



Public Service Commission
State of North Dakota

COMMISSIONERS

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Sent via email only

May 9, 2023

Mr. Lee Becker
Senior Mining Engineer
Coyote Creek Mining Company, L.L.C.
6502 17th St. SW
Zap, ND 58580
lee.becker@nacoal.com

Dear Mr. Becker:

This letter is in follow-up to grade approval request COY-035 that was originally submitted on January 13, 2023 and resubmitted January 26, 2023 for approximately 16.1405 acres in Section 6, T142N, R88W in Permit NACC-1302. The postmine land use of native rangeland for the entire area as depicted on the SPGM respread map is consistent with Section 4.1.2 (Post-Mining Topography and Landuse Map) approved with Revision No. 11 and remains unchanged with pending Revision No. 12. Conditional grade approval is granted based on a review of the submitted materials and a field inspection by PSC personnel. The grade approval request area was graded to the conditionally approved postmine topography proposed with Revision No. 12 Plate 3.1.5 (Post-Mining Topography Map) dated 3/9/22; therefore, grade approval is contingent upon the approval of Revision No. 12 to Permit NACC-1302. Furthermore, slopes exceeding 12% must be scarified to eliminate slippage prior to subsoil respread as stated in the Soils Handling Plan, Section 3.1.1.1, of the permit.

The proposed topsoil respread depth of 13.6 inches for North Dakota Department of Trust Lands (State) ownership postmine native rangeland is approved. The total SPGM respread thickness of 48 inches for the area depicted on the submitted SPGM respread map is also approved.

Please be reminded that methods must be used to minimize subsoil and topsoil compaction as specified and approved in Revision No. 2 to Permit NACC-1302. Upon completion of the SPGM respread in the approved area, the area must be stabilized to prevent erosion as required by NDAC 69-05.2-15-04(5) and NDAC 69-05.2-22-05. Slopes exceeding 12% should be seeded and mulched as soon as practical after topsoil respread.

If you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Emmer".

Jonathan Emmer
Assistant Director
Reclamation Division

cc via email only: Derrick Braaten (derrick@braatenlawfirm.com)
Desirae Zaste (desirae@braatenlawfirm.com)

Coyote Creek Mine\Permits\NACC - 1302\Grade Approvals\2023\COY-035\GA_COY-035_AL_5-9-23



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May 9, 2023

Mr. Lee Becker
Senior Mining Engineer
Coyote Creek Mining Company, L.L.C.
6502 17th St. SW
Zap, ND 58580
lee.becker@nacoal.com

Dear Mr. Becker:

This letter is in follow-up to grade approval request COY-036 that was submitted on April 4, 2023 for approximately 16.2392 acres in Section 25, T143N, R89W in Permit NACC-1302. The postmine land use of cropland and native rangeland as depicted on the SPGM respread map is consistent with Section 4.1.2 (Post-Mining Topography and Landuse Map) approved with Revision No. 11 and remains unchanged with pending Revision No. 12. Grade approval is granted based on a review of the submitted materials and a field inspection by PSC personnel. Furthermore, slopes exceeding 12% must be scarified to eliminate slippage prior to subsoil respread as stated in the Soils Handling Plan, Section 3.1.1.1, of the permit.

The proposed topsoil respread depth of 18.2 inches for Voigt ownership postmine cropland and 12.2 inches for Voigt ownership postmine native rangeland is approved. The total SPGM respread thickness of 24 inches, 36 inches, and 48 inches for the areas depicted on the submitted SPGM respread map is also approved. Blending will be necessary in areas having different total respread thicknesses, but without reducing the thickness of the area requiring the greater thickness and ensuring the proper drainage through the transition area.

Please be reminded that methods must be used to minimize subsoil and topsoil compaction as specified and approved in Revision No. 2 to Permit NACC-1302. Upon completion of the SPGM respread in the approved area, the area must be stabilized to prevent erosion as required by NDAC 69-05.2-15-04(5) and NDAC 69-05.2-22-05. Slopes exceeding 12% should be seeded and mulched as soon as practical after topsoil respread.

If you have any questions, please contact this office.

Sincerely,

Jonathan Emmer
Assistant Director
Reclamation Division

cc via email only: Derrick Braaten (derrick@braatenlawfirm.com)
Desirae Zaste (desirae@braatenlawfirm.com)



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Mr. Lee Becker
Senior Mining Engineer
Coyote Creek Mining Company, L.L.C.
6502 17th St. SW
Zap, ND 58580
lee.becker@nacoal.com

Dear Mr. Becker:

This letter is in follow-up to grade approval request COY-037 that was submitted on April 11, 2023 for approximately 9.9892 acres in the SE¼ of Section 25, T143N, R89W in Permit NACC-1302. The postmine land use of native rangeland as depicted on the SPGM respread map is consistent with Section 4.1.2 (Post-Mining Topography and Landuse Map) approved with Revision No. 11 and remains unchanged with pending Revision No. 12. Grade approval is granted based on a review of the submitted materials and a field inspection by PSC personnel. Furthermore, slopes exceeding 12% must be scarified to eliminate slippage prior to subsoil respread as stated in the Soils Handling Plan, Section 3.1.1.1, of the permit.

The proposed topsoil respread depth of 12.2 inches for Voigt ownership postmine native rangeland is approved. The total SPGM respread thickness of 24 inches and 36 inches for the areas depicted on the submitted SPGM respread map is also approved. Blending will be necessary in areas having different total respread thicknesses, but without reducing the thickness of the area requiring the greater thickness, and ensuring the proper drainage through the transition area.

Please be reminded that methods must be used to minimize subsoil and topsoil compaction as specified and approved in Revision No. 2 to Permit NACC-1302. Upon completion of the SPGM respread in the approved area, the area must be stabilized to prevent erosion as required by NDAC 69-05.2-15-04(5) and NDAC 69-05.2-22-05. Slopes exceeding 12% should be seeded and mulched as soon as practical after topsoil respread.

If you have any questions, please contact this office.

Sincerely,

Jonathan Emmer
Assistant Director
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