NORTH AMERICAN COAL CORPORATION
OTTER CREEK MINE

OTTER CREEK MINING COMPANY, LLC
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(701) 258-2200 - Fax (701) 222-7594

October 13, 2009

FROM DIRECTOR - RECLAMATION DIV.

Date:_____

Action:_____

Info. Only:_____

Info & File:_____

Mr. James R. Deutsch
Reclamation Director
ND State Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505

RE: Completeness Review Responses for Otter Creek Mining Permit No. NAOC-0802

Dear Mr. ~~Deutsch:~~ Jim:

Otter Creek submits the following responses to the completeness review items from your January 21, 2009 letter required to be addressed prior to completeness approval for the above-referenced permit revision.

Newspaper Advertisement

1. ***The name of the mining company should include the "LLC" designation in the first line on page 1 and in the address on page 9 since that is its registered name. (SAS)***

   Please see the corrections on the referenced pages.

2. ***The public notice indicates that mining operations will be conducted within 100 feet of the outside right-of-way of the south side of the section line trail between Section 25, T143N, R85W, and Section 36, T142N, R85W. It appears that this should be Section 36, T143N, R85W as both sections are located within the same township. The same correction should be made to Section 1.3.6 (Relationship to Areas Designated Unsuitable); however, you may delay changing Section 1.3.6 until the technical review. (DKM)***

   Please see corrected township numbers in both the public notice and in Section 1.3.6.

Section 1.0 - Introductory Information

3. ***The permit application form lists 5,409.1 total acres to be permitted and the rest of the submittal indicates a total permit acreage of 5,490.09 which appears to be the correct total. Please correct the application form. (BEB)***

   Please see corrected application form.

4. ***In Section 1.5.1, the coal leases for the following tracts are with BNI Coal: Tract 17 (#02235), Tract 18 (#02235), and Tract 22 (#02237, #2238, & #2236). Pursuant to NDCC 38-14.1-14(1)(k), please provide a valid coal lease with North American Coal Royalty Corporation (or other subsidiary) or a proper lease assignment demonstrating that the Otter Creek Mining Company has the right to mine these tracts. (DKM)***

   The current Assignment has been linked.

   In addition, a new Certificate of Authenticity was added to Section 1.5 due to the inclusion of a Quit Claim Deed, an Assignment of Leases document, and new Lease documents. Also, the following had additional changes:

   Tract 1: The surface and coal ownership addresses were updated.

   Tract 2: The surface ownership address was updated.

   Tract 3: The surface ownership and leasehold status was updated.

   Tract 5: The coal ownership was updated.

   Tract 9: Replacement leases were added for the surface and coal interests.

   Tract 10: A coal ownership address was updated.

   Tract 15: A coal ownership address was updated.

   Tract 17: The coal ownership leasehold status was updated.

   Tract 18: The surface ownership and the coal ownership leasehold status were updated.

   Tract 22: The coal ownership was updated.

   Tract 25: The coal ownership and the addresses were updated.

   Tract 26: The coal ownership leasehold status was updated.

   Tract 29: The coal ownership leasehold status was updated.

   Tract 30: The coal ownership leasehold status was updated.

Tract 31: The surface and coal ownership addresses and the coal ownership leasehold status were updated.

Tract 32: The coal ownership leasehold status was updated.

Tract 33: The coal ownership leasehold status was updated.

As a result of all the changes listed above, Section 1.5.3, Surface and Coal Ownership Map, has also been updated.

5. ***The lease document for Claudia A. Albers, Lease No. 02259 (Tract 15), is incomplete. Only the first page of the document is available. Please provide a copy of the entire document. (SAS)***

Lease No. 02259 has been rescanned and linked to Tract 15.

Section 2.2 - Ground Water Hydrology

6. ***Section 2.2.25 is labeled as containing Time Series Hydrographs for Selected Wells although when activated, the link displays the geophysical logs from Section 2.2.15. Please repair the link to enable the well hydrographs to be displayed. (BEB)***

The link has been repaired to display Section 2.2.25, Time Series Hydrographs for Selected Wells.

