

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

Case No. RC-23-348

COY-039 Email re MLJ comments on NACC-1302 Grade Approval
Request COY-039 for 7.10 acres located in Section 6 dated September
13, 2023

Voigt Exhibit 28

47 RC-23-348 Filed 12/27/2023 Pages: 3
Exhibit 28 – COY-039 Johnson email
Casey and Julie Voigt
Derrick Braaten, Braaten Law Firm

Voigt-001

Emmer, Jonathan W.

From: Johnson, Monty L.
Sent: Friday, September 29, 2023 2:28 PM
To: Myran, Brandon S.
Cc: Emmer, Jonathan W.
Subject: MLJ comments on NACC-1302 Grade Approval Request COY-039 for 7.10 acres located in Section 6 dated September 13, 2023

Brandon,

Soil respread depth, postmine land use, etc., comments on Coyote Creek's NACC-1302 COY-039 grade approval request for 7.10 acres of State ownership located in the NW¼ of Section 6 (T142N-R88W) dated September 13, 2023 are as follow:

1. The 48 inch SPGM respread depth for the entire area complies 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 the same as projected.

Spoil sample COY-039-1, shown on the sample results document from MVTL, was not included on the attached map and CAD file because the sample was taken outside of the grade approval boundary and was not needed for this request.

2. The topsoil respread depth of 13.2 inches for State ownership post mine native rangeland (prairie) matches the proposed depths listed in the approved 2023 Coyote Creek Mine Soils Handling Plan.
3. The native rangeland post mine land use for the area is 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.

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.

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