

Thompson, Pamela J.

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	
Court	Burleigh County
Case Number	08-2024-CV-00694
Case Style	Casey Voigt, et al. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	4/9/2024 4:32 PM CST
Date/Time Accepted	4/10/2024 8:27 AM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 24 - Exhibit 7 - COY-35 Grade Approval Request
Activity Requested	EFileAndServe
Filed By	Pamela Thompson
Filing Attorney	John Schuh

Document Details	
Lead Document	CR Exhibit 24 - Exhibit 7 - COY-35 Grade Approval Request.pdf
Lead Document Page Count	8
File Copy	View Document

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<https://northdakota.tylertech.cloud/ViewDocuments.aspx?FID=74a73d18-7aa8-4e47-966f-0c26f161429c>

For technical assistance, contact your service provider or
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-035 Grade Approval Request

Voigt Exhibit 7

Hamre, John G.

From: Emmer, Jonathan W.
Sent: Thursday, January 26, 2023 8:54 AM
To: Hamre, John G.
Cc: Brinkman, Zanna A.; Johnson, Monty L.; Myran, Brandon S.; Roerick, Jeffrey A.; Welch, Guy A.
Subject: FW: Grade Approval Request COY-035
Attachments: COY-035 PSC.pdf

John,

Please attach this email to the pdf and then corelog and save in Mine Data.

\\coal\Mine Data\Coyote Creek Mine\Permits\NACC - 1302\Grade Approvals\2023\COY-035\GA-COY-035_rvsd_1-26-23

Jonathan Emmer
Assistant Director

Reclamation Division
North Dakota Public Service Commission
600 E Boulevard Ave Dept 408
Bismarck, ND 58505

jemmer@nd.gov 701.328.4094

From: Becker, Lee <lee.becker@nacoal.com>
Sent: Thursday, January 26, 2023 8:49 AM
To: PSC Reclamation Filings <pscreefilings@nd.gov>
Cc: Kessler, Zachary <Zachary.Kessler@NACOAL.COM>; Emmer, Jonathan W. <jemmer@nd.gov>; Barth, Tyler L <Tyler.Barth@nacoal.com>; Steffen, Donn R <donn.steffen@nacoal.com>; Eckroth, Jeremy J <jeremy.eckroth@nacoal.com>; Sailer, Jason <jason.sailer@nacoal.com>
Subject: RE: Grade Approval Request COY-035

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The previous submittal of COY-035 did not note the depth at which the overburden samples were taken on the MVTL report. The attached document has the 12 inch sample depths shown on the MVTL report. Please delete the previous submitted COY-035 pdf and keep this one as the official document for your review.

Thanks,

Lee Becker, P.E.
Senior Mining Engineer
Coyote Creek Mining Company, LLC

North American Coal
6502 17th St SW
Zap, ND 58580

P. 701-873-7827
C. 701-880-0361
lee.becker@nacoal.com

A NACCO Company

From: Becker, Lee
Sent: Friday, January 13, 2023 1:02 PM
To: pscreefilings@nd.gov
Cc: Kessler, Zachary <Zachary.Kessler@NACOAL.COM>; Emmer, Jonathan W. <jemmer@nd.gov>; Barth, Tyler L <Tyler.Barth@nacoal.com>; Steffen, Donn R <donn.steffen@nacoal.com>; Eckroth, Jeremy J <jeremy.eckroth@nacoal.com>; Sailer, Jason <jason.sailer@nacoal.com>
Subject: Grade Approval Request COY-035

This email is to request grade approval on an area of mining disturbance in the W1/2 & SE1/4 Section 6, T142N, R88W. Ownership is State of North Dakota. The postmine landuse is native grassland. Coal mining took place in this area from October 2019 through November 2020. The slope comparison of the grade approval request area compares As-Surveyed Post Mining Contour to the Post Mining Topography proposed in Revision 12.

The grade approval request area is currently covered by snow, so we won't need this grade approval request approved until spring when conditions allow to drive the area with a pickup during the field inspection. We just wanted to get this request into your hands to expedite the approval after the field inspection shortly after the snow melts. The 2023 soils handling plan is currently being calculated and new 2023 SPGM respread depths will likely differ slightly from the 2022 SPGM respread depths that are shown in this submittal. We will resubmit the attached document with the new proposed SPGM respread depths calculated in the 2023 soils handling plan.

