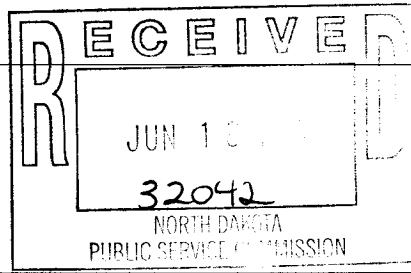


**BASIN COOPERATIVE SERVICES**  
A BASIN ELECTRIC SUBSIDIARY

1717 EAST INTERSTATE AVENUE  
BISMARCK, NORTH DAKOTA 58503 0564  
PHONE: 701/223-0441  
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June 16, 2010

FROM DIRECTOR - RECLAMATION DIV.

Mr. James R. Deutsch  
Reclamation Director  
Public Service Commission  
600 East Boulevard  
Bismarck, ND 58505-0480

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

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

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

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

Re: Revision 36 to Permit BCGH-8204

Dear Mr. Deutsch:

Changes to Revision 36 were made as a result of the PSC comments dated April 1, 2010. Included with this correspondence are 3 copies of pages and Plates that were changed or added to respond to deficiencies. These are as follows:

1. A proposed Public Notice
2. Updated pages to the Table of Contents.
3. Revised page 3.5-7
4. Updated Section 3.5 – Updated tables and text concerning the Industrial Land Use Change
5. Updated Plate 3.5-15 – New Post Mining Land Use (Includes the LOS Ash Expansion Area.
6. Revised page 3.5-8

If you have any questions, please contact me at 745-7242 or via email at [dnilson@bepc.com](mailto:dnilson@bepc.com).

Sincerely,

David J. Nilson  
Reclamation Administrator

Attachments:

cc: Permit BCGH-8204  
Mike Murray

**BCGH-8204**  
**Revision 36**

**Response to PSC Comments**  
**April 1, 2010**

**Item**

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)

Response: A copy of the Public Notice and Map are included with this correspondence.

2. Please update the permit Table of Contents to account for the changes occurring with this revision. (GAW)

Response: Table of Contents pages that were revised include 12, 14, 21, 30.

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 is Permit SU-143. Please correct this apparent typographical error to affirm the Special Use Permit Number as being SP-143. (BEB)

Response: This change was made.

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, 31-8-86, 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)

Response: The table in Section 3.5 was revised. Footnote 10 was added to describe the acreage of reclaimed woodlands that are included within the proposed Ash Expansion boundary. Also, the paragraph near the bottom of page 3.5-1(a) containing the narrative on permanent ponds was revised.

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)

Response: Three copies of a revised Plate 3.5-15 are included with this correspondence.

**BCGH-8204  
Revision 36**

**Response to PSC Comments  
April 1, 2010 (continued)**

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 2-, 2009. Please correct as necessary. (MDB)

Response: This change was made.