

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Coyote Creek Mining Company, LLC**  
**Revision 13, Permit NACC-1302**  
**Renewal 2, Permit NACC-1302**  
**Application**

**Case No. RC-24-244**  
**Case No. RC-24-245**

**AFFIDAVIT OF SERVICE BY CERTIFIED, REGULAR AND ELECTRONIC MAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Jill Miller** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **20th day of November 2024**, she deposited in the United States Mail at Bismarck, North Dakota, **five** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

- **Notice of Formal Hearing**

The envelopes were addressed as follows:

Mr. Jeremy Eckroth  
Coyote Creek Mining Company, LLC  
6502 17<sup>th</sup> St. SW  
Zap, ND 58580  
**Cert. No. 9589 0710 5270 0129 6574 41**

Casey and Julie Voigt  
PO Box 454  
Beulah, ND 58523  
**Cert. No. 9589 0710 5270 0129 6574 58**

Derrick Braaten  
109 North 4<sup>th</sup> Street, Suite 100  
Bismarck, ND 58501  
**Cert. No. 9589 0710 5270 0129 6574 65**

Wade Mann  
100 West Broadway, Suite 250  
PO Box 2798  
Bismarck, ND 58501  
**Cert. No. 9589 0710 5270 0129 6574 72**

Hope Hogan  
Administrative Law Judge  
2911 N 14<sup>th</sup> St. Suite 303  
Bismarck, ND 58503  
**Cert. No. 9589 0710 5270 0129 6575 89**

35 RC-24-245 Filed 11/20/2024 Pages: 9  
Affidavit of Service by Certified, Regular and Electronic Mail - Formal Hearing Notice - Letters  
Public Service Commission

Case Numbers RC-24-244 and RC-24-245  
Affidavit of Service  
Page 1 of 2 50 RC-24-244 Filed 11/20/2024 Pages: 9  
Affidavit of Service by Certified, Regular and Electronic Mail - Formal Hearing Notice - Letters  
Public Service Commission

**Jill Miller** further deposes and says that on the **20th day of November 2024**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

The envelope was addressed as follows:

Mr. Jeffrey Fleischman, Chief  
Denver Field Division  
Office of Surface Mining  
P.O. Box 11018  
Casper, WY 11018

The electronic mail was addressed as follows:

Jeremy Eckroth  
Coyote Creek Mining Company, LLC  
[Jeremy.Eckroth@nacoal.com](mailto:Jeremy.Eckroth@nacoal.com)

Casey and Julie Voigt  
[vvranch2@westriv.com](mailto:vvranch2@westriv.com)

Derrick Braaten  
Braaten Law Firm  
[derrick@braatenlawfirm.com](mailto:derrick@braatenlawfirm.com)

Wade Mann  
Crowley Fleck PLLP  
[wmann@crowleyfleck.com](mailto:wmann@crowleyfleck.com)

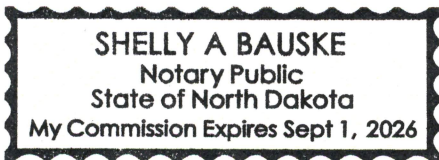
Hope Hogan  
Office of Administrative Hearings  
[hlhogan@nd.gov](mailto:hlhogan@nd.gov)

Jeffrey Fleischman  
Office of Surface Mining  
[jfleischman@osmre.gov](mailto:jfleischman@osmre.gov)

Each address shown is the respective addressee's last reasonably ascertainable post office and electronic mailing address.

Subscribed and sworn to before me  
this **20th day of November 2024**.

  
\_\_\_\_\_



  
\_\_\_\_\_  
Notary Public

SEAL

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Coyote Creek Mining Company, LLC**  
**Revision 13, Permit NACC-1302**  
**Renewal 2, Permit NACC-1302**  
**Application**

**Case No. RC-24-244**  
**Case No. RC-24-245**

**NOTICE OF FORMAL HEARING**

**November 20, 2024**

**Preliminary Statement**

On June 18, 2024, the Public Service Commission (Commission) received the applications for Revision 13 and Renewal 2 to Surface Coal Mining Permit NACC-1302 from Coyote Creek Mining Company, L.L.C. for its Coyote Creek Mine south of Zap in Mercer County. Revision 13 identifies the next five-year coal removal subarea and updates the mining and reclamation plans prior to the permit renewal. The five-year permit renewal allows Coyote Creek Mining Company to continue to operate within the existing permit area until October 22, 2029. On October 9, 2024, the Commission conditionally approved Revision 13, subject to the right of any person that is or may be adversely affected to request a formal hearing, and approved Renewal 2.

