

**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:** JE Jonathan Emmer

**DATE:** December 26, 2024

**SUBJECT:** Formal Hearing Findings of Fact, Conclusions of Law, and Order for Revision 13 to Permit NACC-1302 (Case No. RC-24-244) and Renewal 2 to Permit NACC-1302 (Case No. 24-245), Coyote Creek Mining Company, L.L.C.

On June 18, 2024, Coyote Creek Mining Company, L.L.C. (CCMC) filed applications for Revision 13 and Renewal 2 to Surface Coal Mining Permit NACC-1302 for its Coyote Creek Mine, located 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. Renewal 2 will allow CCMC to continue to engage in surface coal mining and reclamation operations within Permit NACC-1302 until October 22, 2029.

The revision and renewal applications were deemed complete on June 27, 2024. On July 11, 2024, the Commission issued a Notice of Receipt of Renewal and Revision Applications, informing the public that written comments, objections, or requests for an informal conference must be filed with the Commission by August 26, 2024.

On August 26, 2024, Casey and Julie Voigt filed written comments on the applications for Revision 13 and Renewal 2 of Permit NACC-1302 but did not request an informal conference. The Voigts expressed concerns about reference areas; the relocated road in the S½ of Section 36, T143N, R89W; the testing depth for sampling graded spoil; public participation; and acres released from bond in North Dakota.

On October 9, 2024, the Commission conditionally approved Revision 13 and approved Renewal 2. The approvals were subject to the right of any person with an interest who is or may be adversely affected to request a hearing on the Commission's decision.

On November 15, 2024, the Commission received a request for a formal hearing on the approved applications from the Voigts. The Voigts' formal hearing request stated, "Issues to be raised at the formal hearing include reclamation practices, testing and sampling practices, and reclamation success, as well as general review of the permit and concerns of the landowners hosting this Mine on their property."

The formal hearing was held on December 13, 2024 as scheduled. The Voigts, CCMC, and Commission staff testified at the hearing. The attached Findings of Fact, Conclusions of Law, and Order were prepared by staff. This order affirms the Commission's earlier decision to approve Revision 13 and Renewal 2 to Permit NACC-1302 and dismisses the Voigts' November 15, 2024, formal hearing request. Attached is a motion to adopt the Findings of Fact and Conclusions of Law and Order.

#### Attachments

Coyote Creek Mine\Permits\NACC - 1302\Revisions & Renewals\No. 13 Ren 2\Formal Hearing\Order\_memo\_12-26-24