

**Thompson, Pamela J.**

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**From:** no-reply@efilingmail.tylertech.cloud  
**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 23 - Exhibit 6 - COY-034 Johnson-Becker Emails
<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 23 - Exhibit 6 - COY-034 Johnson-Becker Emails.pdf
<b>Lead Document Page Count</b>	4
<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 Email re MLJ comments on NACC-1302 Grade Approval  
Request COY-034 for 16.09 acres

**Voigt Exhibit 6**

## **Emmer, Jonathan W.**

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**From:** Johnson, Monty L.  
**Sent:** Thursday, July 27, 2023 3:17 PM  
**To:** Myran, Brandon S.  
**Cc:** Emmer, Jonathan W.  
**Subject:** MLJ comments on NACC-1302 Grade Approval Request COY-034 for 16.09 acres located in Section 36 dated July 10, 2023  
**Attachments:** COY-034 PSC.pdf; COY-034 PSC.dwg

Brandon,

Grade Approval Request COY-034 was originally submitted last year, but was later rescinded and revised as stated in the email chain below.

Soil respread depth, postmine land use, etc., comments on Coyote Creek's NACC-1302 COY-034 grade approval request for 16.09 acres of Voigt and State ownership located in Section 35 (T143N-R89W) dated July 10, 2023 are as follow:

1. The 36 inch SPGM respread depth for 13.86 acres and the 24 inch SPGM respread depth for 2.23 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 11.5 inches for Voigt ownership postmine potential cropland (same respread depth as native rangeland) and the topsoil respread depth of 13 inches for State ownership postmine potential cropland and native rangeland are within acceptable range with the proposed depths listed in the 2023 Coyote Creek Mine Soils Handling Plan submitted April 5, 2023. The 2023 Soils Handling Plan lists Voigt and State respread thicknesses as 12 inches and 13.2 inches, respectively.
3. The native rangeland and potential cropland postmine land uses 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 18<sup>th</sup> Street SW). Further explanation of this road is provided in the email chain below.

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**  
**Environmental Scientist**  
NDPSC - Reclamation Division  
Email: [moljohnson@nd.gov](mailto:moljohnson@nd.gov)  
Phone: 701-328-4035  
600 E Boulevard Ave, Dept. 408  
Bismarck, ND 58505



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**From:** Becker, Lee A <[lee.becker@nacoal.com](mailto:lee.becker@nacoal.com)>  
**Sent:** Wednesday, July 12, 2023 3:26 PM  
**To:** PSC Reclamation Filings <[pscreefilings@nd.gov](mailto:pscreefilings@nd.gov)>  
**Cc:** Brinkman, Zanna A. <[zbrinkman@nd.gov](mailto:zbrinkman@nd.gov)>; Emmer, Jonathan W. <[jemmer@nd.gov](mailto:jemmer@nd.gov)>; Steffen, Donn R <[donn.steffen@nacoal.com](mailto:donn.steffen@nacoal.com)>; Barth, Tyler L <[Tyler.Barth@nacoal.com](mailto:Tyler.Barth@nacoal.com)>; Eckroth, Jeremy J <[jeremy.eckroth@nacoal.com](mailto: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 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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