

COYOTE CREEK MINING COMPANY, L.L.C.

A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION

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September 16, 2014

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-1302. Responses below refer to deficiencies in your August 25, 2014 letter regarding technical review. Changes made in response to the following items were highlighted yellow in the corresponding narratives:

General

1. In your July 31, 2014 technical response letter, you had requested that law and/or rule citations be included with each deficiency. There are many instances, particularly with respect to follow-up technical deficiencies, in which specific requirements or provisions of law or rule do not specifically apply to general permit clean-up items or information requests in an application. Oftentimes, the intent of a deficiency is to simply request clarification to a subject topic, correct inconsistencies, properly connect a hyperlink or bookmark, correct a typographical error or the mislabeling of a document or map, finish an incomplete sentence, etc. In these and other similar instances, please refer to NDAC 69-05.2-05-02(1) which requires the applicant to provide permit application information that is complete, current, presented clearly and concisely, and supported by appropriate reference to technical and other written material available to the Commission. (BEB)

Thank you for your consideration of our request. The cited references helped us to properly address the following deficiencies.

Section 1.5 – Identification of Interests and Rights of Entry

2. Follow-up to Item No. 9(d): In Section 1.5.1, the ownership information for Tract 0063, N $\frac{1}{2}$ N $\frac{1}{2}$ of Section 12, T142N, R89W, only includes a lease for the N $\frac{1}{2}$ NE $\frac{1}{4}$ of the section. Please include a copy of the lease document for the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 12 of Tract 0063. (RLK)

Section 1.5.1 was revised. The North Dakota State lease covering the N2NW4 has been added to Tract 63.

Section 2.1 – Geology

3. Follow-up to item No. 14: The response and additions to the permit regarding this item are adequate; however, the bookmark that has been placed in Section 2.1.12 to navigate to the newly added Legend does not work. Please direct the Legend bookmark to its intended location. (BEB)

The bookmark to the legend in Section 2.1.12 was repaired.

Section 2.2 – Surface Water Hydrology

4. Follow-up to Item No. 22: Please revise narrative on stream classification in Section 2.2.1 to describe the characteristics or conditions observed during the field work related to wetland vegetation and water features that would support the ephemeral drainage classifications. The surface water features map, and related narrative appears to suggest that while spring and seep flow may support linear wetlands in the drainages, the flow is not sustained and substantial drainage segments lengths are not wetlands. Please discuss if any drainages in the permit area were found to have a developed stream channel and hydric vegetation for a sustained distance such as in leaving the permit area or other features that that would suggest continuous flow for at least 30 days annually. Also, it would be relevant to note that three surface monitoring sites are located in drainages classified as ephemeral in the permit area. (RLK)

Section 2.2.1 was revised.

5. Follow-up to Item No. 23: Please review and revise as appropriate the units for conductivity where “umhos” has been inserted twice at each replacement location in the narrative on page 9 of Section 2.2.1. (RLK)

Section 2.2.1 was revised.

6. Follow-up to Item No. 24: The stock pond narrative on pages 8 and 9 of Section 2.2.1 states that four stock ponds had TDS levels that exceeded 2,000 but DWR-SW24-1-143-89 and DWR-SE1-1-142-89 were not included in that listing and had TDS ranging well above 2000. These additional stock ponds may not be in a usable or fully functional condition at this time due to erosion of the spillway or other deterioration. Please revise the narrative to or acknowledge that in addition to the functional or operational ponds, there are two other non-functional stockponds with TDS well above 2000 mg/l. (RLK)

Section 2.2.1 was revised.

7. Follow-up to item No. 26: New narrative under the Stock Ponds (Developed Water Resources) category of Section 2.2.1 needs to be either revised or deleted. The last sentence in the second paragraph states that “There were four” and the sentence is ended abruptly with that short statement. Please review and either finish the sentence with the intended information or delete it. (BEB)

Section 2.2.1 was revised.

8. Follow-up to Item No. 28: Please remove the blue circles with “RG” labels from the Surface Water Features Map in Section 2.2.2 or add the labels/symbols to the map legend with a descriptor that identifies the indicated features. (RLK)

Section 2.2.2 was revised.

9. Follow-up to Item 29: Postmining stock pond plans in Section 4.5.2.1 do not include replacement plans for pre-mine stock ponds DWR-SW2-1-142-89 and DWR-SW2-2-142-89. Please add plans for

replacing these pre-mine water supplies or, if the pre-mine ponds will not be disturbed, that should be noted. Also, narrative in Section 2.2.1 indicates Section 2.2.3.1 provides an inventory of the stock ponds in the permit area. However, it appears pre-mine stock pond DWR-NE23-1-143-89 listed in Section 2.2.3.1 is located outside of the proposed permit area. Please review and correct or otherwise explain this listing. (JRD)

Section 4.5.2.1 was revised to note that the two stockponds will be undisturbed. Pre mine stockpond DWR-NE23-1-143-89 is almost entirely located outside of the permit; however, the very southerly (upstream) tip of the feature is within the permit boundary. This contributes 0.1 acres to the stockpond land use category as found in Section 2.4.4, so was included in the table. No changes were made for this feature.

Section 2.3 – Ground Water Hydrology

10. Follow-up to item No. 35: Please correct the bookmark labeling for certified spring SPG-NE6-1-142-88 that is found in the Landowner Well and Spring Certification Documents, Section 2.3.2.7. Currently, the spring is incorrectly labeled as SPG-NE6-1-42-88. Please correct this typographical error. (BEB)

Section 2.3.2.7 was revised.

11. Follow-up to item No. 38: The legends in the five ground water potentiometric surface maps provided in the permit are labeled as Sections 2.3.3.1 through 2.3.3.5 and to retain consistency in the permit, please re-label these maps as Sections 2.3.1.3a through 2.3.1.3e. Also, the Upper Beulah Lignite Zone of Saturation Map, Section 2.3.1.4a, is mislabeled in the legend as Section 2.3.3.6. Please update all of these map legends. (BEB)

Maps in Sections 2.3.1.3a-e were relabeled, as was Section 2.3.1.4.a.

12. Follow-up to item No. 43: New water level and water quality sampling methodology narrative provided on the first page of Section 2.3.4 of the Ground Water Monitoring Plan describes that a Grundfos Redi-Flo 2 or equivalent electric submersible pump will be used that is capable of purging and sampling wells in excess of .260 feet deep. We believe your intent was to describe pumping depths in excess of 260 feet, not .260 feet. Please eliminate the decimal point in front of 260 to correct the typographical error. (BEB)

Section 2.3.4 was revised.

