

COYOTE CREEK MINING COMPANY, L.L.C.

6502 17th Street SW
Zap, ND 58580
(701) 873-7800 • Fax (701) 873-7810

A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION

August 30, 2023

Ms. Zanna Brinkman
Director Reclamation Division
Public Service Commission
600 East Boulevard Avenue
Department 408
Bismarck, ND 58505-0480

RE: Technical Review #2 Responses for Revision 12 to NACC-1302

Dear Ms. Brinkman:

Coyote Creek Mine submits the following responses to the technical review #2 items for Revision No. 12 to Surface Coal Mining Permit NACC-1302 for The Coyote Creek Mine in your letter dated June 14, 2023.

Section 1.1 – Introductory Information

1. Please revise Section 1.1.2 – Revision Summary Pages to include any sections that were updated but were not listed. For example, Sections 3.1.1.8.1, 3.1.1.8.3, 3.1.1.8.4, 3.1.1.8.5, 3.1.1.8.6, 3.1.1.8.7, 3.1.1.8.8, 4.1.3, and 4.2.1 were revised but not listed in Section 1.1.2. (BSM)

Please see updated Section 1.1.2.

Section 2.2 – Surface Water Hydrology

2. Please update the ND Department of Health (NDDOH) references to the ND Department of Environmental Quality (NDDEQ) on pages 2 and 3 of Section 2.2.4, Surface Water Hydrologic Reclamation Plan and Probable Hydrologic Consequences. (JAR)

Please see updated Section 2.2.4.

Section 2.5 – Soils Resources

3. Follow up to Item No. 3: It appears that Coyote Creek made the requested edits to Section 2.5.4.2 to account for the previous changes made to the projected respread thicknesses in Section 25. However, the totals for the “Required Respread based on Section 2.5.7” and the “Excess/Deficit” columns were not updated. It is also apparent that numerous summation errors exist throughout the table. Please review and revise the table to ensure that all

quantities within the table are accurately reflected in the intended calculations. (MLJ, BSM)

Please see the updated table in Section 2.5.4.2.

- 4. Please review and verify all parcels under the Revision 1 Haulroad Corridor¹ within Section 2.5.4.2 (Soil Respread Depth Table) are included for the resulting totals. (BSM)**

Please see the updated table. The formulas were corrected to include all tracts containing the HR Corridor.

- 5. Follow up to Item No. 7 in the midterm review items: Section 2.5.8.1 (Deep Lift Soil Survey Map) appears to have been correctly revised to eliminate salvage depths greater than 120 inches. However, after further review of the map, it appears that other errors and/or inconsistencies are evident according to Table 3 of Section 2.5.8 (Deep Lift Soil Survey). For example, delineations 12 and 17 are shown to have a symbol of 0/120 in Table 3 but are shown as 0/60 in Section 2.5.8.1. Please revise Section 2.5.8.1 so that it is consistent with Table 3 in Section 2.5.8. (MLJ)**

Please see updated Section 2.5.8.1 - Deep Lift Soil Survey Map.

Section 3.1 – Operations- General

- 6. Please revise Section 3.1.1.3, Reclamation Procedures and Schedule, to clearly state if the Reclamation Schedule and Variance Map, Section 3.1.1.3.1, depicts all areas where revegetation is being delayed or if the map only identifies areas where backfilling, grading, and SPGM respread may be delayed. The Project Reclamation Time Schedule table includes a revegetation timeline but the Reclamation Schedule and Variance Map, Section 3.1.1.3.1, does not depict all areas where native grassland plantings have been delayed. It is not clear why delayed seedings in Section 25 and Section 6 are not included in variance areas whereas delayed seedings in Section 36 are included in a variance area. To aid interpretation and for compliance with the Commissions November 3, 2022 Order in Case No. RC-22-233 for Revision No. 12, please cross hatch all areas where the final seed mixture plantings have been delayed or are planned to be delayed. (GAW)**

Please see the updated note in the legend of Jeremy Section 3.1.1.3.1 - Reclamation Schedule and Variance Map. The delayed seeding areas are tracked on CCMC's Annual Mine Map.

- 7. Asterisk No. 4 on page 2 in Section 3.1.1.3, Reclamation Procedures and Schedule, indicates that a variance from the 3-year seeding rule is being requested for cropland and native grassland for management purposes. Previously, delayed seedings only applied to native grassland and woodland plantings. Please clarify if CCMC is planning to not plant the approved pre-cropland hayland mix during the first favorable planting period after SPGM respread. (GAW)**

As discussed on the phone, asterisk No. 4 is not discussing delayed seedings on cropland/hayland. The cropland will be planted during the first favorable planting season. It only discusses potential

delayed seedings for smaller tracts of native grasslands and associated land uses such as woodlands.

Section 3.3 - Surface Water Management

- 8. A watershed in the southwest corner of Section 25 is tied to the watershed above sediment pond P26-01 in the Surface Water Management Plan Map (Section 3.3.2), but surface topography will not allow runoff to flow northward along County Road No. 13 to sediment pond P26-01. Moreover, there is no culvert under County Road No. 13 that will allow runoff to flow westward. This area currently drains to pre-mine wetland WS-SW25-1-143-89 that may have formed due to the construction of County Road No. 13. Please consider updating Section 3.3 to clarify how CCMC is planning to manage surface water runoff from this watershed in the southwest corner of Section 25. (GAW)**

Please see updated Section 3.3.2 Surface Water Management Plan Map. A field engineered diversion was added to assist the flow to the north.

- 9. The Pond Construction and Reclamation Schedule, Section 3.3.4, incorrectly indicates that sediment ponds P24-05 and P24-06 were constructed in 2022. Please correct this error. (GAW)**

Please see updated schedule in Section 3.3.4

Section 4.2 – Revegetation Procedures, Establishment and Management

- 10. Please provide a narrative in Section 4.2.1 that discusses how CCMC is planning to manage reclaimed croplands during the revegetation responsibility period. It is not clear if all the reclaimed cropland, except for Section 19, will be planted to the pre-cropland hayland seed mixture and managed as hayland. (GAW)**

Please see updated Section 4.2.1.

Section 4.3 – Vegetation Assessment and Success Standards

- 11. Please review the delayed native grass seeding narrative on page 2 of Section 4.3.1, Narrative, to ensure the information provided is consistent with Sections 3.1.1.3 and 4.2.1, Reclamation Procedures and Schedule, and Revegetation Narrative, respectively. Section 1.1.2, Revision Summary, states that the timing of native grassland seedings in the variance areas are being aligned with Section 4.3.1. Section 3.1.1.3 is being altered to reference Section 4.2.1 rather than Section 4.3.1 and it states that seedings may be delayed on tracts 10 acres or less up to 3 years after topsoil respread whereas Section 4.3.1 indicates that seedings may be delayed at least 2 years before a tract can be managed with cattle grazing. Section 4.2.1 is being revised to state that seedings will no longer be delayed on larger tracts of native grassland. For compliance with the Commissions November 3, 2022 Order in Case No. RC-22-233 for Revision No. 12, please revise to provide clarity and consistency between the various sections of the permit. (GAW)**

Please see updated Sections 1.1.2 and 4.3.1.

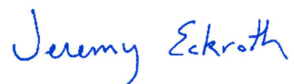
Ms. Zanna Brinkman
August 30, 2023
Page 4 of 4

Other:

Please see updated Section 4.2.2 – Seed Mixes for the updated seed mix on delayed seeding areas with established vegetation that were originally seeded with the early native grassland plantings mix.

Sincerely,

THE COYOTE CREEK MINING COMPANY, L.L.C



Jeremy Eckroth
Environmental Manager