
BASIN COOPERATIVE SERVICES

A BASIN ELECTRIC SUBSIDIARY

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B E C E P

AUG - 8 2011

32744



August 5, 2011

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

Re: Bond Release No. 7- Permit BCGH-8204

Dear Mr. Deutsch:

Enclosed are 4 copies of pages that changed as a result of PSC comments dated July 6, 2011. The BCS response is limited to PSC comments 1-23 that pertain to deficiencies related to the Public Notice. Following your review of our response and these changes, we would like to proceed with publication.

If you have questions, please contact me at the following address.

Leland Olds Power Station
3901 Hwy 200 A
Stanton, North Dakota 58571-9417

Phone no: 701-745-7242
Email: dnilson@bepc.com

Sincerely,

David J. Nilson
Reclamation Administrator

Attachment

cc: Permit BCGH-8204
Mike Murray

**Permit BCGH-8204
Bond Release 7**

**Response to PSC Comments concerning the Public Notice
Dated: July 6, 2011**

Application

PSC-1 The bond calculations table included with the Bond Release Application incorrectly indicates that Bond Release 8 does not contain any undisturbed acreage. Therefore, the total amount being applied to Bond Release 7 is incorrect. Please see related item no. 24. (GAW)

Response These changes were made in Bond Releases 7 and 8. This changed the amount of bond requested for each application. Consequently, the new amount was changed in the Public Notice as well as notice letters sent to State and Local agencies, surface owners and adjacent surface owners. It was also necessary to change the Final Bond Release Application (Form SFN 19813). Calculations for each tract were changed on BCS' Bond Calculation table included with the application.

Attachment I – Metes and Bounds Map with Surface and Mineral Ownership

2 Adjacent surface owners for the following sections are listed in Attachment IV but they do not appear to be listed on Attachment I: 18 (Kuntz) and 27 of T144N, R84W. Please review and add the names to the attachment as necessary. (WTG)

Response This was an error. Mr. Kuntz is not an adjacent surface owner and was removed from Attachment IV. Attachment I is correct.

Attachment II – Metes and Bounds Description

3 Please remove Tract 4C from Attachment II as it contains the Metes and Bounds description for the LOS Landfill Expansion which is addressed in pending Bond Release 8 to BCGH-8204. (MDB)

Response Tract 4C may have been left on some of the copies submitted to the PSC. It is not on Attachment II located on the CD. Please remove the pages pertaining to the Metes and Bounds description for Tract 4C from Attachment II.

4 The closing coordinates for Tract 4B are different than the point of beginning coordinates. Please correct as necessary. (SAS)

Response This has been corrected. This correction changed the total area from 44.13 to 44.15 acres. A revised Attachment II will be included with the final changes to the CD. Also, changes were made to the BCS Bond Calculation Table included with the Final Bond Release Application form.

Attachment III- Advertisement & Public Notice Map

5 Please update the bond amount listed on page 3 of the Public Notice Advertisement after adjusting the amount being requested for Bond Release No. 8 as explained in Deficiency No. 24. NDCC 38-14.1-17(1)(a)(3) (GAW/MDB)

Response This amount was changed to the amount listed on the BCS Bond Calculation Table included with the revised Application.

- 6 Please include Section 30 (Tract 4B) in the listing of bond release tracts in the first paragraph of the Public Notice. It lists the tracts in Sections 31 and 32 but not the tract in Section 30. In addition, please list Section 30 in the Tract 4 heading on page 2 of the notice. NDCC 38-14.1-17-1(a). (MDB/WTG)

Response These changes were made.

- 7 As required by NDCC 38-14.1-17-1(a), please provide a narrative description of that portion of Subtract 1C located in Section 18 in the Public Notice. The discussion of this subtract indicates that BCS is the landowner; however, V. Olsen is also a landowner of a portion of this tract in Section 18. Please correct these discrepancies. (WTG/MDB/GAW)

Response Changes were made to clarify ownership. While V. Olsen's property was located in the permit boundary; it was not disturbed by mining or any associated disturbances. She was added as a surface owner to Attachment IV.

- 8 Please indicate the postmine land uses of Tract 5 as was done for the other tracts per the requirements of NDCC 38-14.1-17(1)(a)(4). (GAW)

Response The postmine land uses were added.

- 9 Please indicate the pre-SMCRA permits that were incorporated into Permit BCGH-8204 into the second paragraph of this attachment. (BEB)

Response This information would not add any significant additional information and only complicate an already complicated Public notice.

- 10 The last paragraph describing Subtract 1C on page 2 states that "Mining and began in September...". Please correct this typographical error. (BEB)

Response This was changed.