13. Follow-up to Item 48: Table 2.3.2.1 as revised indicates the S. Unruh spring in Section 34, T143N, R89W, has no use. However, the stock pond listing in Section 2.2.3.1 indicates this spring contributes water up to 3-5 gallons per minute of water to Stock Pond DWR-NE34-1-143-89. Please review and correct the inconsistency as appropriate. (JRD)

Although the stockpond assessment table notes that the spring may contribute water and that at its source, 3-5 gpm max flows were observed, this isn't the amount of water that reaches the stockpond. This was clarified in the certified well and spring table. Table 2.3.2.1 was revised.

14. Follow-up to Item No. 104: We noticed that no springs or seeps are shown beyond the proposed permit boundary on the Surface Water Features Map, Section 2.2.2, or Section 2.3.2.5, Certified Wells and Springs Map. Section 2.3.2.5, Certified Wells and Springs Map, shows wells but no springs beyond the permit boundary. Please review and revise as necessary to show all developed

and undeveloped springs and seeps within the area of impact of surface mining and provide baseline water quantity and quality information for these existing features. The permit will also need to be updated with detailed information of the measures to be taken during mining and reclamation to ensure the protection of springs and seeps located off-permit. NDCC 38-14.1-14(2)(i). (GAW)

Springs and seeps adjacent to the permit were added to the Wildlife Studies Map of Section 2.7.2.1 in response to item #26. A discussion of these features was added to Section 2.3.3.3 that explains that they weren't certified because they are all outside of the area of impact of surface mining. They are either located in units below mining, or those that are associated with the Upper Beulah and higher units are outside of the area of impact for other reasons. Those associated with the impacted units that are along the west, north and east sides of mining are within the permit boundary, while those to the south of mining and outside of the permit are supported by groundwater flows from the south and are separated by incised drainageways.

Section 2.4.1 – Methods

15. Follow-up to Items No. 49 and 51: Please revise the third paragraph on page 1 of Section 2.4.1, Methods, to provide clarity. The second sentence says that sample locations were selected by landownership but new language in Section 2.4.2 indicates that sampling was conducted by management unit rather than surface ownership. The third sentence states, in effect, that representative sites were sampled but the fourth sentence states that areas dominated with Kentucky bluegrass were avoided while language in the third paragraph on page 3 of Section 2.4.1 states that the level of invasive species and management did not vary enough to warrant more extensive sampling. The fourth sentence of the third paragraph of Section 2.4.1 is incomplete and it mentions sampled islands of native species representing areas that are being invaded. Please revise to provide clarity. NDAC 69-05.2-05-02. (GAW/RLK)

The third paragraph of Section 2.4.1 was revised.

Section 2.4.2 – Narrative

16. Follow-up to Item No. 61: Please revise the new language that begins on page 27 of Section 2.4.2 to clarify the species dominated by temporary and seasonal wetlands in the permit area. It appears Stewart and Kantrud's wetland species list for prairie pothole wetlands was used in this narrative but these species are generally not listed as being present in the sampling data for these slope/riverine wetlands. For example, it is stated that seasonal wetlands under normal water conditions are dominated with giant bureed, tall mannagrass, slough sedge, smartweed, water parsnip and star duckweed but these species are generally not listed as being present on sampled wetlands in the permit area. The species listed for the slightly brackish water situation is more applicable but some of these species can be present on both wet meadow and shallow marsh zones so it is still not clear how the distinction between temporary and seasonal wetlands was made. For example, please clarify how it was determined that wetland WT-SE6-2-142-88 is temporary rather than seasonal. Please revise to provide specificity to the permit area regarding this issue. NDAC 69-05.2-05-02. (GAW)

The paragraph in Section 2.4.2 was expanded to provide more information on wetland delineation and a reference was added to Section 2.4.14.

17. Follow-up to Item No. 61: Please revise the Wetlands discussion in Section 2.4.2 to discuss the applicability of using the Floristic Quality Index (FQI) method to evaluate riverine and slope wetland systems in North Dakota. Please clarify if the FQI method was developed for the prairie pothole

region and riverine and slope wetland systems and if the scores are actually applicable to the wetlands in this permit area. NDAC 69-05.2-05-02. (GAW)

The wetland discussion in Section 2.4.2 was revised.

18. Follow-up to Item No. 87: Please revise the woodland narrative in Section 2.4.2 to discuss whether or not Dutch elm disease is affecting the American Elm trees in the proposed permit area and if there are any dead or dying American Elm present. NDAC 69-05.2-08-08(1)(d). (GAW)

The woodland discussion in Section 2.4.2 was revised, as was page 20 of Section 2.7.2.

19. Please revise Section 2.4.2, Narrative, to properly characterize the woodland communities located along Coyote Creek that are to be affected by haul roads and other mining related disturbance. No sampling data of the deciduous woodlands located along Coyote Creek is included in Section 2.4.13 so it is not clear what species are growing in these woodlands. NDAC 69-05.2-08-08(1)(d). (GAW)

A photo documenting the woodland community was added to Section 2.4.2, along with a brief narrative.

20. Please revise Section 2.4.2 to clarify the land use associated with Coyote Creek. Coyote Creek is listed as a separate land use (Creek) in Section 2.4.4, Pre-Mining Land Use and Ownership Table, but this "Land Use" is not discussed in Section 2.4.2, Narrative. Please revise to discuss this land use and clarify why no riparian wetlands have been delineated adjacent this riverine system as would be expected. The first sentence of the Wetlands discussion in Section 2.4.2 states that only seasonal wetlands were classified as a separate land use. Please revise the wetland section to discuss the riparian wetlands associated with Coyote Creek and delineate, if practical, wetlands associated with this system. NDAC 69-05.2-05-02. (GAW)

A narrative was added to Section 2.4.2 after the wetlands discussion addressing Coyote Creek.

21. Follow-up to Items No. 61 and 62: The Reclamation Division understands that hydric soil mapping units may be larger in size than areas delineated as wetlands and that all three parameters, hydric soils, vegetation and hydrology need to be present for an area to be classified as wetland. However, after further review it appears that in most instances the delineations are mapped as small as possible to the point that the wetlands are delineated as a line rather than as a polygon on the Pre-mine Land Use Map. Please review to ensure the wetland delineations are accurate. The following areas should be re-visited to ensure the wetland delineations are correct. The drainage way mapped 49B, Playmoor, located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 1, Harriet map unit located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6 downstream of spring NE6-3-142-88, and two Playmoor mapping units located in the SW $\frac{1}{4}$ of Section 19. It is not clear why the whole oxbow in the SW $\frac{1}{4}$ of Section 19 is not considered wetland. The Reclamation Division plans to arrange a field visit with your staff to look at these areas and for areas adjacent Coyote Creek. (GAW)

No changes were made. The sites were reviewed in the field. Wetlands are correct as delineated. For example, in Section 19, the south Playmoor unit is in an ephemeral drain. As visible in the photo below, the site had neither the vegetation nor the hydrology to be classified as a wetland.



