



Public Service Commission State of North Dakota

DKM

COMMISSIONERS

Brian Kroshus
Julie Fedorchak
Randy Christmann

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

INSPECTION REPORT

DATE OF INSPECTION: October 1, 2019
TYPE OF INSPECTION: Partial
PERMITTEE - MINE: Coyote Creek Mining Co. – Coyote Creek Mine
PERMITS INSPECTED: NACC-1302
PERSONS ACCOMPANYING INSPECTORS: Donn Steffen and Tyler Barth representing CCMC; Casey Voigt, Julie Voigt, JJ England, and Mark Anderson representing the Voigt's
INSPECTION CONDITIONS: The inspection was conducted between 11:00 a.m. and 2:00 p.m. CDT. Skies were overcast. The temperature was near 40° F. Access was limited due to muddy conditions.

GENERAL

The purpose of this inspection was to accompany Casey and Julie Voigt, and their representatives, to lands within Variance Areas 1 and 2 in Permit NACC-1302 that have been respread with topsoil as ordered by Timothy J. Dawson, Administrative Law Judge (ALJ) in PSC Case No. RC-19-189 and RC-19-190. The Voigt's expressed concerns with CCMC's reclamation and requested access to these areas to gather information in advance of an informal conference.

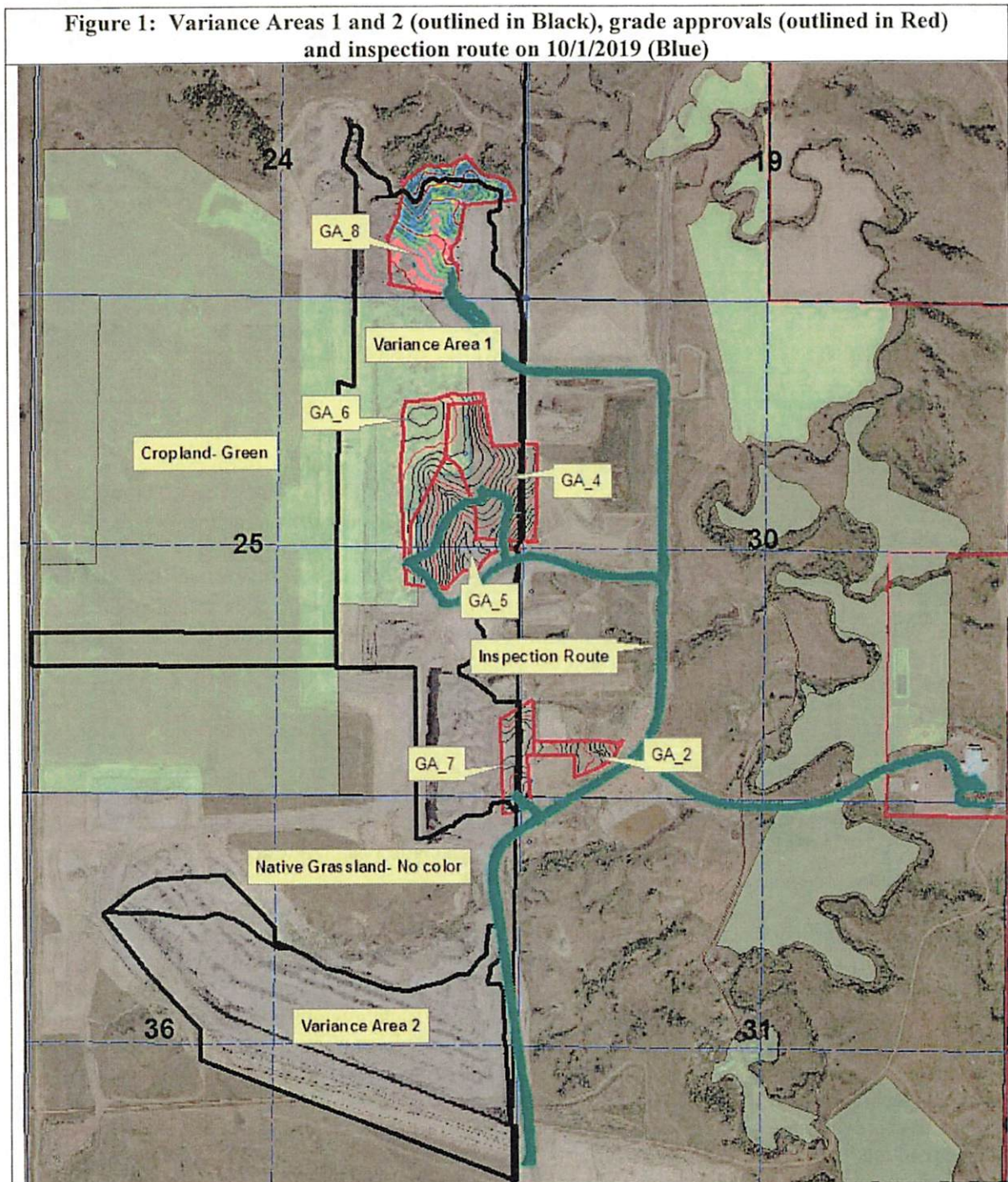
Grade approved areas that have been respread with subsoil and topsoil in the E1/2 of Section 25 and the SE1/4 of Section 24 were inspected. This included portions of grade approvals COY_004, COY_005, COY_007 and COY_008. Grade approval COY_004 was respread with topsoil in 2018 and the other grade approvals were respread with topsoil in 2019. Rocks are generally picked after topsoil-respreading operations have been completed and the approved seed mixture or a temporary cover crop is then planted to protect the soil from erosion. Mulch may be applied and crimped into the soil surface if topsoil-respreading operations are completed outside of the growing season. The post-mining land uses within these grade approvals are cropland and native grassland. Narrative in Permit NACC-1302 allows CCMC to delay planting native grasslands for a year or more to control invasive non-native perennial grasses. Figure 1 below, depicts the grade approval areas and the route traveled during this inspection.

