Public Service Commission

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INSPECTION REPORT

DATE OF INSPECTION: October 8, 2024

TYPE OF INSPECTION: Partial

PERMITTEE - MINE: Coyote Creek Mining Company, LLC - Coyote Creek Mine (CCMC)

PERMITS INSPECTED: NACC-1302

PERSONS ACCOMPANYING INSPECTORS: Jeremy Eckroth and Jason Friedt - CCMC; Kelly Krabbenhoft – CCMC's consultant; Casey Voigt – landowner; John Kempenich and Selin Petrosian – Soil Scientists - NRCS Dickinson Soil Survey Office; and Jonathan Fettig - ND NRCS State Rangeland Management Specialist

INSPECTION CONDITIONS: The inspection was conducted between 8:30 a.m. and 1:45 p.m. CDT. Skies were mostly sunny. The temperature ranged from 45 to 75° F with light winds from the south. Access was unrestricted.

GENERAL

The purpose of this inspection was to look at proposed native grassland reference areas at the Coyote Creek Mine. This inspection was scheduled by CCMC and Casey Voigt for compliance with an April 14, 2015 Commission Order which required CCMC to add plans in the permit for "consulting with Casey Voigt when selecting and establishing management practices for the reference areas on undisturbed native grasslands that will be used when demonstrating reclamation success on reclaimed native grasslands that Mr. Voigt owns." CCMC arranged to have their consultant, Kelly Krabbenhoft, participate in this inspection while Casey Voigt arranged to have John Kempenich, Selin Petrosian, and Jonathan Fettig participate in the inspection.

In 2022, Mr. Krabbenhoft used the detailed soil survey in Permit NACC-1302 and his knowledge of the mine to select six potential native grassland ecological site reference areas that could be used for the purposes of demonstrating revegetation success on Voigt and others reclaimed native grasslands at the mine. These sites were selected on areas of native grassland that were not planned to be disturbed by mining activities. These sites represent the dominant pre-mine native grassland ecological sites at the mine. Section 2.4.7.2 (Ecological Site Acres by Owner Table) of Permit NACC-1302 indicates that the Claypan (1,013.59 ac.), Loamy (1,148.80 ac.), Sands (399.1 ac.), Sandy (1,276.54 ac.), Shallow loamy (644.63 ac.), and Thin Claypan (791.44 ac.) are the dominant native grassland ecological sites at the Coyote Creek Mine. The Thin Loamy ecological site comprises 440.63 acres of the mine but only 4.4 percent of the Voigt owned native grassland. Annual yield data from reference area ecological sites are

EXHIBIT
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used to climatically adjust the NRCS ecological site expected yields of the disturbed native grasslands to develop an adjusted yield standard that may be used to demonstrate revegetation success.

The Sands, Sandy, Shallow Loamy, and Claypan proposed reference area ecological sites are located on Voigt owned property in the NW¼ of Section 19, T143N, R88W, and the Loamy and Thin Claypan sites are located on ND Department of Trust Lands property in the N½N½ of Section 12, T142N, R89W. Mr. Voigt indicated that his cattle graze the lands encompassing the proposed native grassland reference areas.

Mr. Kempenich probed and evaluated a soil profile at each proposed native grassland reference area site, as depicted on **Figure 1** and **Figure 2**, to determine if the soil suitably represented the ecological site it was intended to represent. Mr. Fettig evaluated the plant community composition of the sites in relation to the NRCS Ecological Site Description.

Mr. Kempenich indicated that the first hole probed in the northwestern portion of the proposed Sands ecological site (Mapping Unit 39B) more closely represented a Flaxton/Livona soil, which is a Sandy rather than a Sands ecological site. The second hole probed near the center of the proposed Sands ecological site (transition area between Mapping Unit 39B and Mapping Unit 39D) was a Telfer soil series according to Mr. Kempenich, which is a Sands ecological site. Thus, the boundary of the proposed Sands reference area will need to be modified to include only the eastern portion of the proposed site.

Mr. Kempenich probed the proposed Shallow Loam ecological site on the west side of the drainage (Soil Mapping Unit 132F) and did not concur that the soils represented a Cabba soil series or a Shallow Loam ecological site. A soil probe on Mapping Unit 132F on the east side of the drainage more closely resembled a Zahl soil series according to Mr. Kempenich, which is a Thin Loamy ecological site rather than a Shallow Loam ecological site. Thus, it appears that CCMC and Mr. Voigt will need to find an alternative Shallow Loam ecological site to use as a native grassland reference area.

Mr. Kempenich concurred that the Sandy ecological site is derived from a Livona fine sandy loam soil (Mapping Unit 47C). Mr. Kempenich indicated the Claypan ecological site (Mapping Unit 21D) was a Daglum soil claypan ecological site rather than a Janesburg soil claypan ecological site. Mr. Kempenich concurred that the proposed William loam (Mapping Unit 42B) and Rhoades silt loam (Mapping Unit 19C) mapping units in the N½N½ of Section 12 properly represented Loamy and Thin Claypan ecological sites, respectively.

