

Thompson, Pamela J.

From: no-reply@efilingmail.tylertech.cloud
Sent: Wednesday, April 10, 2024 8:49 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: 5616692

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Filing Accepted

Envelope Number: 5616692
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 6:43 PM CST
Date/Time Accepted	4/10/2024 8:48 AM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 93 - Exhibit PSC-11 - Grade Approvals 34 to 39
Activity Requested	EFileAndServe
Filed By	Pamela Thompson
Filing Attorney	John Schuh

Document Details	
Lead Document	CR Exhibit 93 - Exhibit PSC-11 - Grade Approvals 34 to 39.pdf
Lead Document Page Count	46
File Copy	View Document

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<https://northdakota.tylertech.cloud/ViewDocuments.aspx?FID=bc4a0ef6-4fcd-4859-820b-25229badc76b>

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.

Emmer, Jonathan W.

From: Becker, Lee A <lee.becker@nacoal.com>
Sent: Monday, August 7, 2023 12:26 PM
To: PSC Reclamation Filings
Cc: Brinkman, Zanna A.; Emmer, Jonathan W.; Eckroth, Jeremy J
Subject: RE: Grade Approval Request COY-034
Attachments: COY-034 PSC.pdf

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Hi Jonathon,

Jeremy told me that the topsoil respread thicknesses shown on the submittal of COY-034 did not match the 2023 Soils Handling Plan, I apologize for that. Attached is the COY-034 grade approval package showing SPGM respread depths from the 2023 Soils Handling Plan 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 A
Sent: Wednesday, July 12, 2023 3:26 PM
To: pscrefilings@nd.gov
Cc: zbrinkman@nd.gov; Emmer, Jonathan W. <jemmer@nd.gov>; Steffen, Donn R <donn.steffen@nacoal.com>; Barth, Tyler L <Tyler.Barth@nacoal.com>; Eckroth, Jeremy J <jeremy.eckroth@nacoal.com>
Subject: Grade Approval Request COY-034

This email is to request grade approval on an area of mining disturbance in the NE4, NW4, SE4 & SW4 Section 36, T143N, R89W. Ownership is State of North Dakota and Voigt. The postmine landuse is native grassland and potential cropland. Coal mining took place in this area from January 2018 through October 2021.

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

COY-034 was originally submitted September 6, 2022 but was withdrawn from PSC review in order to expand the grade approval request area during the winter months. Last winter produced heavy snowfall and the original COY-034 grade approval request area was utilized to stockpile snow. The area was redisturbed in the process so the overburden was

Emmer, Jonathan W.

From: Becker, Lee A <lee.becker@nacoal.com>
Sent: Monday, August 7, 2023 12:26 PM
To: PSC Reclamation Filings
Cc: Brinkman, Zanna A.; Emmer, Jonathan W.; Eckroth, Jeremy J
Subject: RE: Grade Approval Request COY-034
Attachments: COY-034 PSC.pdf

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

Hi Jonathon,

Jeremy told me that the topsoil respread thicknesses shown on the submittal of COY-034 did not match the 2023 Soils Handling Plan, I apologize for that. Attached is the COY-034 grade approval package showing SPGM respread depths from the 2023 Soils Handling Plan for your review.

Thanks,

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

North American Coal
6502 17th St SW
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lee.becker@nacoal.com

A NACCO Company

From: Becker, Lee A
Sent: Wednesday, July 12, 2023 3:26 PM
To: pscrefilings@nd.gov
Cc: zbrinkman@nd.gov; Emmer, Jonathan W. <jemmer@nd.gov>; Steffen, Donn R <donn.steffen@nacoal.com>; Barth, Tyler L <Tyler.Barth@nacoal.com>; Eckroth, Jeremy J <jeremy.eckroth@nacoal.com>
Subject: Grade Approval Request COY-034

This email is to request grade approval on an area of mining disturbance in the NE4, NW4, SE4 & SW4 Section 36, T143N, R89W. Ownership is State of North Dakota and Voigt. The postmine landuse is native grassland and potential cropland. Coal mining took place in this area from January 2018 through October 2021.

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

COY-034 was originally submitted September 6, 2022 but was withdrawn from PSC review in order to expand the grade approval request area during the winter months. Last winter produced heavy snowfall and the original COY-034 grade approval request area was utilized to stockpile snow. The area was redisturbed in the process so the overburden was

resampled in the originally submitted area along with overburden samples required for the expanded area to determine the soil respread depths for this updated submittal of COY-034.

Additionally, the proposed final relocation centerline of 18th Street SW by Interstate Engineering is depicted on this plat. There is a portion of the road that goes through the request area. In accordance with the resolution to close the road and the agreement between Coyote Creek Mining Company, L.L.C. and the Board of County Commissioners of Mercer County on May 18, 2016, "the Reconstructed Closed Road shall be constructed to a condition similar to the then existing condition of the road...". The centerline was specifically placed at the top of the watershed break so no road ditches will be required. The road will be built out of subsoil and the final surface will be approximately two feet above the adjacent finish topsoil grade.

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

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

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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

July 10, 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 16.09 acres located in Section 36, T143N, R89W in Permit NACC-1302. The area is coded COY-034.

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-034 with soil respread depths and area slopes
2. Site history, acres by slope class, and respread depths table
3. Lab analysis of overburden samples

In all correspondence, please reference area COY-034.

