

**Public Service Commission
Reclamation Division**

Memorandum

TO: Commissioners Christmann, Haugen-Hoffart, and Kringstad
Brian Johnson, Executive Director
Chris Martens, General Counsel
JE *MS*

FROM: Jonathan Emmer, Monty Johnson, and Guy Welch

DATE: July 13, 2026

SUBJECT: Application for Revision 14 to Permit No. NACC-1302 held by Coyote Creek Mining Company, L.L.C., Case No. RC-25-270

On October 3, 2025, Coyote Creek Mining Company, L.L.C. (Coyote Creek) filed the application for Revision 14 to Surface Coal Mining Permit NACC-1302. 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. The revision also updates the introductory information; pre-mining land use information; 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 five ecological sites as native grassland reference areas. The Reclamation Division has completed its review of this revision application and respectfully recommends that it be approved.

Revision 14 was deemed a significant revision to Permit NACC-1302 and was subject to the public notice requirements. Coyote Creek submitted affidavits for publication of the required newspaper notices. We notified the appropriate agencies, the permit area landowners, and the advisory committee members of the revision application.

An informal conference was requested by landowners Casey and Julie Voigt with 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 stating that the Commission may approve Revision 14 with conditions or it may approve Revision 14 outright, without conditions. The Commission adopted the Hearing Officer's recommended order on June 11, 2026. Coyote Creek Mining Company, L.L.C. updated the Revision 14 application with language stating that the mine will work with Mr. Voigt to establish a clayey native grassland reference area.

The current performance bond of \$25,219,975 has been determined sufficient for the proposed mining and reclamation operations in the bond area of Permit NACC-1302. Attached for your consideration at the July 27th Commission meeting are the proposed motion, revision approval form, and newspaper notice that we must publish following revision approval.

Attachments

Coyote Creek Mine\Permits\NACC - 1302\Revisions & Renewals\No. 14\Rev14_Apprvl_memo_7-13-26