This photo was taken after several very large rain events, so this is as wet as it will appear. The Playmoor site that is by spring SPG-SW19-1-143-88 is a hillside that has slumped from the spring. It is hummocky and uneven from the slump. There are two small depressions that have hydric vegetation and soils near the spring. Downstream, where a channel forms, there is also hydric vegetation and soils. Both of these areas are currently mapped as seasonal wetlands. The areas surrounding these wetlands are uneven but aren't depressions that hold water and don't have hydric vegetation. The portions of oxbows that aren't mapped as wetlands in the permit don't have hydric properties. The creek is incised enough that the oxbows are quite a bit higher than the creek bed, so don't receive any groundwater. The oxbow has a very small watershed, so it doesn't receive enough surface water to support wetland hydrology except in the very lowest portions. Wetlands actually aren't delineated as a line, but are a polygon. Because the ephemeral drain bottoms are so narrow, the wetlands are also extremely narrow. Their actual boundaries can be seen by zooming in on the wetlands. Additionally, a CAD file of the wetlands has been supplied to the Reclamation Division.

Section 2.4.3 - Pre Mine Land Use Map

22. Follow-up to Item No. 76: The sample location is not shown on wetland WS-NW6-2-142-88 on the Pre-Mine Land Use Map, Section 2.4.3, but Section 2.4.11 indicates that wetland WS-NW6-2-142-88 was sampled. The map indicates that wetland WS-SW6-4-142-88 was sampled rather than WS-NW6-2-142-88. Please review and correct as necessary. NDAC 69-05.2-05-02. (GAW)

No changes were made. Wetland WS-SW6-4-142-88 is the very small seasonal wetland associated with SPG-SW6-1-142-88 and was not sampled. It is located east of the sampling location. WS-NW6-2-142-88 is the long linear seasonal wetland located in the W $\frac{1}{2}$ Section 6. Long linear wetlands often cross legal description boundaries. Although wetlands were split at section lines for identification purposes, they weren't split at quarter lines. Therefore, although the sampling location was in the SW $\frac{1}{4}$ and the wetland is identified by the NW $\frac{1}{4}$ in its name, WS-NW6-2-142-88 was the sampled feature. It is understandable that this may lead to confusion, but instead of artificially splitting wetlands up even further at quarter lines, no changes were made, since this sampling site/wetland label discrepancy is a rare occurrence.

in the permit area and Coyote Creek Mine would prefer to not change their mapping methods and relabel multiple wetlands to alleviate it.

23. Follow-up to Item No. 76: Please revise the Pre-Mine Land Use Map, Section 2.4.3, to clarify where the break is between wetlands WS-NW35-3-143-89 and WS-NW35-6-143-89. The wetland is identified as one continuous linear feature. NDAC 69-05.2-05-02. (GAW)

The wetlands were separated near the sample site in the NW ¼ Section 35. This is visible by zooming in on the pdf in this area. Because there are so many labels and features in this portion of the map, it became too cluttered when arrows or lines were added to the map to help illustrate this. Instead, the wetland labels on the map in Section 2.4.3 were moved closer to the spot where the wetlands are split, to indicate to a reviewer that this is the area to look.

Section 2.7.2 – Fish and Wildlife Report

24. Follow-up to Item No. 102: New language on page 19 of Section 2.7.2 states that the larger closed canopy woodlands located along the Knife River are very similar in species composition to those found in the heavier wooded draws in Sections 23, 24 and 26 of the permit area. Please revise to provide more detailed information regarding species composition of the woodlands located along Knife River, Brush Creek and Coyote Creek floodplains and the secondary drainages located outside of the proposed permit area in the study area. And, as previously requested, please discuss if there are any woodlands in the study area consisting of species of trees of sufficient size that could potentially function as habitat for the Northern Long-Eared Bat. This would include live and dead or dying cottonwoods, American elm, boxelder and green ash. NDAC 69-05.2-05-02. (GAW)

Section 2.7.2 was revised on pages 19 and 20.

25. Follow-up to Item No. 102: It appears that the most extensive woodlands in the wildlife study area are located in Sections 10, 11 and 15 near Medicine Butte, but there is no discussion regarding this portion of the study area. Please discuss the woodland communities in this portion of the study area and provide some information regarding species composition and canopy cover. Baseline ecological information for the Medicine Butte area should be provided so that one can determine whether or not potential habitat exists in this area for the Northern Long-Eared Bat. It appears this area near Medicine Butte should be considered “High Value Wildlife Habitat” given the topography, ecology and isolation of the area. NDAC 69-05.2-05-02. (GAW)

Section 2.7.2 was revised on pages 19 and 20.

26. Follow-up to Item No. 104: Springs and seeps are not shown beyond the proposed permit boundary on the Wildlife Inventory Map. Although springs (developed and undeveloped) and seeps are not necessarily a habitat type different than wetlands, their presence should be documented. Please discuss if there are any springs or seeps in the wildlife study area that are unique habitat types, such as fen wetlands. NDAC 69-05.2-05-02. (GAW)

Springs and seeps that are outside of the permit area were added to Section 2.7.2.1. Section 2.7.2 was revised on page 22.

27. Follow-up to Item No. 104: Please revise the Wetlands narrative in the Results and Discussion section of the Fish and Wildlife Report, Section 2.7.2, to properly discuss and characterize the wetlands associated with the Knife River, Coyote Creek and Brush Creeks. This should include a discussion about whether or not these streams are classified as fisheries by the ND Game and Fish Department. NDAC 69-05.2-05-02. (GAW)

Section 2.7.2 was revised on page 22.