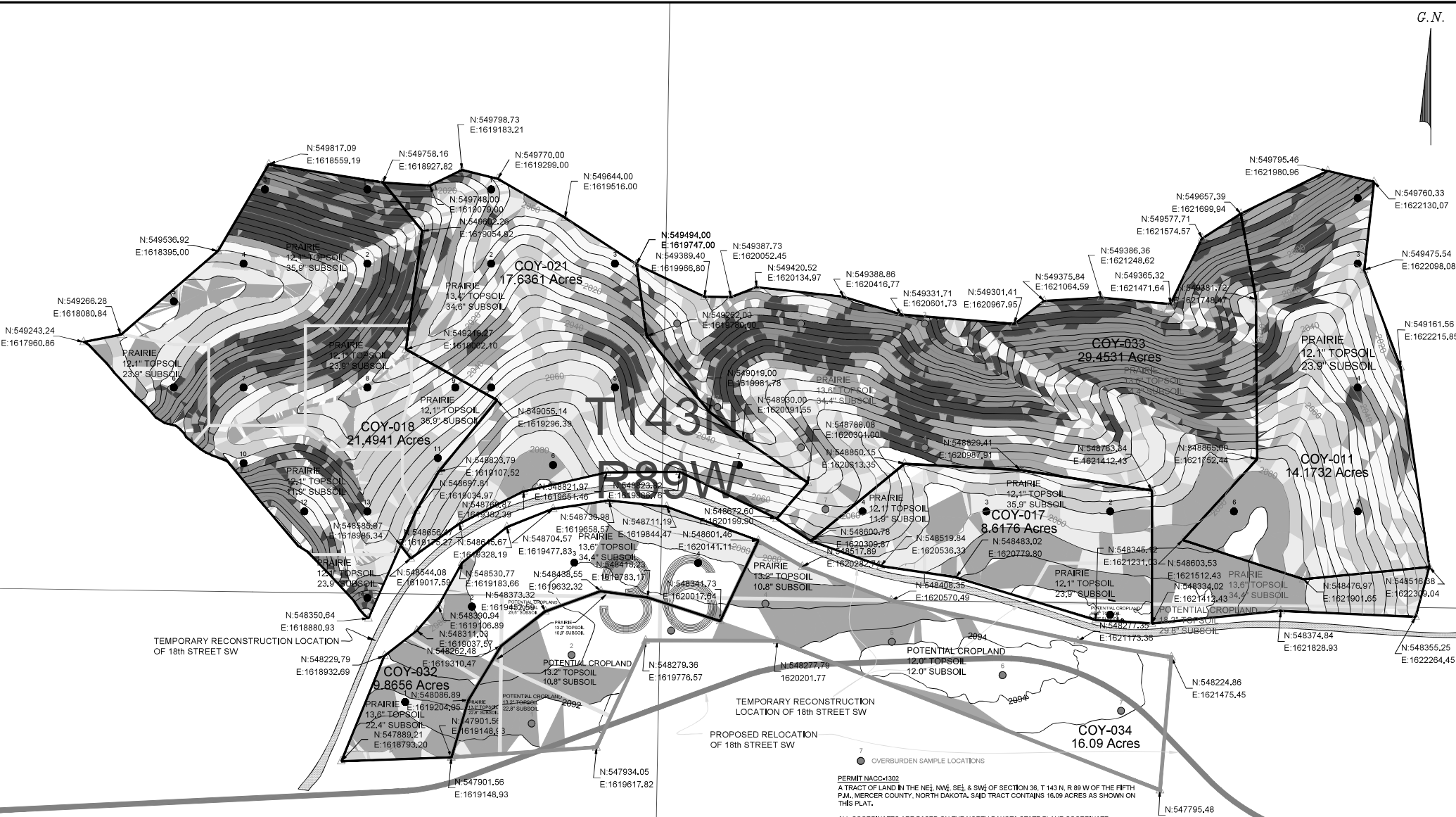
Sincerely,

COYOTE CREEK MINING COMPANY, L.L.C.



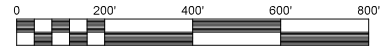
Lee Becker
Senior Mining Engineer

LAB
Attach.



PERMIT NACC-1302
A TRACT OF LAND IN THE NE1/4, SE1/4, & SW1/4 OF SECTION 36, T 143 N, R 89 W OF THE FIFTH P.M., MERCER COUNTY, NORTH DAKOTA, SAID TRACT CONTAINS 16.09 ACRES AS SHOWN ON THIS PLAT.

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



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

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1	LAB	LAE	07/10/23
0	NR	LAE	06/09/22
N.O.	BY	DATE	
DRAWING DATES			

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-034

NACC-1302

SCALE: AS SHOWN ON MAP (Graphic scale 1" = 24")
 PROJ. E.C.T. GRADING APPROVAL REVISION:

Acres by Slope Class								
16.09 Acres	Weighted Average Slope	0-3%	3-6%	6-9%	9-12%	12-15%	15-21%	Over 21%
Premining	3.2%	7.5305	8.1999	0.3525	0.0077	0.0000	0.0000	0.0000
As-Surveyed Post Mining	2.3%	10.0971	5.5339	0.3857	0.0739	0.0000	0.0000	0.0000
Approved Post Mining	2.3%	11.9835	3.4721	0.6307	0.0043	0.0000	0.0000	0.0000

Coal mining took place in this area from January 2018 through October 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 2023 Soils Handling Plan. Ownership is State of North Dakota and Voigt. Respread depths for this package are summarized in the following table:

Surface Ownership	Respread Thickness	Potential Cropland Areas	Prairie Areas
		<i>14.30</i>	<i>1.79</i>
State	24" Respread Area	<i>2.90</i>	<i>1.07</i>
	Topsoil	13.2"	13.2"
	Subsoil	10.8"	10.8"
Voigt	24" Respread Area	<i>9.89</i>	
	Topsoil	12.0"	
	Subsoil	12.0"	
State	36" Respread Area	<i>1.51</i>	<i>0.72</i>
	Topsoil	13.2"	13.2"
	Subsoil	22.8"	22.8"
Voigt	36" Respread Area		
	Topsoil	12.0"	
	Subsoil	24.0"	



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: 18954
Project Name: COY-034
Location/Hole: COY-034

Date Collected: 06/21/2023
Date Received: 06/21/2023
Purchase Order: 595092 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
18954001	1	12"	5.30	17.8	15.3	22.7	56.2	12.9		8.2		c	10.0	32.5	57.5	
18954002	2	12"	4.24	22.0	25.0	53.2	15.1	2.41		7.5		sicl	15.0	50.0	35.0	
18954003	3	12"	3.56	19.0	24.9	32.0	10.7	2.01		7.3		cl	22.5	45.0	32.5	
18954004	4	12"	4.36	21.8	24.6	55.3	15.2	2.40		7.6		scl	47.5	30.0	22.5	
18954005	5	12"	4.20	22.1	25.5	50.9	16.3	2.64		7.5		l	45.0	35.0	20.0	
18954006	6	12"	3.86	19.7	24.7	41.8	9.6	1.66		7.3		sicl	15.0	47.5	37.5	
18954007	7	12"	5.82	19.1	22.6	46.5	42.1	7.16		7.1		cl	35.0	32.5	32.5	

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.



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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



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

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: Wednesday, July 5, 2023 1:01:27 PM

Page 2 of 2

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

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

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.

