



**APPLICATION FOR REVISION OF PERMIT TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION OPERATIONS**  
 PUBLIC SERVICE COMMISSION  
 RECLAMATION DIVISION  
 SFN 10562 (1-2004)

Date  
6/18/2024

|  |                            |                       |                   |
|--|----------------------------|-----------------------|-------------------|
| Name of Company, Corporation, Partnership, or Individual<br>Coyote Creek Mining Company, L.L.C | Permit Number<br>NACC-1302 | Revision Number<br>13 |                   |
| Address<br>6502 17th Street SW   | City<br>Zap                | State<br>ND           | Zip Code<br>58580 |

The above named hereby makes application for the above Revision Number to: (include a brief description of the surface coal mining and reclamation operation being revised.)  
 - Please see attached -

Attached to this Permit Revision Application are a narrative describing the proposed permit revision, reasons for requesting the revision, and appropriate maps, cross-sections, graphs, construction details, revised reclamation plans and other data which demonstrate compliance with Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and the permit conditions of the approved permit. If an incidental boundary revision involving an acreage adjustment is being requested as part of the permit revision application, the following information shall be included (attach a copy of a metes and bounds description):

| NAME OF MINE        | ACRES | LOCATION |      |       |        |
|---------------------|-------|----------|------|-------|--------|
|                     |       | SEC.     | TWP. | RANGE | COUNTY |
| Coyote Creek Mine   | N/A   |          |      |       |        |
| ADDRESS             |       |          |      |       |        |
| 6502 17th Street SW |       |          |      |       |        |
| Zap, ND 58580       |       |          |      |       |        |
| <b>TOTAL ACRES</b>  | N/A   |          |      |       |        |

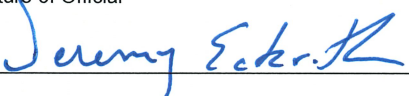
Based upon the proposed changes and any incidental boundary revisions to the permit as stated herein, a new or adjusted bond, or its equivalent, duly executed in accordance with Section 38-14.1-16 of the North Dakota Century Code and Chapter 69-05.2-12 of the North Dakota Administrative Code will be delivered to the Public Service Commission prior to issuance of the surface coal mining and reclamation operations permit herein requested. A check for filing fees, pursuant to Section 38-14.1-13 of the North Dakota Century Code, in the amount of \$ -0-, is included with the revision application.

Name of Official Authorized to Represent the Applicant  
Jeremy Eckroth

I, the above named, certify that:

1. All information and documents required by Sections 38-14.1-13, 38-14.1-14, and 38-14.1-15 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, are submitted as part of this permit application;
2. Information and documentation contained in the permit application affirmatively demonstrate that:
  - a. The permit revision application is accurate and complete and all the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code have been complied with;
  - b. Reclamation as required by Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code can be accomplished under the reclamation plan contained in this permit revision application;

- c. An assessment of the probable cumulative impact of all anticipated mining in the general area on the hydrologic balance as specified in subdivision o of subsection 1 of Section 38-14.1-14 has been made and the proposed operation has been designed to prevent material damage to the hydrologic balance both on and off the mine site;
  - d. The area proposed to be affected is not included within an area designated unsuitable for all or certain types of surface coal mining and is not within an area under study for such designation in an administrative proceeding;
  - e. The proposed surface coal mining operation will not interrupt, discontinue or preclude farming on alluvial valley floors that are irrigated or naturally subirrigated and will not materially damage the quantity or quality of water in surface or underground water systems that supply these alluvial valley floors; and
  - f. The permit revision applicant has the legal right to surface mine the land for which this permit revision application is made and all of the requirements of Chapter 38-18 of the North Dakota Century Code have been complied with.
3. The area proposed to be affected is not included within an area where mining is prohibited pursuant to Section 38-14.1-07 of the North Dakota Century Code; unless specifically allowed in accordance with the provisions of Section 69-05.2-04-01 of the North Dakota Administrative Code; and
4. The surface coal mining and reclamation operations contained in this permit revision application will be carried out at all times in a manner which ensures that all of the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and any permit conditions attached thereto are complied with.

|  |                                |
|--|--------------------------------|
| Signature of Official<br> | Title<br>Environmental Manager |
|--|--------------------------------|

**VERIFICATION**

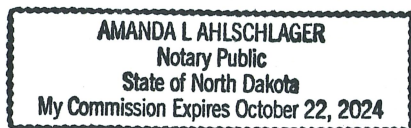
I, Brenden Brinkman, being first and duly sworn, verify that the information contained in this Permit Revision Application is true and correct to the best of my knowledge and belief.

|  |                    |
|--|--------------------|
| Signature of Official<br> | Title<br>President |
|--|--------------------|

STATE OF North Dakota )  
 )ss.  
COUNTY OF Mercer )

Subscribed and Sworn before me, this 25th day of June, 2024.