28. Follow-up to Items No. 107, 109 and 113: Please further discuss the suitability of the native grassland located in the southwest corner of the study area near Medicine Butte and in Sections 8 and 9 of T143N, R88W, as potential habitat for the Dakota skipper and Sprague's pipit. The Mercer County soil survey identifies most of the area around Medicine Butte as mapping units 81E, Cabba loam, and 82E, Cabba-Badlands fine sandy loams, so it certainly would appear that these areas would be potentially suitable habitat for the Dakota skipper. Likewise, these large tracts of native grassland would seem to be ideal habitat for Sprague's pipit and sharp-tailed grouse. Please provide some specifics for these areas, such as observed grazing management, ecological condition and vegetation structure to help explain why these areas were not considered the "best" habitat for Dakota skipper in the study area and the conditions that existed in 2012 that will help explain why no Sprague pipits or sharp-tailed grouse were observed in these areas. It seems very unusual to not have documented any incidental sightings of wildlife species in Sections 9, 10, 11, 14 and 15 of T142N, R89W, and that no raptor nests were observed on any portion of the study area located outside of the proposed permit boundary. NDAC 69-05.2-05-02. (GAW)

Section 2.7.2 was revised on pages 26, 27, 28, 35 and 27. Additionally, five nests (3 red-tailed hawk and 2 great-horned owl) were observed in 2014, with three of these located outside the permit area. All appeared to successfully fledge young (one for each of the red-tailed hawks and 2 for each of the great horned owls). Although not part of the permit, this data will be submitted as part of the first wildlife report.

29. Follow-up to Item No. 108: As previously stated, please correct the error in the paragraph on page 33 that incorrectly states that the study area is a "proposed" study area. This is the first sentence of the paragraph under the photograph of the Regal fritillary. NDAC 69-05.2-05-02. (GAW)

Section 2.7.2 was revised.

Section 2.7.4 – Monitoring Plan

30. Follow-up to Item No. 124: Please revise the Wildlife Monitoring Plan, Section 2.7.4, to include a plan to determine if the permit and adjacent area contains habitat suitable for the Northern Long-Eared Bat and state that annual monitoring will be completed in these areas if suitable habitat exists. The plan should clarify that the determination of suitable habitat for this species will be completed in consultation with appropriate State and Federal Agencies and that all survey work will be completed using protocols recommended by these agencies. NDAC 69-05.2-05-02. (GAW)

Section 2.7.4 was revised.

Section 2.8 – Cultural Resources

31. The Cultural Resources Location Map, Section 2.8.3, that has been updated with this most recent submittal has become extremely slow to open and navigate within, much different than the same map provided with the approved completeness version of the permit. If at all possible, please attempt to restore map functions similar to the previous version. (BEB)

Requested changes to Section 2.8.3 were made.

32. Follow-up to item No. 127: Since Coyote Creek Mining Company's Management Plan for NRHP Eligible Sites has been submitted to, and approved by SHPO; it appears you can update the Cultural

Resource Summary Table, Section 2.8.2, to eliminate the "*Development of management plan in progress*" statement listed for several of the eligible sites. (BEB)

Section 2.8.2 was revised.

Section 3.1.1 – Operations/Reclamation Narrative

33. Please revise Sections 3.1.1 to clearly state that Coyote Creek Mine, LLC, intends to conduct mining operations within 100 feet of a perennial stream (Coyote Creek) at two locations and that it intends to create a life-of-mine temporary stream channel diversion that will function when runoff is higher than normal flow. Please include all information required for compliance with NDAC 69-05.2-16-20 so that the Commission can make a finding as required by said regulation and reference the reader to Section 3.2 where design information is found. Section 3.1 should contain a separate subsection that discusses operations within 100 feet of intermittent or perennial streams. NDAC 69-05.2-05-02. (GAW)

Section 3.1.1 has been updated to clearly state that Coyote Creek Mine, L.L.C., intends to conduct mining operations within 100 feet of a perennial stream (Coyote Creek) at three locations and that it intends to create a life-of-mine temporary stream channel diversion that will function when runoff is higher than normal flow.

Section 3.1.1.2 – Mining Methods Narrative

34. Follow-up to Item No. 166: Please revise Section 3.1.1.2, Mining Method Narrative, to discuss the boxcut spoil placement area that will apparently be needed for mining the initial pits in Section 36 and the NW¼ of Section 6 in the year 2017. A small area for placing boxcut spoil is shown in the NE¼ of Section 36, but it appear spoils will also need to be placed in the SW¼ of Section 31 when the boxpit is dug in Section 6. Likewise, it is not clear where the boxcut spoils will be placed when the additional pits will be opened in 2019 and 2023 pits in Section 6. Please add a discussion of the boxcut spoil placement plans for these areas to the narrative in Section 3.1.1.2 and clearly depict the individual pits for years 2017, 2019 and 2023 in these areas on the Pit Layout and Facilities Map, Section 3.1.3. Also, please refer to the related item (#157) in our June 17th letter. NDAC 69-05.2-09-02(4). (GAW)

Section 3.1.1.2 and Section 3.1.3 were revised to discuss and show the boxcut spoil placement area that will be needed in initial mining in Section 6.

Section 3.1.1.3 – Reclamation Procedures and Schedule

35. Follow-up to Item No. 141: Discussion was added to Section 3.1.1.3 about the possible future need for additional variances from the 3-year contemporaneous reclamation requirement, NDCC 38-14.1-24(14). Please add language clearly stating that Coyote Creek will submit a variance request for Commission approval with the necessary details and justification before any such variance is needed. (JRD)

Section 3.1.1.3 was revised to add language that clearly states that Coyote Creek will submit a variance request for Commission approval with the necessary details and justification before any unforeseen variances are needed.

36. Follow-up to Item No. 166: New language on page 3 of Section 3.1.1.3 states that the dragline will move to Section 30 in 2022 but the extended mine plan map shows mining in Section 30 in 2021. Please review and revise to provide consistency. NDAC 69-05.2-05-02. (GAW)

Section 3.1.1.3 has been revised to state that the dragline will be returning to mining in Section 30 in 2021.

37. Follow-up to Item No. 166: New language on page 3 of Section 3.1.1.3 states that “stockpiles have been offset from the coal cropline to allow the dragline topsoil onto virgin ground”. It is not clear what is meant with the wording “dragline topsoil” onto virgin ground. Please revise to provide clarity and compliance with NDAC 69-05.2-13-05. (GAW)

Section 3.1.1.3 has been revised. Instead of “dragline topsoil” it was changed to “dragline to spoil” to read “stockpiles have been offset from the coal cropline to allow the dragline to spoil onto virgin ground.”

Section 3.1.1.8 – Reclamation Costs – (Incremental)

38. Please review the legal description for Section 25 listed under the Legal Description of the 1st Incremental Bond Area in Section 3.1.1.8. The description of S1/2S1/2S1/2 and **E1/2E1/2** Section 25, T143N, R89W is inconsistent with the area depicted on the General Location Map, the Topsoil Disturbance Map and the Subsoil Disturbance Map. Please revise as appropriate. (ZAB)

Section 3.1.1.8 was updated to correct the legal description.

