



# Public Service Commission State of North Dakota

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June 11, 2009

Dr. Jay Volk  
Environmental Services Supervisor  
BNI Coal, Ltd.  
2360 35th Ave. SW  
Center, ND 58530-9499

Dear Dr. Volk:

The Reclamation Division has conducted a completeness review of the application for Revision No. 27 to Permit BNCR-9702. The following items must be corrected prior to publication of the newspaper advertisement and deeming the application complete:

### Newspaper advertisement

1. Only the surface and coal owners of the additional mining area proposed by this revision need to be listed in the advertisement. We suggest listing just the surface and coal owners for the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 32. (SAS)
2. Please cross-hatch the area on the publication map to show where additional mining is being proposed by this revision and label it as the proposed mining area. (SAS & MDB)

### IV. – Operation Plan

3. Since the limits of mining will change with this revision, please include an updated Post-Mine Topography Map to reflect the additional area that will be mined. (MDB)
4. With the additional mining and revised post-mining topography, please update the PHC to reflect these changes if necessary. (MDB)

If you have any questions, please contact this office.

Sincerely,

James R. Deutsch  
Director  
Reclamation Division