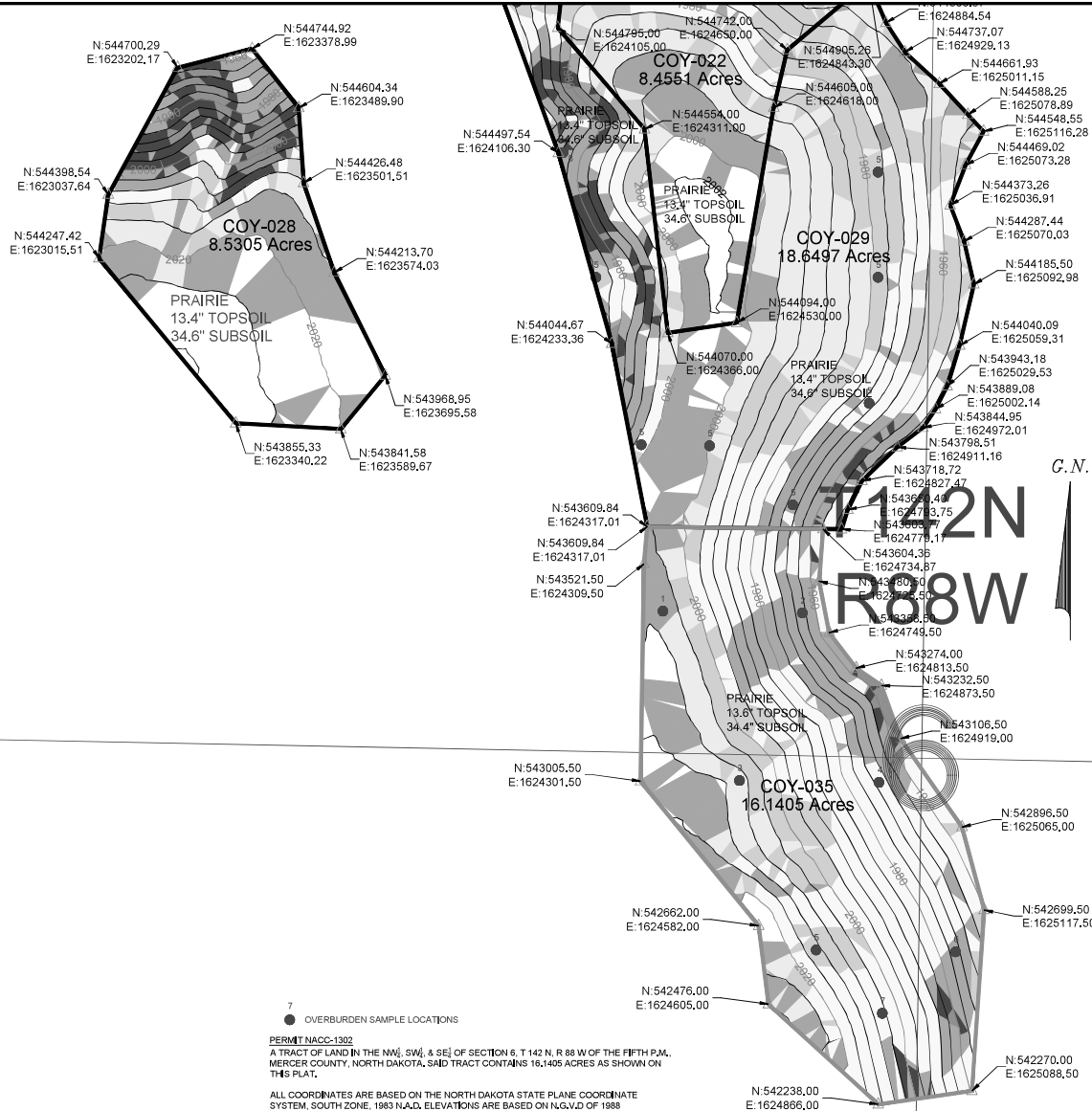
Sincerely,

COYOTE CREEK MINING COMPANY, L.L.C.



Lee Becker
Senior Mining Engineer

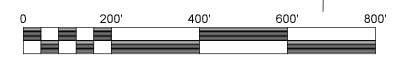
LAB
Attach.



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 16,1405 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

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2	LAE	L2B	01/05/23
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DRAWING UPDATES			

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

SRA FILE: 143 FLOW ON MAP (SHEET 6 OF 18) x 22"

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



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



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

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

Hamre, John G.

From: Emmer, Jonathan W.
Sent: Monday, April 10, 2023 8:12 AM
To: Myran, Brandon S.; Welch, Guy A.; Johnson, Monty L.; Roerick, Jeffrey A.
Cc: Brinkman, Zanna A.; Hamre, John G.
Subject: FW: Grade Approval Request COY-036
Attachments: COY-036 PSC.pdf; COY-036 PSC.dwg

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-036\GA-COY-035_4-4-23

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 A <lee.becker@nacoal.com>
Sent: Tuesday, April 4, 2023 11:54 AM
To: PSC Reclamation Filings <pscreefilings@nd.gov>
Cc: Brinkman, Zanna A. <zbrinkman@nd.gov>; 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 R <jason.sailer@nacoal.com>
Subject: Grade Approval Request COY-036

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

This email is to request grade approval on an area of mining disturbance in the NE4, NW4, SE4 & SW4 Section 25, T143N, R89W. Ownership is Voigt. The postmine landuse is cropland and native grassland. Coal mining took place in this area from May 2018 through March 2021.

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 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

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COYOTE CREEK MINING COMPANY, L.L.C.

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

A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION

April 4, 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 16.2392 acres located in Section 25, T143N, R89W in Permit NACC-1302. The area is coded COY-036.

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-036 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-036.

Sincerely,

COYOTE CREEK MINING COMPANY, L.L.C.



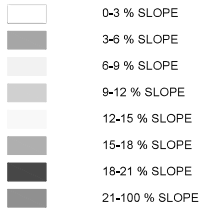
Lee Becker
Senior Mining Engineer

LAB
Attach.

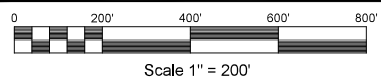
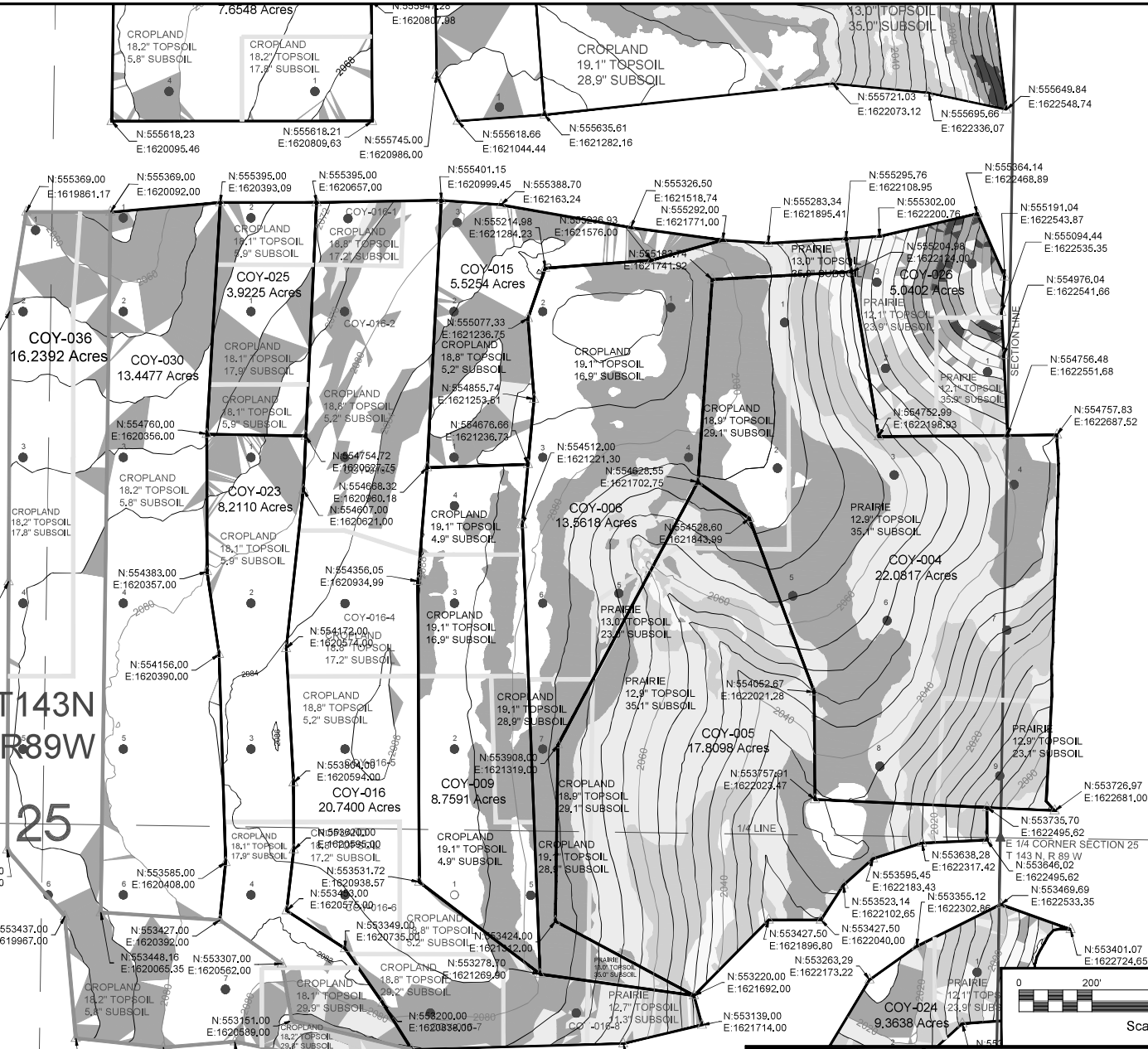
PERMIT NACC-1302
 A TRACT OF LAND IN THE NE14, NW14, SE14, & SW14 OF SECTION 25, T 143 N, R 89 W
 OF THE FIFTH P.M., MERCER COUNTY, NORTH DAKOTA, SAID TRACT CONTAINS 16,232
 ACRES AS SHOWN ON THIS PLAN.