7. ***A substantial amount of the geophysical logs of monitoring wells that are provided in Section 2.2.15 do not include density measurements. NDAC-69-05.2-08-06(1)(d) indicates geophysical logs are to include measurements of gamma ray and density. Many of the described geophysical logs do provide measures of gamma ray, resistance and self potential, but not density. Most of the monitoring well drillholes that do not provide measures of density are shallow wells screened in alluvium and a handful that are screened in the coal seams and deeper sandstone aquifers. Please provide the density data if available, or provide rationale for not obtaining or including density information in the submittal. (BEB)***

Please see additional narrative in the first paragraph of Page 2, Section 2.2.2.

NDAC-69-05.2-08-06(1)(d) indicates that accompanying data should include lithologic and geophysical (gamma ray and density) logs. All available density logs were submitted with the permit. Although the Otter Creek Mining Company makes every attempt possible to

retrieve all required and recommended permit data, circumstances arise under field conditions that prevent the collection of some data. The density logs do not exist for some of the monitoring wells in the permit application because of unstable borehole conditions that existed at the time of well installation. Therefore, these wells needed to be logged either through the well or drill stem casing, which prevented the retrieval of a density log.

A good portion of the monitoring wells that are missing density logs were installed over 20 years ago and did not have any geophysical log associated with them. One can only speculate the reason a log was not obtained, but more than likely it was for the aforementioned reason. The Otter Creek Mining Company felt that resources were better spent installing additional wells in new locations rather than installing a new well in an existing well location, just for the sake of trying to obtain a more than likely unattainable density log. These existing wells were logged through the casing to retrieve a gamma log.

8. ***Please review the mathematical calculation for expected pit water inflows from the Kinneman Creek and Hagel Beds during mining processes as described on page 6 of Section 2.2.2. The transmissivity conversion from cubic feet per day to gallons per minute (13,000 x 0.005195) should equal 67.5 GPM/1,000 ft. of highwall, as opposed to 675 GPM/1,000 ft. of highwall as calculated in the narrative. The conversion formulas are correct but the product appears to be a calculation or transcription error that is off by an order of magnitude. Please review this calculation and determine if changes to the predicted radius of influence of mine pit water drawdown, the probable effects of mining on wells and springs or any other ground water or surface water hydrology issues including the PHC narratives and operations sections require any modifications based on an expected lower rate of pit water inflow, pending your review of this item. (BEB)***

The typographical error has been corrected and additional discussion relative to potential pit water inflow has been provided.

9. ***A hyperlink in the narrative within the 4th paragraph of Section 2.2.2 describes hydrostratigraphic cross-sections presented in Section 2.2.9 to demonstrate the hydrostratigraphic units in the regional and local context, and separately the first paragraph of the Ground Water Hydrologic Setting narrative also references hydrologic units of the Otter Creek Field in Section 2.2.9; however, the Section 2.2.9 links provided are for the certified wells and developed springs map. Perhaps the intent was to provide a link to the Geologic Cross-Sections Map of Section 2.3.15. Please review and redirect the links to Section 2.3.15 if this was your intention. (BEB)***

The links referencing 2.2.9 in Sections 2.2.2, Water Bearing Formations and Hydrogeology, and in Section 2.2.1, Ground Water Hydrologic Setting, have been redirected to Section 2.3.15, Geologic Cross-Section Map.

