

Civil Case No. 08-2024-CV-00694

Supplemental CR Exhibit 36 - Exhibit 19 - COY-038 Grade Approval Request (Color)

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

Case No. RC-23-348

COY-038 Grade Approval Request

**Voigt Exhibit 19**

## Emmer, Jonathan W.

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**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 18<sup>th</sup> 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 17<sup>th</sup> 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.

A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION

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

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.

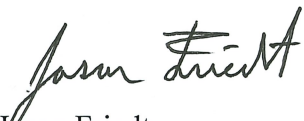
Attached are:

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.

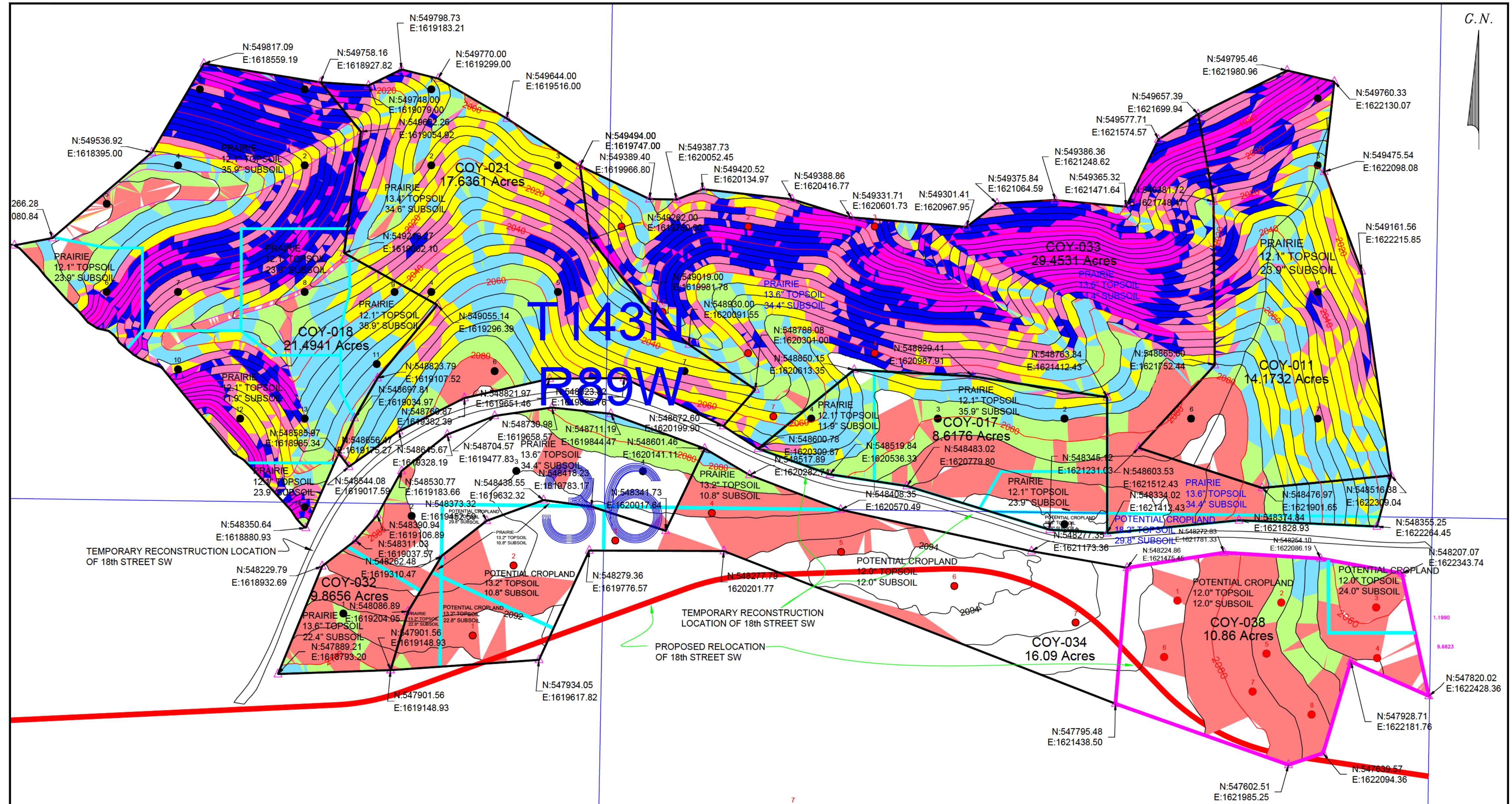
Sincerely,

COYOTE CREEK MINING COMPANY, L.L.C.



Jason Friedt  
Engineer

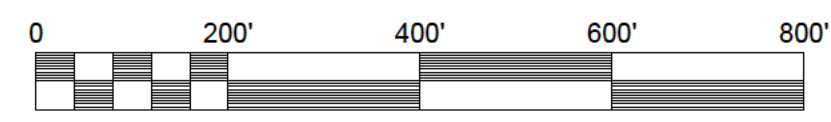
Voigt-004



**T 143N  
R 89W**

7 OVERBURDEN SAMPLE LOCATIONS

PERMIT NACC-1302  
 A TRACT OF LAND IN THE SE<sub>1</sub> OF SECTION 36, T 143 N, R 89 W OF THE FIFTH P.M., MERCER COUNTY, NORTH DAKOTA. SAID TRACT CONTAINS 10.86 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

10			
9			
8			
7			
6			
5			
4			
3			
2			
1			
0	JMF	JMF	09/12/23
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-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.

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: 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 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, September 7, 2023 11:44:29 AM

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**Voigt-008**