval

Case No. RC-19-190

REVISION OF PERMIT TO ENGAGE IN
SURFACE COAL MINING AND RECLAMATION OPERATIONS

October 21, 2019

Based on the application for **Revision Number 9 to Permit Number NACC-1302 received May 20, 2019**, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The revision application submitted on May 20, 2019 is complete and accurate and the applicant has complied with the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code; and
2. The Commission received a request for an Informal Conference on this application from landowners Casey and Julie Voigt with concerns about access, air quality and fugitive dust emissions, alluvial valley floors, sedimentation in Coyote Creek and reclamation plans in general. The informal conference was conducted on October 8, 2019 and the Hearing Officer subsequently issued the Informal Conference Findings and Recommended Order indicating that the application for Revision No. 9 to Permit NACC-1302 satisfies all permit revision standards under the reclamation law and rules.
3. Threatened and endangered species findings were reviewed in consultation with the USFWS North Dakota Field Office and it was determined that surface coal mining and reclamation activities planned during the next term of the permit will have no affect on the continued existence of any listed threatened or endangered species or any designated critical habitat.
4. The Commission has determined the worst case reclamation cost estimate of \$22,049,992 is sufficient for the next 5-year permit term based on mining and reclamation plans in Revision No. 9. The existing surety bond for the Coyote Creek Mine totals \$23,000,000 and is sufficient to cover the worst case reclamation cost estimate.
5. The Commission's other findings that were made when the permit was issued and updated with subsequent permit revisions, remain applicable to the revised operation and reclamation plans.

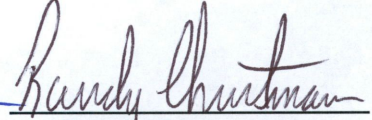
Revision Number 9 to Permit Number NACC-1302 is hereby conditionally granted to The Coyote Creek Mining Company to identify the next five-year coal removal subarea and to update the legal and ownership information, and the mining and reclamation plans for the next five-year permit term as described in the permit revision application received on May 20, 2019.

The approved revision is subject to the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, the conditions of the approved permit, and any additional or revised permit conditions listed on attached PSC Reclamation Form - 3. Pursuant to Section 38-14.1-23 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, this revision was found to be a significant alteration to the previously approved permit.

PUBLIC SERVICE COMMISSION


Julie Fedorchak
Commissioner


Brian Kroshus
Chairman


Randy Christmann
Commissioner