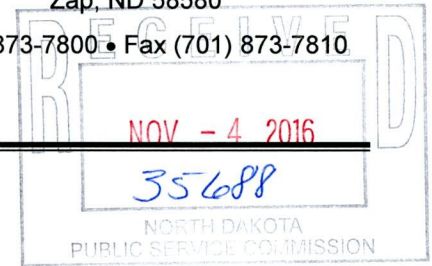


COYOTE CREEK MINING COMPANY, L.L.C.

A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION

6502 17th St SW
Zap, ND 58580

(701) 873-7800 • Fax (701) 873-7810



November 1, 2016

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

RE: Notice of Violation Number 1601 – Response to NDPSC Letter Dated August 11, 2016

Dear Mr. Deutsch:

Enclosed is Coyote Creek Mining Company, L.L.C.'s (Coyote Creek) response to your letter dated August 11, 2016 requesting additional information on our remedial action steps in Notice of Violation (NOV) Number 1601.

The NOV addresses three steps and time of abatement and our remedial action for each is as follows:

1. "Please provide additional detail on how CCMC plans to monitor erosion protection on the haul road slopes and take action to add or replace ground cover materials such as mulch, blanket or cover crops until such time perennial vegetation is effective to prevent additional contributions of sediment to runoff."

All in-slopes, ditch bottoms, and back-slopes on the haul road have been reseeded with an approved perennial seed mixture and cover crop and all areas were mulched and crimped. Many areas also received a veneer of topsoil on slopes where the existing soils were not sufficient to support vegetation establishment. Coyote Creek will continue to monitor cover crop growth, perennial vegetation growth and straw cover to maintain 73% total basal cover (live plus litter) which is generally considered adequate to control erosion. Areas susceptible to concentrated runoff received additional erosion protection including application of erosion control fabric, straw or wood waddles, concrete mats, and rock rip-rap. Coyote Creek will monitor these erosion protection measures and repair or replace as necessary.

2. "Please provide plan and profile drawings with dimensions for the erosion protection for the culvert and pipe inlets and outlets associated with discharge points 9 and 12."

Plan and profile drawings are enclosed for the requested discharge points.

3. "Please include a reference for the technical guidance or criteria used to design the erosion controls at the culvert outlets in particular the plunge pools for the culvert outlets as shown on the design drawings for the Haulroad North of County Road 12, found in Section 3.2.8 of Permit NACC-1302."

The United States Department of Agriculture Soil Conservation Service Design Note No. 6 (Second Edition) Eng-Riprap Lined Plunge Pool for Cantilever Outlets was utilized as a guide for outlet protection and energy dissipation. The plunge pool configuration is generally used when the outlet is cantilever or elevated. This configuration provides for some additional energy dissipation over normal rock rip-rap placement without the plunge pool like that utilized by the North Dakota Department of Transportation. All culvert outlets along the haulroad have rock riprap or concrete matting outlet protection to dissipate energy but not all were configured with plunge pools.

4. "Please evaluate the use of temporary sumps at the outlet locations to trap and store more sediment and to provide less intensive maintenance than the side hill drainage silt fence methods until vegetation becomes established on the slopes. The sediment traps could be modified, downsized and armored to provide outlet erosion control for the long term operation of the completed haul road. Similar evaluations should be made for sumps or sediment traps up gradient of the slope drain inlets. We understand that there are traffic safety and road bed integrity considerations involved with sumps incised into the ditch area along the haul road that may also require temporary measures such as traffic barriers or signage as well as equipment to pump and haul water from the sumps following runoff events. Again, functional sediment and erosion controls must be provided and maintained to prevent offsite sediment deposition until vegetation is well enough established to provide adequate erosion control."

Side hill drainage silt fences and sumps were removed in most locations so that ditch bottoms on steep slopes could be protected with erosion control fabric. By removing these features from the side slopes, fabric now provides a completely uninterrupted, protected flow path for runoff. Sumps at the outfalls were evaluated and were enlarged when possible, deepened and armored with rock riprap.

Sumps above many of the pipe drains inlets were enlarged, deepened, and berms over the pipe inlets were raised and widened as necessary to improve sump and pipe drain function. Erosion control fabric was installed over the berms and flexible concrete mats (flexamat) will be added at sump inlets to reduce potential for future erosion at these features.