10. Please add to the narrative of Ground Water Resources and Use in the Probable Hydrologic Consequences narrative in Section 2.2.5 specific to water supply information associated with water wells in Sections 15 and 23 that provide water to the City of Center, as well as to other irrigation wells in Section 23. The average reported yearly water use for the ten-year period of 1998 to 2007 was 129 acre-feet from three appropriation permits located in Sections 15 and 23. Due to the importance of these public water supply and irrigation wells that are located hydrologically down gradient from proposed mining activities adjacent to the Square Butte Creek Aquifer, and the definition of "adjacent area" in NDAC 69-05.2-01-02(1), we feel the PHC should address the mine's potential impact on the City of Center's water supply and any potential water supply issues to other appropriated users of this important ground water resource. NDAC 69-05.2-08-06(1)(b). (BEB & WTG)

A subsection has been added to Section 2.2.5 that discusses far downstream interests from the adjacent area of Permit NAOC-0802 to Nelson Lake. A figure showing the location of operating wells for the Center City water supply has been added as part of that discussion.

Section 2.3 - Description of Geology

11. The Overburden Characteristics Narrative in Section 2.3.5 provides a hyperlink to Section 2.3.8 but doesn't work. Please repair or enable the link. (BEB)

The link has been repaired.

12. We are unable to find elevation information for the 72 drillhole locations provided on the Drillhole Location Map in Section 2.3.14 and on the Drillhole Information Checklist in Section 2.3.6a. Narrative in Section 2.3.6 states that tabular data of some 194 drillholes in Section 2.3.6b includes information for all drillholes used for geological investigation including the 72 mapped drillholes; however, data for the 72 holes is not included in Section 2.3.6b, and we are unable to find the elevation information elsewhere in the application. Please incorporate elevation data for the 72 drillholes into Section 2.3.6b, into a separate table or on the map in Section 2.3.14 as required by NDAC 69-05.2-08-02(d). (BEB)

Please see additional data added to Section 2.3.6b.

Section 2.6 - Surface Water Information and Monitoring Plan

13. Most of the html hyperlinks in the Surface Water Information narrative sections do not work. Please check all links and repair as necessary. (BEB)

The links have been repaired.

14. ***Please create a hyperlink for Section 2.6.3 - Compilation of Hydrologic Data - within the Table of Contents for Section 2.6 that is currently only accessible through the Windows Explore directory. (WTG)***

    The hyperlink for Section 2.6.3 has been created.

15. ***Please review the map referenced in the last paragraph of Section 2.6.1 - Surface Water Hydrologic Conditions. The text references Section 2.6.5a, but it appears that it should reference Section 2.6.4 instead because the watersheds described are not shown on Section 2.6.5a. It also appears that Section 29, rather than Section 28, should be described as being in the northern portion of the permit area because Section 28 lies outside of the permit area. (WTG)***

    Section 2.6.1 has been revised to reference Section 2.6.4 to display the Square Butte Creek watersheds described and to refer to Section 29 rather than Section 28 as being in the northern portion of the permit area. The northern watersheds are not delineated on the maps because they are not in the currently permitted area of disturbance.

16. ***It appears that Table 1 of Section 2.6.2 - Watershed Descriptions – currently describes watersheds from a different permit, possibly from the Falkirk Mine, rather than describing the Otter Creek permit area watersheds. Please provide the information for the proposed permit area. In addition the parenthetical statement in Section 2.6.2 should be revised to sentence format and the section should reference Section 2.6.4 for a depiction of the watersheds. (WTG)***

    Section 2.6.2 has been deleted from the Otter Creek Permit application as all information pertaining to Pre-Mine and Post-Mine Watersheds is addressed in Section 2.6.5.

17. ***Please make the following changes to Section 2.6.4 - Surface Water Features and Monitoring Sites Map: (1) Change the stock pond water sampling point symbols to something other than a cross to improve legibility; and, (2) Label all of the stock pond and spring sampling points so they can be cross-referenced with other information. Given that township and range boundaries are shown on the map, it will be adequate to label the points as type, section number, and number within the section. (WTG)***

    Please see updated Section 2.6.4

18. ***Please insert the number of developed and in-use springs and seeps in the third paragraph of page 1 in Section 2.6.5 - Probable Hydrologic Consequences. (WTG)***

A reference to Table 1 is given in the third paragraph of Page 1 in Section 2.6.5 as a source for the number of developed and in-use springs and seeps. Looking ahead to future permit revisions, the number of springs and seeps will change through permit life, and Table 1 will be updated accordingly. Avoiding the need to also update a value in the narrative would be prefereable for effective information management.

