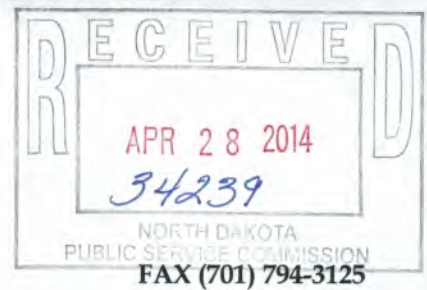


PHONE (701) 794-8734



AN ALLETE COMPANY

2360 35<sup>TH</sup> AVENUE SW CENTER, ND 58530-9499  
MINING LIGNITE AT THE CENTER MINE SINCE 1970

April 28, 2014

Mr. Jim Deutsch, Director  
Reclamation Division, NDPSC  
Department 408  
600 East Boulevard Avenue  
Bismarck, ND 58505-0480

RE: Application for Permit BNCR-1101

Dear Mr. Deutsch,

This submittal contains a response to your letter to us dated March 27, 2014. In this letter you listed technical deficiencies that must be addressed before the permit application for BNCR-1101 can be approved. Below is a listing of the deficiencies followed by our response:

*A few items were address as a result of conversations and correspondence with PSC, in addition to these deficiencies.*

- *A paragraph was added to Section 4.12 in the Reclamation Plans Section on pg. 17, regarding the reclamation of Perennial and Intermittent streams, as requested in an April 14<sup>th</sup> email.*
- *Plate 4.5-3 has been updated to reflect the portions of roads that were approved for temporary closure, closure, or work within 100' of the ROW by Oliver County in April 2014.*
- *Appendix 1-7 has also been updated in relation to the Oliver County Road Closure Approval. This appendix now contains the signed agreement.*

**Plate 1.9-1 Surface and Coal Ownership**

1. Follow-up to item No. 2: As required by NDAC 69.05.2-08-02(1)(a), and as noted in similar deficiencies for Appendix 1.9-1 (Ownership Information (within Permit Boundary)) and Appendix 1-2 (Certified Copies of Leases and Assignment Documents), please update Plate 1.9-1 when BNI has resolved the undetermined coal ownership that

currently totals 200 percent interest in the NE¼ of Section 20, T141N, R83W, on Plate 1.9-1. (WTG)

*Plate 1.9-1, Appendix 1-2, and Appendix 1.9-1 were updated with a new ownership based on an amended judgment document and further discussion with the attorneys. BNI is now moving forward in obtaining the leases based on the ownerships within the amended judgment. Per discussions with the PSC staff, BNI is requesting BNCR-1101 be approved conditionally with the respect to the mineral leases need to be supplied prior to mining of this tract. This tract will not be mined for a few years in which BNI realizes the leases will be needed prior to the PSC removing the condition.*

#### **Appendix 1.9-1 Ownership Information (within Permit Boundary)**

2. Follow-up to item No. 3: As required by NDCC 38-14.1-14(1)(c)(2), and as noted in similar deficiencies for Plate 1.9-1 (Surface and Coal Ownership) and Appendix 1-2 (Certified Copies of Leases and Assignment Documents), please update Appendix 1.9-1 when BNI has resolved the undetermined coal ownership that currently totals 200 percent interest for the NE¼ of Section 20, T141N, R83W, on page 43 of Appendix 1.9-1. (WTG)

*Plate 1.9-1, Appendix 1-2, and Appendix 1.9-1 were updated with a new ownership based on an amended judgment document and further discussion with the attorneys. BNI is now moving forward in obtaining the leases based on the ownerships within the amended judgment. Per discussions with the PSC staff, BNI is requesting BNCR-1101 be approved conditionally with the respect to the mineral leases need to be supplied prior to mining of this tract. This tract will not be mined for a few years in which BNI realizes the leases will be needed prior to the PSC removing the condition.*

#### **Appendix 1-2 Certified Copies of Leases and Assignment Documents**

3. Follow-up to item No. 4: As required by NDAC 69-05.2-06-03(1), a certified copy of the coal lease with Great Northern Properties for Section 7, T141N, R83W, must be included in the application (certain financial terms can be redacted) prior to permit approval or submitted separately with a trade secret request as discussed between your attorney and the Commission's general counsel. (WTG/DKM)

*Following discussions with the PSC, BNI currently has the surface leased which would lead to associated disturbance being permitted following BNCR-1101 approval. With that being said, BNI is requesting the PSC to approve the permit with the condition of mineral removal cannot commence until the appropriate contract, lease, or other requests be filed with the PSC.*

4. Follow-up to item No. 5: As required by NDAC 69-05.2-06-03(1), please provide either a certified copy of a surface lease executed by Kasper and Donna Kraft for the SW¼ of Section 16, T141N, R83W, or court order issued pursuant to the Surface Owner Protection Act authorizing the Commission to issue a mining permit. This parcel will need to be removed from the permit application prior to Commission action if neither instrument conveying right of entry is added to the application. (WTG/DKM/JRD)

*Per discussions with the PSC, this lease will be submitted to the PSC prior to the staff recommending BNCR-1101 for approval. The certified copy will then be added to the finalized CD.*

