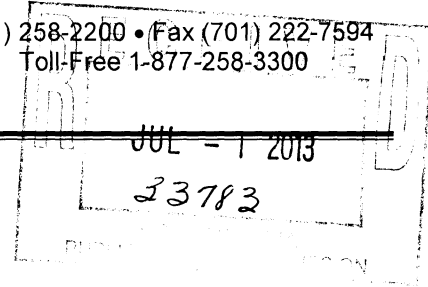


COYOTE CREEK MINING COMPANY, L.L.C.

A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION

2000 Schafer Street, Suite D
Bismarck, ND 58501-1204

(701) 258-2200 • Fax (701) 222-7594
Toll-Free 1-877-258-3300



June 28, 2013

Mr. James R. Deutsch
Director Reclamation Division
Public Service Commission
600 East Boulevard Avenue
Department 408
Bismarck, ND 58505-0480

Dear Mr. Deutsch:

Enclosed are three DVD's containing Surface Coal Mining Permit Application NACC-1301. Responses below refer to deficiencies in your June 25, 2013 letter regarding completeness review:

1. Section 1.2.4 was revised.
2. The description in Section 1.2.4 was revised. Refer to #7 for changes to Section 1.5.1.
3. Section 1.2.4.1 was revised.
4. Section 1.2.4 was revised.
5. Section 1.2.6.1 was revised. The setback was also added to Section 3.1.3.
6. Section 1.3.5 was revised.
7. Section 1.5.1 was revised. The tract summary and the description of Tract 43 were both corrected. Section 1.5.2 was also revised since the description is used in the adjacent area as excluded lands.
8. To provide a more thorough assessment of the productivity of cropland by owner, the qualitative assessment in Section 2.4.2 was expanded, including the NRCS PI for the field based on the pre-mine soils. This was done in lieu of an additional map and table as discussed with Mr. Welch on 6/27/13.
9. Acres were corrected in Sections 2.7.1 and 2.7.2. Breeding bird survey locations were added to the legend on sheets 1 and 2 of 2.7.2.1. Peregrine falcon references were deleted from Sections 2.7.2 and 2.7.4. Names, titles and qualifications were added to Section 1.3.6.
10. Section 2.7.2 was revised with information provided by the ND Game and Fish to address the items of concern. Contact has also been made for more information from the ND Park and Recreation Department, which will be provided by them in the future. That information will be included along with the responses to the technical review.
11. Section 2.9.1 was revised.
12. After a conversation with Mr. Welch, the desired outcome of this item was to clarify the current use of existing structures. To do so, changes to the narrative were not necessary.

The current use of the buildings was clarified on the map in Section 3.1.2, by specifying whether they were for agricultural support or residential.

13. No preference statement has been returned by Voigts. No changes were made.
14. Section 4.2.3 was revised to include design information, species planted and planting rates. The replacement woodland will not be able to be planted within a year or two of disturbance, since there will be no reclaimed land of the same ownership available until the facility is reclaimed. However, in a conversation with Mr. Welch, the purpose of this request was for wildlife enhancement. Managing the cropland as requested in technical deficiency #4 of this letter will provide some wildlife enhancement. Additionally, trees will likely be planted around the facility, which will provide further enhancement. As required, CCMC will look for opportunities to enhance wildlife during mining, although at this time a plan to establish a tree planting on undisturbed cropland or rangeland, thus reducing those agricultural land uses on private land, will not be included in the permit.

Technical Deficiencies

1. Section 3.1.1.2 was revised.
2. Section 3.1.1.7 was revised.
3. The emergency spillway for Pond P30-01 is located in the north embankment of the pond which will allow water to flow towards the cropland. However, the clean water diversion to the north of the spillway will serve a dual purpose first to route clean water around the pond and second to route discharges or overflows to the native grasslands away from the cropland. The narrative in Section 4.1.1 was clarified to explain that the discussion on grassed waterways in this section only relates to the post-mine setting.
4. Section 4.2.1 was revised.

Sincerely,

COYOTE CREEK MINING COMPANY, L.L.C.



Donn R. Steffen
Engineering/Environmental Manager

DRS
Enc.