

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

Case No. RC-23-348

COY-039 Grade Approval Letter

Voigt Exhibit 26



Public Service Commission

State of North Dakota

COMMISSIONERS

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Sent via email only

October 2, 2023

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Mr. Jason Friedt
Coyote Creek Mining Company, L.L.C.
6502 17th St. SW
Zap, ND 58580
jason.friedt@nacoal.com

Dear Mr. Friedt:

This letter is in follow-up to grade approval request COY-039 that was submitted on September 14, 2023 for approximately 7.10 acres in the NW $\frac{1}{4}$ of Section 6, T142N, R88W in Permit NACC-1302. The postmine land use of native rangeland for the entire area as depicted on the submitted Post-Mining Contour 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 13.2 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 entire area as depicted on the submitted Post-Mining Contour 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,

Jonathan Emmer
Assistant Director
Reclamation Division

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