

**Thompson, Pamela J.**

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**From:** efilngmail@tylerhost.net  
**Sent:** Tuesday, July 18, 2023 3:09 PM  
**To:** Thompson, Pamela J.  
**Subject:** Filing Accepted for Case: 08-2023-CV-01338; Casey Voigt, et al. vs. North Dakota Public Service Commission, et al.; Envelope Number: 5272482

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**North Dakota  
Court System**

## Filing Accepted

Envelope Number: 5272482  
Case Number: 08-2023-CV-01338  
Case Style: Casey Voigt, et al. vs. North Dakota  
Public Service Commission, et al.

The filing below was reviewed and has been accepted by the clerk's office. You may access the file copy of the document filed by clicking on the below link.

Filing Details	
<b>Court</b>	Burleigh County
<b>Case Number</b>	08-2023-CV-01338
<b>Case Style</b>	Casey Voigt, et al. vs. North Dakota Public Service Commission, et al.
<b>Date/Time Submitted</b>	7/18/2023 11:19 AM CST
<b>Date/Time Accepted</b>	7/18/2023 3:08 PM CST
<b>Accepted Comments</b>	
<b>Filing Type</b>	Exhibit
<b>Filing Description</b>	CR Exhibit 1 - Revision application
<b>Activity Requested</b>	EFileAndServe
<b>Filed By</b>	Pamela Thompson
<b>Filing Attorney</b>	John Schuh

Document Details	
<b>Lead Document</b>	CR Exhibit 1 - Revision application.pdf
<b>Lead Document Page Count</b>	3
<b>File Copy</b>	<a href="#">View Document</a>

This link is active for 30 days. If the link above is not accessible, copy this URL into your browser's address bar to view the document:

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North Dakota Court's Information Technology Department 701-328-4218  
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**North American**  
**COAL**  
**COYOTE CREEK MINE**

RECEIVED

MAR 17 2022

NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

March 17, 2022

Ms. Zanna Brinkman  
Reclamation Director  
ND State Public Service Commission  
600 East Boulevard, Dept. 408  
Bismarck, ND 58505

**RE: Revision 12 to Permit NACC-1302**

Dear Ms. Brinkman:

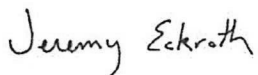
Enclosed are two USB flash drives comprising Revision 12 to Permit NACC-1302 along with the application form for the revision.

Revision 12 adds design information for sedimentation ponds P24-05, P24-06, and P25-03. Design information includes narrative, hydrologic data, construction information and detailed drawings for each feature. The Pit Layout and Facilities Map was updated with these changes. Also, the post mine topography was modified in Section 6 as well as minor changes in Sections 1 and 7. The Reclamation Schedule and Variance Map was also updated with this revision. The worst case bond was reviewed and no changes were required.

If you have any questions regarding the enclosed materials or require additional information, please advise.

Sincerely,

THE COYOTE CREEK MINING COMPANY



Jeremy Eckroth  
Environmental Manager

Enc.


- 1 RC-22-233 Filed 03/17/2022 Pages: 3  
Revision application filed to add sediment pond designs, update the reclamation and variance map, and modify the post mine topo in Sections 1, 6, and 7 Coyote Creek Mining Company, L.L.C.

6502 17th Street SW  
Zap, ND 58580

701.873.7800

NACoal.com

Coyote Creek Mining Company, L.L.C., a subsidiary company of The North American Coal Corporation

 A NACCO COMPANY

RECEIVED

MAR 17 2022



APPLICATION FOR REVISION OF PERMIT TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION OPERATIONS PUBLIC SERVICE COMMISSION RECLAMATION DIVISION SFN 10562 (1-2004)

NORTH DAKOTA PUBLIC SERVICE COMMISSION 3/17/2022

Table with 4 columns: Name of Company, Corporation, Partnership, or Individual; Permit Number; Address; City; State; Zip Code. Values include Coyote Creek Mining Company, L.L.C, NACC-1302, 6502 17th Street SW, Zap, ND, 58580.

