

**Thompson, Pamela J.**

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**From:** no-reply@efilingmail.tylertech.cloud  
**Sent:** Wednesday, April 10, 2024 8:31 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: 5616607

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# Filing Accepted

Envelope Number: 5616607  
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 5:00 PM CST
<b>Date/Time Accepted</b>	4/10/2024 8:30 AM CST
<b>Accepted Comments</b>	
<b>Filing Type</b>	Exhibit
<b>Filing Description</b>	CR Exhibit 45 - Exhibit 28 - COY-039 Johnson Email
<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 45 - Exhibit 28 - COY-039 Johnson Email.pdf
<b>Lead Document Page Count</b>	3
<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-039 Email re MLJ comments on NACC-1302 Grade Approval  
Request COY-039 for 7.10 acres located in Section 6 dated September  
13, 2023

**Voigt Exhibit 28**

47 RC-23-348 Filed 12/27/2023 Pages: 3  
Exhibit 28 – COY-039 Johnson email  
Casey and Julie Voigt  
Derrick Braaten, Braaten Law Firm

**Voigt-001**

## Emmer, Jonathan W.

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**From:** Johnson, Monty L.  
**Sent:** Friday, September 29, 2023 2:28 PM  
**To:** Myran, Brandon S.  
**Cc:** Emmer, Jonathan W.  
**Subject:** MLJ comments on NACC-1302 Grade Approval Request COY-039 for 7.10 acres located in Section 6 dated September 13, 2023

Brandon,

Soil respread depth, postmine land use, etc., comments on Coyote Creek's NACC-1302 COY-039 grade approval request for 7.10 acres of State ownership located in the NW<sup>1</sup>/<sub>4</sub> of Section 6 (T142N-R88W) dated September 13, 2023 are as follow:

1. The 48 inch SPGM respread depth for the entire area complies 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 the same as projected.

Spoil sample COY-039-1, shown on the sample results document from MVTL, was not included on the attached map and CAD file because the sample was taken outside of the grade approval boundary and was not needed for this request.

2. The topsoil respread depth of 13.2 inches for State ownership post mine native rangeland (prairie) matches the proposed depths listed in the approved 2023 Coyote Creek Mine Soils Handling Plan.
3. The native rangeland post mine land use for the area is 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.

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**  
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