Given the steep side slopes and narrow bottoms of many of the drains at the outlet locations many sites aren't suited to a plan focused on sediment capture through the use of sumps at these locations. Instead Coyote Creek's plan focused less on collection and aggressively focused on site protection and erosion prevention using thousands of square feet of additional erosion control fabric, straw and wood waddles, heavy straw mulch, additional rock rip-rap, articulated concrete mats (creflex) and flexamat. Coyote Creek also respread topsoil on slopes where the existing soils were not sufficient to support vegetation establishment, fertilized, and watered using water trucks to promote vegetation establishment.

5. "Please describe CCMC's efforts and plans regarding the evaluation, management and/or mitigation for areas of sediment deposition outside the permit area in coordination with the property owners and applicable regulatory agencies. This item was listed in the attachment to NOV-1601 identified as part of the long term plan described in the remedial action section; however, CCMC did not provide a response to this item."

Coyote Creek worked with each of the downstream property owners including Ron Gunsch, North Dakota Department of Trust Lands, and Otter Tail Power to mitigate the sediment deposition on their property.

Our mitigation with the North Dakota Department of Trust Lands included removing sediment accumulation approximately 50-100 feet downstream from the edge of disturbance. The property owner didn't feel it was necessary to clean up or disturb areas beyond this distance. They also requested future monitoring to determine the effectiveness of BMPs, which will be done anyway to maintain compliance with Coyote's SWPP plan.

Our mitigation with Ron Gunsch included cleaning some areas immediately downstream, which was done very shortly after sediment deposition. Drainages were reviewed with the property owner after this work was completed and he didn't feel additional clean up or disturbance was necessary.

Our mitigation with Otter Tail Power included removing sediment accumulation that would affect the current vegetation, but the property owner didn't feel it was necessary to clean up or disturb any other areas where the vegetation was not affected.

6. "Any additional information and documentation pertaining to the modification of the plans required under CCMC's authorization under NDPDES General Permit NDR32-0000 may be provided in the response to this letter as appropriate."

Coyote Creek modified its Surface Water Pollution Protection Plan (SWPPP) required by NDPDES General Permit NDR32-0000 to incorporate additional BMP methods to control erosion and collect sediment. The most significant change to the Best Management Plan (BMP) included the use of fiber rolls (straw or wood waddles), flexible concrete mats (flexamat), and placement of topsoil on slopes where the existing soils were not sufficient to support vegetation establishment. Coyote Creek followed its SWPPP plan in the use of various methods to control erosion and collect sediment. Following the significant precipitation events that led to the erosion and sediment accumulation along the haulroad in July, Coyote Creek did maintenance on existing BMP installations, identified the BMPs that were not operating effectively, and installed alternative and/or additional BMPs in those locations, and significantly increased the frequency and quantity of other methods addressed in the SWPP.

