

Civil Case No. 08-2024-CV-00694

Supplemental CR Exhibit 28 - Exhibit 11 - COY-036 Grade Approval Request (Color)

Casey and Julie Voigt v. Coyote Creek Mining Company, LLC

Case No. RC-23-348

COY-036 Grade Approval Request

Voigt Exhibit 11

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

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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.

Voigt-004

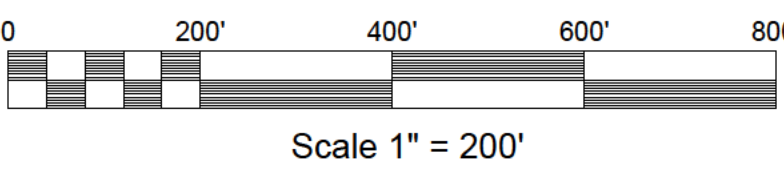
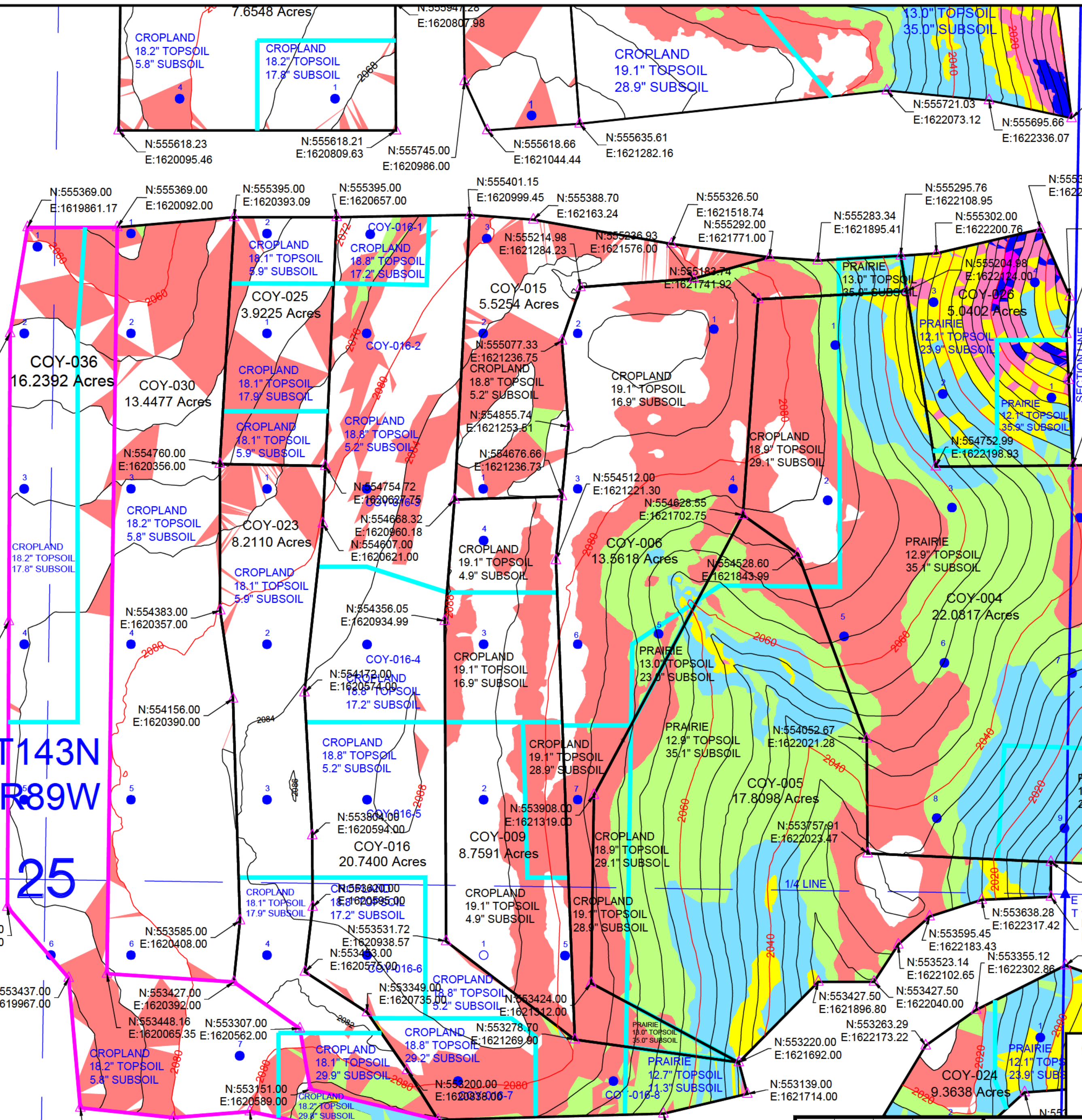
PERMIT NACC-1302
 A TRACT OF LAND IN THE NE1/4, NW1/4, SE1/4, & SW1/4 OF SECTION 25, T 143 N, R 89 W OF THE FIFTH P.M., MERCER COUNTY, NORTH DAKOTA. SAID TRACT CONTAINS 16.2392 ACRES AS SHOWN ON THIS PLAT.

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

7 OVERBURDEN SAMPLE LOCATION

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

T143N
R89W
25



10			
9			
8			
7			
6			
5			
4			
3			
2			
1			
0	LAB	LAB	04/04/23
	NO.	BY	APP'D
			DATE
	DRAWING UPDATES		

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 18" x 24")
 PROJECT: 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.

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: 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.

Report Date: Thursday, March 30, 2023 3:50:48 PM
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Voigt-007



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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 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, March 30, 2023 3:50:48 PM

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Voigt-008