

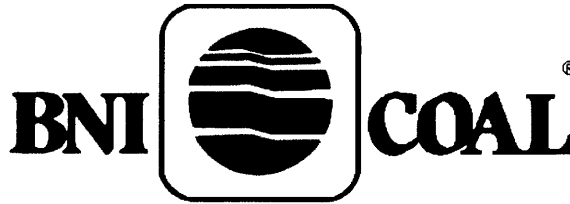
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PUBLIC SERVICE COMMISSION
FAX (701) 794-3125

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FROM DIRECTOR - RECLAMATION DIV.

Date: _____

Action: _____

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October 7, 2008

Mr. James R. Deutsch
Director
Reclamation Division
North Dakota Public Service Commission
600 E. Boulevard Ave. Dept 408
Bismarck, North Dakota 58505-0480

Dear Mr. Deutsch:

In regards to the Larson culvert repair that is associated with BNLS-8109 Final Bond Release #10, BNI Coal plans to begin repairs on October 15th if weather conditions allow.

The existing culvert, which is located in the NE4SW4 of Section 17-162-94, Steve Dhuyvetter ownership, is a 48" corrugated metal culvert that is approximately 200+ feet long. As we previously discussed, BNI is replacing this culvert with a 42" Dual wall HDPE poly pipe.

During the culvert replacement and following, BNI will maintain the appropriate BMP's to minimize erosion and maximize ground stability. BMPs will include straw bale dikes if needed, rip rap along both ends of the culvert, and seeding with a hayland mixture this fall. If water flows are occurring at the time of repair the contractor will impound water at the base of the culvert and pump the water to the other side.

If you have any questions, please contact me.

Sincerely,

Jay M. Volk, Ph.D
Reclamation Specialist
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