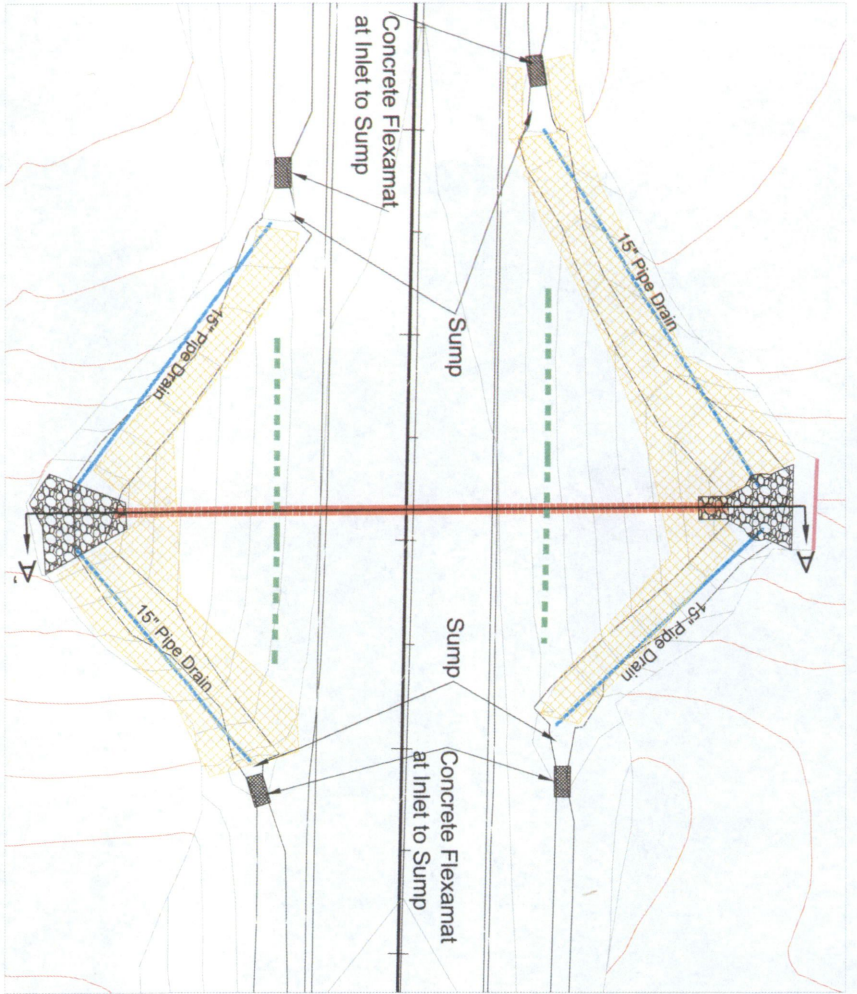
Sincerely,

COYOTE CREEK MINING COMPANY, L.L.C.

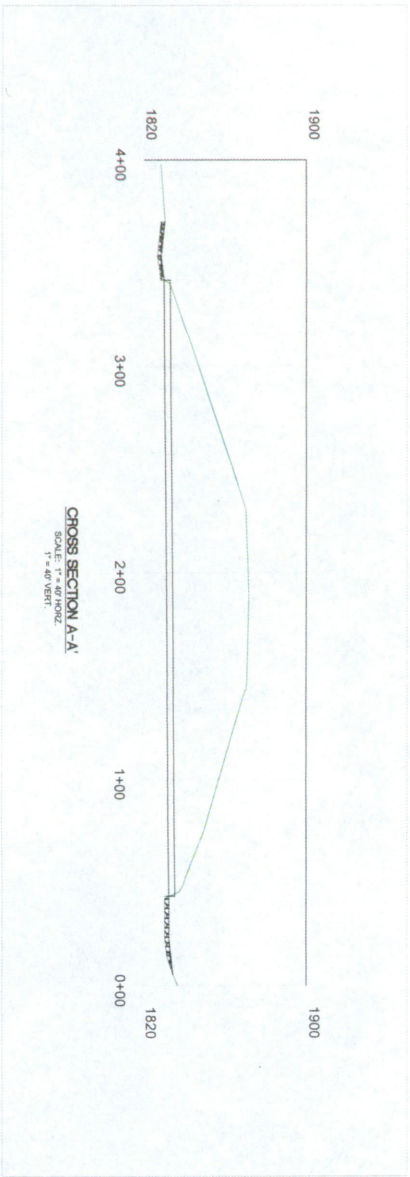


Donn R. Steffen
Engineering and Environmental Manager

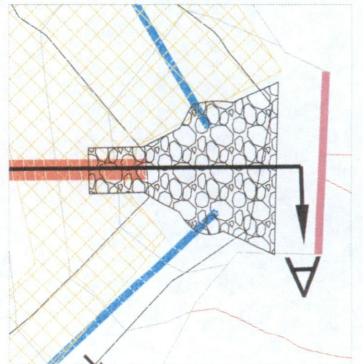
Enclosure



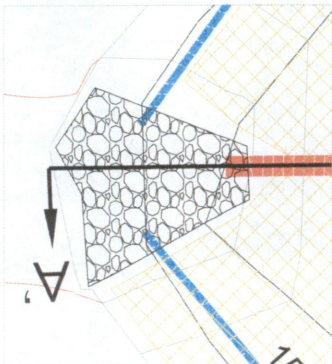
PLAN VIEW
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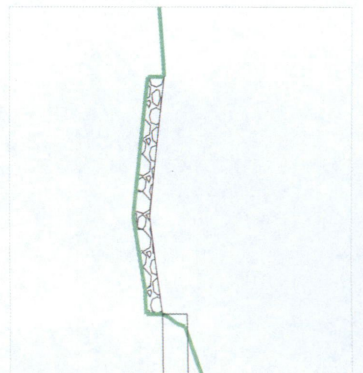
CROSS SECTION A-A'
SCALE 1" = 40' HORIZ.
SCALE 1" = 40' VERT.



