

**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.



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| Filing Details             |  |
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| <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 25 - Exhibit 8 - COY-35 Grade Approval Letter and Exhibit   |
| <b>Activity Requested</b>  | EFileAndServe  |
| <b>Filed By</b>            | Pamela Thompson  |
| <b>Filing Attorney</b>     | John Schuh   |

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| <b>Lead Document</b>  | CR Exhibit 25 - Exhibit 8 - COY-35 Grade Approval Letter and Exhibit.pdf |
| <b>Lead Document Page Count</b>   | 3  |
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Casey and Julie Voigt v. Coyote Creek Mining Company, LLC  
Case No. RC-23-348

COY-035 Grade Approval Letter and Exhibit

**Voigt Exhibit 8**



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

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*Sent via email only*

May 9, 2023

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-035 that was originally submitted on January 13, 2023 and resubmitted January 26, 2023 for approximately 16.1405 acres in Section 6, T142N, R88W in Permit NACC-1302. The postmine land use of native rangeland for the entire area as depicted on the SPGM respread map is consistent with Section 4.1.2 (Post-Mining Topography and Landuse Map) approved with Revision No. 11 and remains unchanged with pending Revision No. 12. Conditional grade approval is granted based on a review of the submitted materials and a field inspection by PSC personnel. The grade approval request area was graded to the conditionally approved postmine topography proposed with Revision No. 12 Plate 3.1.5 (Post-Mining Topography Map) dated 3/9/22; therefore, grade approval is contingent upon the approval of Revision No. 12 to Permit NACC-1302. Furthermore, slopes exceeding 12% must be scarified to eliminate slippage prior to subsoil respread as stated in the Soils Handling Plan, Section 3.1.1.1, of the permit.

The proposed topsoil respread depth of 13.6 inches for North Dakota Department of Trust Lands (State) ownership postmine native rangeland is approved. The total SPGM respread thickness of 48 inches for the area depicted on the submitted SPGM respread map is also approved.

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. Slopes exceeding 12% should be seeded and mulched as soon as practical after topsoil respread.

If you have any questions, please contact this office.

Sincerely,

Jonathan Emmer  
Assistant Director  
Reclamation Division

cc via email only: [Derrick Braaten \(derrick@braatenlawfirm.com\)](mailto:derrick@braatenlawfirm.com)  
[Desirae Zaste \(desirae@braatenlawfirm.com\)](mailto:desirae@braatenlawfirm.com)