Attached is a contour map with slope area hatch and the proposed soil respread depths, respread depths table, and lab analysis of overburden samples.

Feel free to contact me with any questions you may have.

Lee Becker, P.E.
Senior Mining Engineer
Coyote Creek Mine

North American Coal
6502 17th St SW
Zap, ND 58580
P. 701-873-7827
C. 701-880-0361
lee.becker@nacoal.com

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COYOTE CREEK MINING COMPANY, L.L.C.

A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION

6502 17th Street SW
Zap, ND 58580
(701) 873-7800 • Fax (701) 873-7810

January 12, 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 16.1405 acres located in Section 6, T142N, R88W Permit NACC-1302. The area is coded COY-035.

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-035 with soil respread depths and area slopes
2. Site history, acres by slope class, and respread depth table
3. Lab analysis of overburden samples

In all correspondence, please reference area COY-035.

Sincerely,

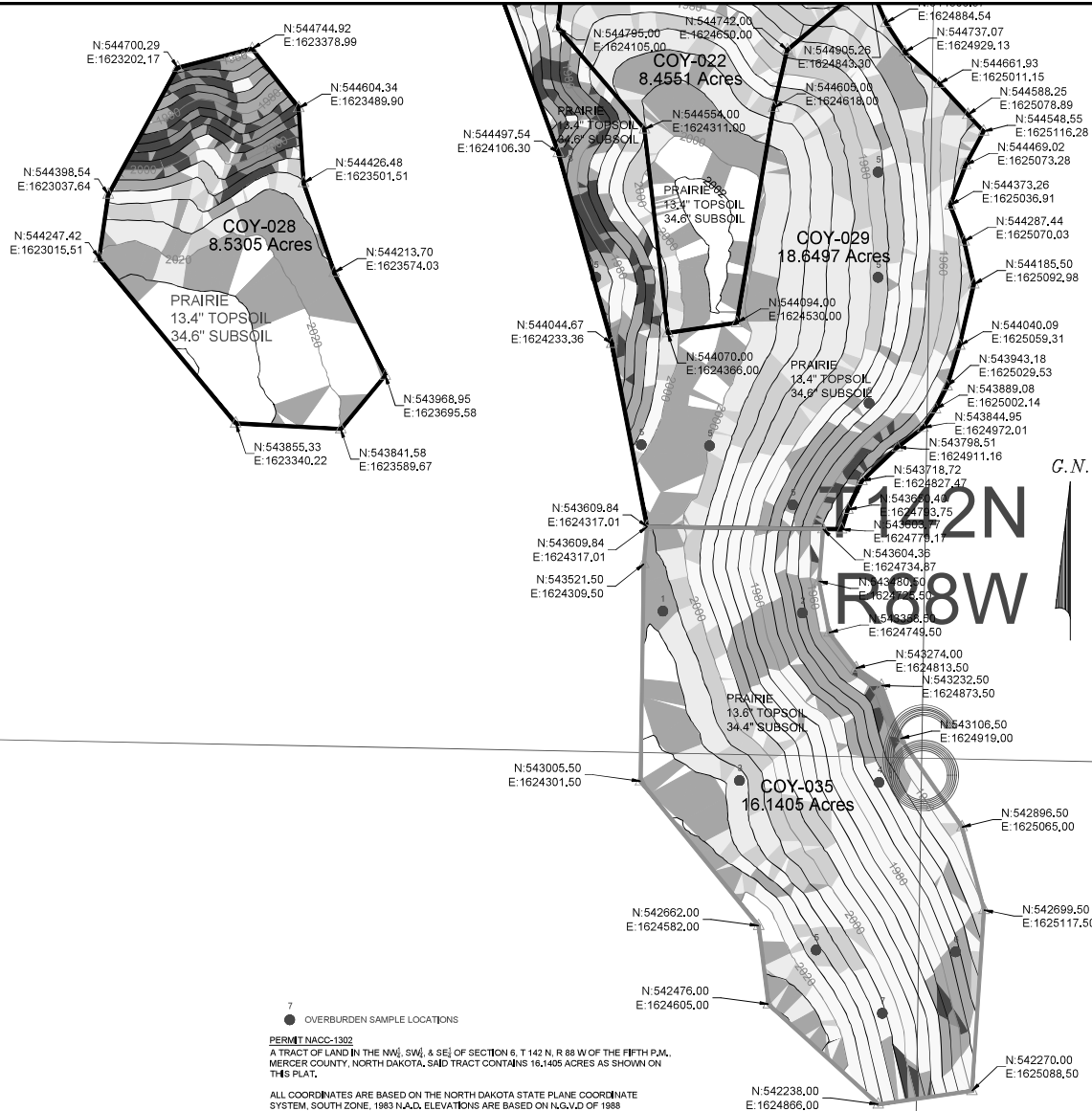
COYOTE CREEK MINING COMPANY, L.L.C.



