

**Thompson, Pamela J.**

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**Sent:** Wednesday, April 10, 2024 8:38 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: 5616681

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# Filing Accepted

Envelope Number: 5616681  
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 6:16 PM CST  |
| <b>Date/Time Accepted</b>  | 4/10/2024 8:37 AM CST   |
| <b>Accepted Comments</b>   |   |
| <b>Filing Type</b>         | Exhibit   |
| <b>Filing Description</b>  | CR Exhibit 68 - Exhibit 51 - CCMC Letter and Landowner Preference Statement |
| <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 68 - Exhibit 51 - CCMC Letter and Landowner Preference Statement.pdf |
| <b>Lead Document Page Count</b> | 7   |
| <b>File Copy</b>                | <a href="#">View Document</a>   |

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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

Letter from Coyote Creek Mining Company  
and Landowner Preference Statement

**Voigt Exhibit 51**

70 RC-23-348 Filed 12/27/2023 Pages: 7  
Exhibit 51 – CCMC letter and landowner preference statement  
Casey and Julie Voigt  
Derrick Braaten, Braaten Law Firm

**Voigt-001**

# COYOTE CREEK MINING COMPANY, L.L.C.

A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION

2000 Schafer Street, Suite D  
Bismarck, ND 58501-1204  
(701) 258-2200 • Fax (701) 222-7594  
Toll-Free 1-877-258-3300

February 15, 2021

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Casey Voigt & Julie Voigt  
PO Box 454  
Beulah, ND 58523

Dear Casey & Julie:

The Coyote Creek Mining Company, L.L.C. (CCMC) is required under the provisions of the Surface Owner Protection Act (Chapter 38-18 of the North Dakota Century Code) to inform you of its updated surface coal mining plans for a tract of land under your ownership in the SW $\frac{1}{4}$  of Section 24, T143N, R89W. The tract of land is already included in CCMC's Surface Coal Mining Permit NACC-1302.

In accordance with the above provisions, we had sent you a map on February 7, 2014 showing the specific locations to be affected either directly or indirectly by the mining operations. Since then, changes have been made to the mine plan due to the acquisition of the federal coal lease on this tract of land. The attached map reflects those changes.

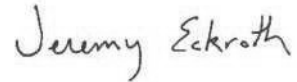
CCMC was required by state regulations governing the reclamation of surface mined lands (Subsection 3 of Section 69-05.2-09-13 of ND Administrative Code) to consider your preferences regarding post-mining uses of land disturbed by mining or mining-related activities when we submitted this permit area. CCMC provided a Landowner Post-mining Preference Statement to you for this tract of land on September 27, 2013. You responded on October 11, 2013 indicating that you preferred this tract be reclaimed to as much cropland as possible. CCMC complied with your preferences and was able to convert 81 acres of native grassland to cropland in this tract. Also, a stockpond was enlarged from 0.09 acres prior to mining to 0.40 acres after reclamation, and 0.02 acres of wetlands were moved to another tract of land that you own in Section 1, T142N, R89W. The remaining land uses in this tract remained unchanged. A copy of that preference statement has been enclosed with this letter for your records. CCMC will continue to consult with the Voigts as mining progresses.

If you have any questions concerning the enclosed information or if your post-mining preferences for this tract have changed, please contact me at 701-873-7826 or 701-400-5843. If no response is received, CCMC will assume no changes from your originally indicated preferences.

Casey Voigt & Julie Voigt  
February 15, 2021  
Page 2

Sincerely,

**COYOTE CREEK MINING COMPANY, L.L.C.**

A handwritten signature in black ink that reads "Jeremy Eckroth". The signature is written in a cursive style with a large initial 'J'.

Jeremy Eckroth  
Environmental Manager

JJE  
Enc.

LANDOWNER POST-MINING PREFERENCE STATEMENT

Subsection 3 of Section 69-05.2-09-13 of the North Dakota Administrative Code requires a surface coal mining company to obtain a preference statement from a landowner owning land located within a proposed coal mining permit area. The Coyote Creek Mining Company, L.L.C is applying for a surface coal mining permit. This land use statement will be included as part of the proposed application. The following information describes the pre-mining land use of property in the proposed permit area owned by you:

LOCATION IN PERMIT: E½E½ Section 6, T142N, R88W  
Section 1, T142N, R89W  
W½ Section 19, W½, W½E½ Section 30, Section 31, T143N, R88W  
S½NE¼, SW¼ Section 24, Section 25, SE¼ Section 36, T143N, R89W

| ACRES    | LAND USE                             |
|----------|--------------------------------------|
| 125.55   | Cropland                             |
| 244.54   | Cropland (Hayland/CRP)               |
| 2,676.63 | Native Grassland (prairie)           |
|          | Tame Pastureland                     |
| 2.38     | Shelterbelt                          |
| 96.00    | Woodland                             |
| 7.26     | Wetland                              |
| 30.20    | Rivers & Streams (Coyote Creek)      |
| 2.9      | Developed Water Resource (stockpond) |
| 12.43    | Residential                          |
| 52.08    | Roads                                |
| 3,249.97 | TOTAL ACRES                          |

Please review this information and state your preference for the post-mining land use for lands owned by you in the proposed permit area. If these are different from the pre-mining land uses, please describe reasons for the changes.