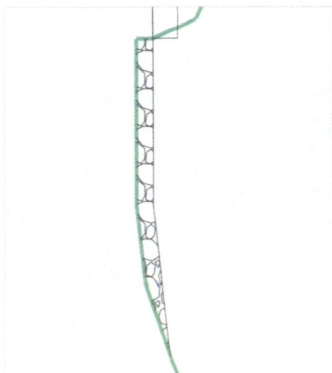
CULVERT OUTLET
SCALE 1" = 20'



CULVERT INLET
SCALE 1" = 20'



CROSS SECTION A-A'
CULVERT OUTLET
SCALE 1" = 10'



CROSS SECTION A-A'
CULVERT INLET
SCALE 1" = 10'

LEGEND

	STORM WATERS PIPES ROLLS		G.M.
	PIPE DRAIN		
	CULVERT		
	EMBANKMENT		
	EMERGENCY CONTROL BANKET		
	SETTLEMENT		

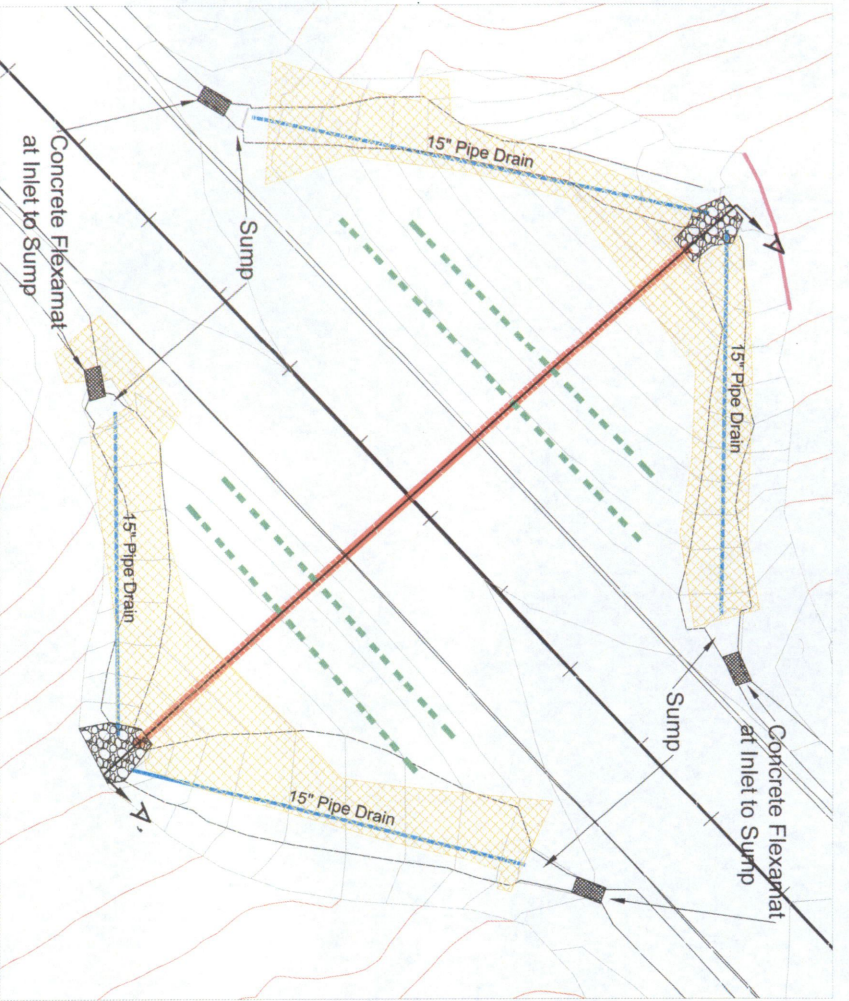
NorthAmerican
GOAL
CONCRETE PIPES & MANHOLES
CORPORATION
1701 W. 10th Street
Wichita, KS 67203
(781) 721-9800