Lee Becker
Senior Mining Engineer

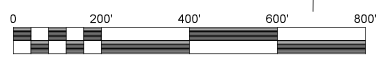
LAB
Attach.

Voigt-004



7
● OVERBURDEN SAMPLE LOCATIONS

PERMIT NACC-1302
 A TRACT OF LAND IN THE NW₄, SW₄, & SE₄ OF SECTION 8, T 142 N, R 88 W OF THE FIFTH P.M.,
 MERCER COUNTY, NORTH DAKOTA, SAID TRACT CONTAINS 16,140.5 ACRES AS SHOWN ON
 THIS PLAT.
 ALL COORDINATES ARE BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE
 SYSTEM, SOUTH ZONE, 1983 NAD, 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			
2	LAE	L2B	01/05/23
AC	3"	APP'D	DAL

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-035
NACC-1302
 DATE: 01/05/23
 PROJECT: GRADING APPROVAL REVISION

Acres by Slope Class								
16.1405 Acres	Weighted Average Slope	0-3%	3-6%	6-9%	9-12%	12-15%	15-21%	Over 21%
Premining	15.7%	2.1288	0.7262	0.7141	0.3364	3.5398	4.8411	3.8541
As-Surveyed Post Mining	11.9%	0.5787	1.6475	1.3016	2.2004	7.6040	2.7138	0.0945
Proposed Rev 12 Post Mining	12.2%	0.7175	1.2587	1.9440	2.4208	5.1948	4.3549	0.2498

Coal mining took place in this area from October 2019 through November 2020. 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 proposed soil depths in the 2022 Soils Handling Plan. Ownership is State of North Dakota. Respread depths for this package are summarized in the following tables:

Surface Ownership	Respread Thickness	Cropland Areas	Prairie Areas
			<i>16.1405</i>
State	48" Respread Area		<i>16.1405</i>
	Topsoil		13.6"
	Subsoil		34.4"



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: 5699
Project Name: Overburden

Date Received: 11/17/2022
Purchase Order: 22979 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
5699001	COY-035-1	12"	2.26	14.2	0.9	0.9	30.4	32.0		8.8		cl	30.0	32.5	37.5	
5699002	COY-035-2	12"	1.04	15.4	0.3	0.2	15.5	31.0		9.0		cl	27.5	37.5	35.0	
5699003	COY-035-3	12"	1.47	15.1	0.6	0.5	21.0	28.3		8.4		c	25.0	35.0	40.0	
5699004	COY-035-4	12"	1.47	14.8	0.7	0.6	20.4	25.3		8.4		c	27.5	30.0	42.5	
5699005	COY-035-5	12"	1.85	15.0	0.7	0.7	26.4	31.6		8.6		c	17.5	40.0	42.5	
5699006	COY-035-6	12"	2.05	14.9	0.8	0.7	29.1	33.6		8.5		c	15.0	37.5	47.5	
5699007	COY-035-7	12"	1.65	15.5	0.9	0.7	24.1	26.9		8.6		c	17.5	40.0	42.5	

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.

Report Date: Thursday, January 26, 2023 8:13:34 AM

Voigt-007



MINNESOTA VALLEY TESTING LABORATORIES, INC.

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1201 Lincoln Hwy. ~ Nevada, IA 50201 ~ 800-362-0855 ~ Fax 515-382-3885
www.MVTL.com

Member
ACIL

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 I = 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: Thursday, January 26, 2023 8:13:34 AM

Voigt-008