39. Please update the reclamation cost estimate to use the 2014 variable costs for Policy Memorandum No. 16. (FSE)

Variable costs were updated to the 2014 costs.

Section 3.1.3 – Pit Layout and Facilities Map

40. Follow-up to Item No. 161: Please revise the Pit Layout and Facilities Map to show how runoff is going to be directed to sediment ponds while minimizing disturbance to woody draws located above sediment ponds and outside of the mineral removal area. Please identify the disturbance planned above each pond as required by NDAC 69-05.2-09-02 and the sediment control measures that will be used to minimize disturbance. At minimum, the Pit Layout and Facilities Map must show the boundary of the areas that will be affected during the permit term as required by NDAC 69-05.2-09-02(2) & (3). (GAW)

Narrative was added to Section 3.3.1 and an associated disturbance boundary was added to Section 3.1.3. Potential tree avoidance areas and sump symbols were also added to the map, upstream from P24-01, P24-02, and P31-01. As discussed in our meeting on 9/5/14, these are the only ponds where it appears that woodlands can be avoided upstream from ponds, namely, between the mining and associated disturbance limits.

Section 3.1.5 – Post Mine Topography Map

41. Follow-up to Item No. 167: Please revise the proposed postmine topography so runoff from the north end of the SE¼ of Section 36 does not flow over recreated steep slopes (some exceed 20 percent). Secondary drainages with reduced slope are needed in the steep ridge in the S½NE¼ of Section 36 and runoff from the N½SE¼ of Section 36 needs to be routed to the SE¼SE¼NE¼ of Section 36 as exists pre-mine. NDCC 38-14.1-24(3). (GAW)

The proposed post-mine topography has been modified to create a secondary drainage in the SE ¼ NE ¼ Section 36 so that runoff does not flow over recreated steep slopes to the north. Runoff is directed to the north east to reduce flow to the north.

42. Follow-up to Item No. 169: See letter dated August 7, 2014.

The mining disturbance limit was revised in Section 3.1.3 and the narrative in Section 3.1.1.2 to address spoil stability, steep slopes, and springs.

Section 3.1.6 – Post-Mining Area Slope Map

43. Please include section numbers, legal subdivision boundaries and the permit boundary on the Post Mining Area Slope Map as required by NDAC 69-05.2-09-02. (GAW)

The Post Mining Area Slope Map has been updated to include section numbers, legal subdivision boundaries, and the permit boundary.

Section 3.2 – Transportation Facilities

44. Please revise Section 3.2.5, Shop Access Road Box Culvert – Diversion Channel, to clearly state that stream channel diversions can only be approved if the requirements of NDAC 69-05.2-16-07 are met and the Commission makes the findings required by NDAC 69-05.2-16-20. Also, please revise Section 3.2.5 to add plans for complying with NDAC 69-05.2-16-07(4) that has specific requirements for restoring of stream channels and natural riparian vegetation. (GAW)

Section 4.4.1 and Section 3.1.1 were updated to address the requirements for disturbance and reclamation information. (Please refer to #67 for additional information).

45. Please revise Section 3.2.4 to provide information regarding the Coyote Creek crossing at station No. 40+00 that complies with NDAC 69-05.2-16-07. It is not clear how much disturbance to the creek channel is planned if four ten-foot wide box culverts are going to be placed in a 35 foot channel and it is not clear if one of these box culverts is going to be at a lower elevation to concentrate the flow during normal flow rates. Likewise there is no discussion about armoring the inlet and outlet ends of the culverts or BMP's that will be needed during the construction period. Please provide details as required by NDAC 69-05.2-09-09 for complying with NDAC 69-05.2-16. We noted that the required information was provided for the Shop Access Road Box Culvert in Section 3.2.5, but similar plans and information is not provided for the haul road crossing further north. (GAW)

45. Section 3.2.5 was revised to include the North South Haulroad and Section 3.2.5.2 was added to the permit. This will create a diversion similar to what is located in the Shop/Office Haulroad. The last paragraph on Page 1 Section 3.2.4 was updated. Discussion was added with regard to armoring the inlet and outlet sides of the box culverts and the diversion channels flowing into the box culvert on Pages 2 and 3. Section 3.1.1 was also updated to address the diversion. Also, refer to Section 3.2.5.1 and 3.2.5.2 which show the armoring plans and disturbance areas for both box culvert installations. In addition, the flow through the diversion channel and box culverts was rerun to ensure the new location was acceptable. These routings can be found in Section 3.2.5.

46. Please revise Section 3.2.5, Shop Access Road Box Culvert – Diversion Channel, to provide details regarding the fill material that will be placed over the culverts that will be placed in the channel of Coyote Creek. Section 3.2.3, Shop Access Road, states that the shop access road will be constructed of overburden from pond P31-01 but this culvert will need to be in-place to allow vehicular access to

pond P31-01. Please further discuss measures to prevent adverse effects to the creek's water quality during the construction of both crossings for compliance with NDAC 69-05.2-16-20(1)(a). (GAW)

Section 3.2.3 paragraph 3 and 5 on page 1 were updated to explain how the excavation of pond P31-01 will begin and the order of the culvert installations that will prevent adverse effects to Coyote Creek's water quality during construction. Also refer to paragraph 1 page 1 of Section 3.2.5 as it now provides discussion regarding overburden fill material over the box culverts.

47. Section 3.2.5.1 shows water that outlets from the four ten-foot box culverts will be directed to a high spot located on the inside of a stream oxbow. Please consider moving the location of the box culverts slightly to the west so the flows from the box culverts will flow directly into the straight stretch of stream channel. Otherwise, please provide measures that will be taken to stabilize and protect this area so the high spot does not scour away. NDAC 69-05.2-09-09 and NDAC 69-05.2-16. (GAW)

Section 3.2.5.1 alignment of box culvert has been rotated to the west to prevent scouring on the east side of the culvert outlet downstream. Even with this alignment, riprap will have to be placed on the east side of the stream channel. In addition to this, the North-South Haulroad crosses Coyote Creek at Station 40+70. The installation of this culvert will be very similar to the Shop access road box culvert. Refer to both Section 3.2.5 for further discussion and Section 3.2.5.2 for the detailed design of this crossing.

48. Please provide more details on how drainage area and peak discharges are calculated for the water flows into the haulroad and access road box culverts that are proposed for the Coyote Creek crossings. In particular, please provide a map that shows the hydrologic elements that are listed in the routing simulation reports for the box culverts. NDAC 69-05.2-24-03(5)(a) and NDAC 69-05.2-16-07 and 69-05-2-09-09(2)(n). (BAJ)

Section 3.2.7 was added to the permit. This is a map defining the watershed, culverts and reaches used in determining the peak discharge of Coyote Creek.