Mr. Fettig indicated the proposed native grassland ecological sites most closely represented a Native Invaded State which today most resembles the reference plant community phase in appearance and function. The proposed reference area ecological sites have been light to moderately utilized this year and plant vigor and production were high. The functional groups of species were properly represented on the proposed native grassland reference area sites, meaning that the proposed reference sites were supporting the expected desirable mixture of native cool and warm season grass species and a diverse presence of native forbs. Kentucky bluegrass was generally prevalent on the proposed native grassland reference areas which is the case on most native grassland in Major Land Resource Area (MLRA) 54. Smooth bromegrass was observed on the proposed Loamy and Thin Claypan ecological sites and crested wheatgrass was observed on the proposed Claypan ecological site. The ecological condition (Similarity Index) of the proposed native grassland reference area ecological sites is about as high as one could be expected to find in MLRA 54.

WILDLIFE

A covey of Hungarian partridge was observed in the NW¼ of Section 19 and sharp-tailed grouse were observed in Section 12.

MISCELLANEOUS

A GPS tracklog of the route traveled is on file with the Reclamation Division as are photographs taken.

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Permit Administrator

Warren W. Swenson
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Coyote Creek Mine\Inspection Reports\2024\241008

Figure 1: Proposed Reference Areas with corresponding soil mapping units shown in blue in the NW¼ of Section 19, T143N, R88W

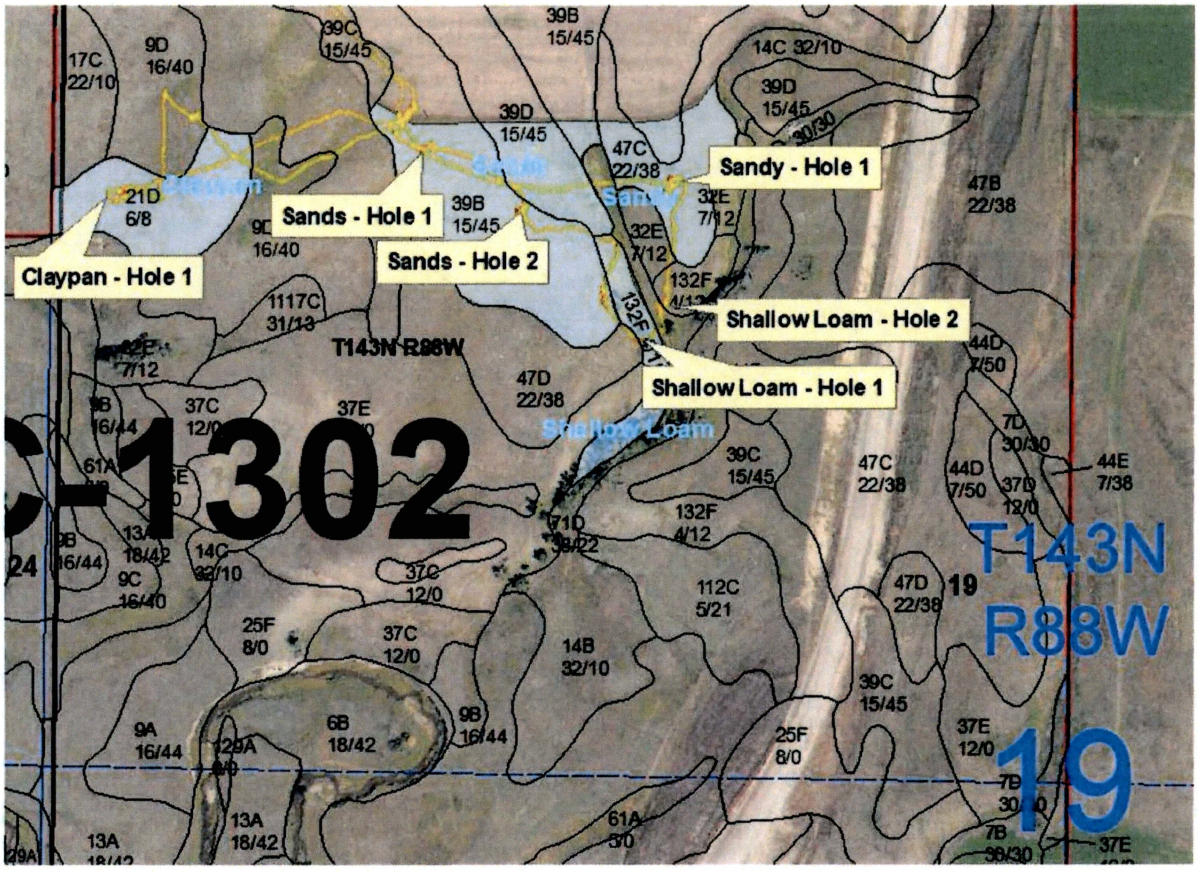

Figure 2: Proposed Reference Areas with corresponding soil mapping units shown in blue in the N½N½ of Section 12, T142N, R89W