



Public Service Commission

Sheri Haugen-Hoffart

Randy Christmann

Julie Fedorchak

600 East Boulevard Ave
Dept. 408
Bismarck, ND 58505-0480
701-328-2400
ndpsc@nd.gov

sent via email only

July 26, 2024

Mr. Jeremy Eckroth
Environmental Manager
Coyote Creek Mining Company, LLC
6502 17th St. SW
Zap, ND 58580
jeremy.eckroth@nacoal.com

Dear Mr. Eckroth:

The Reclamation Division has conducted a technical review of Revision No. 13 to Surface Coal Mining Permit NACC-1302 for the Coyote Creek Mine. The following items must be adequately addressed prior to our office recommending Commission approval of Revision No. 13 and corresponding Renewal No. 2. Permit NACC-1302 expires October 22, 2024, so please respond in a timely manner.

Section 1.1.2 – Revision Summary Pages

1. Updates were made to the narrative in Section 3.3.1 (Surface Water Management Plan) that are not included in the Revision Summary Pages (Section 1.1.2). Please update the Revision Summary Pages to include the revised pages with Revision No. 13/Renewal No. 2. (JAR)

Section 1.3.5 – Other Licenses and Permits

2. Please update the address for Item No. 10 North Dakota Department of Water Resources in Section 1.3.5 (Other Licenses and Permits) from “900 East Boulevard Avenue Bismarck, North Dakota 58505” to “200 Memorial Hwy, Bismarck, ND 58504.” (BSM)

Section 1.5.1 – Permit Area Surface and Coal Interests

3. Shawn Voigt’s name is missing above his address beneath the “Subject to Contract for Deed from:” subsection for Lease No. 02537 in Tract 0040 of Section 1.5.1 (Permit Area Surface and Coal Interests). Please update this tract to ensure all information is provided. (AAC)

Section 2.7.3 – Mining Impacts

4. Follow-up to Item No. 10 of the January 25, 2024 pre-renewal review letter: Please update the Threatened and Endangered Species subsection of Section 2.7.3 (Mining Impacts) to clarify that the USFWS has determined that permitted lands east of County Rd. 13 are absent of Dakota skipper and that CCMC is planning to focus future Dakota skipper survey efforts to permitted lands west of County Rd. 13. (GAW)
5. The second paragraph on page five of Section 2.7.3 (Mining Impacts) references the Rufa Red Knot as the Ruby Red Knot. Please update these references to provide the correct species name. (AAC)

Section 3.1 – Operations – General

6. Follow-up to Item No. 13 of the January 25, 2024 pre-renewal review letter: Variance Area 2 is being expanded to include an area mined in 2021, but the Projected Reclamation Time Schedule table on page 2 of Section 3.1.1.3 (Reclamation Procedures and Schedule) continues to indicate that Variance Area 2 applies to lands mined from 2017 through 2020. Please correct this error and update the Variance Area 2 narrative on page 4 of Section 3.1.1.3 to provide justification as to why it is necessary to expand Variance Area 2 to include the area mined in 2021. (GAW/AAC)
7. Follow-up to Item No. 13 of the January 25, 2024 pre-renewal review letter: According to Section 3.1.3 (Pit Layout and Facilities Map), pit end walls will temporarily exist along the entire length of the boundary between the SW¼ of Section 24 and NW¼ of Section 25, but Variance Area 8 includes only a portion of this area. Please review the timing of mining and reclamation between the western portion of this area and update Variance Area 8, if necessary. The Variance Area 8 narrative in Section 3.1.1.3 (Reclamation Procedures and Schedule) should be updated, if necessary, to provide proper justification. (GAW)
8. Since CCMC received the Mining Plan Approval documents permitting mining of Federal coal in the SW¼ of Section 24 and the SE¼ of Section 26 from ASLM on March 14, 2024, please update the narrative in the first paragraph on page eight of Section 3.1.1.3 (Reclamation Procedures and Schedule) to include ASLM's approval to mine Federal coal. (JAR)
9. The legend in Section 3.1.1.3.1 (Reclamation Schedule and Variance Map) depicts a blue dashed line for the mining disturbance limit, but the map shows a solid line. Please review and revise as necessary. (BSM)
10. In the *Worst Case Analysis* subsection of Section 3.1.1.8 (Reclamation Costs), the narrative states that the worst-case pit scenario was based on the five-year term, 2019 through 2024, and that the year 2024 was used for the worst-case scenario for this five-year term. This information is outdated. Please update the narrative with the correct five-year term, and which year represents the worst-case scenario. (AAC)
11. Section 3.1.3 (Pit Layout and Facilities Map) depicts several ovals labeled as SS or TS in the NE¼ of Section 1, SW¼ of Section 25, and SW¼ of Section 24. These ovals appear to be depicting topsoil and subsoil stockpiles but they may be outdated as they are in the 2024/2025/2026 pit sequence. Please review and revise accordingly. (JAR)

