

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

Case No. RC-23-348

COY-038 Email re MLJ comments on NACC-1302 Grade Approval
Request COY-038 for 10.86 acres

Voigt Exhibit 22

Emmer, Jonathan W.

From: Johnson, Monty L.
Sent: Tuesday, September 26, 2023 3:04 PM
To: Myran, Brandon S.
Cc: Emmer, Jonathan W.
Subject: MLJ comments on NACC-1302 Grade Approval Request COY-038 for 10.86 acres located in Section 36 dated September 12, 2023

Follow Up Flag: Follow up
Flag Status: Flagged

Brandon,

Soil respread depth, postmine land use, etc., comments on Coyote Creek's NACC-1302 COY-038 grade approval request for 10.86 acres of Voigt ownership located in the SE¼ of Section 36 (T143N-R89W) dated September 12, 2023 are as follow:

1. The 36 inch SPGM respread depth for 1.20 acres and the 24 inch SPGM respread depth for 9.66 acres comply with the requirements of the graded spoil properties. The entire grade approval area was projected for a 48 inch SPGM respread depth on the permit's Projected Soil Respread Depth Map (Section 2.5.7) most recently approved with Revision No. 11 and unchanged with pending Revision No. 12. The actual SPGM respread depths are less than projected.
2. The topsoil respread depth of 12 inches for Voigt ownership postmine potential cropland (same respread depth as native rangeland) matches the proposed depths listed in the approved 2023 Coyote Creek Mine Soils Handling Plan.
3. The potential cropland postmine land use for the area are consistent with Section 4.1.2 (Post-Mining Topography and Landuse Map) approved with Revision No. 11, and is unchanged with pending Revision No. 12, with the exception of the reclaimed farmer access road shown on Revision No. 12 (relocation centerline of 18th Street SW). The grade approval request does not mention the farmer access road, so you may want to add language to the approval letter regarding this. Coyote stated the following for the submittal of COY-034:

“Additionally, the proposed final relocation centerline of 18th Street SW by Interstate Engineering is depicted on this plat. There is a portion of the road that goes through the request area. In accordance with the resolution to close the road and the agreement between Coyote Creek Mining Company, L.L.C. and the Board of County Commissioners of Mercer County on May 18, 2016, “the Reconstructed Closed Road shall be constructed to a condition similar to the then existing condition of the road...”. The centerline was specifically placed at the top of the watershed break so no road ditches will be required. The road will be built out of subsoil and the final surface will be approximately two feet above the adjacent finish topsoil grade.”

Page 3 of the grade approval request specifies dry conditions for SPGM resreading and describes the circumstances for scarifying subsoil prior to topsoil resreading in accordance with approved Revision No. 2 that added methods used to minimize subsoil and topsoil compaction, a compaction testing plan, and measures

to alleviate compaction if detected, to satisfy Order 2(a) of the April 14, 2015 Findings of Fact, Conclusions of Law and Order for the Permit NACC-1302 Application.

Monty Johnson
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From: Becker, Lee A <lee.becker@nacoal.com>
Sent: Wednesday, July 12, 2023 3:26 PM
To: PSC Reclamation Filings <pscreefilings@nd.gov>
Cc: Brinkman, Zanna A. <zbrinkman@nd.gov>; Emmer, Jonathan W. <jemmer@nd.gov>; Steffen, Donn R <donn.steffen@nacoal.com>; Barth, Tyler L <Tyler.Barth@nacoal.com>; Eckroth, Jeremy J <jeremy.eckroth@nacoal.com>
Subject: Grade Approval Request COY-034

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This email is to request grade approval on an area of mining disturbance in the NE4, NW4, SE4 & SW4 Section 36, T143N, R89W. Ownership is State of North Dakota and Voigt. The postmine landuse is native grassland and potential cropland. Coal mining took place in this area from January 2018 through October 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.

COY-034 was originally submitted September 6, 2022 but was withdrawn from PSC review in order to expand the grade approval request area during the winter months. Last winter produced heavy snowfall and the original COY-034 grade approval request area was utilized to stockpile snow. The area was redisturbed in the process so the overburden was resampled in the originally submitted area along with overburden samples required for the expanded area to determine the soil respread depths for this updated submittal of COY-034.

Additionally, the proposed final relocation centerline of 18th Street SW by Interstate Engineering is depicted on this plat. There is a portion of the road that goes through the request area. In accordance with the resolution to close the road and the agreement between Coyote Creek Mining Company, L.L.C. and the Board of County Commissioners of Mercer County on May 18, 2016, "the Reconstructed Closed Road shall be constructed to a condition similar to the then existing condition of the road...". The centerline was specifically placed at the top of the watershed break so no road ditches will be required. The road will be built out of subsoil and the final surface will be approximately two feet above the adjacent finish topsoil grade.

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

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

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