Section 3.3.1 – Surface Water Management Plan

49. Follow-up to Item No. 161: Please revise the Surface Water Management Plan, Section 3.3.1, to discuss how surface water runoff will be directed to a sediment pond in each instance where steep slopes and woodlands are located upstream of sediment ponds outside of the mineral removal boundary as required by NDAC 69-05.2-09-02(3). The permit should clarify if trees and SPGM will be removed in the drainage bottoms above each sediment pond and/or if other sediment control methods will be used to retain sediment in disturbed areas as required by NDAC 69-05.2-16-08(2) while minimizing disturbance as required by NDAC 69-05.2-13-05. (GAW)

Refer to #40.

Section 3.3.2 – Surface Water Management Plan Map

50. Follow-up to Item No. 173: Please revise the Surface Water Management Plan Map, Section 3.3.2, to show the boundaries of the areas to be affected during the permit term as required by NDAC 69-05.2-09-02(2) & (3). It is not clear how much disturbance is planned above sediment ponds, around stockpiles, and along haul roads located beyond the mineral removal areas. Please clarify how runoff is going to be routed along the northwest side of the subsoil pile located in the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 31. It appears a diversion is needed at this location. Also, please show the erosion control measures

that will be used to prevent head cutting being where runoff from sediment pond P31-01 will enter Coyote Creek. (GAW)

Section 3.1.3 was revised: an associated disturbance boundary was added, the diversion around the subsoil pile was extended, and the diversion was revised between P31-01 and Coyote Creek. Erosion control measures are shown in Section 3.2.5.1. A narrative regarding erosion control measures for diversions is in Section 3.3.1.

51. Since it appears that pond 31-04 will be located in Section 6, it is suggested that the pond be renumbered with the number 6, instead of number 31, to make it easy to locate/identify and to be consistent with the numbering convention used for other ponds. (FSE)

Pond P31-04 was changed to P06-03 in Section 3.1.3. Additionally Section 3.3.4 was updated to reflect the change.

Section 3.3.7 to 3.3.14 (Structure Design Information)

52. Please include the proposed field engineered diversions in the design drawings as necessary (NDAC 69-05.2-09-09). Design plans for ponds P31-01 and P24-01 do not show the field engineered diversions. In addition, the last paragraph in the first page of *Section 3.3.9 Design of Impoundment P24-01* indicates that "Field engineered diversions will be constructed along the northwest side of the watershed to divert runoff from the SPGM pile into the pond". It appears this should be on the west side. Section 3.3.9.1 and the *Surface Water Management Plan Map* do not show any diversions. Please review and make appropriate corrections. (FSE)

A field engineered diversion (FED) was added to the pond details at the spillway of Pond P31-01 as requested. No changes were made to information of P24-01. A FED is shown on the Surface Water Management Map on the north side of the SPGM pile in the NW corner of the watershed as stated. This diversion does not extend nor need to extend all the way to the pond basin as topography will allow the water to flow naturally from the end of the diversion to the pond. Therefore, no diversion is shown on the pond details.

53. In Section 3.3.14, a 10-year/24-hour rainfall design event of 2.97 inches is used for pond P31-01 whereas a design event of 3.12 inches is used for the remaining ponds. Please revise as necessary or, if Coyote Creek decides to use different data than *The Rainfall Frequency Atlas of the United States, U.S. Weather Bureau Technical Paper No. 40 (TP-40)*, then please provide details on how the rain fall amount data is obtained and the sources of these data. Also, include the references for the precipitation data used for the design of water structures in Section 3.3.6. (FSE)

Section 3.3.14 was updated to TP-40 data.

Section 4.1.2 – Post-Mining Topography and Land Use Map

54. Please revise the Post-Mining Topography and Land Use Map, Section 4.1.2, to show all planned disturbance to woodlands and wetlands located beyond the post mine topography development boundary and include replacement plans for these acreages. For example, undisturbed woodlands and wetlands are shown on or above sediment ponds P24-04, P24-03, P24-02, P30-04, P31-01, P-31-02, P31-03, P23-01, P26-02, P26-05, P27-01 and P27-02, and undisturbed woodlands are shown in areas affected by overburden and SPGM stockpiles. Undisturbed woodlands are incorrectly shown on areas where haul roads are going to be constructed. Likewise, reclaimed developed water resources are shown in areas of "undisturbed woodlands" and wetlands and undisturbed developed water

resources are depicted in areas where sediment ponds are to be constructed (P31-01). NDAC 69-05.2-09-02(2) and NDAC 69-05.2-13-05. (GAW)

The associated disturbance limit was added to Section 4.1.2. This will illustrate the boundary of the areas affected by mining. Features within it may be disturbed, but exact replacement acres will be calculated at each permit renewal, as explained in the revised narrative on page 4 of Section 4.2.3.

55. Please revise the Post-Mining Topography and Land Use Map, Section 4.1.2, to show the undisturbed seasonal wetland in a color different than that which is being used to show topographic elevations in 20 foot increments. It is difficult to identify the undisturbed wetlands using this line color. Please revise to present this information clearly as required by NDAC 69-05.2-05-02. (GAW)

The undisturbed seasonal wetland color was changed in Section 4.1.2.

Section 4.2.2 – Seed Mixes

56. Follow-up to Item No. 191: As previously requested to meet the requirements of NDAC 69.05.2-22-01, please revise the proposed native grassland seed mixture to include additional species of native grasses and forbs. If the south end is almost exclusively clayey and loamy soils with little sands and the north end is dominated by sandy soils, perhaps separate seed mixtures should be provided for each area. The proposed seed mixture is not of equal or superior utility compared to the utility of the diverse vegetation communities that exists prior to mining as required by NDAC 69-05.2-22-01. Please revise the native grassland seed mixture as previously requested to include all functional species and groups. (GAW)

Section 4.2.2 was revised. Big bluestem, prairie sandreed, and forbs were added to the seed mix. Although sand bluestem had been previously listed as an option for inclusion in the seed mix, Chesak Seed House didn't have it on its 2014 seed list. Wayne Duckwitz with the Bismarck Plant Materials Center said availability is very poor for the species, so it wasn't included. The forbs that will typically be included in the mix are beneficial for fixing nitrogen (purple prairie clover) and for pollinators (purple coneflower and prairie coneflower). These also have good availability and aren't extremely expensive. Although stiff sunflower was recommended by Mr. Welch, it cost several times that of the previously listed species, so wasn't included at this time, but as noted in the permit, the form mix may vary depending on future seed price and availability. The seeding rate was decreased from what had been previously listed, but it is still somewhat more than what is recommended for critical areas. Despite best efforts, the seedbed may not always be ideal, so this provides a little more insurance that a good stand will be achieved, without being so heavy that there is a possibility that competition between the plants will reduce the success. This seeding rate is about half of what is being used at nearby Coteau, so although NRCS recommendations are for somewhat less still than what Coyote is proposing, this will be a starting point for change. It will be evaluated and may be adjusted in the future if necessary.