Section 3.2.1 – Transportation Facilities Narrative

12. Follow-up to Item No. 23 and Item No. 24 of the January 25, 2024 pre-renewal review letter: The Ramps/Dragline Access Trails construction and reclamation schedule at the end of page 4 of Section 3.2.1 (Transportation Facilities Narrative) is being revised with Revision No. 13 but it is not clear which ramp or dragline trail is referenced. The dragline access trail in the W½ of Section 36 was not constructed in 2016 and Section 3.1.3 (Pit Layout and Facilities Map) indicates that at least a portion of the dragline access trail is subsoil rather than overburden. Please revise the Ramps/Dragline Access Trails narrative and construction and reclamation schedule to provide clarity. Please also discuss if CCMC is planning to construct the dragline access trail across County

Road 13 in the southwest corner of Section 36 during the next term of the permit. If so, information will be needed on the dragline access trail crossing on the County Road 13 relocation corridor. (GAW)

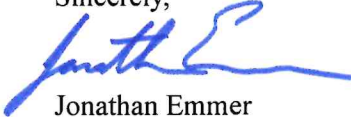
Section 3.3 – Surface Water Management

13. There is a typo in the last sentence of Section 3.3.30 (Design of Sedimentation Sump S25-01), where it refers to the design drawing of the sump in Section 3.3.30 instead of Section 3.3.30.1. Please update the last sentence in Section 3.3.30 changing “Section 3.3.30” to “Section 3.3.30.1”. (BSM)
14. Section 3.3.2 (Surface Water Management Map) does not depict the watershed acreage for sump S25-01. Please depict the watershed acreage for sump S25-01. (BSM)
15. Please verify the boundaries for areas not to be mined in the NW¼ of Section 26 and the SE¼ of Section 27 in Section 3.3.2 (Surface Water Management Plan Map) since the pit layout currently overlaps areas labeled as not to be mined. If necessary, make these changes to Section 3.1.3 (Pit Layout and Facilities Map). (PJR)
16. Please include an entry in the legend for the yellow polygons in Section 3.3.2 (Surface Water Management Plan Map) found throughout the map which are believed to be cultural historic sites. (PJR)
17. As stated above in Item No. 11, Section 3.3.2 (Surface Water Management Plan Map) also contains several ovals depicting topsoil and subsoil stockpiles that may be outdated as they are in the 2024/2025/2026 pit sequence. Please review and revise accordingly. (JAR)

Section 3.3.4 - Pond Construction and Reclamation Schedule

18. Since proposed sediment ponds P26-03 and P26-04 have been removed from Section 3.3.4 (Pond Construction and Reclamation Schedule), please consider adjusting the name for sediment pond P26-05 to P26-03 so that the Section 26 ponds remain in numerical order as was done with the Section 23 ponds. (PJR)

If you have any questions, please contact this office.

Sincerely,

Jonathan Emmer
Director
Reclamation Division

cc via email only: Desirae Zaste (desirae@braatenlawfirm.com)
Derrick Braaten (derrick@braatenlawfirm.com)