

March 23, 2026

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

**RE: Technical Review #1 Responses for Revision 14 to NACC-1302**

Dear Mr. Emmer:

Coyote Creek Mine submits the following responses to the technical review #1 items for Revision No. 14 to Surface Coal Mining Permit NACC-1302 for The Coyote Creek Mine in your letter dated March 5, 2026.

**Section 1.1 – Introductory Information**

- 1. Please provide a summary of the changes being made to Section 4.5.2.1 in Section 1.1.2 (Revision Summary Pages). (WWS)**

Please see updated Section 1.1.2.

**Section 1.5.1 – Identification of Interests and Rights of Entry**

- 2. Please update Kenneth Voigt’s mailing address in Section 1.5.1 (Permit Area Surface and Coal Interests) to the address that was provided to the Reclamation Division via email on February 24, 2026; 107 4<sup>th</sup> Ave W Apt 5, Zap, ND 58580-8013. This will need to be done for each tract that Mr. Kenneth Voigt has an ownership interest. (GAW)**

Please see updated Section 1.5.1 - Permit Area Surface and Coal Interests. Tracts 1, 2, 18, 35, 37-43, 47- 49, and 61 have been updated.

**Section 2.2 – Surface Water Hydrology**

- 3. The title block for Section 2.2.4.2 (Post-Mining Probable Hydrologic Consequences Map) incorrectly identifies the map as Section 2.2.4.4, Post-Mining Ephemeral Drain Map. Please review and revise the title block for Section 2.2.4.2 accordingly. (BSM)**

Please see the updated title block for Section 2.2.4.2 - Post-Mining Probable Hydrologic Consequences Map.

4. Please review how surface water runoff north of the farmer access road in the N½SE¼ of Section 36 is expected to flow in the post-mining setting. The farmer access road will function as a diversion if culverts are not installed, which will force surface water runoff north of the road to flow eastward and westward. It appears a watershed break is missing in the E½SE¼ of Section 36 on Section 2.2.4.4 (Post-Mine Ephemeral Drainage Map). Please review Section 2.2.4.2 (Post-Mining Probable Hydrologic Consequences Map) and Section 2.2.4.4 to acknowledge how surface water runoff north of the road will be managed post-mining. If this road is to function as a permanent diversion, then it should be depicted in Section 2.2.4.2 and Section 2.2.4.4, and an ephemeral drain profile should be provided for the drainage in the southeast corner of the NE¼ of Section 36 to ensure long-term stability. Please demonstrate that the drainage in the NE¼ of Section 36 will be capable of handling runoff from a 100-year, 6-hour precipitation event. If this drainage cannot handle the expected runoff, then alternative measures will need to be taken. (GAW/BSM)

Please see updated Sections 2.2.4.2 - Post-Mining Probable Hydrologic Consequences Map and Section 2.2.4.4 - Post-Mine Ephemeral Drainage Map. The watersheds were updated to correctly illustrate the watershed break following the centerline of the farmer access road. In section 2.2.4.4, an ephemeral drain was added in the southeast corner of the NE¼ of Section 36. Section 2.2.4.3 (Surface Water Probable Hydrologic Consequences Data) and Section 2.2.4.5 (Ephemeral Drain Summary) were changed to reflect the revised watersheds. Updated text for watersheds CC-08 and CC-09 in 2.2.4 (Surface Water Hydrologic Reclamation Plan and Probable Hydrologic Consequences).

Please also see Section 3.2.6.11 (Farmer Access Culvert). This is the design of the 24” culvert that is used for the farmer access road.

### **Section 3.0 – Operations – General**

5. The title block for Section 3.1.1.8.8 (Subsoil Disturbance Area Map) incorrectly identifies the map as Section 3.1.1.8.6, General Location Map. Although it is recognized that Section 3.1.1.8.8 was not updated with Revision 14, the Reclamation Division believes this is an opportune time to correct this error so all information presented in the permit is correct and accurate. If changes are made to Section 3.1.1.8.8, please ensure it’s properly reflected in Section 1.1.2 (Revision Summary Pages). (BSM)

Please see updated Section 3.1.1.8.8. The title block and legend were updated. No other changes were made to the map.

6. It appears that sediment pond P24-07 has been removed and replaced with Sediment Pond P24-06 (Phase 2) in Section 3.3.4 (Pond Construction and Reclamation Schedule). Please clearly label this addition as “P24-06 (Phase 2)” to avoid confusion from the current duplicate label of the pond. (BSM)

Please see updated Section 3.3.4 - Pond Construction and Reclamation Schedule.

7. Please reposition the label for sediment pond P24-03 in Section 3.1.3 (Pit Layout and Facilities Map) and Section 3.3.2 (Surface Water Management Plan Map) so that it is legible. (MLJ)

Please see updated Sections 3.1.3 and 3.3.2. The labels have been repositioned, and the maps were updated to show Phase 1 as built and the Phase 2 future extension of P24-06 pond’s pool area.

## Section 4.1 – Post Mine Land Use Plans

- 8. The updated narrative in Section 4.1.1 (Narrative) incorrectly lists the location of the farmer access road in range R183W instead of R89W. Please correct this error. Additionally, please consider revising the title for Section 4.1.1 from “Narrative” to “Post Mine Land Use Narrative” for clarity and conciseness. (BSM)**

Please see updated Section 4.1.1 - Post-Mining Land Use Narrative.

## Section 4.2 – Revegetation Procedures, Establishment, and Management

- 9. The green needlegrass pure live seed (PLS) per square foot value is being revised in the delayed seeding mix on page 3 of Section 4.2.2 (Seed Mixes), but the PLS pounds per acre seeding rate value is unchanged. Please review and revise to clarify how the PLS per square foot value can change without altering the species seeding rate. (GAW)**

Please see updated Section 4.2.2 – Seed Mixes. The PLS was updated.

- 10. Please consider revising Section 4.2.3.1 (As-Planted Woodland Designs) to establish the fourth stage bond release density and diversity performance standards for the deciduous and tall shrub woodlands planted in 2025. The density, diversity and time-in-place requirements set forth in Section II-F of our Revegetation Success Standards document should be used to develop these standards. If the tree and shrub species per acre percentages are the same in all planting types, then a single standard may be developed for each woodland type (deciduous and tall shrub) by surface owner. (GAW)**

CCMC will update the section with fourth stage bond release density and diversity performance standards in a future revision. The woodland plantings are not complete in Sections 24 and 25.

Sincerely,

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



Jeremy Eckroth  
Environmental Manager