

**PUBLIC SERVICE COMMISSION**  
Reclamation Division  
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Memorandum

**TO:** Commissioners Christmann, Haugen-Hoffart, and Kringstad  
Brian Johnson, Executive Secretary  
Christopher Martens, General Counsel

**FROM:** Jonathan Emmer JWE

**DATE:** June 9, 2026

**SUBJECT:** Informal Conference Recommended Findings of Fact, Ruling, and Recommended Order for Revision 14 to Permit NACC-1302 (Case No. RC-25-270), Coyote Creek Mining Company

On October 3, 2025, the Public Service Commission received the application for Revision 14 Surface Coal Mining Permit NACC-1302 from the Coyote Creek Mining Company, L.L.C., (CCMC) for its Coyote Creek Mine south of Zap in Mercer County. Revision 14 revises the post-mining topography in portions of Sections 23, 24, 25, 26, and 36, T143N, R89W; Section 31, T143N, R88W; and Section 6, T142N, R88W. Revision 14 also updates the introductory information, pre-mining land use, general operations, surface water management, post-mining land use plans and topography, revegetation procedures, establishment and management, and vegetation assessment and success standards sections of the permit. Specific updates include updated design plans for sediment pond P24-06, the addition of design plans for diversion D25-01, post-mining land use acreage adjustments in Sections 24 and 25, T143N, R89W to accommodate larger blocks of cropland and native grassland, and modifications to the native grassland and woodland planting seed mixtures. The revision also finalizes the location of the Section 36 farmer access road (18th Street SW) and finalizes the use of several ecological sites as native grassland reference areas.

The revision application was deemed complete on January 16, 2026. On February 3, 2026, the Commission issued a Notice of Receipt of Revision Application informing the public that written comments, objections, or requests for an informal conference must be filed with the Commission by March 30, 2026.

On March 30, 2026, Derrick Braaten of Bismarck, counsel for Casey and Julie Voigt (“Voigts”), filed comments, objections, and a request for an informal conference (“Conference”). The Voigts expressed concerns about the native grassland reference areas, the Section 36 farmer access road (18th Street SW), compaction testing, and the productivity of reclaimed land.

The informal conference was held on May 12, 2026. The Hearing Officer issued the Informal Conference Findings and Recommended Order on June 8, 2026, recommending that CCMC’s application for Revision 14 satisfies all applicable permit revision standards under N.D.C.C. ch. 38-14.1, N.D.A.C. art. 69-05.2, and the permit conditions, and that the Commission may approve Revision 14 with or without conditions.

The Reclamation Division is recommending the Commission adopt the Hearing Officer’s recommended order. Attached is an order for the Commission to adopt the Hearing Officer’s Recommend Order and a

motion for your consideration at the June 11, 2026, Commission meeting. If the Commission adopts the attached order, either party can request a formal hearing within 30 days of receiving the order.

Coyote Creek Mine\Permits\NACC - 1302\Revisions & Renewals\No. 14\Informal Conference\Rev14\_Informal\_Conf\_Order\_Memo\_6-9-26