



Public Service Commission

State of North Dakota

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April 26, 2010

Dr. Jay Volk
Environmental Services Supervisor
BNI Coal, Ltd.
2360 35th Ave. SW
Center, ND 58530-9499

Dear Dr. Volk:

The Reclamation Division has conducted a completeness review of Revision No. 32 and Renewal No. 2 to Permit BNCR-9702 that was received on March 30, 2010. The following items must be corrected prior to publishing the newspaper advertisement for the renewal and revision applications:

Newspaper advertisement

1. Please note in the title of the advertisement that this notice includes applications for a permit renewal and a revision. (SAS)
2. Line 6 indicates the area "...is described below." Where is this description? Should this phrase be reworded? (SAS)
3. The notice should state that the revision application identifies the next 5-year coal removal area. (SAS)
4. The worst case reclamation cost estimate for bonding is being addressed in Revision 30 to this permit. Because of that, the reference to worst case bonding should be removed from this advertisement. (MDB)
5. Within the listing of the ownerships for Section 33, the listing "E $\frac{1}{4}$ NE $\frac{1}{4}$ " should actually be the "SE $\frac{1}{4}$ NE $\frac{1}{4}$." Please correct. (SAS)
6. Within the ownership listings for Section 8:
 - a) Please remove the N $\frac{1}{2}$ SW $\frac{1}{4}$ since it is not in the permit, and

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b) List the remaindermen for the Laverne Hauk Life Estate. (SAS)

If you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Deutsch". The signature is fluid and cursive, with a large initial "J" and "D".

James R. Deutsch
Director
Reclamation Division