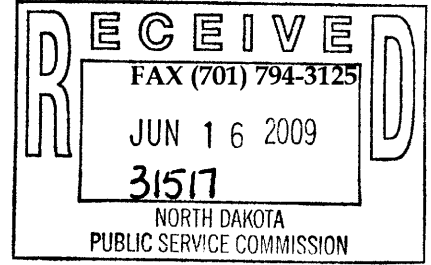


PHONE (701) 794-8734



June 15, 2009

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

FROM DIRECTOR - RECLAMATION DIV.

Date: _____

Action: _____

Info. Only: _____

Info & File: _____

RE: Revision 27 to BNCR-9702

Dear Mr. Deutsch,

This submittal contains a response to your letter to us dated June 1, 2009. In this letter you listed technical deficiencies that must be addressed before the revision can be deemed complete. The following is a listing of the deficiencies followed by our response:

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 NW¼SW¼ of Section 32. (SAS)

The newspaper advertisement has been updated as suggested.

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)

The publication map has been revised as requested.

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)

A revised Post-Mine Topography and Post-Mine Slope Analysis have been included in this submittal. In addition to addressing the changes to the limits of mining, these exhibits have been modified to incorporate minor revisions to the Post-Mine Topography in Sections 5, 32, and 28.

3 RC-09-204 Filed 06/16/2009 Pages: 2
Response to Completeness Deficiency Letter Filed
BNI Coal, Ltd.
Karene Hall

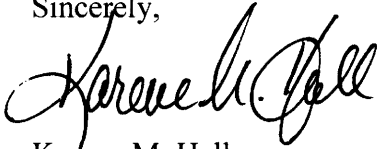
BNI COAL, LTD.
2360 35th Ave SW, Center, ND 58530

4. With the additional mining and revised post-mining topography, please update the PHC to reflect these changes if necessary. (MDB)

The changes that have been made to the Post-Mine Topography do not revise the approved Post-Mine watershed boundaries. Therefore, no revisions to the Probable Hydrologic Consequences are necessary.

If you have any questions regarding this submittal, please contact me at the Center office.

Sincerely,

A handwritten signature in black ink, appearing to read "Karene M. Hall". The signature is written in a cursive style with a large, stylized initial "K".

Karene M. Hall
Permit Coordinator