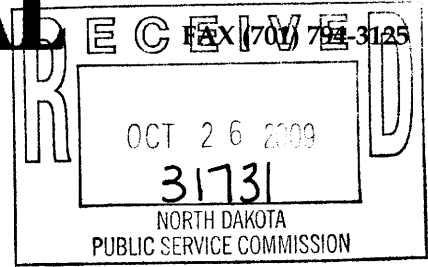


PHONE (701) 794-8734



October 6, 2009

Mr. Jim Deutsch, Director  
Reclamation Division  
Department 408  
600 East Boulevard Ave  
Bismarck, ND 58505-0480

FROM DIRECTOR - RECLAMATION DIV.

Date: \_\_\_\_\_

Action: \_\_\_\_\_

Info. Only: \_\_\_\_\_

Info & File: \_\_\_\_\_

Re: Bond Release No. 11 for Permit BNLS-8109

Dear Mr. Deutsch:

This submittal contains a response to your letter to us dated September 11, 2009. In this letter you listed technical deficiencies that must be addressed before the bond release can be approved. Enclosed, please find three copies of instructions and the updated items to address the deficiencies.

**Attachment IV - Notification...Addresses**

1. Please verify the accuracy of the surface ownership for Tract 16-JTH. In a telephone conversation with Bonnie Jorgenson she seemed to believe one of the surface owners should be a McEvers. (SAS)

*Allan McEvers was added to attachment IV (addresses for notification letters) and a letter was mailed on 10-6-09 (included)..*

**Attachment VI - Tract...Success**

2. On page 3 of Attachment VI, please update the narrative for the Section 9 control area to discuss the soil types identified by the more recent soil mapping of the area. This discussion needs to be consistent with the soil types listed in Tables 2 and 3 that show the expected wheat yield for this control area. (JRD)

*Revised the first paragraph on page 3 to include discussion pertaining to the reclassification of soils by Prairie Soil Consultants.*

3. Follow-up to original deficiency #19: Please verify that the sampling date of November 10, 2005 is correct as stated on page 3 and as shown in Table 2 on page. This seems to be quite late in the year for taking samples for yield measurements. (SAS)

*This date was verified and is correct. No changes were made.*

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FAX (701) 794-3125

4. Please show the formula, or add a reference to the formula in the PSC's revegetation success standards, that was used to calculate the 't' value in Table 3 on page 8 and Table 6 on page 15. (JRD)

*A reference to the revegetation success standard was added to table 3 and table 6 to illustrate the formula used to calculate the t value.*

5. The history discussion on page 9 for Tract 16-JTH should indicate that most of the area south of the former haul road location was used for the placement of boxcut spoil. (We have an aerial photo on file that clearly indicates this use.) (JRD)

*The first paragraph in the History of Tract on page 9 was updated as requested.*

If you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink that reads "Jay M. Volk".

Jay M. Volk, Ph.D  
Environmental Supervisor