(SEAL)



  
Notary Public

My Commission Expires: \_\_\_\_\_

This revision includes Renewal #2 to the permit. It identifies the coal removal area that will be mined during the next five year permit term, and updates introductory information, legal information, business entity/compliance information, identification of interests and rights of entry, operations – general, surface water management, fish and wildlife resources, post-mining land use plans and topography, revegetation procedures, establishment, and management, and vegetation assessment and success standards, for the second renewal of this permit. This revision also includes plans to temporarily relocate County Road 13 to the east to allow mining to progress to the west.

# COYOTE CREEK MINING COMPANY, L.L.C.

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

*A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION*

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June 18, 2024

Mr. Jonathan Emmer  
Director Reclamation Division  
Public Service Commission  
600 East Boulevard Avenue  
Department 408  
Bismarck, ND 58505-0480

**RE: Pre-Renewal Responses for Renewal/Revision 13 to NACC-1302**

Dear Mr. Emmer:

Coyote Creek Mine submits the following responses to pre-renewal review items for Revision No. 13 to Surface Coal Mining Permit NACC-1302 for The Coyote Creek Mine in your letter dated January 25, 2024.

**Section 1.2 – Legal Information**

1. **Please replace the certificate of liability insurance in Section 1.2.5 (Certificate of Liability Insurance) with the most recent certificate. (PJR/BSM)**

Please see updated Section 1.2.5

2. **Please include bookmarks in Section 1.2.8 (Mercer County Section Line Right-of-Way Closure and Setback Waiver Documents) so that information can be readily found in this 34-page document. NDAC 69-05.2-05-02. (GAW)**

Please see updated Section 1.2.8

**Section 1.3 – Business Entity/Compliance Information**

3. **Please update the Consolidated Legal Information Report covering Section 1.3.1 (Organizational Structure, Names of Officers, Directors and Share Holders), Section 1.3.2 (Current Permits and Permit Applications), and Section 1.3.3 (Schedule of Violations) referenced in Permit NACC-1302 if any changes have occurred since the most recent consolidated report dated December 18, 2023. A copy of the updated consolidated report or a written certification that the information in the most recent report is still accurate will be required prior to approval of significant revisions and permit renewals. (JAR/BSM)**

A copy of the updated consolidated report or a written certification that the information in the most recent report is still accurate will be submitted prior to approval of this renewal.

4. **Please update Section 1.3.5 (Other Licenses and Permits) as required by NDAC 69-05.2-06-04 if there are any changes to the listings since the most recent update with pending Revision No. 12. (JAR/PJR/GAW/BSM)**

No updates required – section is current.

**Section 1.5 – Identification of Interests and Rights of Entry**

5. **Please update Section 1.5.1 (Permit Area Surface and Coal Interests) as required by NDCC 38-14.1-14(1)(c)(2). If any changes are made to Section 1.5.1, please make the corresponding updates to Section 1.5.3 (Surface and Coal Ownership Map). (GAW/PJR/JAR)**

The introductory page (Page 1 of 1.5) and Certificate of Authenticity of Documents have been updated to reflect the current revision number and date. Also, Section 1.5.3 Surface and Coal Ownership Map was updated.

