

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

Case No. RC-23-348

COY-036 Grade Approval Request

**Voigt Exhibit 11**

## Hamre, John G.

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**From:** Emmer, Jonathan W.  
**Sent:** Monday, April 10, 2023 8:12 AM  
**To:** Myran, Brandon S.; Welch, Guy A.; Johnson, Monty L.; Roerick, Jeffrey A.  
**Cc:** Brinkman, Zanna A.; Hamre, John G.  
**Subject:** FW: Grade Approval Request COY-036  
**Attachments:** COY-036 PSC.pdf; COY-036 PSC.dwg

John,

Please attach this email to the pdf and then corelog and save in Mine Data.

[\\coal\Mine](#) Data\Coyote Creek Mine\Permits\NACC - 1302\Grade Approvals\2023\COY-036\GA-COY-035\_4-4-23

**Jonathan Emmer**  
Assistant Director

Reclamation Division  
North Dakota Public Service Commission  
600 E Boulevard Ave Dept 408  
Bismarck, ND 58505

[jemmer@nd.gov](mailto:jemmer@nd.gov) 701.328.4094

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**From:** Becker, Lee A <lee.becker@nacoal.com>  
**Sent:** Tuesday, April 4, 2023 11:54 AM  
**To:** PSC Reclamation Filings <pscreefilings@nd.gov>  
**Cc:** Brinkman, Zanna A. <zbrinkman@nd.gov>; Emmer, Jonathan W. <jemmer@nd.gov>; Barth, Tyler L <Tyler.Barth@nacoal.com>; Steffen, Donn R <donn.steffen@nacoal.com>; Eckroth, Jeremy J <jeremy.eckroth@nacoal.com>; Sailer, Jason R <jason.sailer@nacoal.com>  
**Subject:** Grade Approval Request COY-036

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This email is to request grade approval on an area of mining disturbance in the NE4, NW4, SE4 & SW4 Section 25, T143N, R89W. Ownership is Voigt. The postmine landuse is cropland and native grassland. Coal mining took place in this area from May 2018 through March 2021.

Attached is a contour map with slope area hatch and the proposed soil respread depths, respread depths table, and lab analysis of overburden samples.

Feel free to contact me with any questions you may have.

**Lee Becker, P.E.**  
*Senior Mining Engineer*  
*Coyote Creek Mining Company, LLC*

**North American Coal**

6502 17<sup>th</sup> St SW  
Zap, ND 58580  
P. 701-873-7827  
C. 701-880-0361  
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*A NACCO Company*

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# COYOTE CREEK MINING COMPANY, L.L.C.

6502 17<sup>th</sup> Street SW  
Zap, ND 58580  
(701) 873-7800 • Fax (701) 873-7810

A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION

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April 4, 2023

Ms. Zanna Brinkman  
Director Reclamation Division  
Public Service Commission  
600 East Boulevard Avenue  
Department 408  
Bismarck, ND 58505-0480

Dear Ms. Brinkman:

Coyote Creek Mining Company, L.L.C. is requesting grade approval on 16.2392 acres located in Section 25, T143N, R89W in Permit NACC-1302. The area is coded COY-036.

Thank you for your consideration. If you have any questions or need further information or assistance, please contact me.

Attached are:

1. A contour map of COY-036 with soil respreads depths and area slopes
2. Site history, acres by slope class, and respreads depth table
3. Lab analysis of overburden samples

In all correspondence, please reference area COY-036.

Sincerely,

COYOTE CREEK MINING COMPANY, L.L.C.



Lee Becker  
Senior Mining Engineer

LAB  
Attach.