19. ***Please correct footnote 2 for Table 1 in Section 2.6.5 – Probable Hydrologic Consequences. There does not appear to be a Table 1 in Section 2.7.1, and Table 3 in Section 2.6.3 provides water quantity, not quality, data. (WTG)***

Reference to Section 2.7.1 has been omitted and the reference to Section 2.6.3 corrected.

Section 2.7 - Pre-Mining Land Use and Vegetation

20. ***NDAC 69-05.2-08-08(1)(c)(4) requires a detailed description of the number and arrangement of trees and shrubs, probable age of trees, height of trees and characteristics of the understory vegetation for woodland communities. The vegetation guidelines [Standards for Evaluation of Revegetation Success and Recommended Procedures for Pre and Post Mine Vegetation Assessments] further clarify that the number of trees and shrubs may be estimated from density measurements. The information included in Appendix VII characterizes the understory vegetation and provides an assessment of woodland canopy and herbaceous cover, but does not characterize the woodland communities in terms of species composition or density, probable age or height of trees. Please include the required information in the application. (GAW)***

Woodland communities in the Otter Creek Permit area are not currently planned for mining disturbance. Prior to conducting the pre-mining vegetation fieldwork, KDK Consulting, who did the fieldwork for Otter Creek, had obtained agreement from the PSC that the woodland areas would be characterized utilizing the methods presented in the permit. These methods exceed the minimum requirements for woodland areas that are not being disturbed and were conducted in an effort to better characterize important habitat communities in the permit area even though they are not slated for disturbance. The revegetation guidelines require composition, density, and age/height data only "when the woodland in question will be disturbed and woodland is the post-mining land use." If future mine plan changes impact any of these woodlands, Otter Creek will address those data needs and reclamation plans as part of the required revision at that time.

21. ***Please depict the areal extent of the woodland communities by woodland type or mapping units, i.e. trees, tall shrubs and low shrubs as required by NDAC 69-05.2-08-08(1)(a)(4) and the acreage of each woodland type for each surface owner as required by NDAC 69-05.2-08-08(1)(c)(1). Exhibits 2.7.2 and 2.7.2a identify woodland areas but not site types, and Section 2.7.3, Appendix II, does not show acreage by woodland type. (GAW)***

Please see the response to #20 above. The information requested in this deficiency also is required for woodlands which will be disturbed and for which woodland is the post-mining land use. None of the woodlands identified in the permit application are currently slated for mining disturbance. Should mining plans change at a later date, such information will be obtained and presented in the required revision to the permit at that time.

Section 2.8 - Soil Resources

22. ***The Map Unit Acreage Summary by Tract spreadsheet in Section 2.8.2e when opened displays a password protected window. Please repair the link. (BEB)***

    The link to Section 2.8.2e has been repaired.

23. ***Please create a hyperlink for Section 2.8.3 – Prime Farmlands – in the Section 2.8 Table of Contents. This section is currently only accessible through the Windows Explore directory. (WTG & SAS)***

    The hyperlink to Section 2.8.3 from the Section 2.8 Table of Contents has been created.

24. ***Please correct the hyperlink to Section 2.8.2b (other suitable strata investigation) in the last paragraph on page 2 of Section 2.8.1 – Soils Narrative. As currently configured, it incorrectly links to Section 2.8.2d (SPGM volume summary). (WTG)***

    The hyperlink to Section 2.8.2b in the last paragraph on page 2 of Section 2.8.1 has been corrected.