Following is a table identifying updates to individual Tracts in Section 1.5.1. Permit Area Surface and Coal Interests

| Tract No. | Address change to surface and/or coal ownership | Corporate officers and/or registered agents change | Documentation added – Lease, Warranty Deed, AOE, Continuation Provision, or Other | Easement information updated | Leasehold status change | Note added, removed, or modified | Ownership change to surface and/or coal | Tract added or tract description changed |
|-----------|---|--|---|------------------------------|-------------------------|----------------------------------|---|--|
| 1         | X   |  |   |                              |                         |                                  | X                                       |  |
| 2         | X   |  |   |                              |                         |                                  | X                                       |  |
| 3         | X   |  |   |                              |                         |                                  | X                                       |  |
| 18        | X   |  |   |                              |                         |                                  | X                                       |  |
| 035       | X   |  |   |                              |                         |                                  | X                                       |  |
| 036       | X   |  |   |                              |                         |                                  |   |  |
| 037       | X   |  |   |                              |                         |                                  | X                                       |  |
| 0038      | X   |  |   |                              |                         |                                  | X                                       |  |
| 0039      | X   |  |   |                              |                         |                                  | X                                       |  |
| 0040      | X   |  |   |                              |                         |                                  | X                                       |  |
| 0041      | X   |  |   |                              |                         |                                  | X                                       |  |
| 0042      | X   |  |   |                              |                         |                                  | X                                       |  |
| 0043      | X   |  |   |                              |                         |                                  | X                                       |  |
| 0047      | X   |  |   |                              |                         |                                  | X                                       |  |
| 0048      | X   |  |   |                              |                         |                                  | X                                       |  |
| 0049      | X   |  |   |                              |                         |                                  | X                                       |  |
| 0051      |   |  |   |                              |                         |                                  | X                                       |  |
| 0061      | X   |  |   |                              |                         |                                  | X                                       |  |

6. **Please update Section 1.5.2 (Adjacent Surface and Coal Ownership and Leasehold Information) as required by NDAC 69-05.2-06-01(1)(a) and make the corresponding updates to Section 1.5.3 (Surface and Coal Ownership Map) if necessary. (GAW/PJR/JAR)**

Please see updated Sections 1.5.2 and 1.5.3. The surface and coal ownerships were updated to reflect current ownership and leasehold information.

### **Section 2.4 – Pre-Mining Land Use and Vegetation**

7. **Please review Section 2.4 (Pre-Mining Land Use and Vegetation) and update as necessary if any land use changes have occurred on permitted lands since the permit was originally approved. (GAW)**

No land use changes have occurred – no changes were made to Section 2.4.

### **Section 2.2.5 – Surface Water Monitoring Plan**

8. **Please update the references to the State Health Department to the ND DEQ in the 2<sup>nd</sup> paragraph on page 1 of Section 2.2.5 (Surface Water Monitoring Plan). (JAR)**

Please see updated Section 2.2.5.

### **Section 2.5 Soil Resources**

9. **At the top of page three of Section 2.5.4 (Soil Volume) it states, “*First, somewhat less soil may be necessary to meet reclamation success standards than the 47 inches required in Section 2.5.4.2...*” The 47 inches referenced in this statement appears to have not been updated with the changes made to Section 2.5.4.2 (Soil Respread Depth Table (Mining Disturbance Area and Haulroad Corridor)) with pending Revision No. 12. Please review this statement and make the necessary changes to account for the recent updates to Section 2.5.4.2. (MLJ)**

Please see updated Section 2.5.4

### **Section 2.7 – Fish and Wildlife Resources**

10. **Please review the Threatened and Endangered Species subsection of Section 2.7.3 (Mining Impacts) and update if there have been any species or designated critical habitat changes since the subsection was last updated. The USFWS IPaC site should be used, and the results should be briefly summarized in the permit. NDAC 69-05.2-13-08(2) (GAW/PJR)**

Please see updated narrative in Section 2.7.3.

### **Section 2.8 – Cultural Resources**

11. **If there are any updates or modifications to cultural resources information, mitigation status or SHS correspondence, please revise the appropriate cultural resource subsections of Section 2.8 (Cultural Resources). (JAR)**

No updates required

### **Section 3.1 – Operations – General**

12. **Please update the narrative in Section 3.1.1 (Operations/Reclamation Narrative) to reflect any anticipated changes in the mining plan for the next permit term if necessary. (JAR/BSM)**

No significant changes to the mining plan have occurred – no changes were made to Section 3.1.1.

13. **Please update Section 3.1.1.3 (Reclamation Procedures and Schedule) for the next permit term. If there are changes to the Projected Reclamation Time Schedule table provided on page 2 of Section 3.1.1.3, please make those updates at this time. Also, please review the reclamation variance narratives that begin on page 3 and update to reflect current conditions and changes anticipated during the next term of the permit. (JAR/GAW/BSM)**

Please see updated Section 3.1.1.3 - Reclamation Procedures and Schedule.

