

COYOTE CREEK MINING COMPANY, L.L.C.

A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION

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August 30, 2024

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

RE: Technical Review #2 Responses for Renewal/Revision 13 to NACC-1302

Dear Mr. Emmer:

Coyote Creek Mine submits the following responses to technical review #2 items for Revision No. 13 to Surface Coal Mining Permit NACC-1302 for The Coyote Creek Mine in your letter dated August 27, 2024.

Section 1.5 – Identification of Interest and Rights of Entry

- 1. Language at the bottom of Section 1.5 (Identification of Interest and Rights of Entry) states the last change to ownership information was “Revision 12 – Renewal 2 – June 2024”. Please revise this language to reference the correct Revision No. 13. (GAW)**

Please see the updated revision number at the bottom of the section.

Section 2.2 – Surface Water Hydrology

- 2. Section 2.2.5.2 (Surface Water Monitoring Sites and Monitoring Schedule) has been updated to show that surface water monitoring site MS-KRT1 will be deactivated in 2024. Please include a narrative in Section 2.2.5 (Surface Water Monitoring Plan) to discuss the deactivation of this monitoring site. The narrative should describe the justification for deactivating the monitoring site and when the monitoring site will be reactivated. (PJR/JAR)**

Please see the updated narrative in Section 2.2.5.

Section 3.1 – Operations - General

- 3. Follow-up to Item No. 6: The table titled “Projected Reclamation Time Schedule” on page 2 of Section 3.1.1.3 (Reclamation Procedures and Schedule) has been updated. Specifically, “Variance Area 8” has been renamed “Variance Area 6,” and the original Variance Area 6 (Revision No. 12) is being eliminated as the associated area has been reclaimed. However, this approach of renaming variance areas makes it difficult to track, particularly when comparing the table with the map. To improve clarity, please do not change variance area identification numbers. Rather than deleting old variance area language, please consider simply adding a sentence to the variance area discussion stating that the variance area has**

been reclaimed. The narrative on historic variance areas should include a reference to the latest permit revision that the specific variance area was still active. (BSM/GAW)

Please see the updated narrative in Section 3.1.1.3 and the updated legend in Section 3.1.1.3.1.

- 4. Follow-up to Item No. 11: To improve clarity, please consider updating the legend on Section 3.1.3 (Pit Layout and Facilities Map) to include a symbol for SPGM and overburden stockpiles and make a distinction between piles that are planned and piles that are already in place. Likewise, please consider making a distinction between haul roads, ramps and dragline corridors that are planned and those that have been constructed. (JAR/BSM)**

Please see the updated Pit Layout and Facilities Map - Section 3.1.3.

- 5. Please depict and label the overburden stockpile located in the southwest corner of Section 25 and the northwest corner of Section 36 in Section 3.1.3 (Pit Layout and Facilities Map). The area under this pile is to be mined during the next term of the permit and it is not clear if this pile will be moved to a new location or if it will be used for backfilling and grading purposes over the next few years. (GAW)**

Please see updated Section 3.1.3, the overburden stockpile mentioned will be used for backfilling and grading purposes over the next few years.

- 6. Section 3.1.3 (Pit Layout and Facilities Map) depicts the dragline access trail ending in the northwest corner of Section 36, but it seems an east west corridor needs to be depicted south of the overburden pile in the NW $\frac{1}{4}$ of Section 36. Moreover, it appears a future access corridor will be needed along the south side of relocated County Road 13 in the NW $\frac{1}{4}$ of Section 36. Please review and revise if necessary to provide clarity. (GAW)**

Please see the updated Section 3.1.3

Section 3.3 – Surface Water Management

- 7. Follow-up to Item No. 17: To improve clarity, please consider updating the legend on Section 3.3.2 (Surface Water Management Plan Maps) to include a symbol for SPGM and overburden stockpiles and make a distinction between piles that are planned and piles that are already in place. Likewise, please consider making a distinction between haul roads, ramps and dragline corridors that are planned and those that have been constructed. (JAR/BSM)**

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

Section 4.3 – Vegetation Assessment and Success Standards

- 8. Please include native grassland production sampling data in the permit that documents the ecological condition (NRCS Similarity Index) of each proposed native grassland ecological site. (GAW)**

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Please see updated narrative in Section 4.3.1 and new section 4.3.1.1 – Proposed Native Grassland Reference Area Data.

Other

In response to written comments from Casey and Julie Voigt dated August 26, 2024, please review the final location of the public access road in the S½ of Section 36, T143N, R183W and update the Post Mining Topography and Land Use Map (Section 4.1.2) accordingly. Please be reminded the Commission ordered the proposed permanent location of this road (18th Street SW) be depicted on the Post Mining Topography and Land Use Map with Special Condition No. 1 added with Revision No. 9.

Coyote Creek is continuing to work with Casey Voigt in regards to the public access road. The road location currently shown on the Post Mining Topography and Land Use Map (Section 4.1.2) had been verbally agreed upon between CCMC and Casey Voigt. We will continue discussions with the Voigts and Mercer County on the final location. If the location is changed, the permit will be updated in a future revision.

Sincerely,

THE COYOTE CREEK MINNG COMPANY, L.L.C



Jeremy Eckroth
Environmental Manager