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

● OVERBURDEN SAMPLE LOCATION



**T143N
 R89W
 25**



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NO.	BY DATE
03	1/13 1/18 2/1/04/23
DRAWING NOTES	

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-036

NACC-1302

SCALE: AS SHOWN ON MAP (paper size 16" x 24")
 300 FOOT GRADING APPROVAL REVISION:



Acres by Slope Class								
16.2392 Acres	Weighted Average Slope	0-3%	3-6%	6-9%	9-12%	12-15%	15-21%	Over 21%
Premining	2.7%	11.2946	3.7182	0.8967	0.3129	0.0168	0.0000	0.0000
As-Surveyed Post Mining	2.4%	11.7311	4.0249	0.3131	0.1567	0.0134	0.0000	0.0000
Approved Post Mining	2.3%	13.0378	2.6781	0.4121	0.1112	0.0000	0.0000	0.0000

Coal mining took place in this area from May 2018 through March 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 table:

Surface Ownership	Respread Thickness	Cropland Areas	Prairie Areas
		<i>16.2392</i>	
Voigt	24" Respread Areas	<i>10.3694</i>	
	Topsoil	18.2"	
	Subsoil	5.8"	
Voigt	36" Respread Areas	<i>5.0505</i>	
	Topsoil	18.2"	
	Subsoil	17.8"	
Voigt	48" Respread Area	<i>0.7494</i>	<i>0.0699</i>
	Topsoil	18.2"	12.2"
	Subsoil	29.8"	35.8"



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



Tyler Barth
Coyote Creek Mining Company LLC
6502 17th St SW
Zap, ND 58580

Work Order Number: 10494
Project Name: Overburden

Date Received: 03/27/2023
Purchase Order: 31945

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
10494001	COY-036-1	12"	1.61	13.8	1.2	1.6	19.4	16.4		8.3		c	30.0	22.5	47.5	
10494002	COY-036-2	12"	3.06	16.7	6.1	8.7	36.5	13.4		7.0		c	32.5	22.5	45.0	
10494003	COY-036-3	12"	1.73	13.7	1.4	1.8	20.6	16.3		8.3		c	25.0	27.5	47.5	
10494004	COY-036-4	12"	0.581	13.9	1.5	1.2	5.4	4.65		7.2		ls	82.5	7.50	10.0	
10494005	COY-036-5	12"	1.98	14.7	3.5	4.8	20.7	10.2		8.0		c	30.0	30.0	40.0	
10494006	COY-036-6	12"	0.852	13.6	0.8	1.2	9.6	9.60		8.2		c	17.5	20.0	62.5	
10494007	COY-036-7	12"	0.879	14.2	1.6	2.2	8.7	6.31		7.9		c	17.5	37.5	45.0	

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.



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



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, March 30, 2023 3:50:48 PM

Page 2 of 2

Hamre, John G.

From: Emmer, Jonathan W.
Sent: Wednesday, April 12, 2023 7:47 AM
To: Myran, Brandon S.; Welch, Guy A.; Johnson, Monty L.; Roerick, Jeffrey A.
Cc: Brinkman, Zanna A.; Hamre, John G.
Subject: FW: Grade Approval Request COY-037
Attachments: COY-037 PSC.pdf; COY-037 PSC.dwg

John,

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

\\coal\Mine Data\Coyote Creek Mine\Permits\NACC - 1302\Grade Approvals\2023\COY-037\GA-COY-037_4-11-23

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, Samantha M <Samantha.Becker@NACOAL.COM>
Sent: Tuesday, April 11, 2023 3:29 PM
To: PSC Reclamation Filings <pscreefilings@nd.gov>
Cc: Brinkman, Zanna A. <zbrinkman@nd.gov>; Emmer, Jonathan W. <jemmer@nd.gov>; Barth, Tyler L <Tyler.Barth@nacoal.com>; Steffen, Donn R <donn.steffen@nacoal.com>; Becker, Lee A <lee.becker@nacoal.com>; Eckroth, Jeremy J <jeremy.eckroth@nacoal.com>; Sailer, Jason R <jason.sailer@nacoal.com>
Subject: Grade Approval Request COY-037

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

This email is to request grade approval on an area of mining disturbance in the SE4 Section 25, T143N, R89W. Ownership is Voigt. The postmine landuse is native grassland. Coal mining took place in this area from July 2019 through September 2021.

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.

Samantha Becker
Surveyor
Coyote Creek Mine

North American Coal

6502 17th St SW

Zap, ND 58580

P. 701.873.7860

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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.

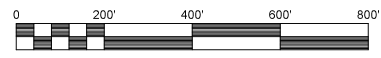


Samantha Becker
Surveyor

SMB
Attach.




G.N.



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

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NO.	BY	APP'D	DATE
REVISIONS			


COYOTE CREEK MINING COMPANY, L.L.C
 6502 17th Street SW
 Zap, ND 58580
 (701) 873-7800 - Fax (701) 873-7810

POST-MINING CONTOUR MAP
COY-037
NACC-1302

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.