14. **Please update Section 3.1.1.3.1 (Reclamation Schedule and Variance Map) to show the current variance areas and variance areas for the next permit term. Some of the variance areas depicted in Section 3.1.1.3.1 from Revision No. 12 have already been reclaimed. (GAW)**

Please see the updated Reclamation Schedule and Variance Map, Section 3.1.1.3.1. The variance areas that have been reclaimed have been retained for historical purposes.

15. **If necessary, please make applicable updates to Section 3.1.1.4 (Coal Production Schedule) through the next permit term as required by NDAC 69-05.2-09-01(1). (JAR/BSM)**

Please see the updated schedule in Section 3.1.1.4.

16. **If necessary, please make applicable updates to Section 3.1.1.5 (List of Equipment). (JAR/BSM)**

Please see updated Section 3.1.1.5.

17. **Please update Section 3.1.1.6 (Landowner and Public Access) to provide greater detail regarding CCMC's plans to mine through and temporarily relocate County Road No. 13 during the next term of the permit. The updated narrative must comply with NDAC 69-05.2-04-01.3(2)(a) and (3). As required by NDAC 69-05.2-10-01(1)(d), the renewal public notice should include a statement regarding the County Road No. 13 relocation, where the relocation is to occur, and its duration. (GAW)**

Please see updated Section 3.1.1.6.

18. **Please update Section 3.1.1.8 (Reclamation Costs) and all applicable subsections detailing the new worst-case pit area for the next permit term (2024 to 2029) and using the most current variable cost update. (BSM)**

Please see the updated Worst Case Bonding costs. The following sections were updated: Section 3.1.1.8, Sections 3.1.1.8.1 – 3.1.1.8.8, and Section 3.1.1.8.10

19. **Please update Section 3.1.2 (Pre-Mining Topography and Existing Structures Map) if any features or facilities (i.e., pipelines, power lines, telephone lines, wind farms, occupied and unoccupied dwellings) have been discovered or relocated in the permit since the most recent update with pending Revision No. 12. (BSM)**

No updates required – there were no changes to the existing structures.

20. **Please update Section 3.1.3 (Pit Layout and Facility Map) as necessary, to incorporate new or expanded overburden and SPGM stockpiles, haulroads or access trails, diversions, sediment ponds, proposed pit layout and sequencing, and mining facilities, etc. The map must clearly identify the next 5-year coal removal subareas as required by NDAC 69-05.2-09-02(3). (GAW/BSM)**

Section 3.1.3 has been updated.

21. **Section 3.1.3 (Pit Layout and Facility Map) mistakenly indicates that federal coal in the southeast corner of the SW<sup>1</sup>/<sub>4</sub> of Section 24 was mined in 2023. Please correct this error. (GAW)**

Section 3.1.3 has been updated.

22. **If updates to the long-term mining plan are necessary, please make those changes in Section 3.1.4 (Extended Mining Plan Map). (JAR/BSM)**

Section 3.1.4 has been updated. *(will need cleaned up pits line added)*

### **Section 3.2 – Transportation Facilities**

23. **Please update the narrative in Section 3.2.1 (Transportation Facilities Narrative) regarding CCMC's plans to cross County Road No. 13 with mining equipment for the next permit term. (BSM)**

Please see updated Section 3.2.1. Please also see the new Section 3.2.2.3 - Typical Relocated County Road 13 Cross-Section.

24. **The table at the bottom of page 4 of Section 3.2.1 (Transportation Facilities Narrative) indicates that ramp/dragline access trails in the SW<sup>1</sup>/<sub>4</sub> of Section 31, N<sup>1</sup>/<sub>2</sub> of Section 36, and NW<sup>1</sup>/<sub>4</sub> of Section 6 will be reclaimed in 2020, 2023 and 2026, respectively. It appears some of these corridors are being used as long-term primary haul roads. Please review and revise this table to provide clarity. (GAW/BSM)**

The table at the bottom of page 4 of Section 3.2.1 has been updated. The N<sup>1</sup>/<sub>2</sub> of Section 36 dragline access trail has been updated to the W<sup>1</sup>/<sub>2</sub> of Section 36. The dragline access trails in the NW<sup>1</sup>/<sub>4</sub> of Section 6 and the SW<sup>1</sup>/<sub>4</sub> of Section 31 have been converted to primary haul roads. The volumes for those are accounted for in Section 3.1.1.8.2.

