



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 certified mail

August 8, 2024

Derrick Braaten
Attorney-at-Law
109 North Fourth Street Suite 100
Bismarck, ND 58501
derrick@braatenlawfirm.com

Dear Mr. Braaten:

This is to inform you that on August 7, 2024, Coyote Creek Mining Company submitted a response to our July 26, 2024, technical review letter for Revision No. 13 to Permit NACC-1302. Enclosed is a copy of their response.

If you have any questions, please contact this office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan Emmer".

Jonathan Emmer
Director
Reclamation Division

Enclosure

cc w/o enclosure via email only:

Desirae Zaste (desirae@braatenlawfirm.com)
Casey Voigt (vvranch4@westriv.com)
Jeremy Eckroth (Jeremy.eckroth@nacoal.com)

Coyote Creek Mine\Permits\NACC - 1302\Revisions & Renewals\No. 13 Ren 2\Rev13_tech1_rsp_Braaten_ltr_8-8-24

COYOTE CREEK MINING COMPANY, L.L.C.

A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION

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

August 7, 2024

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

RE: Technical Review #1 Responses for Renewal/Revision 13 to NACC-1302

Dear Mr. Emmer:

Coyote Creek Mine submits the following responses to technical review #1 items for Revision No. 13 to Surface Coal Mining Permit NACC-1302 for The Coyote Creek Mine in your letter dated July 26, 2024.

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)**

Please see updated Section 1.1.2 - Revision Summary Pages.

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)**

Please see updated Section 1.3.5.

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)**

Please see updated Tract 0040 in Section 1.5.1.

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)**

Please see the updated narrative in Section 2.7.3.

- 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)**

Please see the updated narrative in Section 2.7.3.

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)**

Please see the updated narrative in Section 3.1.1.3 and the updated Reclamation Schedule and Variance Map – Section 3.1.1.3.1. Also, variance areas that have been reclaimed have been removed from the map.

- 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)**

Please see the updated narrative in Section 3.1.1.3 and the updated Reclamation Schedule and Variance Map – Section 3.1.1.3.1.

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)**

Please see the updated narrative in Section 3.1.1.3.

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)**

Please see the updated Section 3.1.1.3.1 - Reclamation Schedule and Variance Map.

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)**

Please see updated Section 3.1.1.8 (Reclamation Costs).

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)**

The ovals in Section 3.1.3 (Pit Layout and Facilities Map) depict future topsoil and subsoil stockpiles. They are located adjacent to the Relocated County Road 13 corridor. These stockpiles are also shown in Section 3.1.1.8.6, Section 3.1.1.8.7, and Section 3.1.1.8.8 to reclaim the Relocated County Road 13 corridor as well as potential mine closing purposes within the current bond increment for Worst Case Bonding.

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)

Please see updated Section 3.1.3 (Pit Layout and Facilities Map). The dragline access trail in the W½ of Section 36 referenced in the table at the end of page 4 of Section 3.2.1 (Transportation Facilities Narrative) is the only trail labeled on the map. All other trails shown in Section 3.1.3 are either current or future beyond this permit term and are not labeled. The transition between subsoil and overburden on the dragline access trail has also been updated with a heavy black line and label. County Road 13 will be crossed by the dragline access trail in the W½ of Section 36 at the location pointed to with an arrow and label on the map. The crossing itself will be an at grade crossing with overburden material.

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)**

Please see updated Section 3.3.30.

- 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)**

Please see updated Section 3.3.2 - Surface Water Management Map.

- 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)**

Please see updated mining boundaries in Section 3.1.3, Section 3.3.2, and Section 3.1.4.

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)**

Please see the updated legend in Section 3.3.2 - Surface Water Management Plan Map.

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)**

The ovals in Section 3.1.3 (Pit Layout and Facilities Map) depict future topsoil and subsoil stockpiles. They are located adjacent to the Relocated County Road 13 corridor. These stockpiles are also shown in Section 3.1.1.8.6, Section 3.1.1.8.7, and Section 3.1.1.8.8 to reclaim the Relocated County Road 13 corridor as well as potential mine closing purposes within the current bond increment for Worst Case Bonding.

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)**

Please see updated schedule in Section 3.3.4. Corresponding changes were made to Section 3.3.2 - Surface Water Management Plan Map as well.

Other

19. Please see updated Section 2.2.5.2 - Surface Water Monitoring Sites and Monitoring Schedule. Surface Water Monitoring Site MS-KRT1 was deactivated

Sincerely,

THE COYOTE CREEK MINING COMPANY, L.L.C



Jeremy Eckroth
Environmental Manager