

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

**Coyote Creek Mining Company L.L.C**  
**Revision 13, Permit NACC-1302**  
**Renewal 2, Permit NACC-1302**  
**Applications**

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

**ORDER ON SPECIFICATION OF ISSUES**

**December 12, 2024**

**Preliminary Statement**

Coyote Creek Mining Company L.L.C. (Coyote Creek) during a prehearing conference call requested to limit the Issues to the issues stated in the Written Comments of Casey and Julie Voigt.

**Discussion**

On June 18, 2024, Coyote Creek filed Revision Application Filed to Update Mining and Reclamation Plans for the Next Five-Year Permit Term in RC-24-244, and Renewal Application Filed to Extend the Permit Term Another Five-Years, until October 22, 2029.

On August 26, 2024, the Voigts' filed Written Comments of Casey and Julie Voigt in both cases. The issues raised by the Voigts' were regarding selecting reference areas, relocation of a road, testing depth of graded spoil, and the Commission's commentary significantly reducing public participation.

On November 15, 2024, the Voigts filed a Formal Hearing request in both cases. The request was to address concerns about reclamation practices, testing and sampling practices, reclamation success, general review of the permit, and concerns from the landowners.

On November 21, 2024, the PSC filed a Formal Hearing Updating Filing Request and Letter Requesting Updated Filings in both cases.

On November 27, 2024, a Response Letter from Derrick Braaten Regarding Updating Filing Request was filed. Mr. Braaten stated he would not comply with the demand on the timeline provided and asked for legal authority for the demand as he was not able to find any. Mr. Braaten also stated that complying with the demand could have the effect of making it easier for the Mine to collect attorneys' fees against the Voigts.

On November 27, 2024, the Public Service Commission Filed a Response Letter to Derrick Braaten Regarding Braaten's 11-26-2024 Response outlining the authority and reasoning for the request.

On December 11, 2024, a prehearing conference was held with the parties. During the conference Coyote Creek objected to the Voigts' raising any issues outside of their August 26, 2024, comment letter due to the lack of notice by the Voigts' and not filing a clear and concise statement of their claims.

**Order**

The Commission Orders the hearing topics to be limited to new issues or concerns not previously raised at a formal hearing about reclamation practices, reclamation success, general review of the permit, testing and sampling practices, and land owner concerns unless there is new evidence regarding any issues raised in previous formal hearings.

**PUBLIC SERVICE COMMISSION**

Absent

**Sheri Haugen-Hoffart  
Commissioner**

Randy Christmann  
**Randy Christmann  
Chair**

Julie Fedorchak  
**Julie Fedorchak  
Commissioner**