On November 15, 2024, the Commission received a request for a Formal Hearing on the approved applications from Casey and Julie Voigt with concerns about reclamation practices, testing and sampling practices, reclamation success, general review of the permit, and concerns from the landowners.

**Notice of Formal Hearing**

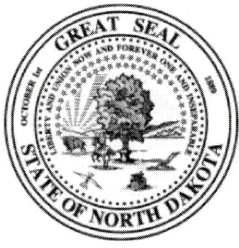
Notice is hereby given that the captioned matter is set for a Formal Hearing, commencing at 9:00 a.m., CST, on December 13, 2024, Public Service Commission Hearing Room, 12<sup>th</sup> Floor, State Capitol, Bismarck, North Dakota.

If you require any auxiliary aids, such as readers, signers, or Braille materials, please notify the Commission, at (701) 328-2400, or Relay North Dakota TTY: 1-800-366-6888 at least 24 hours prior to the hearing.

**PUBLIC SERVICE COMMISSION**



**Steve Kahl**  
**Executive Director**



# 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 and certified mail*  
Cert No. 9589 0710 5270 0129 6574 41

November 20, 2024

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

RE: Notice of Formal Hearing, Case Nos. RC-24-244 & RC-24-245

Dear Mr. Eckroth:

Enclosed is the Notice of Formal Hearing regarding the formal hearing request submitted on November 15, 2024 by Casey and Julie Voigt. The hearing will be held December 13, 2024 in the Commission Hearing Room on the 12<sup>th</sup> floor of the State Capitol beginning at 9:00 a.m. CST.

Please contact me if you have any questions.

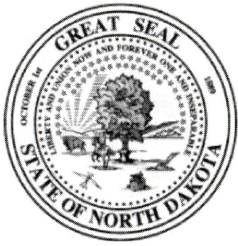
Sincerely,

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

Jonathan Emmer  
Director  
Reclamation Division

Enclosure

Coyote Creek Mine\Permits\NACC - 1302\Revisions & Renewals\No. 13 Ren 2\Formal Hearing\Ltrs\_hearing\_notice\_11-20-24



# 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 and certified mail*  
Cert No. 9589 0710 5270 0129 6574 58

November 20, 2024

Casey and Julie Voigt  
PO Box 454  
Beulah, ND 58523  
vvranch4@westriv.com

RE: Notice of Formal Hearing, Case Nos. RC-24-244 & RC-24-245

Dear Casey and Julie:

Enclosed is the Notice of Formal Hearing regarding the formal hearing request submitted on November 15, 2024 by Casey and Julie Voigt. The hearing will be held December 13, 2024 in the Commission Hearing Room on the 12<sup>th</sup> floor of the State Capitol beginning at 9:00 a.m. CST.

Please contact me if you have any questions.

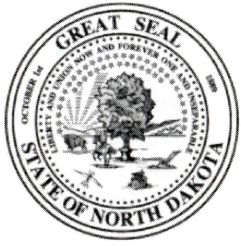
Sincerely,

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Jonathan Emmer  
Director  
Reclamation Division

Enclosure

Coyote Creek Mine\Permits\NACC - 1302\Revisions & Renewals\No. 13 Ren 2\Formal Hearing\Ltrs\_hearing\_notice\_11-20-24



# 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 and certified mail*  
Cert No. 9589 0710 5270 0129 6574 65

November 20, 2024

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

RE: Notice of Formal Hearing, Case Nos. RC-24-244 & RC-24-245

Dear Mr. Braaten:

Enclosed is the Notice of Formal Hearing regarding the formal hearing request submitted on November 15, 2024 by Casey and Julie Voigt. The hearing will be held December 13, 2024 in the Commission Hearing Room on the 12<sup>th</sup> floor of the State Capitol beginning at 9:00 a.m. CST.

Please contact me if you have any questions.