57. Follow-up to Item No. 192: Please revise the low shrub narrative on page 2 of Section 4.1.1 to clarify how patches of western snowberry and other low shrubs will be directly respread on selected sites of reclaimed native grassland in each tract or quarter section of native grassland where direct respread of native grassland soils is not going to occur. Low shrub species, particularly western snowberry, is an important functional group on native grassland and NDAC 69-05.2-22-01 requires a diverse mix of species of the same seasonal variety and equal or superior utility compared to the vegetation that exists prior to mining. NDAC 69-5.2-09-11 & NDAC 69-05.2-09-13. (GAW)

Page 2 of Section 4.1.1 was revised.

Section 4.2.3 – Trees and Shrubs

58. Follow-up to Item No. 183: The first sentence of the “Trees” narrative states that shelterbelts, woodlands and conservation plantings will be installed within three years of soil respread, unless specifically allowed by the PSC. NDCC 38-14.1-24(14) requires reclamation through seeding/planting within three years of coal removal. It is not clear what is meant by the language “unless allowed by the NDPSC. Please also revise to clarify if a variance from this three year rule is being requested as well as a variance from NDAC 69-05.2-22-04 since tree sites will be initially planted to the seed mixture of the adjacent land use to control weeds and conserve moisture. Please revise the tree narrative in Section 4.2.3 to provide clarity and revise Section 3.1.1.3, Reclamation Procedures and Schedule, to clarify that a variance from the above cited regulations is being requested for all woodland, shelterbelt and conservation tree plantings. NDAC 69-05.2-05-02. (GAW)

This change was made to Section 4.1.1 in response to the previous item #183. Since it seems more appropriate to include it in Section 4.2.3 as requested here, the changes were moved to page 1 of Section 4.2.3 and the requested sentence was deleted.

59. Follow-up to Item No. 184: We understand Coyote Creeks intends to replace all disturbed mixed deciduous woodlands and shelterbelts with a single mixed deciduous woodland community that resembles the pre-mine woodlands but we question the wisdom of including only one tree species, green ash, in the mixed deciduous woodland plantings given that the emerald ash borer is present in neighboring states. Please consider including additional native trees species, such as boxelder and bur oak, in the mixed deciduous tree plantings to ensure that a diverse deciduous woodland community becomes established. Likewise, we believe that the tall shrub planting, which is proposed to include 90% buffaloberry and two low shrub species, would be more diverse to meet the requirements of NDAC 69-05.2-22-02. Species such as silverberry, hawthorn and chokecherry should be added to the mix so that more than one tall shrub species is planted. The data in Section 2.4.13 shows that the mixed deciduous woodlands contained 4 species of trees, 5 species of tall shrubs and 3 low shrub species, the mixed tall shrub communities consisted of 5 tall shrub species and three low shrub species, and the buffaloberry dominated tall shrub communities contained two tall shrub species and 2 low shrub species. The reclaimed woodland planting mixtures should be at least as diverse as what was present prior to mining. NDAC 69-05.2-22-02 and NDCC 38-14.1-24-17. (GAW)

The woodland mixes were revised in Section 4.2.3.

60. Follow-up to Item No. 184: Please revise Section 4.2.3, Trees and Shrubs, to discuss compliance with NDAC 69-05.2-22-02(4) which requires the permittee to consult with the State Game and Fish Department, State Forester and NRCS regarding woodland planting design plans and discuss if the shelterbelt/windbreak planting plan meets the standards and specification developed by NRCS as required by NDAC 69-05.2-22-02(5). (GAW)

Plans were shared with the listed agencies and a request was made for comments. Correspondence has been added in Section 4.2.4. Any additional feedback will be incorporated as it is received. The plans emailed out for agency consideration were based on recommendations made by Tom Claeys with the ND Forest Service. The Forest Service recommended several additional changes in writing, which were either incorporated or addressed in Section 4.2.3. It was also noted in Section 4.2.3 that shelterbelts meet NRCS shelterbelt specifications and standards.

61. Follow-up to Item No. 187: Casey and Julie Voigt requested in their landowner preference statement to "replace trees as in the variety removed". Please revise Section 4.1.1 to clarify what is meant by their request and discuss how Coyote Creek is complying with the request for both shelterbelts and woodlands. Coyote Creek responded by saying Section 4.2.3 (planting mixtures) was revised but this issue is not discussed as requested. NDAC 69-05.2-05-02. (GAW)

Page 4 of Section 4.1.1 was revised and a reference to it was added to Section 4.2.3 Trees & Shrubs.

62. Follow-up to Item No. 188: Although some general language was added to clarify that the pre-mine capabilities of all of the mined land is going to be restored given the amount of SPGM available for respread and because, on average, slopes will be flatter. However, it does not appear that the pre-mine land use capabilities are going to be restored on reclaimed native grasslands located in the SE1/4 of Section 1, W1/2 of Section 6 and in Section 36. NRCS identifies areas of important farmland soils on each of these tracts and these areas appear to be steeper postmine than prior to mining. Please provide a discussion about how many acres in each of these tracts could be cultivated prior to mining and the suitability of these lands for annual cultivation after mining as required by NDCC 38-14.1-14(2)(b). The Reclamation Division encourages that these areas be delineated as "potential cropland" on the Postmine Land Use Map and that they be reclaimed as such to ensure compliance with this statutory requirement. (GAW)

Narrative and a summary table was added to page 3 of Section 4.1.1 that compares the tillable acres and the average slopes of the three areas of concern. All of them have more acres tillable post mine and there was a decrease in their average slope.

63. Please revise Section 4.2.3, Trees and Shrubs, to discuss reclaiming woodland communities located adjacent Coyote Creek that are going to be affected by haul roads. NDAC 69-05.2-09-11(6). (GAW)

Page 2 of Section 4.2.3 was revised.

