



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

Brian P. Kalk  
Randy Christmann  
Julie Fedorchak

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Darrell Nitschke

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March 27, 2014

Mr. Todd Sando  
State Engineer  
North Dakota State Water Commission  
900 East Boulevard, Dept 770  
Bismarck, ND 58505-0850

Dear Mr. Sando:

Enclosed is a copy of the latest version of BNI Coal, Ltd's application for Surface Coal Mining Permit BNCR-1101. The surface water management plans along with the facilities layout have been updated since we first sent you the application in December 2012. The application proposes several sedimentation ponds and haulroad crossings that will require disturbance within 100 feet of intermittent streams or within these streams. The Pit Layout and Facilities Map, Plate 4-1.1, identifies the location of the intermittent streams, sedimentation ponds, haulroads and other features in the permit area. The application also contains updated baseline information for surface water features in the permit area and plans for reclaiming stream segments and water features after mining. NDAC 69-05.2-16-20 requires that the Commission consult with your office whenever mining related disturbances are within 100 feet of an intermittent or perennial stream.

Please review the applicant's proposal to conduct mining related disturbances within 100 feet of an intermittent stream and provide us with any comments by April 18, 2014.

If you have any questions, please contact this office.

Sincerely,

James R. Deutsch  
Director  
Reclamation Division

Enclosure

cc: Jay Volk

Minedata/Center/Permits/BNCR-1101/AdvisoryCommittee/2014/Advry\_rvw\_rqst\_ltr\_3-27-14



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March 27, 2014

Mr. David Glatt, Chief  
Environmental Health Section  
North Dakota Health Department  
918 East Divide Avenue  
Bismarck, ND 58505-1947

Dear Mr. Glatt:

Enclosed is a copy of the latest version of BNI Coal, Ltd's application for Surface Coal Mining Permit BNCR-1101. The surface water management plans along with the facilities layout have been updated since we first sent you the application in December 2012. The application proposes several sedimentation ponds and haulroad crossings that will require disturbance within 100 feet of intermittent streams or within these streams. The Pit Layout and Facilities Map, Plate 4-1.1, identifies the location of the intermittent streams, sedimentation ponds, haulroads and other features in the permit area. The application also contains updated baseline information for surface water features in the permit area and plans for reclaiming stream segments and water features after mining. NDAC 69-05.2-16-20 requires that the Commission consult with your office whenever mining related disturbances are within 100 feet of an intermittent or perennial stream.

Please review the applicant's proposal to conduct mining related disturbances within 100 feet of an intermittent stream and provide us with any comments by April 18, 2014.

If you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Deutsch".

James R. Deutsch  
Director  
Reclamation Division

Enclosure

cc: Jay Volk