

**Thompson, Pamela J.**

---

**From:** no-reply@efilingmail.tylertech.cloud  
**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: 5616687

\*\*\*\*\* **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. \*\*\*\*\*

## Filing Accepted

Envelope Number: 5616687

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 6:23 PM CST
<b>Date/Time Accepted</b>	4/10/2024 8:38 AM CST
<b>Accepted Comments</b>	
<b>Filing Type</b>	Exhibit
<b>Filing Description</b>	CR Exhibit 76 - Exhibit 103 - COY-037 Grade Approval Request
<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 76 - Exhibit 103 - COY-037 Grade Approval Request.pdf
<b>Lead Document Page Count</b>	4
<b>File Copy</b>	<a href="#">View Document</a>

This link is active for 30 days. To access this document, you will be required to enter your email address. Click [here](#) for more information. If the link above is not accessible, copy this URL into your browser's address bar to view the document:

<https://northdakota.tylertech.cloud/ViewDocuments.aspx?FID=4135083c-54f4-4861-be47-651719c41697>

For technical assistance, contact your service provider or  
North Dakota Court's Information Technology Department 701-328-4218  
Please do not reply to this email. It was automatically generated.

**North American**  
**COAL**

**COYOTE CREEK MINE**

April 11, 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 9.9892 acres located in Section 25, T143N, R89W Permit NACC-1302. The area is coded COY-037.

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-037 with soil respreads depths and area slopes
2. Site history, acres by slope class, and respreads depth table
3. Lab analysis of overburden samples

In all correspondence, please reference area COY-037.

Sincerely,

COYOTE CREEK MINING COMPANY, L.L.C.



Samantha Becker  
Surveyor

SMB  
Attach.

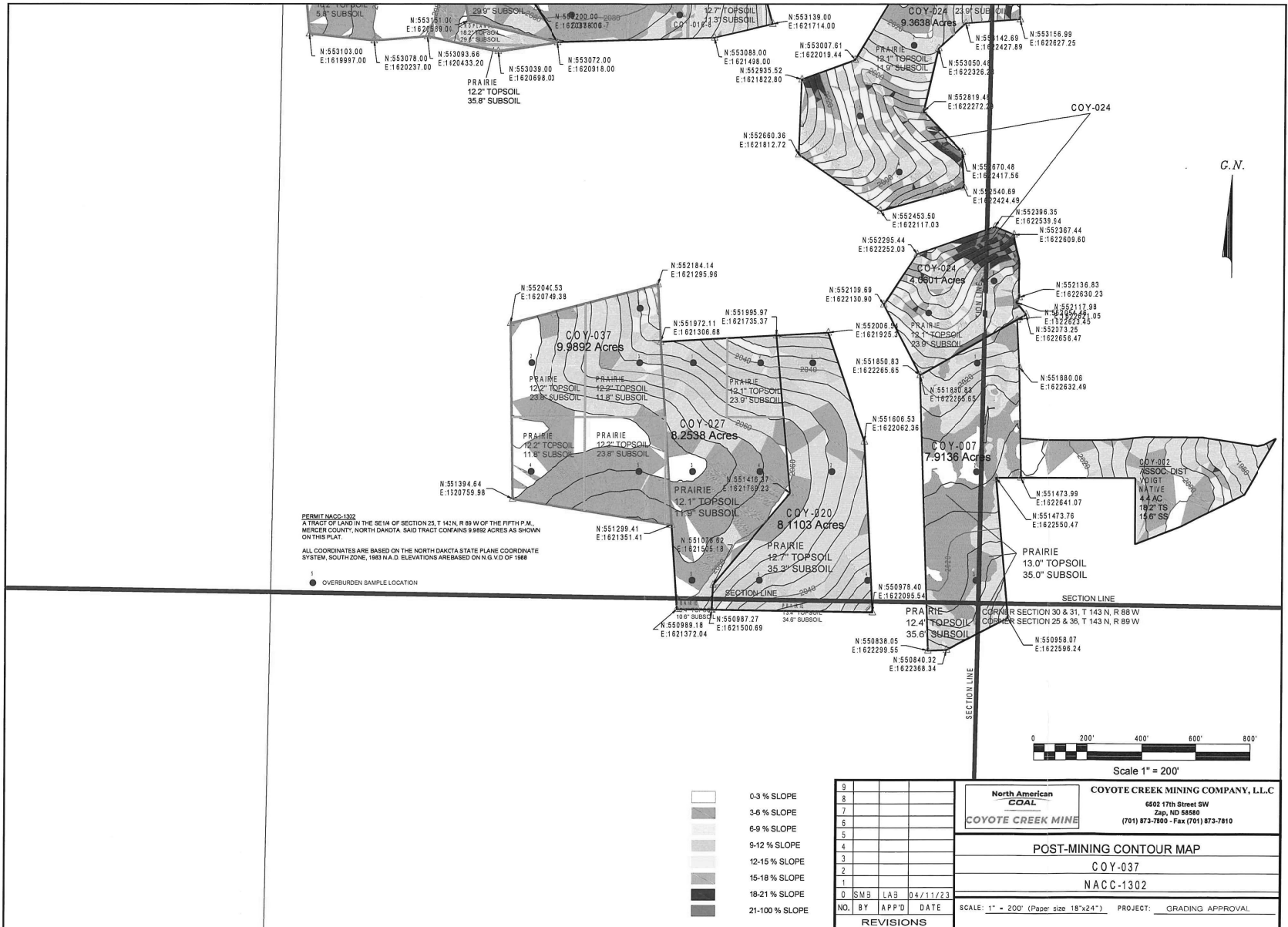
78 RC-23-348 Filed: 12/27/2023 Pages: 4  
Exhibit 103 – COY-037 grade approval request