- 11 It is recommended that the maps (currently depicted on 2 different maps) that accompany the public notice be combined into a single map for publication. Please provide shading or hatching or some other type of symbology to accurately identify and separate the various bond release tracts to prevent confusion between the various tract boundaries and section lines. Tract and section numbers should be clearly legible in the newspaper notice. Please use an arrow to show the location of Tract 5-Part 2 which is difficult to locate on the map since it is such a narrow tract. Also please label the Township and Range lines, as was done with the Mercer-Oliver County line rather than listing the townships and ranges on the bottom left hand corner of the map. (BEB/MDB/SAS)

Response The maps were combined which restricted tract size. However, it will still show their location which is identified in the various sections, townships and ranges. The size of the text should still be sufficient to be readable if the newspaper shrinks the size of the notice map to fit in 2 or 3 columns.

Attachment IV – Surface Owner and Agency Notifications

- 12 The surface ownership listing in Attachment IV indicates that H. John and Janet A. Dschaak as being surface owners for Tract 1C in Section 18; however, Attachment I indicates their property is located outside of the existing permit boundary. Please review and update as necessary. (SAS/GAW/MDB)

Response John and Janet A. Dschaak are not surface owners in the permit and were deleted.

- 13** Please revise the Local, State, or Governmental Agencies list in Attachment IV to include the Mercer County Commissioners and the Mercer County Zoning Board as required by Policy Memorandum No. 9. (SAS/GAW)

Response Attachment IV was revised to include the Mercer County Zoning Board and the Mercer County Commissioners.

- 14** V. Olsen is listed as the surface owner of tract 1C (NE¼ SE¼ of Section 18) on the land ownership map (Attachment I) but is not listed as a surface owner on Attachment IV. Please review the list and correct as necessary. (WTG/GAW)

Response V. Olsen was added as a Surface Owner to Attachment IV.

- 15** Attachment IV lists the surface owner of Tract 4C as BCS; however, Tract 4C is not included in Bond Release No. 7 but rather is included in pending Bond Release No. 8. Please remove the information for Tract 4C from Attachment IV. (MDB/WTG)

Response Tract 4C surface ownership was deleted as suggested.

- 16** Attachment I indicates that GRE may be a surface owner of a portion of Tract 5 in Section 33; however, they are not identified as a surface or adjacent surface owner in Attachment IV. Please review and update if necessary. (GAW)

Response BCS land was sold to GRE for their ash disposal needs. GRE was added as a surface owner list in Attachment IV.

- 17** Attachment I indicates that C. Sagehorn is an adjacent surface owner (N½ of Section 19); however, he is not listed as such in Attachment IV. Please review and update if necessary. (GAW)

Response Craig Sagehorn was added to the adjacent surface owner list of Attachment IV.

- 18** Lee Stephens, Joe Maichel, Edwin Berg, K. (Tammy) Pearson and Robert Berger are listed in Attachment IV as adjacent surface owners; however, they are not considered adjoining property owners since their property does not directly adjoin the bond release tracts (i.e., there are other tracts that actually adjoin the bond release tracts). Basin Cooperative Services can send notification letters to these individuals if they wish, but it is not necessary. (GAW/WTG)

Response Lee Stephens, Joe Maichel, Edwin Berg and Robert Berger were deleted from the adjacent property owner list. Tammy Pearson has property south and adjacent to Tract 3.

- 19** The Berg Family LLP is listed as an adjacent surface owner in Section 6 of T143N-R84W; however, it appears this should be Section 8. Please review and correct as necessary. (WTG)

Response This was changed.

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20 It is unclear why five names (starting with Wolf) are listed at the end of the second page of adjacent surface ownership because there is no section or location associated with them. Please review and correct as necessary. (WTG)

Response They are heirs to the Perschke estate. Gordon has passed away. Robert was listed as a courtesy.

21 Please update the subheading to identify the correct permit and bond release number for the notification of local and state agencies or governmental entities (currently listed as Permit CCGH-8003, Bond Release No. 3). (WTG)

Response This was corrected.

22 Under Notification: Local, State Agencies or Governmental Entities in Attachment IV please replace Dale Frink (State Engineer with the North Dakota Water Commission) with Todd Sando. (MDB/WTG)

Response This change was made.

23 As required by NDCC 38-14.1-17-1(b), please provide a copy of the draft letter intended for distribution to those specified in the subsections of Attachment IV. (WTG/MDB)

Response A draft letter is included with this correspondence.

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Revised 08/03/11

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