



# Public Service Commission

## State of North Dakota

---

### COMMISSIONERS

Kevin Cramer  
Tony Clark  
Brian P. Kalk

Executive Secretary  
Darrell Nitschke

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
Web: [www.nd.gov/psc](http://www.nd.gov/psc)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone 701-328-2400  
Toll Free 1-877-245-6685  
Fax 701-328-2410  
TDD 800-366-6888 or 711

September 3, 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 a technical review of the application for Revision No. 36 to Permit BCGH-8204. The following items must be adequately addressed prior to approval of the revision.

### Section 3.5 – Pre- and Post-Mining Land Use of Area IV

1. Table 3.5.1-1 is being revised to show that Area IV has an additional 5.5 acres of woodlands (31.8 acres vs. 26.3 acres). It is not clear how this increased value was determined but this 31.8-acre value is also listed in the Land Use Table on page 3.5-7. The previous woodland acreage value (26.3 acres) is consistent with the woodland table included with the 2006 annual maps. Please review and clarify how this increased post-mine woodland acreage value was determined, or otherwise correct the tables as necessary. It appears that the post-mine woodland acreage value (31.8 acres) listed in the table on Page 3.5-5 was incorrect, and that Area IV will have 275 acres of industrial land and 145.2 acres of reclaimed native grassland that includes 5 acres of woodlands. (GAW)
2. Narrative in the second paragraph on page 3.5-8 states that “*Approval of the Ash disposal area will leave 53 of reclaimed native grassland....*” Please insert the word **acres** into the sentence after the number 53 to denote the size of the area that is being described. (BEB/SAS)
3. Please revise the title block of Plate 3.5-15 to indicate that it has been revised with Revision 36 rather than Revision 35. (MDB/BEB/WTG)

David Nilson  
September 3, 2010  
Page 2 of 2

4. Please include documentation from the ND Health Department showing that the amendment to add 325 acres to Permit SP-143 for LOS ash pit expansion has been approved. (MDB/GAW)

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch  
Director  
Reclamation Division

cc: Mercer County Auditor

m/Glenharold/8204/Revisions/No. 36/tech1\_9-3-10