25. ***Please correct the section reference and hyperlink in the fifth paragraph on page 3 of Section 2.8.1 – Soils Narrative – that references the SPGM Respread Map. As currently written and configured, it incorrectly refers and links to Section 2.8.2c (Soil Survey Map). (WTG)***

    The section reference and hyperlink in the fifth paragraph on page 3 of Section 2.8.1 have been corrected to refer and link to Section 2.8.4, Drill Hole Location, Overburden Characteristics, and Projected Respread Depths.

Section 3.1 - Operation Plan - General

26. ***NDAC 69-05.2-05-08(1) states that the "permit area shall be no larger than a logical pit sequence and include lands used for activities incidental to coal extraction". However, there are several large tracts within the proposed permit area that are a quarter section or larger in size where no mining or support activities are proposed. These are the SE¼ and***

NW¼ of Section 2, SW¼ of Section 5, and the tracts proposed to be permitted in Section 20, all of Section 29, and the SW¼ and N½ of Section 35. Please provide the details of any disturbances proposed in these areas and clearly depict the anticipated disturbance boundary on the appropriate maps as required by NDAC 69-05.2-09-02. Also, if specific disturbances are planned for these areas, the surface owners of these tracts must be re-notified as required under NDCC 38-18-06(1) as that notice "must sufficiently disclose the plan of work and operations to enable the surface owner to evaluate the extent of the land disturbance on the surface owner's use of the property". The maps that were previously provided to the surface owners did not provide the required information. If no disturbances are currently planned for some or all of the tracts listed above, they should be deleted from the proposed permit area. (JRD)

The mine plan depicted in the permit has been changed to show the long-term projected mining for the entire permit area. Please see the revised Section 3.1.5, Pit Layout and Facilities Map. All other sections in the permit have been revised as necessary to provide the required information for the new mining plan depicted. Please refer to the renotification letters to landowners in Section 1.4.2 for verification of the notice to landowners of the revised mine plan. No change in the permit boundary was made.

27. ***Please provide the appropriate details for utilizing the 300,000 cubic yards of boxcut spoil in the facilities area and haulroad as briefly discussed in Section 3.1.1. This needs to include the appropriate maps and cross-sections as required by NDAC 69-05.2-09-14(1). Also, it was noted that the typical haulroad cross-section in Section 3.5.3 indicates the road embankment will be built up using subsoil rather than spoil, which is inconsistent with the statement in Section 3.1.1. Documentation needs to be provided to demonstrate that all of the boxcut spoil will be used in the construction of the facilities and haulroad. If all of the boxcut spoil will not be used for these construction activities, other boxcut spoil placement areas must be described and shown on the pit layout map. Also, please provide plans for the placement of boxcut spoils from the short pit extension (approximately 750 feet) that will be located in the SW¼ of the SE¼ of Section 32 as shown in the 2010 mining block and from the nearly 5000 feet of boxcut pits shown in the 2012 and 2013 mining blocks. (JRD)***

Section 3.1.1 was updated to reflect that all boxcut spoil will be used in Shop/Office Pad and not in Access Road or Haul Road Section 1. Please see Section 3.1.1a for Design Plans of Shop/Office Pad design.

28. ***Narrative in Section 3.1.1 indicates there are no known abandoned underground mines located within the permit area. NDAC 69-05.2-08-02(1)(j) requires that adjacent areas to the permit be included in the identification process as well. Also, NDAC 69-05.2-08-02(1)(k) requires the identification of abandoned surface mines be identified in the permit***

and adjacent areas in addition to abandoned underground mines. If none have been identified, please note that in the same narrative of Section 3.1.1. If either underground or surface mines have been identified within the permit or adjacent areas, please provide their location on a map and supplement the narrative of Section 3.1.1 with descriptive information concerning the mine(s). (BEB)

Please see revised narrative for abandoned underground and surface mines in Section 3.1.1. These mines were identified from AML records and cultural resources surveys and are located in areas adjacent to the Otter Creek Mine. None of these abandoned operations have been field verified because they are located far enough from Otter Creek to preclude any affects to or from the planned mining operations in the Otter Creek Permit area.

