



Public Service Commission

State of North Dakota

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April 1, 2010

Mr. David J. Nilson
Reclamation and Permit Compliance Administrator
Basin Cooperative Services
Leland Olds Station
3901 Hwy 200A
Stanton, ND 58571

Dear Mr. Nilson:

The Reclamation Division has completed an initial review of Revision 36 to Permit BCGH-8204. We have determined that this revision application is significant because of the proposed land use change. The following issues must be addressed prior to this office deeming the application complete.

General

1. Since this is a significant revision, the notice requirements of NDCC 38-14.1-18 and NDAC 69-05.2-10-01 apply. Please submit a copy of the public advertisement. Once the revision application has been deemed complete, you may begin publication of the public notice. (GAW/WTG)
2. Please update the permit Table of Contents to account for the changes occurring with this revision. (GAW)

Section 3.5 – Pre and Post-Mining Land Use

3. Section 3.5.5 which provides historical narrative for pre-and post-mining land use of Area IV indicates in the second paragraph of page 3.5-7 that the Special Use Disposal Permit application is Permit SU-143. Please correct this apparent typographical error to affirm the Special Use Permit Number as being SP-143. (BEB)

4. Please update the tables and narratives in Section 3.5, to clarify how many acres of reclaimed woodlands and water features (ponds & wetlands) are included within the proposed industrial land. It appears that Woodlands 33-3-87, 31-4-88, 31-2-88, 31-10-86, 31-9-86, 31-8-86, 31-5-87 (N & S), 31-15-91 and 31-16R-91 are being converted to industrial land, which only leaves Woodlands 31-14-86 and 31-6-87 outside of the proposed industrial land use boundary in Section 31. Please discuss if this is enough woodland acreage to replace that which has been destroyed by mining, as previously agreed in the reclamation plan. The narrative associated with asterisk no. 3 on page 3.5-7 indicates that the woodland plantings in the first ash disposal site are not considered replacement acreage. In addition, please update the permanent pond narrative on page 3.5-1(a) to address Ponds 1 (31-B5), 2 (31-A3) and 31-3H and Wetlands A and B. (GAW)
5. Please update Plate 3.5-15, Mine Area III and IV Post-Mining Land Use Map, to account for the proposed land use changes planned with this revision. (GAW/WTG/SAS)
6. In Section 3.5-8, the second paragraph states “On December 20, 2010 another amendment to permit SP-143 was submitted to expand the waste permit boundary...” It appears this date should be December 20, 2009. Please correct as necessary. (MDB)

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch
Director
Reclamation Division