May 18, 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 #2 items for Revision No. 14 to Surface Coal Mining Permit NACC-1302 for The Coyote Creek Mine in your letter dated April 30, 2026.

**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)**

   Please see updated Section 1.1.2.

**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)**

   Please see updated page 12 in Section 2.2.4 - Surface Water Hydrologic Reclamation Plan and Probable Hydrologic Consequences.

**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**



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**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)**

Please see updated Sections 3.1.1.3.1 - Reclamation Schedule and Variance Map, Section 3.1.3 - Pit Layout and Facilities Map, Section 3.1.4 - Extended Mining Plan Map, and Section 3.3.2 - Surface Water Management Plan Map. These sections were updated to reflect the actual 2024 and 2025 coal removal boundaries, subsequent years of mining, several haulroads (future and existing), the Variance area #3 hatch, and a future SPGM pile in SW4 Section 36.

**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)**

   Culvert information is not shown in the Post-Mining Topography and Land Use Map. The culvert for the farmer access road is shown in Section 3.3.2 - Surface Water Management Plan Map. Please also see the added Section 3.2.2.4 - Typical Farmer Access Road Cross-Section. This section illustrates the roadway width, surfacing, lane slope, and the transition of the road embankment to adjacent reclaimed lands. Also, see updated Section 4.1.1 - Post-Mining Land Use Narrative. Text was added to indicate where to find specific information for both the culvert and the proposed farmer access road.

**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)**

Please see updated narrative and Table 1 in Section 4.3.1.

Sincerely,

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

Jeremy Eckroth

Jeremy Eckroth
Environmental Manager