

**NORTH DAKOTA**

**PUBLIC SERVICE COMMISSION**

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

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

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**DECLARATION OF JEREMY ECKROTH**

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I, Jeremy Eckroth, declare under the penalty of perjury:

[1.] My name is Jeremy Eckroth, and I am over the age of eighteen, legally competent, and have personal knowledge of the facts stated herein.

[2.] I am the Environmental Manager at the Coyote Creek Mining Co., LLC (“CCMC”). In that capacity, I am responsible for CCMC’s compliance with environmental laws and regulations.

[3.] I testified at the December 13, 2024 hearing in the above-captioned matters. Prior to that hearing, CCMC had no way to know and did not know that the Voigts would complain of dust in their farmstead that occurred on or about October 8, 2024. The formal hearing was the first time that I had seen the photographs that the Voigts submitted as Exhibits LO7–LO9.

[4.] Since the formal hearing, I investigated the Voigts’ allegations that CCMC caused the dust at issue. As a part of my investigation, I prepared Exhibit CCMC9. That slide deck contains map renderings and photographs with notations that I prepared.

[5.] I also investigated the stockpile or piles that allegedly caused the dust issue. Based on the photos provided by Mr. Voigt in the hearing (Exhibits LO8 and LO9), I presume that the subsoil stockpile in the SW¼ of Section 31 was the pile being referenced by Mr. Voigt in the formal hearing.

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Declaration of Jeremy Eckroth with Exhibits

Coyote Creek Mining Company, L.L.C.  
Wade C. Mann, Crowley Fleck, PLLP

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[6.] Exhibit CCMC9, Slide 1 contains a map rendering with my notations. As shown, CCMC's office is located to the northeast of the Voigts' farmstead and has a security camera facing to the southwest. A gravel road begins near CCMC's office, proceeds south and west, then turns northward going through the Voigts' farmstead, and then on to the Voigts' scoria pit, which is located northwest of the Voigts' farmstead. Between the Voigts' farmstead and CCMC's office is the Voigts' cornfield. CCMC's subsoil pile is located to the southwest of the Voigts' farmstead.

[7.] Exhibit CCMC9, Slide 22 is a photograph of CCMC's subsoil stockpile that was taken on December 18, 2024. That stockpile is fully vegetated to specifically prevent wind erosion.

[8.] I have reviewed and compiled wind data taken near Zap, North Dakota for October 6 through 8, 2024 in Exhibit CCMC13. Based upon my experience, wind speeds of less than 20 miles per hour are insufficient to erode a fully vegetated soil stockpile.

[9.] Based upon my review of CCMC's security camera footage, the Voigts chopped silage on their cornfield on October 6. Exhibit CCMC10 is a video clip of that chopping and the dust that the associated truck traffic created on the Voigts' property. Exhibit CCMC9, Slide 4 is a representative still frame of that video with my notations. CCMC can provide the complete videos for October 6, 2024 upon request. Based upon my review, the Voigts took approximately 30 truckloads of silage from that field over a nearly six-hour period.

[10.] CCMC has nothing to do with the scoria pit located to the northwest of the Voigts' farmstead. When semitrucks access that pit through the Voigts' farmstead, they come within approximately 65 feet of where the Voigts' vehicle was parked in Exhibit LO7. Exhibit CCMC9, Slide 2 is a different rendering I prepared showing the approximate location of that vehicle, the scoria pit haul road through the Voigts' farmstead, and the scoria pit. Exhibit CCMC9, Slide 21 is the second page of Exhibit LO7 with my notation pointing out the scoria pit haul road.

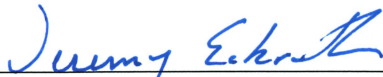
[11.] Based upon my review of CCMC's security camera footage, at least three semitruck loads of scoria were taken from the Voigts' pit on October 7, 2024. Each of those three loads went directly through the Voigts' farmstead twice, once coming and once going. Exhibit CCMC9, Slides 5–10 are representative still frames of that video with my notations showing two of those loads. CCMC can provide the complete videos for October 7, 2024 upon request.

[12.] Based upon my review of CCMC's security camera footage, at least two semitruck loads of scoria were taken from the Voigts' pit on October 8, 2024. Each of those two loads went directly through the Voigts' farmstead twice, once coming and once going. Exhibits CCMC11 and CCMC12 are video clips of the second semitruck. Exhibit CCMC9, Slides 12–19 are representative still frames of those videos with my notations showing two of those loads. CCMC can provide the complete videos for October 8, 2024 upon request. Those two scoria loads occurred between 12:30 p.m. and 2:30 p.m. on October 8, 2024. Based upon CCMC's review, that is approximately the same time period in which the photograph in Exhibit LO7 was taken.

[13.] On the morning of October 8, 2024, Commission staff and CCMC met with Casey Voigt to survey ecosites on CCMC's mine. Those surveys took approximately four hours to complete. During that time, Casey Voigt never complained of dust that was allegedly coming from the mine, including CCMC's subsoil stockpiles. Based upon my review of CCMC's security camera footage, Casey Voigt returned to his property at approximately 1:55 p.m.

I declare, under penalty of perjury under the law of North Dakota, that the foregoing is true and correct.

Signed this 23<sup>rd</sup> day of December in Zap, North Dakota.

  
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Jeremy Eckroth