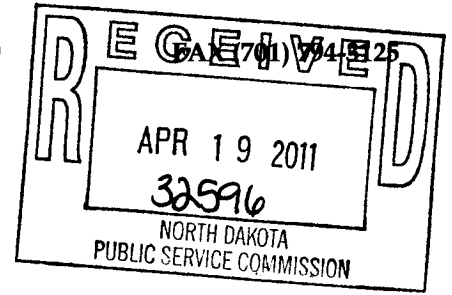


PHONE (701) 794-8734



April 18, 2011

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 30 to BNCR-9702

Dear Mr. Deutsch,

This submittal contains a response to your letter to us dated April 14, 2011. In this letter you listed technical deficiencies that must be addressed before the revision can be approved.

The following is a listing of the deficiencies followed by our response:

Section 1.9 - Surface and Coal Ownership

1. Please include the land owner notification letters in the permit. The Volume I Home Page Legal and Financial section has a link to Landowner Notification Letters below Section 1.15 but it links to the Legal and Financial section rather than the landowner notification letters. Similarly, a sentence on page 1-15 of Section 1.9 states that landowner notification letters are at the end of the Legal and Financial section but they are not present. A hyperlink to the landowner notification map, however, is present on page 1-15. Please add the landowner notification letters to the permit by either creating a new subsection in Legal and Financial, or creating a new appendix. Regardless of where the letters are added to the permit, please also include a hyperlink to the Landowner Notification Map in the appropriate section and update page 1-15 as appropriate. **Please note that during our review of this deficiency we noticed that the pagination of the Legal and Financial section requires updating because page numbers 1-14 and 1-15 are repeated.** We also noticed that the Landowner Notification Map is not listed in the Table of Contents. Please add the Landowner Notification Map to the Table of Contents and also update the Table of Contents to reflect any changes or additions to the permit. (GAW & WTG)

The link to the Landowner Notification Letters has been corrected. The letters have been labeled in the Table of Contents as Section 1.16. The Legal and Financial Section is prepared in three separate files. When using track changes and adding and deleting large paragraphs, the pages shift to accommodate the old and new text. When this section is viewed in final mode, the pagination is correct. Once Revision 30 is approved all the track changes will be accepted and paginations will be checked again to ensure they are correct.

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

The Landowner Notification Map was added to the Table of Contents. The link to the Landowner Notification Map is located under the listing of Plates for Volume I.

Section 1.10 - Areas Unsuitable for Mining

2. The last sentence of Section 1.10 - Areas Unsuitable for Mining, states that the Revision 30 addition area contains no areas designated as unsuitable or prohibited from mining. The Revision 30 public notice, however, specifically states and identifies that mining will be conducted on or within 100 feet of several section line roads. Please edit the last sentence of Section 1.10 to mention the areas where mining is prohibited and describe the process that BNI will follow prior to affecting areas where mining is otherwise prohibited. (GAW)

The last sentence of Section 1.10 was revised as discussed.

Section 3.6 - Pre-Mine Vegetation

3. Follow-up to Item No. 3: Plate 3.6-1 - Ecological Site Type Map, identifies the Cabba-Zahl soil mapping unit as a Shallow Loamy/Thin Claypan ecological site. However, the NRCS Oliver County Soils Interpretive Table indicates that the Zahl mapping unit is classified as a Thin Loamy ecological site rather than a Thin Claypan ecological site. Table 3.5-3a - Native Grassland Map Unit Acres by Ecological Site Type for Revision 30 Permit Addition, also shows this Shallow Loamy/Thin Claypan complex. Please review and update as necessary. (GAW)

Plate 3.6-1 – Ecological Site Type Map was revised showing the Cabba-Zahl soil mapping unit (81D) as a Shallow Loamy/Thin Loamy (SwLy/TLy) instead of a SwLy/TCp. Additionally, table 3.5-3a was revised to indicate the 2.90 acres of SwLy/TCp that was revised to 2.90 acres of SwLy/TLy in section 21.

Section 3.10 - Fish and Wildlife Resources

4. Follow-up to Item No. 6: Plate 4.13-2 was moved from Volume XI to Volume VII but this plate is still listed in the Volume XI Home Page Table of Contents. Please correct this discrepancy. (GAW & MSK)

Updated as requested.

Section 4.13 - Fish and Wildlife Resource Protection and Enhancement Plan & Fish and Wildlife Monitoring Plan

5. Follow-up to Item No. 12: The last sentence in the first paragraph of Section 4.13 states that a current list of T & E species for North Dakota is found at the end of this section and is dated February 11, 2003. This list was updated with Revision 30 and is current as of October 2010. Please correct this discrepancy. (GAW)

The last sentence of the first paragraph was revised as follows: A current list of T&E species and candidate species for North Dakota is found at the end of this section; this list was updated from the USFWS website (site updated October 2010).

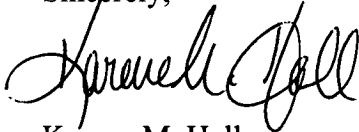
Section 4.14 - Reclamation Cost Estimate for Bonding Purposes

6. Although the labeling for Ponds 32-1 and 32-2 in Section 32 of Permit BNCR-8106 was corrected on Plate 4.1-1 - Pit Layout and Facilities Map, (Item No. 18 of the December 8, 2010 letter) the labeling must also be corrected on all other plates on which they are depicted, specifically Plate 4.14-1 - Worst Case Bond Calculation. (MSK)

Plate 4.14-1 Worst Case Bond Map was updated as requested along with Plate 3.4-1 General Drainage Map and Plate 4.2-1 General Mine Map.

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

Sincerely,



Karene M. Hall
Permit Coordinator