

**PUBLIC SERVICE COMMISSION**  
**Reclamation Division**

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**Memorandum**

**TO:** Commissioners Fedorchak, Christmann, and Haugen-Hoffart  
Steve Kahl, Executive Secretary  
John Schuh, General Counsel

**FROM:** *JWE* Jonathan Emmer, *GW* Guy Welch, and *MJ* Monty Johnson

**DATE:** November 7, 2022

**SUBJECT:** Informal Conference Recommended Findings of Fact, Ruling, and Recommended Order for Revision No. 12 to Permit No. NACC-1302 (Case No. RC-22-233), Coyote Creek Mining Company

On March 17, 2022, Coyote Creek Mining Company, L.L.C. (“CCMC”) filed the application for Revision No. 12 to Surface Coal Mining Permit NACC-1302. Revision No. 12 changes the post mine topography on 280 acres in Sections 6 and 7, T142N, R88W and Section 1, T142N, R89W, adds design plans for three sediment ponds, and updates the contemporaneous reclamation section of the permit. The introductory, legal, financial, compliance information, environmental, operations, and reclamation sections have been revised.

The revision application was deemed complete on June 27, 2022. On July 6, 2022, the Commission issued a Notice of Receipt of Revision Application informing the public that written comments, objections, or requests for an informal conference must be filed with the Commission by August 29, 2022.

On August 29, 2022, Casey and Julie Voigt filed written comments on the revision application and requested an informal conference. The Voigts expressed concerns about dust, projected topsoil and subsoil respread depths, reclamation variances, and the timing of revegetation.

The informal conference was held on October 12, 2022. The Hearing Officer issued the Informal Conference Findings and Recommended Order on November 3, 2022 recommending that Coyote Creek Mining Company shall provide a final native grassland seeding timeline for delayed native grassland seedings to initiate the 10-year revegetation period, describe how these variance areas will be managed prior to seeding to initiate the 10-year revegetation period, and provide a map depicting variance from the 3-year seeding rule (NDCC 38-14.1-24(14)) for Commission review prior to Revision No. 12 approval. The Reclamation Division is recommending the Commission adopt the Hearing Officer’s recommended order.

Coyote Creek Mine\Permits\NACC - 1302\Revisions & Renewals\No. 12\Informal Conference\Order\_Memo\_11-07-22