

# COYOTE CREEK MINING COMPANY, L.L.C.

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*A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION*

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December 16, 2025

Mr. Jonathan Emmer  
Director Reclamation Division  
Public Service Commission  
600 East Boulevard Avenue  
Department 408  
Bismarck, ND 58505-0480

**RE: Completeness Review #2 Responses for Revision 14 to NACC-1302**

Dear Mr. Emmer:

Coyote Creek Mine submits the following responses to completeness review #2 items for Revision No. 14 to Surface Coal Mining Permit NACC-1302 for The Coyote Creek Mine in your letter dated July 26, 2024.

**Section 1.2.4 – Newspaper Publication Notice**

1. **The first sentence in the last paragraph on page 90 of Section 1.2.4 (Newspaper Publication Notice) references a permit renewal. Please remove this reference to a permit renewal. (GAW)**

Please see the updated Newspaper Publication Notice – Section 1.2.4.

2. **Please remove the word “minor” from the third sentence in the first paragraph on page 87 of Section 1.2.4 (Newspaper Publication Notice). (WWS)**

Please see the updated Newspaper Publication Notice – Section 1.2.4.

**Section 1.2.8 – Mercer County Section Line Right-of-Way Closure and Setback Waiver Documents**

3. **The post mining land use narrative in Section 4.1.1 (Narrative) has been updated to indicate that Mercer County has acquired an easement from the Voigts to reclaim the farmer access road through Section 36, following the original pre-mine road alignment. However, the associated Mercer County approval documents have not been added to Section 1.2.8 (Mercer County Section Line Right-of-Way Closure and Setback Waiver Documents). Please update Section 1.2.8 to include the Mercer County approvals and any supporting documentation related to the Voigt’s easement for reclamation of the farmer access road through Section 36. (BSM)**

Please see pages 30-38 in the updated Section 1.2.8 - Road Closure Documents.

### **Section 2.2.4 – Surface Water Hydrologic Reclamation Plan and Probable Hydrologic Consequences**

4. **Section 2.2.4.2 (Post-Mining Probable Hydrologic Consequences Map) depicts a drainageway passing through two watersheds in the SW¼SE¼ of Section 24. Please review the boundary between watersheds CC-17-02 and CC-03 in the SW¼SE¼ of Section 24 and update as necessary. Please also ensure the postmining drainage area, peak discharge, and runoff volumes for watersheds CC-17 and CC-03 in the tables in Section 2.2.4.3 (Surface Water Probable Hydrologic Consequences Data) are accurate. (GAW)**

Please see updated Section 2.2.4 – Surface Water Hydrologic Reclamation Plan and Probable Hydrologic Consequences, Section 2.2.4.2 - Surface Water Hydrologic Consequences Map, and Section 2.2.4.3 - Surface Water Probably Hydrologic Consequences Data.

### **Section 3.1 – Operations – General**

5. **The post-mining topographical change areas depicted in Section 3.1.5 (Post-Mining Topography Development Map) do not appear to encompass all areas where contour updates are being proposed with Revision 14. For example, there appear to be two areas extending beyond the boundary of the area depicted in the N½ of Section 25. Additionally, there appear to be contour updates beyond the western and eastern edges of the 44 acre area depicted in the SW¼ of Section 6. Some of these areas fall within reclaimed areas, which would require re-disturbance. Please review the areas where topographical changes are proposed in Section 3.1.5 to ensure the boundaries of the areas are accurately depicted, and revise the acreages associated with these areas accordingly. Any alterations to the topographical change areas in Section 3.1.5 should be reflected in Section 1.2.4.7 (Newspaper Publication Notice Map for Revision 14). (BSM)**

The boundary polygons for the post-mining topographical changes are not exact computations but are an approximation of the areas changed by ± four feet as compared to approved Revision 13 contours. The post-mining topographical changes tie to approved grade approval areas COY-049 and COY-053 in Section 6, as well as COY-050 and COY-031 in Section 25. COY-031 is an island grade approval area in Section 25, so an aerial flight survey was done to verify that the proposed Revision 14 post-mining contours will properly tie to it. The boundary polygons and resulting acreage changes in Sections 3.1.5 and 3.1.6 have been updated.

Also, please see the updated Newspaper Publication Map – Section 1.2.4.7. The map was updated to show the correct areas where contour updates are being proposed with Revision 14

6. **With the revisions to the post-mining topography and the post-mine land use swap of native grassland and cropland in Sections 24 and 25, several subsections of Section 3.1.1.8 (Reclamation Costs) do not appear to have been updated to reflect these changes. Please review and revise all applicable subsections of Section 3.1.1.8 to ensure that the reclamation cost calculations accurately incorporate the updates to the post-mining topography and the adjusted post-mine land use acreages in Sections 24 and 25. Any changes made to these sections should be accurately reflected in Section 1.1.2 (Revision Summary Pages). (BSM)**

The overall post-mine land use acres remained the same. They simply shifted to create larger, continuous blocks of native grassland and cropland. CCMC evaluated the proposed changes, and

the land use swap resulted in very little change to the worst-case bond. CCMC is currently over-bonded by approximately \$3,000,000. Therefore, there is sufficient bond coverage in place to cover any potential minor increases to the worst case bond costs.

### **Section 4.2.3 – Trees and Shrubs**

- 7. Please review the Native Tree and Shrub Woodland narrative that begins on page 2 of Section 4.2.3 (Trees and Shrubs) to ensure the information provided accurately reflects what transpired with tree plantings in 2025. Ideally, this information would include as-planted design plans in the permit for each woodland planting. The Reclamation Division is aware that western snowberry was not available when trees and shrubs were ordered last winter, so this needs to be documented. The tall shrub woodland mixture on page 3 of Section 4.2.3 may need to be updated if this species is no longer available. Any changes made to Section 4.2.3 should be accurately reflected in Section 1.1.2 (Revision Summary Pages). Also, Section 4.1.2 (Post-Mining Topography and Land Use Map) should be updated to accurately depict the location and actual size of each planting. (GAW)**

Please see updated Section 4.1.2 - Post-Mining Topography and Land Use Map, Section 4.2.3 - Trees and Shrubs, and new section 4.2.3.1 – As-Planted Woodland Designs.


### **Section 4.4.2.2 – Design Parameters for Post-Mining Wetlands**

- 8. Please review the direct and indirect contributing watershed acreage values for the wetlands in the table in Section 4.4.2.2 (Design Parameters for Post-Mining Wetlands) and update if Revision 14 topographic changes have altered the size of the contributing watersheds. Any changes made to Section 4.4.2.2 should be accurately reflected in Section 1.1.2 (Revision Summary Pages). (GAW)**

Please see updated Section 4.4.2.2 - Design parameters for Post-Mining Wetlands and Section 4.5.2.1 - Design parameters for Post-Mining Stockponds.

Sincerely,

**THE COYOTE CREEK MINING COMPANY, L.L.C**



Jeremy Eckroth  
Environmental Manager