**Voigt-004**

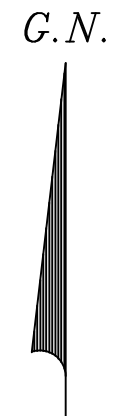
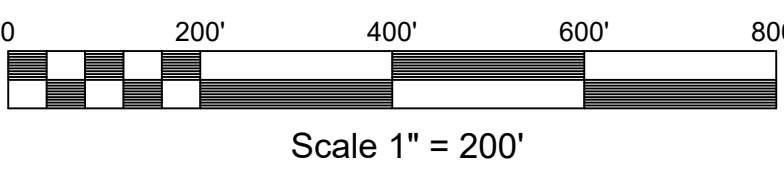
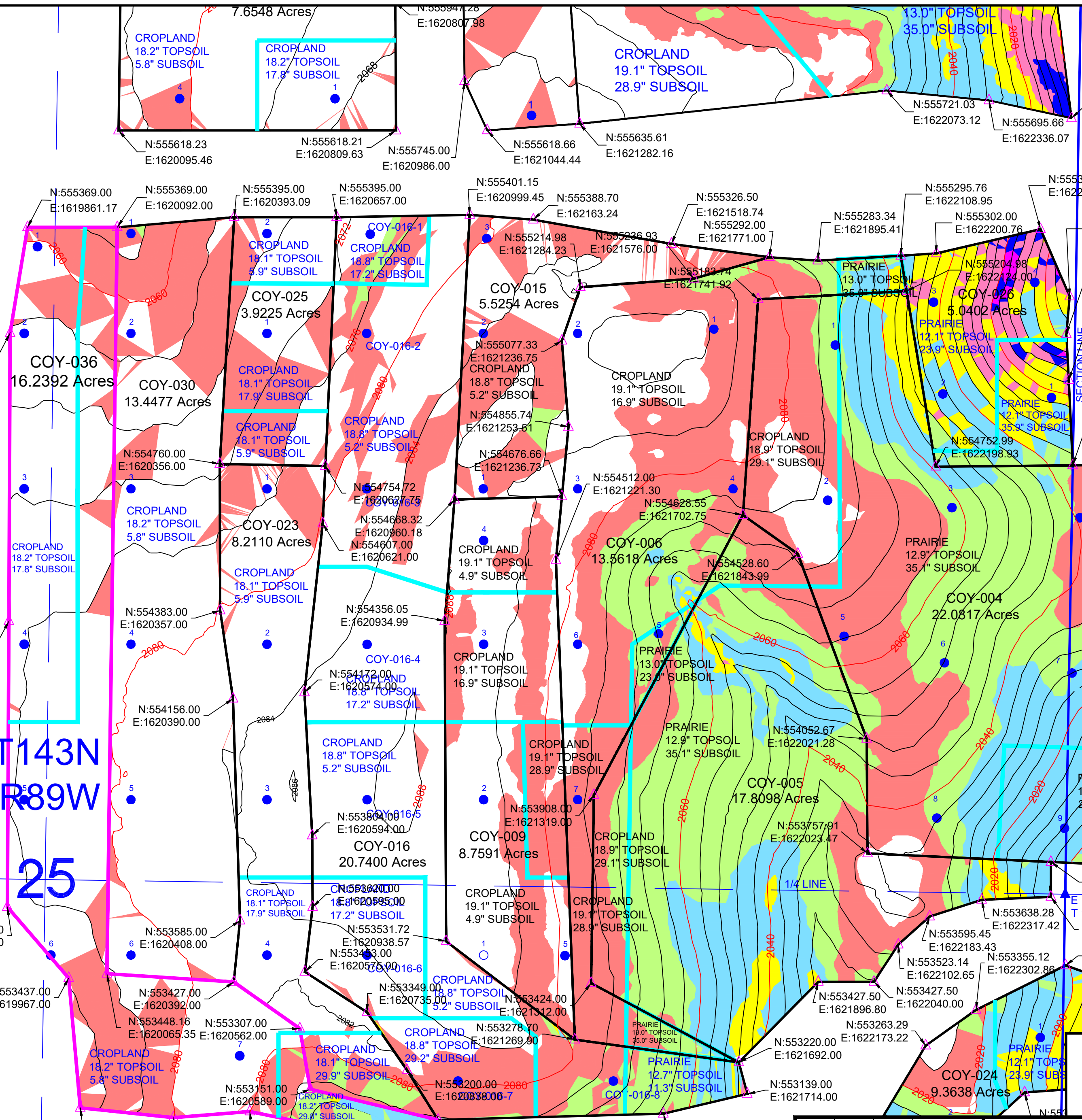
PERMIT NACC-1302  
 A TRACT OF LAND IN THE NE1/4, NW1/4, SE1/4, & SW1/4 OF SECTION 25, T 143 N, R 89 W  
 OF THE FIFTH P.M., MERCER COUNTY, NORTH DAKOTA. SAID TRACT CONTAINS 16.2392  
 ACRES AS SHOWN ON THIS PLAT.