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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 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
11002001	COY-037-1	12"	1.68	14.4	2.3	3.3	18.7	11.2		8.1		c	0.00	27.5	72.5	
11002002	COY-037-2	12"	2.48	15.1	3.6	4.6	29.2	14.4		8.2		c	12.5	40.0	47.5	
11002003	COY-037-3	12"	2.22	15.6	5.0	6.9	22.7	9.31		7.9		c	0.00	27.5	72.5	
11002004	COY-037-4	12"	1.62	14.7	2.5	3.7	17.5	9.94		8.0		c	7.50	27.5	65.0	
11002005	COY-037-5	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

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Report Date: Thursday, April 6, 2023 12:59:43 PM

Emmer, Jonathan W.

From: Friedt, Jason M <jason.friedt@nacoal.com>
Sent: Tuesday, September 12, 2023 3:14 PM
To: PSC Reclamation Filings
Cc: Brinkman, Zanna A.; Emmer, Jonathan W.; Eckroth, Jeremy J; Barth, Tyler L; Steffen, Donn R
Subject: Grade Approval Request COY-038
Attachments: COY-038 PSC.pdf

Some people who received this message don't often get email from jason.friedt@nacoal.com. [Learn why this is important](#)

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

Good Afternoon,

This email is to request grade approval on an area of mining disturbance in the SE4 Section 36, T143N, R89W. Ownership is Voigt. The postmine landuse is potential cropland. Coal mining took place in this area from September 2017 through December 2019.

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

Additionally, the proposed final relocation centerline of 18th Street SW by Interstate Engineering is depicted on this plat. There is a portion of the road that goes through the request area. In accordance with the resolution to close the road and the agreement between Coyote Creek Mining Company, L.L.C. and the Board of County Commissioners of Mercer County on May 18, 2016, "the Reconstructed Closed Road shall be constructed to a condition similar to the then existing condition of the road...". The centerline was specifically placed at the top of the watershed break so no road ditches will be required. The road will be built out of subsoil and the final surface will be approximately two feet above the adjacent finish topsoil grade.

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

Jason Friedt

Engineer

Coyote Creek Mining Company, LLC

Coyote Creek Mine | North American Coal

6502 17th Street SW

Zap, ND 58580

P. 701.873.7845 | M. 701.400.4031

[@nacoal.com](mailto:jason.friedt@nacoal.com)

**North American
COAL**

COYOTE CREEK MINE

A NACCO Company

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COYOTE CREEK MINING COMPANY, L.L.C.

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

A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION

September 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 10.86 acres located in Section 36, T143N, R89W in Permit NACC-1302. The area is coded COY-038.

Thank you for your consideration. If you have any questions or need further information or assistance, please contact me.

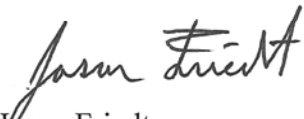
Attached are:

1. A contour map of COY-038 with soil respread depths and area slopes
2. Site history, acres by slope class, and respread depths table
3. Lab analysis of overburden samples

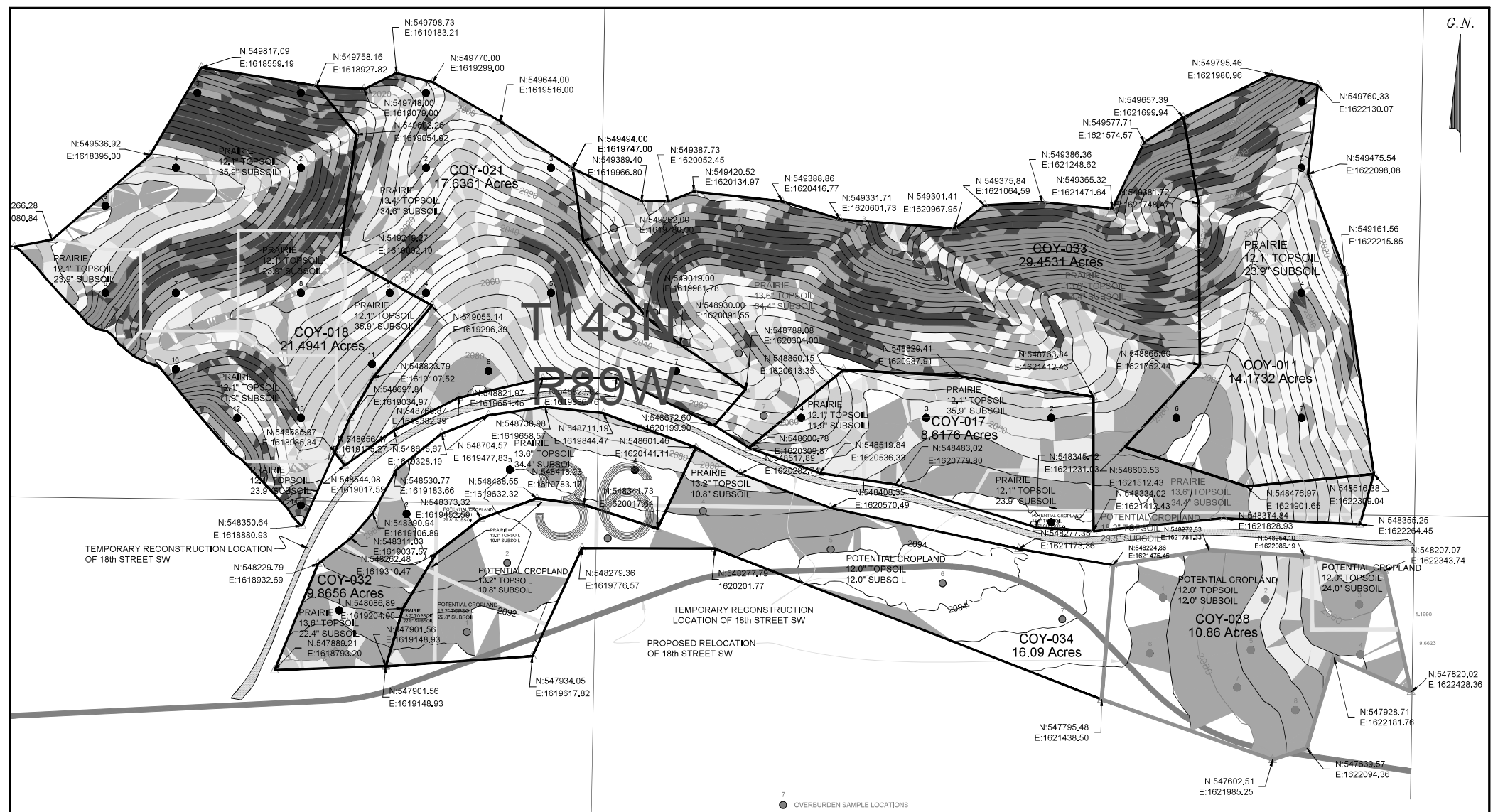
In all correspondence, please reference area COY-038.

Sincerely,

COYOTE CREEK MINING COMPANY, L.L.C.

