



# Public Service Commission

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*sent via email only*

April 30, 2026

Mr. Jeremy Eckroth  
Environmental Manager  
Coyote Creek Mining Company, LLC  
6502 17th St. SW  
Zap, ND 58580  
jeremy.eckroth@nacoal.com

Dear Mr. Eckroth:

The Reclamation Division has reviewed Coyote Creek Mining Company's (CCMC) March 23, 2026, response to our March 5, 2026, technical review of Revision 14 to Surface Coal Mining Permit NACC-1302. The following items must be adequately addressed prior to our office recommending Commission approval of Revision 14.

## **Section 1.1.2 – Revision Summary Pages**

1. Follow-up to Item No. 1 of our March 5, 2026, technical review letter: On page 73 of Section 1.1.2 (Revision Summary Pages), please provide a summary of the changes made to Section 4.5.2.1 (Design Parameters for Post-Mining Stockponds). (WWS)

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

2. The narrative in sentence nine of the second paragraph on page 12 in Section 2.2.4 (Surface Water Hydrologic Reclamation Plan and Probable Hydrologic Consequences) contains a typographical error that has sub-watershed CC-16-02 listed twice when discussing two separate sub-watersheds. Please correct the error with the intended sub-watershed. (JAR)

## **Section 3.1.3 – Pit Layout and Facilities Map**

3. There appears to be discrepancies in the coal removal boundaries depicted in Section 3.1.3 (Pit Layout and Facilities Map) and the 2025 SPGM Stockpile and Pond Location Map submitted with the 2025 Annual Mine Map for the years 2024 and 2025. To provide clarity for mining operations and related sections, please review and revise Section 3.1.3 to reflect the most current coal removal boundaries and ensure consistency with subsequent years. (BSM)

## **Section 4.1– Post-Mining Land Use Plans**

4. Follow-up to Item No. 4 of our March 5, 2026, technical review letter: Please depict the culvert that is to be placed under the farmer access road (Section 3.2.6.11) in Section 4.1.2 (Post-Mining Topography and Land Use Map) and reference this culvert in the narrative at the bottom of page 4 of Section 4.1.1 (Post-Mining Land Use Narrative). Depicting the culvert on the Post-Mining

Topography and Land Use Map will enable one to realize the size of the watershed above the culvert. Additionally, the narrative on page 4 of Section 4.1.1 should also clarify whether CCMC plans to place road surfacing material on the permanent farmer access road. A cross-section profile of the road should be provided to illustrate the road top width and how the road embankment will transition into adjacent reclaimed lands. (GAW)

### **Section 4.3 – Vegetation Assessment and Success Standards**

5. Please revise Section 4.3.1 (Narrative) to illustrate how the five proposed ecological sites (Cp, Sa, Sy, Ly, & TCp) comprise approximately 70 percent of the native ecosites on the Voigt and State of North Dakota lands grazed by the Voigts and provide an evaluation of the relative percentage of the Shallow Loamy ecological site on these lands. Although the second paragraph on page 2 of Section 4.3.1 states that the dominant sites within the anticipated disturbance boundary were identified for each landowner, perhaps an examination of the dominant pre-mining ecological sites should be made for the disturbed area in each logical bond release tract. Section 2.4.7.2 (Ecosite Acres by Owner) indicates the Clayey ecological site is the dominant ecological site in the SE¼ of Section 36, which might be a logical bond release tract, and the Clayey ecological site is prevalent on three other tracts, Section 1, N½N½ of Section 12, and the N½ & SW¼ of Section 36. Please provide an evaluation of the dominant pre-mining ecological sites for each logical bond release tract on the Voigt and State land in the main body of the permit east of County Road No. 13. (GAW)

If you have any questions, please contact this office.

Sincerely,

Jonathan Emmer

Digitally signed by Jonathan  
Emmer  
DN: cn=US, e=jemmer@dnd.gov,  
o=North Dakota Public Service  
Commission, cn=Jonathan  
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