ALL COORDINATES ARE BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE  
 SYSTEM, SOUTH ZONE, 1983 N.A.D. ELEVATIONS ARE BASED ON N.G.V.D. OF 1988

7 OVERBURDEN SAMPLE LOCATION

- 0-3 % SLOPE
- 3-6 % SLOPE
- 6-9 % SLOPE
- 9-12 % SLOPE
- 12-15 % SLOPE
- 15-18 % SLOPE
- 18-21 % SLOPE
- 21-100 % SLOPE

**T143N**  
**R89W**  
**25**



|    |                 |     |            |
|----|-----------------|-----|------------|
| 10 |                 |     |            |
| 9  |                 |     |            |
| 8  |                 |     |            |
| 7  |                 |     |            |
| 6  |                 |     |            |
| 5  |                 |     |            |
| 4  |                 |     |            |
| 3  |                 |     |            |
| 2  |                 |     |            |
| 1  |                 |     |            |
| 0  | LAB             | LAB | 04/04/23   |
|    | NO.             | BY  | APP'D DATE |
|    | DRAWING UPDATES |     |            |

**NORTH AMERICAN**  
**COAL**  
 CORPORATION

COYOTE CREEK MINING COMPANY, L.L.C.  
 COYOTE CREEK MINE  
 6502 17th Street SW  
 Zap, ND 58580  
 (701) 873-7800 - Fax (701) 873-7810

**POST-MINING CONTOUR MAP**

**COY-036**

**NACC-1302**

SCALE: AS SHOWN ON MAP (paper size 18" x 24")  
 PROJECT: GRADING APPROVAL REVISION:

| Acres by Slope Class    |                        |         |        |        |        |        |        |          |
|-------------------------|------------------------|---------|--------|--------|--------|--------|--------|----------|
| 16.2392 Acres           | Weighted Average Slope | 0-3%    | 3-6%   | 6-9%   | 9-12%  | 12-15% | 15-21% | Over 21% |
| Premining               | 2.7%                   | 11.2946 | 3.7182 | 0.8967 | 0.3129 | 0.0168 | 0.0000 | 0.0000   |
| As-Surveyed Post Mining | 2.4%                   | 11.7311 | 4.0249 | 0.3131 | 0.1567 | 0.0134 | 0.0000 | 0.0000   |
| Approved Post Mining    | 2.3%                   | 13.0378 | 2.6781 | 0.4121 | 0.1112 | 0.0000 | 0.0000 | 0.0000   |

Coal mining took place in this area from May 2018 through March 2021. The area was regraded using dozers, scrapers, overburden trucks and motor graders. Steep overburden slopes will be scarified prior to subsoil respread.

SPGM respread operations will be conducted during dry conditions. Whenever possible, roadways and scraper trails will not be built on top of respread subsoil. If this is unavoidable, these areas will be scarified prior to topsoil respread. Subsoil will be scarified where necessary before topsoil respread to ensure a good rooting interface and at steep slopes. Topsoil will be worked after respread before it is seeded to the post-mine land use.

Soil will be respread according to the table of approved soil depths in the 2022 Soils Handling Plan. Ownership is Voigt. Respread depths for this package are summarized in the following table:

| Surface Ownership | Respread Thickness | Cropland Areas | Prairie Areas |
|-------------------|--------------------|----------------|---------------|
|                   |                    | <i>16.2392</i> |               |
| Voigt             | 24" Respread Areas | <i>10.3694</i> |               |
|                   | Topsoil            | 18.2"          |               |
|                   | Subsoil            | 5.8"           |               |
| Voigt             | 36" Respread Areas | <i>5.0505</i>  |               |
|                   | Topsoil            | 18.2"          |               |
|                   | Subsoil            | 17.8"          |               |
| Voigt             | 48" Respread Area  | <i>0.7494</i>  | <i>0.0699</i> |
|                   | Topsoil            | 18.2"          | 12.2"         |
|                   | Subsoil            | 29.8"          | 35.8"         |



