

**PUBLIC SERVICE COMMISSION**  
**Reclamation Division**  
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**Memorandum**

**TO:** Commissioners Christmann, Haugen-Hoffart, and Fedorchak  
Steve Kahl, Executive Secretary  
John Schuh, General Counsel

**FROM:** <sup>JE</sup> Jonathan Emmer, <sup>MJ</sup> Monty Johnson, and <sup>GW</sup> Guy Welch

**DATE:** September 27, 2024

**SUBJECT:** Application for Renewal 2 to Permit NACC-1302 held by The Coyote Creek Mining Company, Case No. RC-24-245

On June 18, 2024, The Coyote Creek Mining Company filed the application for Renewal 2 to Surface Coal Mining Permit NACC-1302 to continue to conduct mining operations within the existing permit area until October 22, 2029. Permit NACC-1302 covers all or portions of Sections 6 and 7, T142N, R88W; Sections 1, 2, 3, 11 and 12, T142N, R89W; Sections 7, 8, 9, 10, 18, 19, 30 and 31, T143N, R88W; and Sections 23, 24, 25, 26, 27, 34, 35 and 36, T143N, R89W in Mercer County, totaling approximately 8,443.616 acres. The Reclamation Division has completed its review of this five-year permit renewal and respectfully recommends that it be approved.

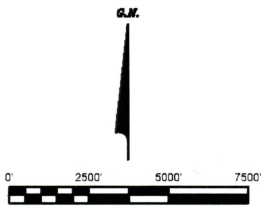
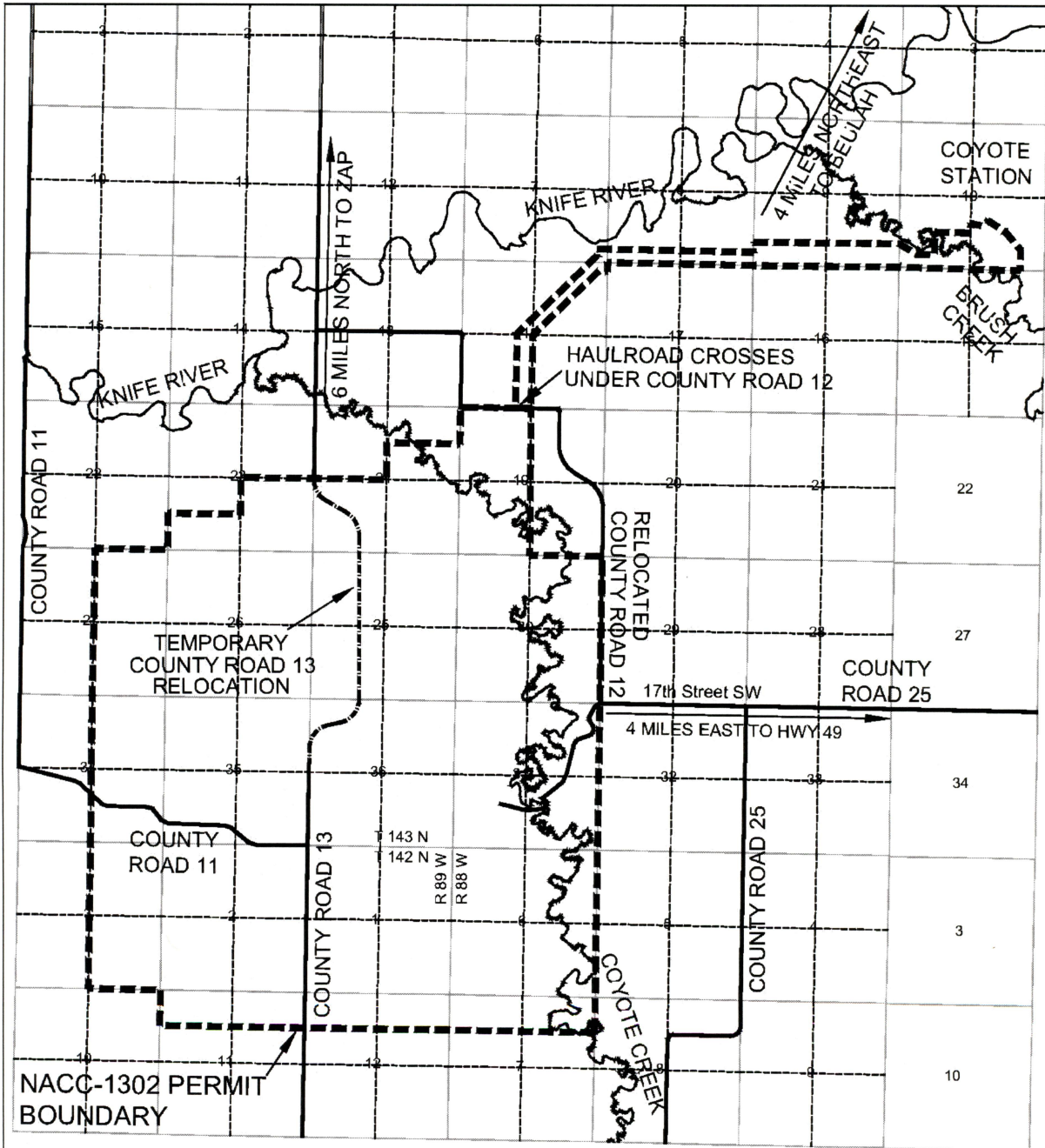
Coyote Creek Mining Company has applied for this five-year renewal because coal removal operations will continue for many years in this permit area. Mining and reclamation plans and other information were updated for the next permit term as part of Revision 13 which was submitted with the renewal application.

Coyote Creek Mining Company has submitted the affidavits of publication of the newspaper notice. We notified the appropriate agencies, affected landowners, and the advisory committee members. On August 22, 2024, Reclamation Division staff met with landowner Casey Voigt and their attorney, Derrick Braaten, to discuss Revision 13 and Renewal 2. On August 26, 2024, the Reclamation Division received written comments from the Voigts regarding the revision and renewal applications. Their comments discussed dampened public participation following Commission commentary during a July 8, 2024 meeting regarding a motion for granting attorney fees in PSC Case No. RC-23-348 (SPGM respread depths); the final location of a low maintenance public road; proposed native grassland reference areas; and the graded spoil testing depth outlined in Policy Memorandum No. 17. The Reclamation Division responded to the Voigts' comments on September 25, 2024. Additionally, the Voigts and the Coyote Creek Mine have resumed discussions regarding the proposed native grassland reference areas and the final location of the public road following their comment letter. A surety bond in the amount of \$25,219,975 covers this permit.

A map showing the location of this permit area is attached. Attached for your consideration at the October 9, 2024 Commission meeting is the proposed motion and renewal approval forms.

Coyote Creek Mine\Permits\NACC - 1302\Revisions & Renewals\No. 13 Ren 2\Ren2\_apprvl\_memo\_9-27-24

# NACC-1302 Permit Area Map



NEWSPAPER PUBLICATION  
NOTICE MAP  
PERMIT NACC-1302  
REVISION 13/RENEWAL 2