### **Section 3.3 – Surface Water Management**

25. **Please update Section 3.3.2 (Surface Water Management Plan Map) to reflect any changes in the status or presence of water management structures, SPGM stockpiles, overburden stockpiles, and haul roads that may have occurred since the map was last updated with**

**pending Revision No. 12 as required in part by NDAC 69-05.2-09-02 and NDAC 69-05.2-09-09. (JAR/BSM)**

Please see the updated map in Section 3.3.2. CCMC also added the design and details for a sump (S25-01) in Section 25. Please see new Sections 3.3.30 and 3.3.30.1.

- 26. Please update Section 3.3.4 (Pond Construction and Reclamation Schedule) as required by NDAC 69-05.2-09-09(1)(d) if there are any changes to the schedule since the most recent updates with pending Revision No. 12. (JAR/BSM)**

Please see updated Section 3.3.4

- 27. Please update the narrative regarding the construction plans of sediment pond P24-05 in Section 3.3.27 (Design of Impoundment P24-05). (BSM)**

Please see updated narrative in Section 3.3.27

#### **Section 4.1 – Post-Mining Land Use Plans**

- 28. Please review the size and locations of the woodland plantings depicted in Section 4.1.2 (Post-Mining Topography and Land Use Map) and update if any changes are anticipated. (GAW)**

Please see updated sections 4.1.2 and 4.2.3. The reclaimed woodlands east of County Rd 13 were updated.

#### **Section 4.2 – Revegetation Procedures, Establishment, and Management**

- 29. Please review the second paragraph on page 1 of Section 4.2.3 (Trees and Shrubs) and update to improve clarity. A sentence states that trees will be planted two to three years after soil respread while another states that trees will be planted one to two years after native grasslands are seeded. It appears that woodlands W24-1 through W24-5, W25-1, W36-1, and W36-2 could be planted since the grasslands where they are located were seeded in 2023. (GAW)**

Please see the updated narrative in Section 4.2.3. Coyote Creek plans to begin planting woodlands in 2025.

- 30. The narrative on page 3 of Section 4.2.3 (Trees and Shrubs) indicates that two types of woodlands are planned, Deciduous Woodlands and Tall Shrub Woodlands. Please include a table in Section 4.2.3 that clarifies which plantings are Deciduous Woodlands and which are Tall Shrub Woodlands. This table should also clarify which plantings are replacing pre-mine shelterbelts. The second paragraph on page 3 of Section 4.2.3 discusses that small buffaloberry patches are to be planted, but it is not clear if these are the Tall Shrub Woodland plantings or if other buffaloberry conservation grassland plantings are intended. (GAW)**

Please see the updated table in Section 4.2.3 and the updated Post Mine Land Use Map in Section 4.1.2.

31. **The narrative at the bottom of page 3 of Section 4.2.3 (Trees and Shrubs) states that actual acres of trees that are disturbed will be calculated at each permit renewal and that Section 4.1.2 (Post-Mining Topography and Land Use Map) and the Shelterbelt and Woodland Summary tables will be updated. Please update the Shelterbelt and Woodland Summary tables accordingly and make any necessary corresponding changes to Section 4.1.2. (GAW)**

Please see updated Section 4.2.3 and the updated Post Mine Land Use Map in Section 4.1.2.

#### **Section 4.3 – Vegetation Assessment and Success Standards**

32. **Please review and update the native grassland reference area discussion that begins in the third paragraph on page 1 of Section 4.3.1 (Narrative) so that the information provided is current and correct. Section 2.4.7.1 (Ecological Site Map) should be updated accordingly. (GAW)**

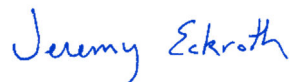
Please see updated Section 4.3.1 and the updated Ecological Site Map, Section 2.4.7.1.

#### **Other**

Please see the updated Pre-cropland/hayland mix in Section 4.2.2. Coyote Creek believes the updated seed mix will provide better hay yields based on successes at other mines.

Sincerely,

**THE COYOTE CREEK MINING COMPANY, L.L.C**



Jeremy Eckroth  
Environmental Manager