See Attachment A

LANDOWNER: Casey Voigt and Julie Voigt

SIGNATURE: Casey Voigt Julie Voigt

DATE: 10-11-2013 10-11-2013

ADDRESS: PO Box 454, Beulah, ND 58523

Once released from performance bond, the landowner will be responsible for future management and maintenance of any permanent stockponds constructed for their use. By signing below, I hereby commit to follow a sound management plan for the stockponds that I am requesting as part of the post-mining land use.

SIGNATURE: Casey Voigt Julie Voigt

DATE: 10-11-2013 10-11-2013

Attachment A  
Casey and Julie Voigt  
Preference Statement

October 2013

- 1.) Replace inequivalent to:
  - A.) Water Wells
  - B.) Water Pipelines
  - C.) Water Tanks
  - D.) Fences
  - E.) Cattle Crossings
  - F.) Cattle Handling Facilities
- 2.) No commingling of Top Soils, especially from the South or the East.
- 3.) Replace Trees as in the varieties removed.
- 4.) Reclaim as much land to crapland as demend possible in sections 24 & 25.
- 5.) Pasture lands to be reclaimed to native grasses not tame grasses.
- 6.) Reserve the right to make further changes at a later date.


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For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

|  |                          |
|--|--------------------------|
| <p>Certified Mail Fee<br/>\$ _____</p> <p>Extra Services &amp; Fees (check box, add fee as appropriate)</p> <p><input type="checkbox"/> Return Receipt (hardcopy) \$ _____</p> <p><input type="checkbox"/> Return Receipt (electronic) \$ _____</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery \$ _____</p> <p><input type="checkbox"/> Adult Signature Required \$ _____</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery \$ _____</p> <p>Postage<br/>\$ _____</p> <p><b>Total Postage and Fees</b><br/>\$ _____</p> | <p>Postmark<br/>Here</p> |
| <p>Sent To: <b>CASey &amp; Julie Voigt</b></p> <p>Street and Apt. No. or PO Box No.: <b>PO Box 454</b></p> <p>City, State, ZIP+4: <b>Beadah ND 58523</b></p>   |                          |

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

| SENDER: COMPLETE THIS SECTION   | COMPLETE THIS SECTION ON DELIVERY  |   |   |  |   |   |  |   |  |  |  |  |   |                                       |  |  |  |
|---|--|---|---|--|---|---|--|---|--|--|--|--|---|---------------------------------------|--|--|--|
| <ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul> <p>1. Article Addressed to:</p> <p style="font-size: 1.2em; margin-left: 20px;"><b>CASey &amp; Julie Voigt</b><br/><b>PO Box 454</b><br/><b>Beadah, ND 58523</b></p> <div style="text-align: center; margin: 10px 0;"> <br/>           9590 9402 4555 8278 1211 90         </div> <p>2. Article Number (Transfer from service label)</p> <p style="font-size: 1.2em; margin-left: 20px;"><b>7016 0340 0001 0156 7308</b></p>  | <p>A. Signature</p> <p><input checked="" type="checkbox"/> <i>Julie Voigt</i> <input type="checkbox"/> Agent<br/><input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span></p> <p style="margin-left: 20px;"><i>Julie Voigt</i> <span style="float: right;"><b>2-19-21</b></span></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes<br/>If YES, enter delivery address below: <input type="checkbox"/> No</p> |   |   |  |   |   |  |   |  |  |  |  |   |                                       |  |  |  |
| <p>3. Service Type</p> <table style="width: 100%; font-size: 0.8em;"> <tr> <td><input checked="" type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input checked="" type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table> |  | <input checked="" type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® | <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ | <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery | <input type="checkbox"/> Certified Mail Restricted Delivery | <input checked="" type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ | <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery | <input type="checkbox"/> Insured Mail |  | <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) |  |
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| <input type="checkbox"/> Certified Mail Restricted Delivery   | <input checked="" type="checkbox"/> Return Receipt for Merchandise   |   |   |  |   |   |  |   |  |  |  |  |   |                                       |  |  |  |
| <input type="checkbox"/> Collect on Delivery  | <input type="checkbox"/> Signature Confirmation™   |   |   |  |   |   |  |   |  |  |  |  |   |                                       |  |  |  |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery  | <input type="checkbox"/> Signature Confirmation Restricted Delivery  |   |   |  |   |   |  |   |  |  |  |  |   |                                       |  |  |  |
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PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

Sharon L. Unruh, Life Estate  
Sharon L. Unruh  
67th Ave SW  
Zap, ND 58580-8046

Shawn Unruh and SheVele Unruh  
2052 67th Ave. SW  
Zap, ND 58580-8046

Austin Jensen and Destinee Jensen  
2061 67th Ave. SW  
Zap, ND 58580-8046

Denver Unruh  
2050 67th Ave. SW  
Zap, ND 58580-8046

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