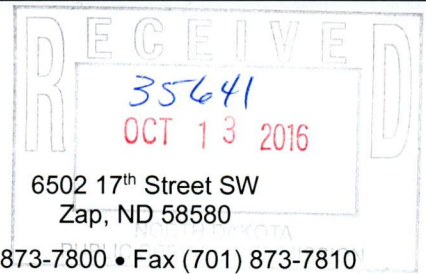


COYOTE CREEK MINING COMPANY, L.L.C.

A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION



October 12, 2016

Mr. James R. Deutsch
Director Reclamation Division
Public Service Commission
600 East Boulevard Avenue
Department 408
Bismarck, ND 58505-0408

Re: Notice of Violation Number 1601

Dear Mr. Deutsch:

Pursuant to North Dakota Century Code Section 38-14.1-19, Coyote Creek Mining Company, L.L.C. (Coyote Creek) hereby withdraws the request for an informal conference with respect to Notice of Violation (NOV) Number 1601. The NOV was issued for contribution of suspended solids to runoff and deposition of sediment outside the permit area for a four-mile stretch of haul road north of the County Road 12 grade separation. This occurred as a result of Coyote Creek Mine receiving four significant rain events in less than two weeks and despite the presence of numerous Best Management Practices (BMPs). Prior to these events the haul road in-slopes, ditches, and back-slopes had been seeded and vegetation was starting to establish. Coyote Creek Mine had incorporated a significant number of measures to control erosion and collect sediment on the haul road. BMPs included 9305 linear feet of silt fence, 6444 feet of pipe drains, 27,900 square feet of erosion control blanket, 14 rock check dams, 48 sumps, 1500 tons of rock rip-rap, 1200 square feet of concrete matting, 14 rock inlets, 14 plunge pools, and any zero lift topsoil available was spread on critical slopes. While Coyote Creek believes that the four significant precipitation events exceeded the design standards, it has chosen to withdraw its request for an informal conference.

Sincerely,

COYOTE CREEK MINING COMPANY, L.L.C.

Donn Steffen
Engineering and Environmental Manager

cc: Brian R. Bjella

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