

**Thompson, Pamela J.**

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**From:** no-reply@efilingmail.tylertech.cloud  
**Sent:** Wednesday, April 10, 2024 8:06 AM  
**To:** Thompson, Pamela J.  
**Subject:** Filing Accepted for Case: 08-2024-CV-00694; Casey Voigt, et al. vs. North Dakota Public Service Commission, et al.; Envelope Number: 5616471

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# Filing Accepted

Envelope Number: 5616471  
Case Number: 08-2024-CV-00694  
Case Style: Casey Voigt, et al. vs. North Dakota Public Service Commission, et al.



The filing below was reviewed and has been accepted by the clerk's office. You may access the file copy of the document filed by clicking on the below link.

Filing Details	
<b>Court</b>	Burleigh County
<b>Case Number</b>	08-2024-CV-00694
<b>Case Style</b>	Casey Voigt, et al. vs. North Dakota Public Service Commission, et al.
<b>Date/Time Submitted</b>	4/9/2024 4:25 PM CST
<b>Date/Time Accepted</b>	4/10/2024 8:05 AM CST
<b>Accepted Comments</b>	
<b>Filing Type</b>	Exhibit
<b>Filing Description</b>	CR Exhibit 18 - Exhibit 1 - COY-034 Grade Approval Request
<b>Activity Requested</b>	EFileAndServe
<b>Filed By</b>	Pamela Thompson
<b>Filing Attorney</b>	John Schuh

Document Details	
<b>Lead Document</b>	CR Exhibit 18 - Exhibit 1 - COY-034 Grade Approval Request.pdf
<b>Lead Document Page Count</b>	8
<b>File Copy</b>	<a href="#">View Document</a>

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<https://northdakota.tylertech.cloud/ViewDocuments.aspx?FID=76fd85f9-1977-4738-912d-fdcce77e2674>

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North Dakota Court's Information Technology Department 701-328-4218  
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Casey and Julie Voigt v. Coyote Creek Mining Company, LLC  
Case No. RC-23-348

COY-034 Grade Approval Request

**Voigt Exhibit 1**

## Emmer, Jonathan W.

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**From:** Becker, Lee A <lee.becker@nacoal.com>  
**Sent:** Monday, August 7, 2023 12:26 PM  
**To:** PSC Reclamation Filings  
**Cc:** Brinkman, Zanna A.; Emmer, Jonathan W.; Eckroth, Jeremy J  
**Subject:** RE: Grade Approval Request COY-034  
**Attachments:** COY-034 PSC.pdf

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Hi Jonathon,

Jeremy told me that the topsoil respread thicknesses shown on the submittal of COY-034 did not match the 2023 Soils Handling Plan, I apologize for that. Attached is the COY-034 grade approval package showing SPGM respread depths from the 2023 Soils Handling Plan for your review.

Thanks,

**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  
[lee.becker@nacoal.com](mailto:lee.becker@nacoal.com)

*A NACCO Company*

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**From:** Becker, Lee A  
**Sent:** Wednesday, July 12, 2023 3:26 PM  
**To:** pscrefilings@nd.gov  
**Cc:** 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

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 18<sup>th</sup> 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*

**North American Coal**  
6502 17<sup>th</sup> St SW  
Zap, ND 58580  
P. 701-873-7827  
C. 701-880-0361  
[lee.becker@nacoal.com](mailto:lee.becker@nacoal.com)

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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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July 10, 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 16.09 acres located in Section 36, T143N, R89W in Permit NACC-1302. The area is coded COY-034.

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-034 with soil respread depths and area slopes
2. Site history, acres by slope class, and respread depths table
3. Lab analysis of overburden samples

In all correspondence, please reference area COY-034.

