

Casey and Julie Voigt v. Coyote Creek Mining Company, LLC

Case No. RC-23-348

COY-034 Grade Approval Letter

Voigt Exhibit 2

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Exhibit 2 – COY-034 Grade Approval Letter
Casey and Julie Voigt
Derrick Braaten, Braaten Law Firm

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Public Service Commission

State of North Dakota

COMMISSIONERS

Randy Christmann
Sheri Haugen-Hoffart
Julie Fedorchak

Sent via email only

August 7, 2023

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

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approval request COY-034 that was submitted originally on September 6, 2022 for approximately 4.92 acres, which was withdrawn. Grade approval COY-034 was resubmitted on July 12, 2023 and subsequently revised on August 7, 2023 for approximately 16.09 acres in Section 36, T143N, R89W in Permit NACC-1302. The postmine land use of native rangeland and potential cropland for the area as depicted on the SPGM respread map is consistent with Section 4.1.2 (Post-Mining Topography and Landuse Map) most recently approved with Revision No. 11 and remains unchanged with pending Revision No. 12 with the exception for the reclaimed farmer access road shown in Revision No. 12. Grade approval is granted based on a review of the submitted materials and a field inspection by PSC personnel.

The proposed topsoil respread depth of 12.0 inches for Voigt ownership postmine potential cropland and 13.2 inches for North Dakota Department of Trust Lands (State) ownership postmine potential cropland and native rangeland is approved. The total SPGM respread thickness of 24 inches and 36 inches as 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.

If you have any questions, please contact this office.

Sincerely,

Jonathan Emmer
Assistant Director
Reclamation Division

cc via email only: [Jeremy Eckroth \(jeremy.eckroth@nacoal.com\)](mailto:jeremy.eckroth@nacoal.com)
 [Derrick Braaten \(derrick@braatenlawfirm.com\)](mailto:derrick@braatenlawfirm.com)
 [Desirae Zaste \(desirae@braatenlawfirm.com\)](mailto:desirae@braatenlawfirm.com)

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