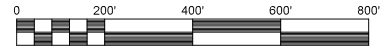


Jason Friedt
Engineer



7 OVERBURDEN SAMPLE LOCATIONS

PERMIT NACC-1302
A TRACT OF LAND IN THE SE1/4 OF SECTION 36, T 143 N, R 89 W OF THE FIFTH PM, MERCER COUNTY, NORTH DAKOTA, SAID TRACT CONTAINS 10.86 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 1985



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

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	DRAWING DATES			

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-038

NACC-1302

SCALE: AS SHOWN ON MAP (paper size 18" x 24")
 PROJECT: GRADING APPROVAL REVISION:

Acres by Slope Class								
10.86 Acres	Weighted Average Slope	0-3%	3-6%	6-9%	9-12%	12-15%	15-21%	Over 21%
Premining	2.9%	5.386	5.132	0.343	0.000	0.000	0.000	0.000
As-Surveyed Post Mining	4.0%	2.560	6.773	1.275	0.252	0.000	0.000	0.000
Approved Post Mining	3.9%	2.867	6.552	1.007	0.434	0.000	0.000	0.000

Coal mining took place in this area from September 2017 through December 2019. 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 2023 Soils Handling Plan. Ownership is State of North Dakota and Voigt. Respread depths for this package are summarized in the following table:

Surface Ownership	Respread Thickness	Potential Cropland Areas	Prairie Areas
		<i>10.86</i>	
State	24" Respread Area		
	Topsoil	13.2"	13.2"
	Subsoil	10.8"	10.8"
Voigt	24" Respread Area	<i>9.66</i>	
	Topsoil	12.0"	
	Subsoil	12.0"	
State	36" Respread Area		
	Topsoil	13.2"	13.2"
	Subsoil	22.8"	22.8"
Voigt	36" Respread Area	<i>1.20</i>	
	Topsoil	12.0"	
	Subsoil	24.0"	



MINNESOTA VALLEY TESTING LABORATORIES, INC.

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www.MVTL.com



Tyler Barth
Coyote Creek Mining Company LLC
6502 17th St SW
Zap, ND 58580

Work Order Number: 26135
Project Name: Overburden

Date Received: 08/29/2023
Purchase Order: 31945

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
26135001	COY-038-1	12"	1.20	13.7	1.6	1.4	13.4	10.9		7.7		c	15.0	27.5	57.5	
26135002	COY-038-2	12"	2.57	15.5	9.1	8.1	22.5	7.67		7.3		c	15.0	35.0	50.0	
26135003	COY-038-3	12"	1.61	14.1	2.2	1.8	18.8	13.3		8.2		c	10.0	35.0	55.0	
26135004	COY-038-4	12"	1.14	14.1	1.4	1.2	13.5	11.8		8.2		c	12.5	32.5	55.0	
26135005	COY-038-5	12"	1.41	13.9	2.1	2.0	15.6	10.9		8.2		c	12.5	32.5	55.0	
26135006	COY-038-6	12"	1.18	14.2	1.9	1.7	13.2	9.84		7.6		sil	17.5	55.0	27.5	
26135007	COY-038-7	12"	1.48	14.0	2.4	2.1	16.1	10.7		8.1		c	5.00	35.0	60.0	
26135008	COY-038-8	12"	2.21	15.1	6.5	5.8	21.2	8.55		7.9		c	12.5	30.0	57.5	
26135009	COY-039-1	12"	2.88	15.5	3.9	4.9	35.9	17.1		8.2		scl	47.5	20.0	32.5	
26135010	COY-039-2	12"	4.56	16.4	6.6	7.4	60.6	22.9		8.3		cl	45.0	25.0	30.0	
26135011	COY-039-3	12"	3.70	15.5	3.8	4.2	49.3	24.6		8.2		c	27.5	32.5	40.0	

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, September 7, 2023 11:44:29 AM



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



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

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, September 7, 2023 11:44:29 AM

Page 2 of 2

COYOTE CREEK MINING COMPANY, L.L.C.

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

A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION

September 13, 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 7.10 acres located in Section 6, T142N, R88W in Permit NACC-1302. The area is coded COY-039.

Thank you for your consideration. If you have any questions or need further information or assistance, please contact me.

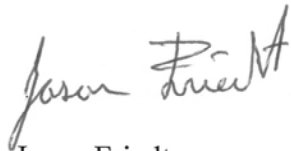
Attached are:

1. A contour map of COY-039 with soil respread depths and area slopes
2. Site history, acres by slope class, and respread depths table
3. Lab analysis of overburden samples

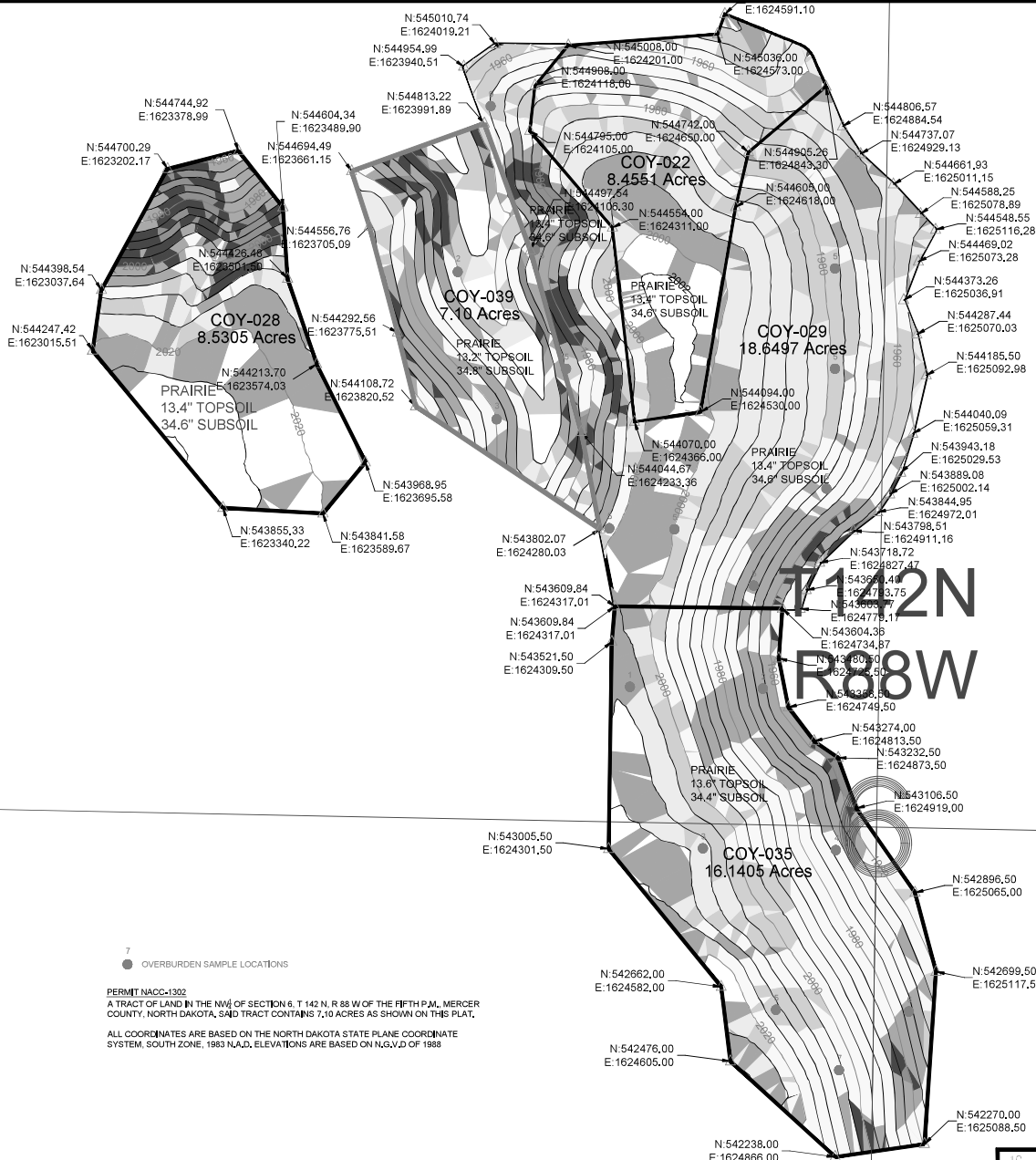
In all correspondence, please reference area COY-039.

