

Thompson, Pamela J.

From: efilngmail@tylerhost.net
Sent: Tuesday, July 18, 2023 4:13 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: 5273073

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**North Dakota
Court System**

Filing Accepted

Envelope Number: 5273073
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	
Court	Burleigh County
Case Number	08-2023-CV-01338
Case Style	Casey Voigt, et al. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	7/18/2023 1:52 PM CST
Date/Time Accepted	7/18/2023 4:11 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 15 - Affidavit of Publication with tear sheets
Activity Requested	EFileAndServe
Filed By	Pamela Thompson
Filing Attorney	John Schuh

Document Details	
Lead Document	CR Exhibit 15 - Affidavit of Publication with tear sheets.pdf
Lead Document Page Count	3
File Copy	View Document

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:

<https://northdakota.tylerhost.net/ViewDocuments.aspx?FID=fd524c56-6044-4805-b029-871c4e9a9b06>

For technical assistance, contact your service provider or
North Dakota Court's Information Technology Department 701-328-4218
Please do not reply to this email. It was automatically generated.

State of North Dakota)
) SS:
County of Burleigh)

Before me, a Notary Public for the State of North Dakota personally

appeared JILL LINDSAY who being duly sworn, deposes and says that he (she) is the Clerk of Bismarck Tribune Co., and that the publication(s) were made through the

Bismarck Tribune on the following dates:

7/7, 14, 21 + 28/2022

Signed Jill Lindsay

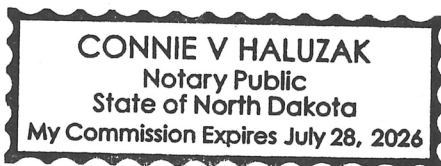
NORTH AMERICAN COAL - COYOTE CREEK

6502 17TH ST SW
ZAP ND 58580

ORDER NUMBER 49055

Sworn and subscribed to before me this 10 day of

August 20 22
Connie V Haluzak
Notary Public in and for the State of North Dakota



Section: Legals

Category: 5380 Public Notices

PUBLISHED ON: 07/07/2022, 07/14/2022, 07/21/2022, 07/28/2022

TOTAL AD COST: 1987.20

FILED ON: 7/28/2022

NOTICE OF FILING TO REVISE A PERMIT FOR SURFACE COAL MINING OPERATIONS

The Coyote Creek Mining Company, L.L.C., 6502 17th Street SW, Zap, North Dakota 58580 has filed an application (Revision No. 12) to Permit NACC-1302 to revise surface coal mining activities. The permit revision revises the post-mining topography in portions of the E½E½ of Section 1, T142N, R89W, Section 6 and the N½N½ of Section 7, T142N, R88W, of the Fifth Principal Meridian, Mercer County, North Dakota. It also clarifies timing of native grassland seedings in the variance areas to align with the approved narrative in the Vegetation Assessment and Success Standards in Section 4.3.1. This revision also requests a variance (Variance Area No. 7) from the contemporaneous reclamation requirements on approximately 21 acres in Section 6, design plans for three sediment ponds are being included in the permit, and the location of the haul roads and dragline corridors are being adjusted. Information that was updated in the permit includes operation plans, surface water management plans, and reclamation plans.

The permit area is approximately ten miles southwest of Beulah. The newspaper publication notice map shows the distance to the city of Zap, North Dakota, the outline of the permit area, and the affected areas.

The surface owners in the area affected by the permit revision are as follows:

TRACT 0003
Township 142 North, Range 88 West
Section 7: N½NW¼

Surface Ownership: Arnold V. Winkler and Sharon D. Winkler; Norman R. Winkler and Martha Winkler; LeeRoy J. Winkler and Sharon L. Winkler; Howard H. Winkler and Bernadette J. Winkler

TRACT 0005
Township 142 North, Range 88 West
Section 7: N½NE¼

Surface Ownership: Perry Winkler and Beth A. Winkler

TRACT 0018
Township 142 North, Range 89 West
Section 1:

Surface Ownership: Casey Voigt and Julie Voigt - Subject to Contract for Deed from: Shawn Voigt, Karmen Eslinger, and Craig Eslinger, Donald Voigt, Kenneth Voigt; Casey Voigt and Julie Voigt