Discharge Point 9

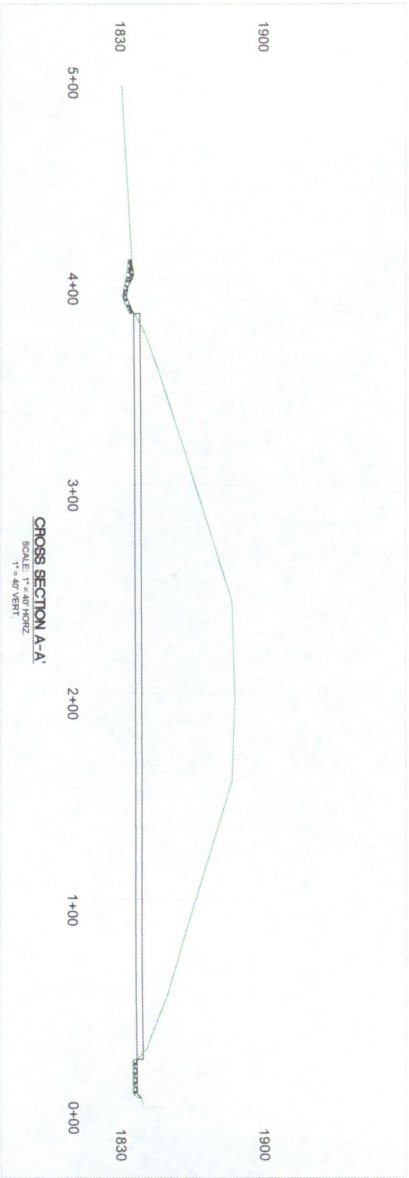
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BY: JMD/ML DATE: _____ SCALE: _____ SHEET SIZE - 18x24"
DRAWING UPDATES: _____ PROJECT: _____ REVISION: _____

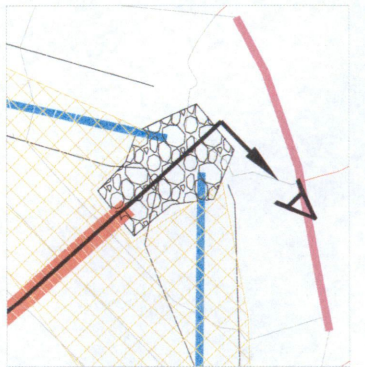
11/19 - 8/2015
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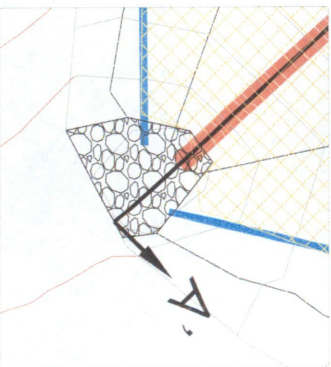
PLAN VIEW
SCALE 1" = 40'



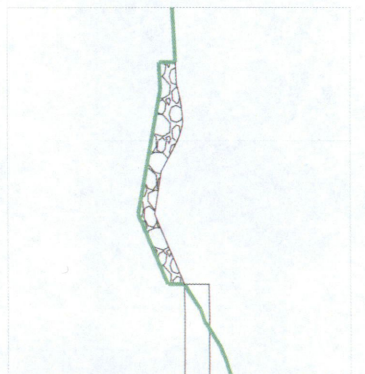
GROSS SECTION A-A'
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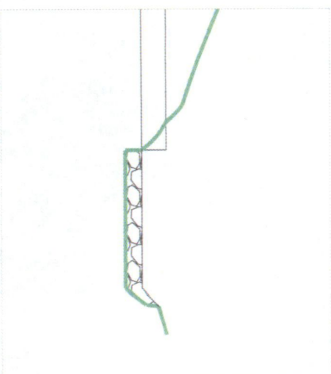
CULVERT OUTLET
SCALE 1" = 20'



CULVERT INLET
SCALE 1" = 20'



CROSS SECTION A-A'
CULVERT OUTLET
SCALE 1" = 10'



CROSS SECTION A-A'
CULVERT INLET
SCALE 1" = 10'

LEGEND

	STRAWN WATER/ FIBER/ KOLA
	PIPE DRAIN
	CULVERT
	CONCRETE FLEXAMAT
	EROSION CONTROL BANKS
	SET FENCE

NOV 14 2016
35688

North American
GAAL
Geotechnical
Engineering
2401 W. 10th St.
Tulsa, OK 74106
(918) 437-9999

Concrete Drain, Vitrified Clay Pipe
Erosion Control, Stone
Zea, No. 58800
(781) 873-7888

Decker Point 12

NO.	BY	DATE	REVISION
10			
9			
8			
7			
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5			
4			
3			
2			
1			

SCALE: 1" = 40'
SHEET SIZE: 24" x 36"
PROJECT: DECKER POINT 12