Sincerely,

COYOTE CREEK MINING COMPANY, L.L.C.

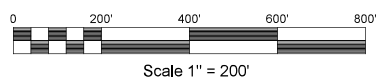
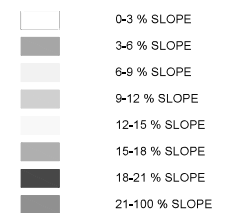


Jason Friedt
Engineer



7
● OVERBURDEN SAMPLE LOCATIONS

PERMIT NACC-1302
A TRACT OF LAND IN THE NW¼ OF SECTION 6, T 142 N, R 88 W OF THE FIFTH P.M., MERCER COUNTY, NORTH DAKOTA, SAID TRACT CONTAINS 7.10 ACRES AS SHOWN ON THIS PLAT.
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



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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-039

NACC-1302

SRA FR: AS PLANNED ON MAP (SHEET 622) (8" x 22")
PROJECT: GRADING APPROVAL REVISION:

DATE: 06/13/23
PROJECT: GRADING APPROVAL REVISION:

Acres by Slope Class								
7.10 Acres	Weighted Average Slope	0-3%	3-6%	6-9%	9-12%	12-15%	15-21%	Over 21%
Premining	6.7%	2.830	1.087	1.461	0.564	0.447	0.292	0.419
As-Surveyed Post Mining	12.7%	0.898	0.011	0.361	0.935	2.048	2.657	0.189
Approved Post Mining	12.2%	0.175	0.276	1.633	0.542	2.223	2.190	0.061

Coal mining took place in this area from August 2019 through February 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 approved soil depths in the 2023 Soils Handling Plan. Ownership is State of North Dakota. Respread depths for this package are summarized in the following table:

Surface Ownership	Respread Thickness	Potential Cropland Areas	Prairie Areas
			<i>7.10</i>
State	24" Respread Area		
	Topsoil	13.2"	13.2"
	Subsoil	10.8"	10.8"
Voigt	24" Respread Area		
	Topsoil	12.0"	
	Subsoil	12.0"	
State	48" Respread Area		<i>7.10</i>
	Topsoil	13.2"	13.2"
	Subsoil	22.8"	34.8"
Voigt	48" Respread Area		
	Topsoil	12.0"	
	Subsoil	36.0"	



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www.MVTL.com



Tyler Barth
Coyote Creek Mining Company LLC
6502 17th St SW
Zap, ND 58580

Work Order Number: 26135
Project Name: Overburden

Date Received: 08/29/2023
Purchase Order: 31945

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
26135001	COY-038-1	12"	1.20	13.7	1.6	1.4	13.4	10.9		7.7		c	15.0	27.5	57.5	
26135002	COY-038-2	12"	2.57	15.5	9.1	8.1	22.5	7.67		7.3		c	15.0	35.0	50.0	
26135003	COY-038-3	12"	1.61	14.1	2.2	1.8	18.8	13.3		8.2		c	10.0	35.0	55.0	
26135004	COY-038-4	12"	1.14	14.1	1.4	1.2	13.5	11.8		8.2		c	12.5	32.5	55.0	
26135005	COY-038-5	12"	1.41	13.9	2.1	2.0	15.6	10.9		8.2		c	12.5	32.5	55.0	
26135006	COY-038-6	12"	1.18	14.2	1.9	1.7	13.2	9.84		7.6		sil	17.5	55.0	27.5	
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26135008	COY-038-8	12"	2.21	15.1	6.5	5.8	21.2	8.55		7.9		c	12.5	30.0	57.5	
26135009	COY-039-1	12"	2.88	15.5	3.9	4.9	35.9	17.1		8.2		scl	47.5	20.0	32.5	
26135010	COY-039-2	12"	4.56	16.4	6.6	7.4	60.6	22.9		8.3		cl	45.0	25.0	30.0	
26135011	COY-039-3	12"	3.70	15.5	3.8	4.2	49.3	24.6		8.2		c	27.5	32.5	40.0	

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, September 7, 2023 11:44:29 AM



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1201 Lincoln Hwy. ~ Nevada, IA 50201 ~ 800-362-0855 ~ Fax 515-382-3885
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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, September 7, 2023 11:44:29 AM

Page 2 of 2

resampled in the originally submitted area along with overburden samples required for the expanded area to determine the soil respread depths for this updated submittal of COY-034.

Additionally, the proposed final relocation centerline of 18th Street SW by Interstate Engineering is depicted on this plat. There is a portion of the road that goes through the request area. In accordance with the resolution to close the road and the agreement between Coyote Creek Mining Company, L.L.C. and the Board of County Commissioners of Mercer County on May 18, 2016, "the Reconstructed Closed Road shall be constructed to a condition similar to the then existing condition of the road...". The centerline was specifically placed at the top of the watershed break so no road ditches will be required. The road will be built out of subsoil and the final surface will be approximately two feet above the adjacent finish topsoil grade.

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

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

NOTICE: If you have received this communication in error, please advise the sender by reply e-mail and immediately delete the message and any attachments without copying or disclosing the contents.

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

July 10, 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 16.09 acres located in Section 36, T143N, R89W in Permit NACC-1302. The area is coded COY-034.

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-034 with soil respread depths and area slopes
2. Site history, acres by slope class, and respread depths table
3. Lab analysis of overburden samples

In all correspondence, please reference area COY-034.