29. ***In the third paragraph on page 4 of Section 3.1.2, the hyperlink should be to Section 2.8.4 (projected respread depths map), rather than to Section 2.8.3 (prime farmlands narrative). (WTG)***

The hyperlink on page 4 of Section 3.1.2 has been corrected to link to Section 2.8.4.

Section 3.5 - Operations - Transportation Facilities

30. ***Please include design plans for the haulroad which is included in the reclamation cost estimate. (MDB)***

Section 3.5.5 has been added to reflect the design profile for the portion of haulroad included in Section 4.2.4a.

Section 3.6 - Operations - Surface Water Management

31. ***Please include the design drawings for Ponds P-05-01 and P-05-02 as both are needed in calculating reclamation costs for setting the bond amount and both ponds will be constructed in the first permit term. The design narratives are included but the drawings are not present. (MDB)***

The pond designs have been included in the permit in Sections 3.6.4 and 3.6.5; Design Details are included as the last page of each section, labeled in the bookmarks as Section 3.6.4a and 3.6.5a, respectively.

32. ***There are two total water management plan maps in the Windows Explore directory of the permit. The one titled "3-6-1a Water Management-36 x 36.dwf" appears to be the correct version; however, Section 3.6.1a is hyperlinked to the other map. Please delete the incorrect version and make sure the right map is linked to Section 3.6.1a. (WTG)***

The incorrect version of 3.6.1a has been deleted and the correct map is linked.

Section 4.0 - Post-Mining Land Use and Revegetation

33. ***Many of the hyperlinks in the narrative in Sections 4.1.1 and 4.1.5, Post-Mining Land Use Narrative and Revegetation Procedures and Establishment, do not work properly. Please enable the hyperlinks. (GAW)***

    The hyperlinks in Sections 4.1.1 and 4.1.5 have been repaired.

34. ***If additional preference statements have been received since the application was filed, please include them in the application along with a discussion on the consideration that was given to any requested land use changes. (GAW & SAS)***

    All landowners were renotified due to the change in mine plan. All responses have been considered in the post-mining land use section, Section 4.1.4.

Section 4.1 - Post-Mining Land Use and Revegetation

35. ***Please include the design criteria in Section 4.1.1 that will be used for culverts in reclaimed section line trails. NDAC 69-05.2-09-06. (MDB)***

    Please see revised Section 4.1.1.

Section 4.2 - Reclamation - General

36. ***Please provide elevations on the Post-Mining Contour Map of Section 4.2.6b and the Post-Mining Area Slope Map of Section 4.2.7b. (MDB)***

    Please see updated Sections 4.2.6b and 4.2.7b.

37. ***In reviewing the proposed post-mining topography on Map 4.2.6b, it seems obvious that the post-mining topographic plan was developed by just assuming the removal of the coal seam to be mined and applying a swell factor to the overburden thickness in the coal removal areas. No adjustments were made due to the displacement of overburden material that occurs in a typical dragline mining operation, including the boxcut spoil placement areas and final pit areas. Please develop a more realistic grading and post-mining topographic plan that includes the cross-sections and volumetric calculations or other information to show the proposed topography can be achieved as required by NDAC 69-05.2-09-11(3). This also needs to include plans for removing or otherwise re-contouring areas***

where the 300,000 cubic yards of boxcut spoil is placed in 2010 during the construction of the shop/office complex and other facilities. (NDAC 69-05.2-09-11(4). (JRD)

Please see newly revised post-mining topography depicted on Map 4.2.6b. The need to meet post-mining land use and PHC requirements and to tie into the existing topography on all 4 sides of this relatively small mine area restricted the ability of Otter Creek to alter the pre-mining topography significantly, although some displacement of overburden by the mining operations is included in this topography.