Section 4.4 – Post-Mining Wetlands

64. Follow-up to Items No. 197 and 199: Please revise Section 4.4.1, Narrative, to discuss replacing wetlands that will be affected by associated disturbance activities. Undisturbed pre-mine seasonal wetlands in drainages above sediment ponds are identified on the Post-Mining Topography and Land Use Map as undisturbed wetlands but this delineation does not appear accurate. Please review and revise Sections 4.4.1 and 4.4.2.1, Undisturbed and Disturbed Wetland Acreage Summary Table, as necessary to provide accuracy and clarity. NDAC 69-05.2 -05-02. (GAW)

The associated disturbance boundary was added to map in Section 4.1.2 and the reclamation of associated disturbance wetlands was discussed on page 1 of Section 4.4.1.

65. Follow-up to Item No. 198: Coyote Creek is proposing to alter the topography of lands that are not going to be disturbed by mining activities, according to the Pit Layout and Facilities Map, to construct created wetland CW-06-02. Please either change the location of this wetland to land that will actually be mined or revise the shape of this wetland so that it fits topography in the area that is to be affected by associated disturbance. Topographic changes should not be made on areas only affected by associated disturbance. Furthermore, the wetland is located on lands such that it appears that it will receive runoff from two watersheds and it is not clear how runoff will flow through this basin. Please review and revise as necessary to minimize disturbance to lands where coal is not removed. NDAC 69-05.2-13-05. (GAW)

No changes were made. Wetland CW-06-02 is located within the mining disturbance boundary. It will be in an area affected by the dragline.

66. Follow-up to Item No. 200: Please revise the last paragraph on page 1 of Section 4.4.1, Narrative, to clarify if the mesic pockets that will be created using small earthen embankments and/or rock check dams placed across drainage bottoms will be temporary or seasonal wetlands. The last sentence in this paragraph indicates that these will be seasonal wetlands. If that is the case, please identify these wetland features on the Post-Mining Topography and Land Use Map, Section 4.1.2. NDAC 69-05.2-05-02. (GAW)

Page 1 of Section 4.4.1 was revised.

67. Please revise Section 4.4.1, Narrative, to discuss reclamation of Coyote Creek and any associated riparian wetlands that will be disturbed by haul road crossings or other mining related activities. This discussion should include reclaiming the stream bed associated with Coyote Creek road crossings for compliance with NDAC 69-05.2-16-07(4). (GAW)

Section 4.4.1 was revised to address reclamation of the Coyote Creek crossings and any associated riparian areas. It also addresses compliance with the cited regulation.

68. Section 4.4.2.1, Undisturbed and Disturbed Wetland Acreage Summary Table, shows that all wetland acreage on land owned by Casey and Julie Voigt is going to be replaced in Section 1, including the wetland acreage in Section 25 which is where most of the pre-mine wetland acreage is located. Please revise so that at least a portion of the Section 25 pre-mine wetland acreage is replaced in this section. The consolidation of pre-mine wetlands to the extent proposed is the opposite of what is required by NDAC 69-05.2-09-17(d). (GAW)

One of the two wetlands in Section 1 was moved into native grasslands in Section 25. Sections 4.1.2, 4.4.2.1, and 4.4.2.2 in the permit were updated to reflect this change.

Section 4.5 – Post-Mining Stockponds

69. In Section 4.5.2.1, pre-mine stockpond DWR-NE36-1-143-89 is listed as the pre-mine stockpond being replaced by post-mine stockpond SP-36-01 planned for the NE1/4NW1/4 of Section 36. However, a replacement for pre-mine stockpond DWR-NW36-1-143-89 is not identified. Please review and revise as appropriate. (RLK)

Post Mining Stockpond SP-36-01 is a replacement for DWR-NW36-1-143-89 but was improperly stated in Section 4.5.2.1 as DWR-NE36-1-143-89. Section 4.5.2.1 was changed accordingly.

We have noted that responses were deferred for deficiency items 88, 94, 135, 137, 155, 157, and 164 identified in our June 17, 2014 letter. The response to these items and sections that may be affected by the changes will be reviewed when submitted.

88. Sections 2.5.7 and 2.5.4.2 were added and Section 2.5.4 was revised.
94. Section 2.5.6 was revised. The mining disturbance limit that corresponds to the extended mine plan was used, instead of the mining disturbance limit shown in Section 3.1.3. This was done so that soil salvage plans would be based on the maximum extent of disturbance and so therefore most conservatively represent the inventory needed for respread. Many of the areas at the south

- end of the permit, which are not included in the limit as shown in Section 3.1.3, have shallow soils. If they weren't included, there is a possibility that the projected shortage in the soil inventory wouldn't adequately represent the needs for this area, which is in the long term plans, as shown in Section 3.1.4.
137. Section 3.1.3 was revised. The mining disturbance limit was determined by drawing cross sections using slopes and cover depth to determine spoil placement.
155. The mining disturbance limit was revised as described in the preceding item. There is no mining disturbance of prime farmland.
157. Section 3.1.3 was revised to more accurately represent areas that will be affected by mining disturbance. For more information, refer to item #40 in response to your August 25, 2014 letter.
164. This is a final highwall and endwall area, so topography in these areas will be altered as shown.

Also, the area slope maps, Section 3.1.6 and Section 3.1.8, were updated with the revised disturbance boundary as well as any minor post mining topography changes. The associated tables in Section 3.1.6 were updated as well to correspond with changes. These had been deferred until the post-mining topography was near an acceptable state.

The following changes were made in response to your August 7, 2014 letter:

In response to the request to model drainageways, Sections 2.2.4, 2.2.4.1 and 2.2.4.2 were updated. Sections 2.2.4.1 and 2.2.4.2 now include drainage centerlines corresponding with Section 2.2.4.6 as well as any minor changes made to the post mining topography. Additionally Section 2.2.4.4, Section 2.2.4.5 and Section 2.2.4.6 were added.

Regarding spoil stability, the springs will be avoided. Section 3.1.3 was revised to show where the box cut spoil will be placed in Section 24 to avoid the springs. Section 3.1.1.2 was revised to discuss spoil stability in areas where slopes exceed twenty percent.

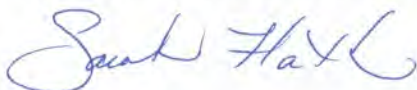
The following changes were made in response to BLM's comments in their September 11, 2014 letter:

Section 3.1.1 was revised to clarify that mine plans will not hinder the future mining of Federal coal.

It appears that when the federal government granted the surface in Tract 19 to the State of North Dakota it reserved 100% of the coal interests. Therefore, Tract 19 was revised in Section 1.5.1 and 1.5.3 to reflect this.

Sincerely,

COYOTE CREEK MINING COMPANY, L.L.C.



Sarah Flath
Senior Environmental Specialist

SJF
Enc.