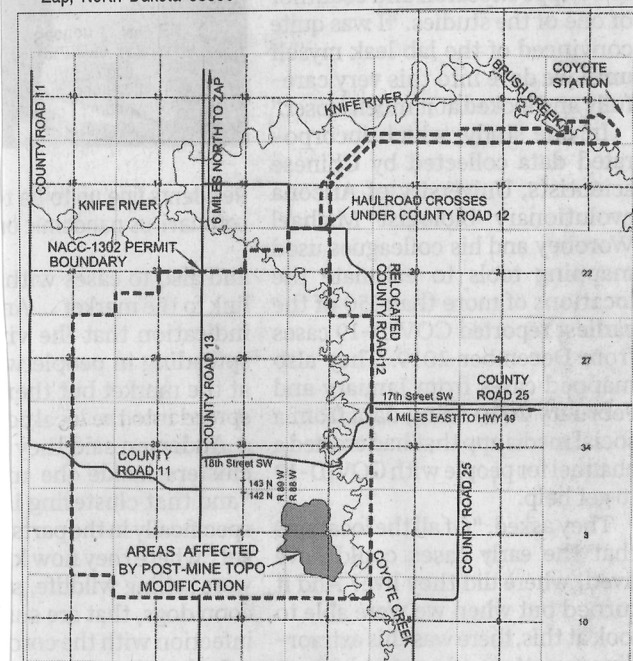
TRACT 0062
Township 142 North, Range 88 West
Section 6: W½, W½E½

Surface Ownership: North Dakota Department of Trust Lands

Copies of the application for this revision are available for public inspection at the offices of the North Dakota Public Service Commission, 600 East Boulevard Ave., Bismarck, ND 58505-0480 and at the office of the County Auditor, Mercer County Courthouse, Stanton, North Dakota 58571. A copy of the revision application may also be requested by contacting the Public Service Commission at 701-328-2400 (877-245-6685 toll free) or ndpsc@nd.gov, or by sending a written request to the Public Service Commission, at the address above.

Written comments, objections, or requests for an informal conference on the revision may be submitted by any person with an interest that is or may be adversely affected, to the North Dakota Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480, within 30 days after the last publication of this notice. Any request for informal conference must be in writing to the Commission. The request must also state specifically the issues or objections that an affected party has regarding the revision.

The Coyote Creek Mining Company, L.L.C.
6502 17th Street SW
Zap, North Dakota 58580



NEWSPAPER PUBLICATION
NOTICE MAP
PERMIT NACC-1302
REVISION 12

Affidavit of Publication

STATE OF NORTH DAKOTA,
COUNTY OF MERCER, ss.

I, Lori Cox, being first duly sworn, on oath says, that she is the bookkeeper of the THE BEACON, a weekly newspaper published in Beulah, County of Mercer, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies weekly, and has been published within said county for fifty-two successive weeks next prior to the publication of the notice herein mentioned; that the

Permit with NACC-1302

Coyote Creek Mining Co LLC

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once each week for 4 successive week, on the day of each week on which said newspaper was regularly published to-wit: ___

3 - Beacon: 7/7/2022, 7/14/2022, 7/21/2022,
7/28/2022

That the full amount of the fees for
the publication of the annexed notice is: \$ 720.75

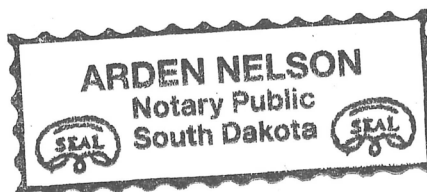
Lori Cox

Subscribed and sworn to before me this 8/2/2022

Arden Nelson

Arden Nelson, Notary Public
State of South Dakota

My commission expires August 1, 2025



**NOTICE OF FILING TO REVISE
A PERMIT FOR
SURFACE COAL MINING
OPERATIONS**

The Coyote Creek Mining Company, L.L.C., 6502 17th Street SW, Zap, North Dakota 58580 has filed an application (Revision No. 12) to Permit NACC-1302 to revise surface coal mining activities. The permit revision revises the post-mining topography in portions of the E½E½ of Section 1, T142N, R89W, Section 6 and the N½N½ of Section 7, T142N, R88W, of the Fifth Principal Meridian, Mercer County, North Dakota. It also clarifies timing of native grassland seedings in the variance areas to align with the approved narrative in the Vegetation Assessment and Success Standards in Section 4.3.1. This revision also requests a variance (Variance Area No. 7) from the contemporaneous reclamation requirements on approximately 21 acres in Section 6, design plans for three sediment ponds are being included in the permit, and the location of the haul roads and dragline corridors are being adjusted. Information that was updated in the permit includes operation plans, surface water management plans, and reclamation plans.