The above named hereby makes application for the above Revision Number to: (include a brief description of the surface coal mining and reclamation operation being revised. Revision 12 adds design information for sedimentation ponds P24-05, P24-06, and P25-03. Design information includes narrative, hydrologic data, construction information and detailed drawings for each feature. The Pit Layout and Facilities Map was updated with these changes. The post mine topography was modified in Section 6 as well as minor changes in Sections 1 and 7. The Reclamation Schedule and Variance Map was also updated with this revision.

Attached to this Permit Revision Application are a narrative describing the proposed permit revision, reasons for requesting the revision, and appropriate maps, cross-sections, graphs, construction details, revised reclamation plans and other data which demonstrate compliance with Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and the permit conditions of the approved permit. If an incidental boundary revision involving an acreage adjustment is being requested as part of the permit revision application, the following information shall be included (attach a copy of a metes and bounds description):

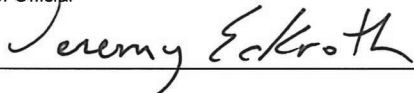
Table with columns: NAME OF MINE, ACRES, LOCATION (SEC., TWP., RANGE, COUNTY). Includes rows for Coyote Creek Mine, ADDRESS (6502 17th Street SW, Zap, ND 58580), and TOTAL ACRES.

Based upon the proposed changes and any incidental boundary revisions to the permit as stated herein, a new or adjusted bond, or its equivalent, duly executed in accordance with Section 38-14.1-16 of the North Dakota Century Code and Chapter 69-05.2-12 of the North Dakota Administrative Code will be delivered to the Public Service Commission prior to issuance of the surface coal mining and reclamation operations permit herein requested. A check for filing fees, pursuant to Section 38-14.1-13 of the North Dakota Century Code, in the amount of \$ \_\_\_\_\_, is included with the revision application.

Name of Official Authorized to Represent the Applicant Jeremy Eckroth, Environmental Manager


- I, the above named, certify that: 1. All information and documents required by Sections 38-14.1-13, 38-14.1-14, and 38-14.1-15 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, are submitted as part of this permit application; 2. Information and documentation contained in the permit application affirmatively demonstrate that: a. The permit revision application is accurate and complete and all the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code have been complied with; b. Reclamation as required by Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code can be accomplished under the reclamation plan contained in this permit revision application;

- c. An assessment of the probable cumulative impact of all anticipated mining in the general area on the hydrologic balance as specified in subdivision o of subsection 1 of Section 38-14.1-14 has been made and the proposed operation has been designed to prevent material damage to the hydrologic balance both on and off the mine site;
  - d. The area proposed to be affected is not included within an area designated unsuitable for all or certain types of surface coal mining and is not within an area under study for such designation in an administrative proceeding;
  - e. The proposed surface coal mining operation will not interrupt, discontinue or preclude farming on alluvial valley floors that are irrigated or naturally subirrigated and will not materially damage the quantity or quality of water in surface or underground water systems that supply these alluvial valley floors; and
  - f. The permit revision applicant has the legal right to surface mine the land for which this permit revision application is made and all of the requirements of Chapter 38-18 of the North Dakota Century Code have been complied with.
3. The area proposed to be affected is not included within an area where mining is prohibited pursuant to Section 38-14.1-07 of the North Dakota Century Code; unless specifically allowed in accordance with the provisions of Section 69-05.2-04-01 of the North Dakota Administrative Code; and
  4. The surface coal mining and reclamation operations contained in this permit revision application will be carried out at all times in a manner which ensures that all of the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and any permit conditions attached thereto are complied with.

Signature of Official 	Title Environmental Manager
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**VERIFICATION**

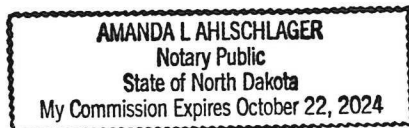
I, Brenden Brinkman, being first and duly sworn, verify that the information contained in this Permit Revision Application is true and correct to the best of my knowledge and belief.


Signature of Official 	Title President
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STATE OF North Dakota )  
 COUNTY OF Mercer ) ss.

Subscribed and Sworn before me, this 17<sup>th</sup> day of March, 2022.

(SEAL)



  
 Notary Public

My Commission Expires: \_\_\_\_\_