**MINNESOTA VALLEY TESTING LABORATORIES, INC.**

1126 North Front St. ~ New Ulm, MN 56073 ~ 800-782-3557 ~ Fax 507-359-2890  
2616 East Broadway Ave. ~ Bismarck, ND 58501 ~ 800-279-6885 ~ Fax 701-258-9724  
1201 Lincoln Hwy. ~ Nevada, IA 50201 ~ 800-362-0855 ~ Fax 515-382-3885  
www.MVTL.com



Tyler Barth  
Coyote Creek Mining Company LLC  
6502 17th St SW  
Zap, ND 58580

**Work Order Number:** 10494  
**Project Name:** Overburden

**Date Received:** 03/27/2023  
**Purchase Order:** 31945

| Laboratory Number | Sample Description | Depth | EC @ 25C mmhos/cm | Cat/EC Ratio | Ca meq/L | Mg meq/L | Na meq/L | SAR  | CCE wt% | pH  | OM wt% | Texture | Sand % | Silt % | Clay % | Sat Percent |
|-------------------|--------------------|-------|-------------------|--------------|----------|----------|----------|------|---------|-----|--------|---------|--------|--------|--------|-------------|
| 10494001          | COY-036-1          | 12"   | 1.61              | 13.8         | 1.2      | 1.6      | 19.4     | 16.4 |         | 8.3 |        | c       | 30.0   | 22.5   | 47.5   |             |
| 10494002          | COY-036-2          | 12"   | 3.06              | 16.7         | 6.1      | 8.7      | 36.5     | 13.4 |         | 7.0 |        | c       | 32.5   | 22.5   | 45.0   |             |
| 10494003          | COY-036-3          | 12"   | 1.73              | 13.7         | 1.4      | 1.8      | 20.6     | 16.3 |         | 8.3 |        | c       | 25.0   | 27.5   | 47.5   |             |
| 10494004          | COY-036-4          | 12"   | 0.581             | 13.9         | 1.5      | 1.2      | 5.4      | 4.65 |         | 7.2 |        | ls      | 82.5   | 7.50   | 10.0   |             |
| 10494005          | COY-036-5          | 12"   | 1.98              | 14.7         | 3.5      | 4.8      | 20.7     | 10.2 |         | 8.0 |        | c       | 30.0   | 30.0   | 40.0   |             |
| 10494006          | COY-036-6          | 12"   | 0.852             | 13.6         | 0.8      | 1.2      | 9.6      | 9.60 |         | 8.2 |        | c       | 17.5   | 20.0   | 62.5   |             |
| 10494007          | COY-036-7          | 12"   | 0.879             | 14.2         | 1.6      | 2.2      | 8.7      | 6.31 |         | 7.9 |        | c       | 17.5   | 37.5   | 45.0   |             |

MVTL guarantees the accuracy of the analysis done on the sample submitted for testing. It is not possible for MVTL to guarantee that a test result obtained on a particular sample will be the same on any other sample unless all conditions affecting the sample are the same, including sampling by MVTL. As a mutual protection to clients, the public and ourselves, all reports are submitted as the confidential property of clients, and authorization for publication of statements, conclusions or extracts from or regarding our reports is reserved pending our written approval.

Report Date: Thursday, March 30, 2023 3:50:48 PM  
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**Voigt-007**



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1201 Lincoln Hwy. ~ Nevada, IA 50201 ~ 800-362-0855 ~ Fax 515-382-3885  
www.MVTL.com



All data reported has been reviewed and approved by:

*Stacy Zander*

Stacy Zander, Bismarck Assistant Lab Manager Bismarck, ND

Texture Abbreviations: sic = silty clay sc = sandy clay cl = clay loam l = loam sil = silty loam ls = loamy sand c = clay sicl = silty clay loam scl = sandy clay loam si = silt s = sand sl = sandy loam

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Report Date: Thursday, March 30, 2023 3:50:48 PM

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**Voigt-008**