The permit area is approximately ten miles southwest of Beulah. The newspaper publication notice map shows the distance to the city of Zap, North Dakota, the outline of the permit area, and the affected areas.

The surface owners in the area affected by the permit revision are as follows:

TRACT 0003

**Township 142 North, Range 88 West
Section 7: N½NW¼**

Surface Ownership: Arnold V. Winkler and Sharon D. Winkler; Norman R. Winkler and Martha Winkler; LeeRoy J. Winkler and Sharon L. Winkler; Howard H. Winkler and Bernadette J. Winkler

TRACT 0005

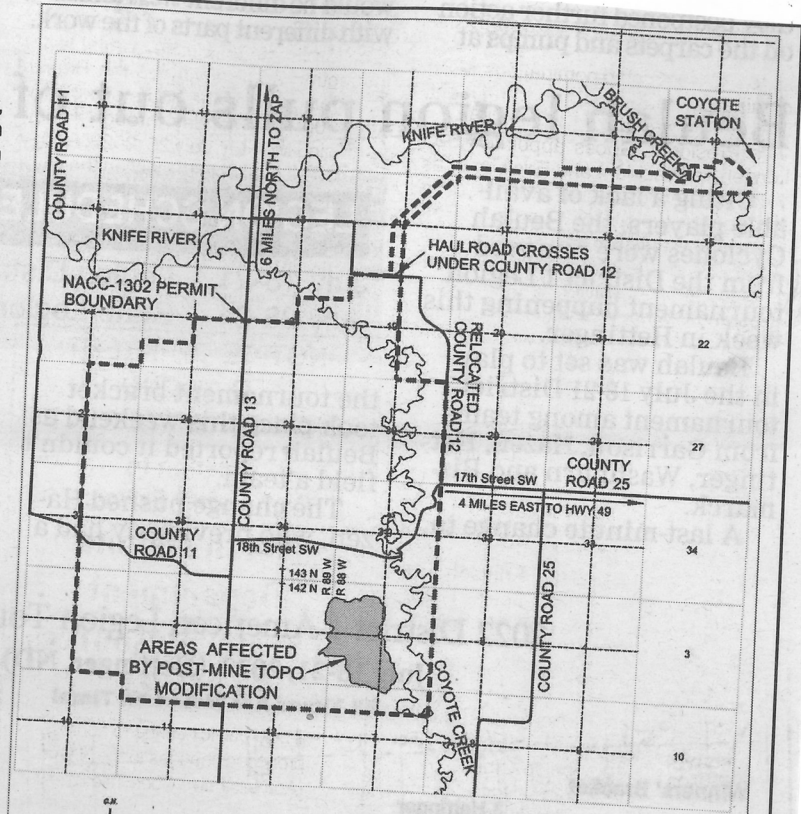
**Township 142 North, Range 88 West
Section 7: N½NE¼**

Surface Ownership: Perry Winkler and Beth A. Winkler

TRACT 0018

**Township 142 North, Range 89 West
Section 1:**

Surface Ownership: Casey Voigt and Julie Voigt - Subject to Contract for Deed from: Shawn Voigt, Karmen Eslinger, and Craig Eslinger, Donald



**NEWSPAPER PUBLICATION
NOTICE MAP
PERMIT NACC-1302
REVISION 12**

Voigt, Kenneth Voigt; Casey Voigt and Julie Voigt

TRACT 0062

**Township 142 North, Range 88 West
Section 6: W½, W½E½**

Surface Ownership: North Dakota Department of Trust Lands

Copies of the application for this revision are available for public inspection at the offices of the North Dakota Public Service Commission, 600 East Boulevard Ave., Bismarck, ND 58505-0480 and at the office of the County Auditor, Mercer County Courthouse, Stanton, North Dakota 58571. A copy of the revision application may also be requested by contacting the Public Service Commission at 701-328-2400 (877-245-6685 toll free) or ndpsc@nd.gov, or by sending a written request to the Public Service Commission, at

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The Coyote Creek Mining Company, L.L.C.
6502 17th Street SW
Zap, North Dakota 58580
(7-7-22)(7-14-22)(7-21-22)(7-28-22)