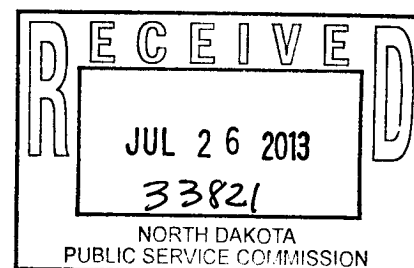


United States Department of Agriculture



Natural Resources Conservation Service
P.O. Box 1458
Bismarck, ND 58502-1458



July 25, 2013

James R. Deutsch, Director
Reclamation Division
600 East Boulevard, Department 408
Bismarck, ND 58505-0480

Dear Mr. Deutsch:

This response is reference your letter dated June 10, 2013, regarding BNI Coal Ltd. Surface Coal Mining Permit BNCR-1101 at the Center Mine in Oliver County, North Dakota.

The Prime Farmland Sections have been review by the Natural Resources Conservation Service (NRCS). We did not find deficiencies in the prime farmland section, but offer the following comment:

Mixing of prime and nonprime subsoil materials has been allowed in the past. NRCS does not oppose this practice, if the substituted materials can be adequately evaluated to confirm they are similar to the prime subsoil.

Thank you for the opportunity to comment on this issue. We look forward to working with the Public Service Commission in the future.

Sincerely,

MARY E. PODOLL
State Conservationist

ACTING

cc:
Steve Sieler, State Soil Liaison, NRCS, Bismarck, ND