Sincerely,

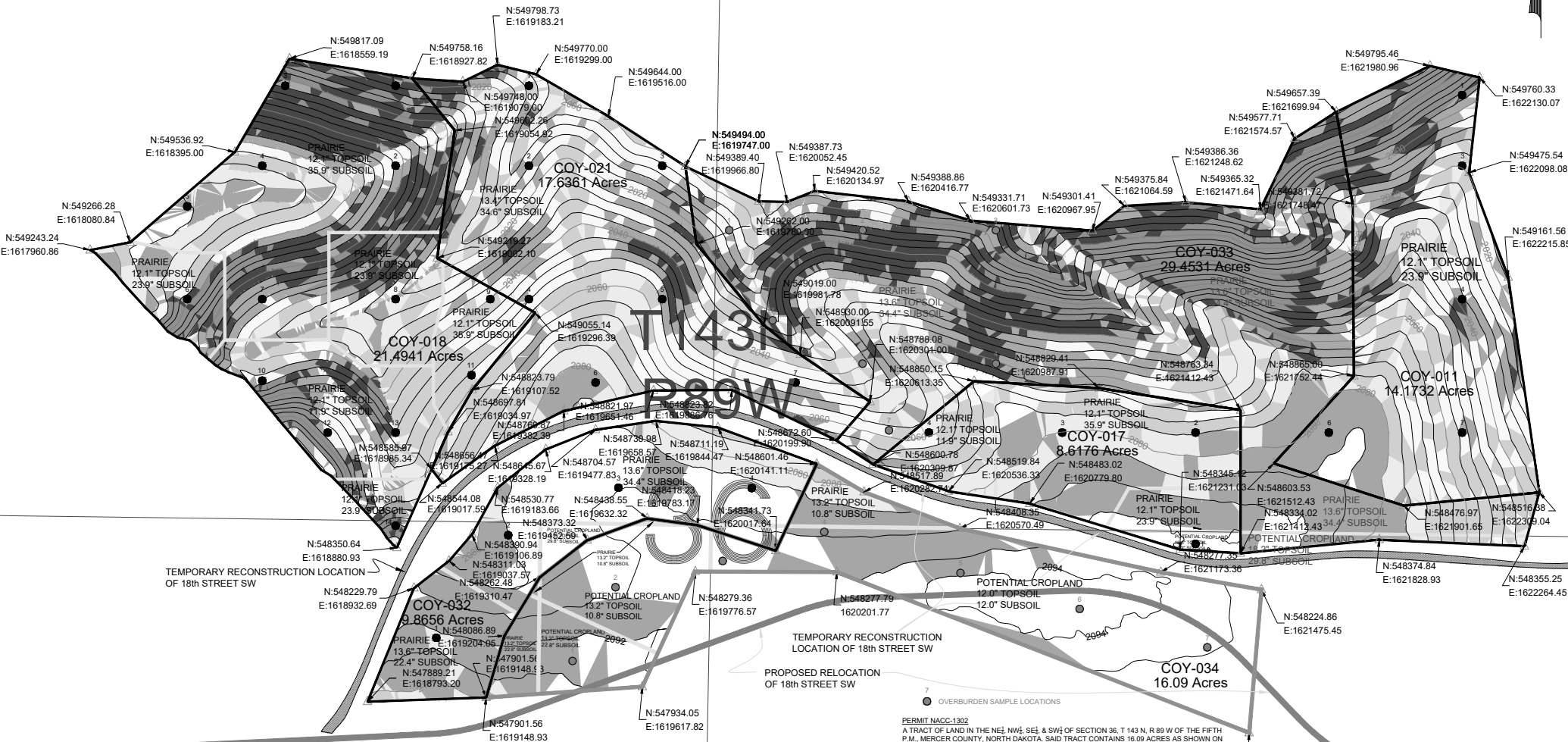
COYOTE CREEK MINING COMPANY, L.L.C.



Lee Becker  
Senior Mining Engineer

LAB  
Attach.

Voigt-004

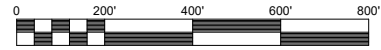


TEMPORARY RECONSTRUCTION LOCATION OF 18th STREET SW

PROPOSED RELOCATION OF 18th STREET SW

PERMIT NACC-1302  
A TRACT OF LAND IN THE NE1, NW1, SE1, & SW1/4 OF SECTION 36, T 143 N, R 89 W OF THE FIFTH P.M., MERCER COUNTY, NORTH DAKOTA, SAID TRACT CONTAINS 16.09 ACRES AS SHOWN ON THIS PLAN.

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



Scale 1" = 200'

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

10			
9			
8			
7			
6			
5			
4			
3			
2			
1	LAB	LAB	07/10/23
0	LAB	LAB	09/06/22
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-034**

**NACC-1302**

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

Acres by Slope Class								
16.09 Acres	Weighted Average Slope	0-3%	3-6%	6-9%	9-12%	12-15%	15-21%	Over 21%
Premining	3.2%	7.5305	8.1999	0.3525	0.0077	0.0000	0.0000	0.0000
As-Surveyed Post Mining	2.3%	10.0971	5.5339	0.3857	0.0739	0.0000	0.0000	0.0000
Approved Post Mining	2.3%	11.9835	3.4721	0.6307	0.0043	0.0000	0.0000	0.0000

Coal mining took place in this area from January 2018 through October 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 2023 Soils Handling Plan. Ownership is State of North Dakota and Voigt. Respread depths for this package are summarized in the following table:

Surface Ownership	Respread Thickness	Potential Cropland Areas	Prairie Areas
		<i>14.30</i>	<i>1.79</i>
State	24" Respread Area	<i>2.90</i>	<i>1.07</i>
	Topsoil	13.2"	13.2"
	Subsoil	10.8"	10.8"
Voigt	24" Respread Area	<i>9.89</i>	
	Topsoil	12.0"	
	Subsoil	12.0"	
State	36" Respread Area	<i>1.51</i>	<i>0.72</i>
	Topsoil	13.2"	13.2"
	Subsoil	22.8"	22.8"
Voigt	36" Respread Area		
	Topsoil	12.0"	
	Subsoil	24.0"	



**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:** 18954  
**Project Name:** COY-034  
**Location/Hole:** COY-034

**Date Collected:** 06/21/2023  
**Date Received:** 06/21/2023  
**Purchase Order:** 595092 OP

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
18954001	1	12"	5.30	17.8	15.3	22.7	56.2	12.9		8.2		c	10.0	32.5	57.5	
18954002	2	12"	4.24	22.0	25.0	53.2	15.1	2.41		7.5		sicl	15.0	50.0	35.0	
18954003	3	12"	3.56	19.0	24.9	32.0	10.7	2.01		7.3		cl	22.5	45.0	32.5	
18954004	4	12"	4.36	21.8	24.6	55.3	15.2	2.40		7.6		scl	47.5	30.0	22.5	
18954005	5	12"	4.20	22.1	25.5	50.9	16.3	2.64		7.5		l	45.0	35.0	20.0	
18954006	6	12"	3.86	19.7	24.7	41.8	9.6	1.66		7.3		sicl	15.0	47.5	37.5	
18954007	7	12"	5.82	19.1	22.6	46.5	42.1	7.16		7.1		cl	35.0	32.5	32.5	

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.



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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: Wednesday, July 5, 2023 1:01:27 PM

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**Voigt-008**