

Civil Case No. 08-2024-CV-00694

Supplemental CR Exhibit 33 - Exhibit 16 - COY-037 Grade Approval Letter and Exhibit (Color)

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

Case No. RC-23-348

COY-037 Grade Approval Letter and Exhibit

Voigt Exhibit 16



Public Service Commission

State of North Dakota

COMMISSIONERS

Randy Christmann
Sheri Haugen-Hoffart
Julie Fedorchak

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

Sent via email only

May 9, 2023

Mr. Lee Becker
Senior Mining Engineer
Coyote Creek Mining Company, L.L.C.
6502 17th St. SW
Zap, ND 58580
lee.becker@nacoal.com

Dear Mr. Becker:

This letter is in follow-up to grade approval request COY-037 that was submitted on April 11, 2023 for approximately 9.9892 acres in the SE¼ of Section 25, T143N, R89W in Permit NACC-1302. The postmine land use of native rangeland as depicted on the SPGM respread map is consistent with Section 4.1.2 (Post-Mining Topography and Landuse Map) approved with Revision No. 11 and remains unchanged with pending Revision No. 12. Grade approval is granted based on a review of the submitted materials and a field inspection by PSC personnel. Furthermore, slopes exceeding 12% must be scarified to eliminate slippage prior to subsoil respread as stated in the Soils Handling Plan, Section 3.1.1.1, of the permit.

The proposed topsoil respread depth of 12.2 inches for Voigt ownership postmine native rangeland is approved. The total SPGM respread thickness of 24 inches and 36 inches for the areas depicted on the submitted SPGM respread map is also approved. Blending will be necessary in areas having different total respread thicknesses, but without reducing the thickness of the area requiring the greater thickness, and ensuring the proper drainage through the transition area.

Please be reminded that methods must be used to minimize subsoil and topsoil compaction as specified and approved in Revision No. 2 to Permit NACC-1302. Upon completion of the SPGM respread in the approved area, the area must be stabilized to prevent erosion as required by NDAC 69-05.2-15-04(5) and NDAC 69-05.2-22-05. Slopes exceeding 12% should be seeded and mulched as soon as practical after topsoil respread.

If you have any questions, please contact this office.

Sincerely,

Jonathan Emmer
Assistant Director
Reclamation Division

cc via email only: Derrick Braaten (derrick@braatenlawfirm.com)
Desirae Zaste (desirae@braatenlawfirm.com)

