

**Thompson, Pamela J.**

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**Sent:** Wednesday, April 10, 2024 8:27 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: 5616523

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# Filing Accepted

Envelope Number: 5616523  
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 4:32 PM CST
<b>Date/Time Accepted</b>	4/10/2024 8:27 AM CST
<b>Accepted Comments</b>	
<b>Filing Type</b>	Exhibit
<b>Filing Description</b>	CR Exhibit 19 - Exhibit 2 - COY-034 Grade Approval Letter
<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 19 - Exhibit 2 - COY-034 Grade Approval Letter.pdf
<b>Lead Document Page Count</b>	2
<b>File Copy</b>	<a href="#">View Document</a>

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Casey and Julie Voigt v. Coyote Creek Mining Company, LLC  
Case No. RC-23-348

COY-034 Grade Approval Letter

**Voigt Exhibit 2**

21 RC-23-348 Filed 12/27/2023 Pages: 2  
Exhibit 2 – COY-034 Grade Approval Letter  
Casey and Julie Voigt  
Derrick Braaten, Braaten Law Firm

**Voigt-001**



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

Randy Christmann  
Sheri Haugen-Hoffart  
Julie Fedorchak

*Sent via email only*

August 7, 2023

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Mr. Lee Becker  
Senior Mining Engineer  
Coyote Creek Mining Company, L.L.C.  
6502 17<sup>th</sup> St. SW  
Zap, ND 58580  
[lee.becker@nacoal.com](mailto:lee.becker@nacoal.com)

Dear Mr. Becker:

This letter is in follow-up to grade approval request COY-034 that was submitted originally on September 6, 2022 for approximately 4.92 acres, which was withdrawn. Grade approval COY-034 was resubmitted on July 12, 2023 and subsequently revised on August 7, 2023 for approximately 16.09 acres in Section 36, T143N, R89W in Permit NACC-1302. The postmine land use of native rangeland and potential cropland for the area as depicted on the SPGM respread map is consistent with Section 4.1.2 (Post-Mining Topography and Landuse Map) most recently approved with Revision No. 11 and remains unchanged with pending Revision No. 12 with the exception for the reclaimed farmer access road shown in Revision No. 12. Grade approval is granted based on a review of the submitted materials and a field inspection by PSC personnel.

The proposed topsoil respread depth of 12.0 inches for Voigt ownership postmine potential cropland and 13.2 inches for North Dakota Department of Trust Lands (State) ownership postmine potential cropland and native rangeland is approved. The total SPGM respread thickness of 24 inches and 36 inches as depicted on the submitted SPGM respread map is also approved. Blending will be necessary in areas having different total respread thicknesses, but without reducing the thickness of the area requiring the greater thickness and ensuring the proper drainage through the transition area.

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.

If you have any questions, please contact this office.

Sincerely,

Jonathan Emmer  
Assistant Director  
Reclamation Division

cc via email only:      [Jeremy Eckroth \(jeremy.eckroth@nacoal.com\)](mailto:jeremy.eckroth@nacoal.com)  
                                 [Derrick Braaten \(derrick@braatenlawfirm.com\)](mailto:derrick@braatenlawfirm.com)  
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Coyote Creek Mine\Permits\NACC - 1302\Grade Approvals\2023\COY-034\GA\_COY-034\_AL\_8-7-23

**Voigt-002**