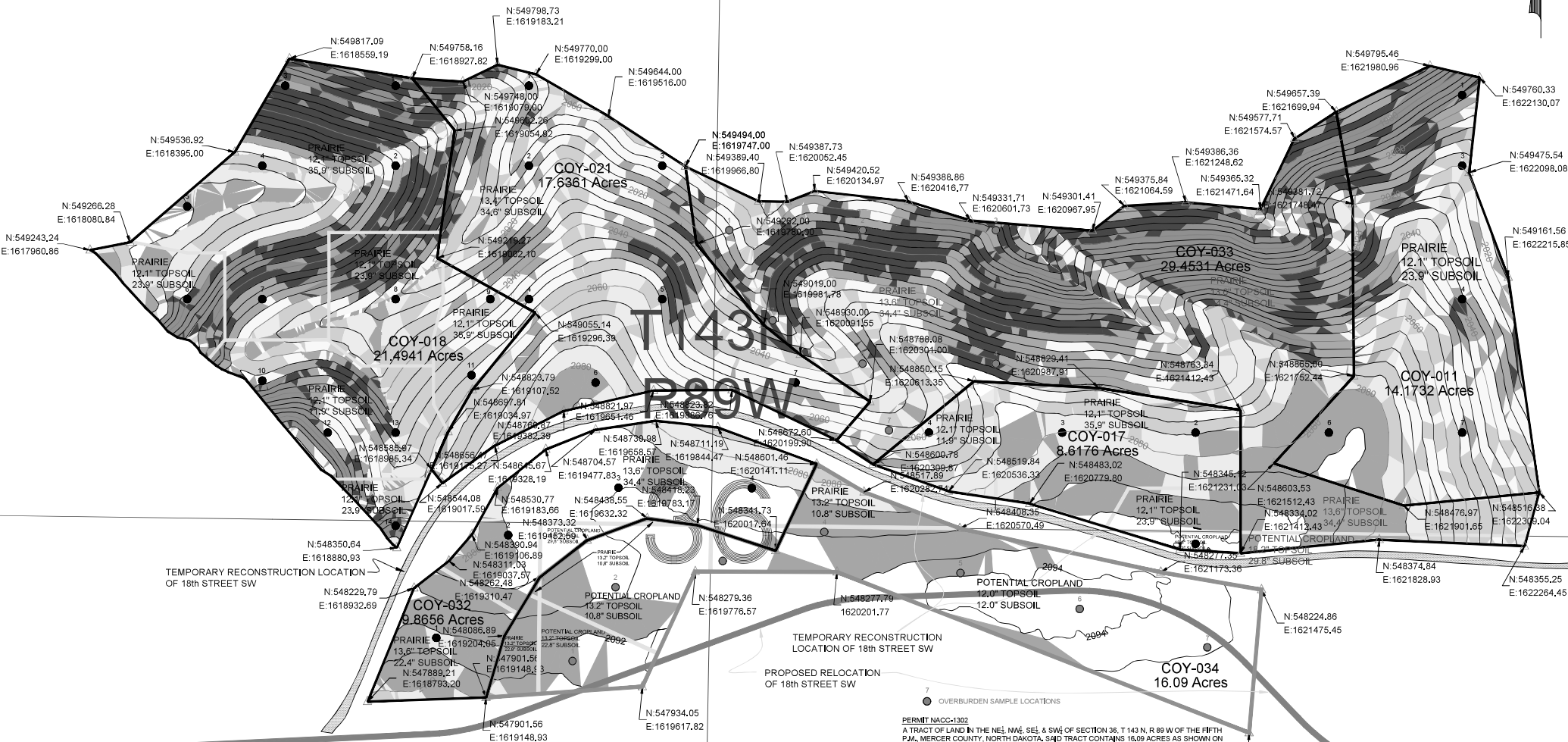
Sincerely,

COYOTE CREEK MINING COMPANY, L.L.C.



Lee Becker
Senior Mining Engineer

LAB
Attach.



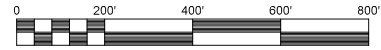
TEMPORARY RECONSTRUCTION LOCATION OF 18th STREET SW

TEMPORARY RECONSTRUCTION LOCATION OF 18th STREET SW

PROPOSED RELOCATION OF 18th STREET SW

PERMIT NACC-1302
A TRACT OF LAND IN THE NE1/4, SE1/4, & SW1/4 OF SECTION 36, T 143 N, R 89 W OF THE FIFTH P.M., MERCER COUNTY, NORTH DAKOTA, SAID TRACT CONTAINS 16.09 ACRES AS SHOWN ON THIS PLAT.

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



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

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DRAWING DATES			

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-034

NACC-1302

SCALE: AS SHOWN ON MAP (Graphic scale 1" = 24")
 PROJ. E.C.: GRADING APPROVAL REVISION:

Acres by Slope Class								
16.09 Acres	Weighted Average Slope	0-3%	3-6%	6-9%	9-12%	12-15%	15-21%	Over 21%
Premining	3.2%	7.5305	8.1999	0.3525	0.0077	0.0000	0.0000	0.0000
As-Surveyed Post Mining	2.3%	10.0971	5.5339	0.3857	0.0739	0.0000	0.0000	0.0000
Approved Post Mining	2.3%	11.9835	3.4721	0.6307	0.0043	0.0000	0.0000	0.0000

Coal mining took place in this area from January 2018 through October 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 2023 Soils Handling Plan. Ownership is State of North Dakota and Voigt. Respread depths for this package are summarized in the following table:

Surface Ownership	Respread Thickness	Potential Cropland Areas	Prairie Areas
		<i>14.30</i>	<i>1.79</i>
State	24" Respread Area	<i>2.90</i>	<i>1.07</i>
	Topsoil	13.2"	13.2"
	Subsoil	10.8"	10.8"
Voigt	24" Respread Area	<i>9.89</i>	
	Topsoil	12.0"	
	Subsoil	12.0"	
State	36" Respread Area	<i>1.51</i>	<i>0.72</i>
	Topsoil	13.2"	13.2"
	Subsoil	22.8"	22.8"
Voigt	36" Respread Area		
	Topsoil	12.0"	
	Subsoil	24.0"	



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www.MVTL.com



Tyler Barth
Coyote Creek Mining Company LLC
6502 17th St SW
Zap, ND 58580

Work Order Number: 18954
Project Name: COY-034
Location/Hole: COY-034

Date Collected: 06/21/2023
Date Received: 06/21/2023
Purchase Order: 595092 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
18954001	1	12"	5.30	17.8	15.3	22.7	56.2	12.9		8.2		c	10.0	32.5	57.5	
18954002	2	12"	4.24	22.0	25.0	53.2	15.1	2.41		7.5		sicl	15.0	50.0	35.0	
18954003	3	12"	3.56	19.0	24.9	32.0	10.7	2.01		7.3		cl	22.5	45.0	32.5	
18954004	4	12"	4.36	21.8	24.6	55.3	15.2	2.40		7.6		scl	47.5	30.0	22.5	
18954005	5	12"	4.20	22.1	25.5	50.9	16.3	2.64		7.5		l	45.0	35.0	20.0	
18954006	6	12"	3.86	19.7	24.7	41.8	9.6	1.66		7.3		sicl	15.0	47.5	37.5	
18954007	7	12"	5.82	19.1	22.6	46.5	42.1	7.16		7.1		cl	35.0	32.5	32.5	

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.



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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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