Coyote Creek Mining Company, L.L.C.  
Wade Mann, Crowley Fleck, PLLP



Coyote Creek Mine  
6502 17<sup>th</sup> Street SW  
Zap, ND 58580  
P: 701.873.7800  
NACoal.com

Coyote Creek Mining Company, a subsidiary company of The North American Coal Corporation



PERMIT NACC-1302  
 A TRACT OF LAND IN THE SE1/4 OF SECTION 25, T 142N, R 89 W OF THE FIFTH P.M.,  
 MCKENZIE COUNTY, NORTH DAKOTA, SAID TRACT CONTAINS 9.9892 ACRES AS SHOWN  
 ON THIS PLAN.  
 ALL COORDINATES ARE BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE  
 SYSTEM, SOUTH ZONE, 1983 N.A.D. ELEVATIONS ARE BASED ON N.G.V.D. OF 1988

- 0-3 % SLOPE
- 3-6 % SLOPE
- 6-9 % SLOPE
- 9-12 % SLOPE
- 12-15 % SLOPE
- 15-18 % SLOPE
- 18-21 % SLOPE
- 21-100 % SLOPE

NO.	BY	APP'D	DATE
0	SMB	LAB	04/11/23

 <b>COYOTE CREEK MINE</b>	<b>COYOTE CREEK MINING COMPANY, L.L.C.</b> 6602 17th Street SW Zap, ND 58580 (701) 873-7800 - Fax (701) 873-7810
	<b>POST-MINING CONTOUR MAP</b> <b>COY-037</b> <b>NACC-1302</b>
SCALE: 1" = 200' (Paper size 18"x24")    PROJECT: GRADING APPROVAL	

Acres by Slope Class								
9.9892 Acres	Weighted Average Slope	0-3%	3-6%	6-9%	9-12%	12-15%	15-21%	Over 21%
Premining	4.4%	2.7881	4.5719	2.5245	0.0464	0.0083	0.0500	0.0000
As-Surveyed Post Mining	5.6%	2.0318	3.9794	2.3966	1.2878	0.2658	0.02736	0.0004
Approved Post Mining	6.0%	1.3567	4.5185	2.4023	1.3014	0.3299	0.0803	0.0000

Coal mining took place in this area from July 2019 through September 2021. 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 approved soil depths in the 2022 Soils Handling Plan. Ownership is Voigt. Respread depths for this package are summarized in the following tables:

Surface Ownership	Respread Thickness	Cropland Areas	Prairie Areas
			<i>9.9892</i>
Voigt	24" Respread Area		<i>5.0421</i>
	Topsoil		12.2"
	Subsoil		11.8"
Voigt	36" Respread Area		<i>4.9471</i>
	Topsoil		12.2"
	Subsoil		23.8"



**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:** 11002  
**Project Name:** Overburden

**Date Received:** 04/03/2023  
**Purchase Order:** 31945

Laboratory Number	Sample Description	Depth	EC @ 25C m mhos/cm	Cat/EC Ratio	Ca m eq/L	Mg m eq/L	Na m eq/L	SAR	CCE wt%	pH	OM wt%	Texture	Sand %	Silt %	Clay %	Sat Percent
11002001	COY-03 7-1	12"	1.68	14.4	2.3	3.3	18.7	11.2		8.1		c	0.00	27.5	72.5	
11002002	COY-03 7-2	12"	2.48	15.1	3.6	4.6	29.2	14.4		8.2		c	12.5	40.0	47.5	
11002003	COY-03 7-3	12"	2.22	15.6	5.0	6.9	22.7	9.31		7.9		c	0.00	27.5	72.5	
11002004	COY-03 7-4	12"	1.62	14.7	2.5	3.7	17.5	9.94		8.0		c	7.50	27.5	65.0	
11002005	COY-03 7-5	12"	1.84	14.9	1.5	1.9	23.9	18.3		8.3		sic	2.50	50.0	47.5	

All data reported has been reviewed and approved by:

Stacy Zander, Bismarck Assistant Lab Manager Bismarck, ND

Texture Abbreviations: sic = silty clay sc = sandy clay cl = clay loam l = loam sil = silty loam ls = loamy sand c = clay sicl = silty clay loam scl = sandy clay loam si = silt s = sand sl = sandy loam

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, April 6, 2023 12:59:43 PM