Sincerely,

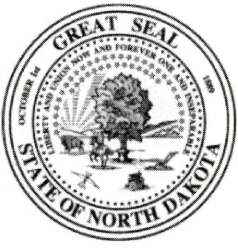
A handwritten signature in blue ink, appearing to read "Jonathan Emmer".

Jonathan Emmer  
Director  
Reclamation Division

Enclosure

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

Coyote Creek Mine\Permits\NACC - 1302\Revisions & Renewals\No. 13 Ren 2\Formal Hearing\Ltrs\_hearing\_notice\_11-20-24



# Public Service Commission

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

Sheri Haugen-Hoffart

Randy Christmann

Julie Fedorchak

*sent via email and certified mail*  
Cert No. 9589 0710 5270 0129 6574 72

November 20, 2024

Mr. Wade Mann  
Attorney-at-Law  
100 West Broadway, Suite 250  
PO Box 2798  
Bismarck, ND 58502  
wmann@crowleyfleck.com

RE: Notice of Formal Hearing, Case Nos. RC-24-244 & RC-24-245

Dear Mr. Mann:

Enclosed is the Notice of Formal Hearing regarding the formal hearing request submitted on November 15, 2024 by Casey and Julie Voigt. The hearing will be held December 13, 2024 in the Commission Hearing Room on the 12<sup>th</sup> floor of the State Capitol beginning at 9:00 a.m. CST.

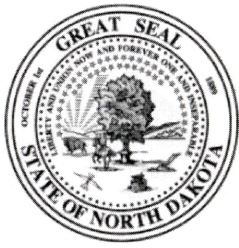
Please contact me if you have any questions.

Sincerely,

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

Jonathan Emmer  
Director  
Reclamation Division

Enclosure



# Public Service Commission

Sheri Haugen-Hoffart

Randy Christmann

Julie Fedorchak

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

*sent via email and certified mail*  
Cert No. 9589 0710 5270 0129 6574 89

November 20, 2024

Ms. Hope Hogan  
Administrative Law Judge  
2911 North 14<sup>th</sup> Street  
Suite 303  
Bismarck, ND 58503  
hlhogan@nd.gov

RE: Notice of Formal Hearing, Case Nos. RC-24-244 & RC-24-245

Dear Ms. Hogan:

Enclosed is the Notice of Formal Hearing regarding the formal hearing request submitted on November 15, 2024 by Casey and Julie Voigt. The hearing will be held December 13, 2024 in the Commission Hearing Room on the 12<sup>th</sup> floor of the State Capitol beginning at 9:00 a.m. CST.

Please contact me if you have any questions.

Sincerely,

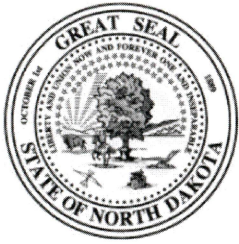
A handwritten signature in blue ink, appearing to read "Jonathan Emmer".

Jonathan Emmer  
Director  
Reclamation Division

Enclosure

cc via email only: Timothy Dawson (tjdawson@nd.gov)

Coyote Creek Mine\Permits\NACC - 1302\Revisions & Renewals\No. 13 Ren 2\Formal Hearing\Ltrs\_hearing\_notice\_11-20-24



# Public Service Commission

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

Sheri Haugen-Hoffart

Randy Christmann

Julie Fedorchak

*sent via email and regular mail*

November 20, 2024

Mr. Jeffrey Fleischman, Chief  
Denver Field Division  
Office of Surface Mining  
P.O. Box 11018  
Casper, WY 82601  
jfleischman@osmre.gov

RE: Notice of Formal Hearing, Case Nos. RC-24-244 & RC-24-245

Dear Mr. Fleischman:

Enclosed is the Notice of Formal Hearing regarding the formal hearing request submitted on November 15, 2024 by Casey and Julie Voigt. The hearing will be held December 13, 2024 in the Commission Hearing Room on the 12<sup>th</sup> floor of the State Capitol beginning at 9:00 a.m. CST.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Jonathan Emmer".

Jonathan Emmer  
Director  
Reclamation Division

Enclosure

cc via email only: John Sieving (jsieving@osmre.gov)

Coyote Creek Mine\Permits\NACC - 1302\Revisions & Renewals\No. 13 Ren 2\Formal Hearing\Ltrs\_hearing\_notice\_11-20-24