Section 5.2.1 - Wetlands

38. Tables 1, 2, 3 and 4 are referenced in the Pre-Mining Wetland Narrative, Section 5.1.1, but they could not be found. These tables apparently provide summary information about wetland size, classification, water quality and spring/seep water quality results. Please include the tables in the application. (GAW)

Tables 1, 2, 3, and 4 have been added to the end of narrative 5.1.1.

Other:

39. Updated Section 1.1.6, Schedule of Violations.

40. Updated Section 1.2.5, Certificate of Liability Insurance.

41. Updated Section 1.3.1, Names of Officers, Directors, and Share Holders, and Organizational Structure.

42. Updated Section 1.3.3, Current Permits and Permit Applications, Including Pending Applications, to include Otter Creek Permit NAOC-0802.

43. Updated Section 1.4.2a, Surface Owner Notification Map.

44. Updated Section 1.5.2, Adjacent Surface and Coal Ownership and Leasehold Information.

45. Updated Section 1.5.3, Surface and Coal Ownership Map.

46. Updated Section 2.1.1, Cultural Resources Narrative.

47. Updated Section 2.2.6, Ground Water Monitoring Plan.

48. Replaced Section 2.2.10, Well and Spring Certification Summary and Probable Effects of Mining.

49. Updated Section 2.3.4, Coal Quality Characteristics Narrative.

50. Updated Section 2.3.6, Drillhole Information

51. Updated Section 2.3.6a, Drillhole Information Checklist.

52. Updated Section 2.3.7a, Lithologic Logs.

53. Updated Section 2.3.7b, Geophysical Logs.

54. Updated Section 2.3.8, Overburden Sample Analyses.

55. Updated Section 2.3.9, Coal Core Sample Analyses.

56. Updated Section 2.3.14, Drill Hole Location and Cross-Section Reference Map.

57. Section 2.5, Alluvial Valley Floors, has been updated as per Falkirk's August 6, 2009 responses to technical review deficiencies.

58. Updated Section 2.6.5a, Pre-Mining PHC Map.

59. Updated Section 2.6.5b, Post-Mining PHC Map.

60. Updated Section 2.6.5c, Surface Water Probable Hydrologic Consequences Data.

61. Updated Section 2.8.2d, SPGM Soil Volume Summary By Tract.

62. Updated Section 2.8.2f, Deep Lift Soils Map.

63. Updated Section 2.8.4, Drill Hole Location, Overburden Characteristics, and Projected Respread Depths.

64. Updated Section 3.1.3, Estimated and Total Production Schedule.

65. Updated Section 3.1.6, Extended Mining Plan Topographic Map of Mine Phases.

66. Updated Section 3.5.2, Transportation Facilities Map.

67. Updated Section 3.5.21, Road Relocation and Closing Plan Map.

68. Updated Section 3.6.1a, Total Water Management Plan Map.

69. Updated Section 3.6.1d, Pond Construction and Reclamation Schedule.

70. Updated Section 3.6.4, Design of Sedimentation Pond P-05-01.

71. Updated Section 4.1.2, Post-Mining Land Use Map.

72. Replaced Section 4.1.3, Pre- and Post-Mining Land Use Acreage Comparisons.

73. Updated Section 4.2.1, Reclamation Procedures Narrative.

74. Updated Section 4.2.2, Reclamation Schedule.

75. Updated Section 4.2.3, Grading Sequence Map.

76. Updated Section 4.2.4, Reclamation Costs.

77. Updated Section 4.2.4a, Worst Case Bonding Plan Map.

78. Updated Section 4.2.6a, Pre-Mining Contour Map.

79. Updated Section 4.2.7a, Pre-Mining Area Slope Map.

80. Updated Section 5.2.1, Wetland Reclamation and Construction Operations.

Sincerely,

OTTER CREEK MINING COMPANY, L.L.C.

Randy Crooke

D. Randall Crooke
Permit Manager

DRC/dge