143 RC-19-190 Filed: 12/26/2019 Pages: 3
Exhibit V 13 - Inspection Report Dated 10/01/19

Casey and Julie Voigt

129 RC-19-189 Filed: 12/26/2019 Pages: 3
Exhibit V 13 - Inspection Report Dated 10/01/19

Casey and Julie Voigt



Oats was broadcast seeded on grade approval COY_005 after topsoil was respread in the summer of 2019. Portions of this area were subsequently tilled to eliminate rills that formed, and the entire tract was drill reseeded to oats along with grade approval COY_006. Oats established earlier in the growing season has grown much taller and is more mature than the oats that was planted later, so the oats stand within this

Coyote Creek Mine Inspection Report

October 1, 2019

Page 3 of 3

field was not uniform in height or maturity. The oats cover crop may be considered a green manure crop that initiates the 10-year revegetation responsibility period on the cropland portion of these grade approvals, but a cover crop does not initiate the 10-year revegetation responsibility period on land to be reclaimed to native grassland. The approved native grassland seed mixture must be planted on reclaimed native grassland to initiate the 10-year responsibility period.

Grade approval COY_004 has not yet been seeded to the approved native grassland seed mixture. Annual weed growth consisting primarily of barnyard grass, pigeongrass, Russian thistle, western ragweed, American vetch, black medic, wavyleaf thistle and other species are protecting the soil from erosion. A few native species, such as western wheatgrass, prairie sandreed, blue grama and purple prairie clover, were observed growing on this grade approval, presumably from topsoil direct respreading operations. A single plant of crested wheatgrass was observed and it had formed seed heads. Mr. Steffen indicated that this grade approval tract had been mowed earlier in the growing season and that it may be sprayed with a herbicide yet this year if weather conditions allow.

Grade approval COY_007, which is located in the southeast corner of Section 25, was growing a cover crop of oats that was only a few inches tall. This site will need to be monitored to ensure cover is adequate to control erosion. Grade approval COY_008, which is located in the SE1/4 of Section 24, was respread with topsoil last week. This grade approval will need to be mulched to protect the soil from erosion over the winter months. Rocks have not yet been picked from grade approval COY_008.

None of the land in Variance Area 2, which is located in Section 36, has been grade approved or respread with subsoil or topsoil.

MISCELLANEOUS


A GPS tracklog of the route traveled during this inspection and photographs taken are on file with the Reclamation Division.



Bruce Beechie
Environmental Scientist



Bruce A. Johnson P.E.
Environmental Engineer



Guy A. Welch
Environmental Scientist

cc: Jessica Unruh
OSM Casper Field Office
Mercer County Auditor