5. Follow-up to item No. 6: As required by NDAC 69-05.2-06-03(1), and as noted in similar deficiencies for Plate 1.9-1 (Surface and Coal Ownership) and Appendix 1.9-1 (Ownership Information (within Permit Boundary)), please update Appendix 1-2 when BNI has resolved the undetermined coal ownership that currently totals 200 percent interest in the NE $\frac{1}{4}$  of Section 20, T141N, R83W, and provide certified copies of coal ownership leases with the coal owners of record. (WTG)

*Plate 1.9-1, Appendix 1-2, and Appendix 1.9-1 were updated with a new ownership based on an amended judgment document and further discussion with the attorneys. BNI is now moving forward in obtaining the leases based on the ownerships within the amended judgment. Per discussions with the PSC staff, BNI is requesting BNCR-1101 be approved conditionally with the respect to the mineral leases need to be supplied prior to mining of this tract. This tract will not be mined for a few years in which BNI realizes the leases will be needed prior to the PSC removing the condition.*

6. Follow-up to item No. 7: Please complete following updates to the permit application as the result of inserting a certified copy of the surface lease with Robert Reinke for the E $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 31, T142N, R83W, in Appendix 1-2: (1) remove the purchase option agreement (pages 427 through 434) from Appendix 1-2; and, (2) remove the reference to the purchase option agreement on page 80 of Appendix 1.9-1 (Ownership Information (within Permit Boundary)). (WTG)

*The purchase option agreement with Robert Reinke has been removed from Appendix 1-2 and Appendix 1.9-1.*

#### **Appendix 1-7 Approval Documents**

7. Follow-up to item No. 9: The response letter states that Appendix 1-7 has been updated to include documentation that the Oliver County Board of County Commissioners has approved BNI's plans to close roads and section line trails and an alternative relocation road. However, Appendix 1-7 is vacant and this is not included in the list of changes for the third technical review response. Please add copies of the Oliver County road approval documents to Appendix 1-7. (GAW)

*The information that was stated to have been added to Appendix 1-7 was supposed to state that information was added to Appendix 4.5-1. At the time of the Technical 3 Response submittal, BNI had not obtained the Road Closure approval documents. We now have the Road Closure approval documents and they are included with this submittal in Appendix 1-7.*

#### **Section 3.3 Groundwater**

8. Follow-up to item No. 16: The response to the deficiency describes placing fine cement down a water supply well as a decommissioning option; however, we suspect your intention was to describe placing neat cement (a specially-formulated type of flowable

grout) down the well. We are unsure of what fine cement is, for this or any other type of industrial/construction application, and if the narrative needs to be updated. Please correct. (BEB)

*The word "fine" was replaced with "neat" in regards to the cement. The change was made in the 4<sup>th</sup> paragraph of page 1-7 of section 3.3*

### **Section 3.4 Surface Water**

9. Follow-up to item No. 20: Please revise the last sentence added to the paragraph introducing the livestock suitability guidelines on page 5. Perhaps the sentence could be revised similar to: *The livestock suitability for water features in the permit area is discussed in the pre-mine land use narrative found in Section 3.5.* (RLK)

*The sentence structure was reworded as the above sentence states.*

10. Follow-up to item No. 21: Please include the monthly mean flow rate for April 2011 and April 2009 in the narrative to go along with the statement that the two months represent the highest mean flows recorded at the Square Butte Creek gauge station. (RLK)

*The monthly flow rates were included in the paragraph from April 2009 and April 2011.*

11. Follow-up to item No. 23: Please include "intermittent" along with ephemeral drainages in the second paragraph because intermittent drainages are identified in the permit area and are associated with the water features discussed in the narrative. (RLK)

*Changed narrative to include both (ephemeral and intermittent) within the permit area.*

12. Follow-up to item No. 24: Please discuss intermittent stream segments in the probable hydrologic consequences subsection. The potential effects on the function of intermittent stream segments could be similar to those described for wetlands and springs in the narrative. Linear wetlands are prevalent in the intermittent stream segments and the wetland and DWR acres will be replaced in the stream valleys with similar considerations as discussed for wetlands or springs affected by mining. (RLK)

*A paragraph was added to the section to discuss intermittent stream reclamation as close to pre-mine conditions as possible.*

13. Follow-up to item No. 26: Please revise the sentence in the second paragraph on page 3 of Section 3.4 that reads "[Appendix 3.4-9] describes both current state conditions within the stream segments, based on NDAC 69-05.2-01-02 Definitions "Intermittent stream", the report also designates historical stream segment classifications under near normal precipitation patterns." It is recommended that the sentence be replaced with narrative similar to the following: *The streams were identified as ephemeral, intermittent or perennial according to the definitions in NDAC 69-05.2-01-02. The stream assessment in Appendix 3.4-9 describes both the current stream flow conditions and the expected flow classification under normal precipitation patterns.* (RLK)

*The suggested sentence was added to the second paragraph on page 3.*

14. Follow-up to item No. 31: While an explanation was given in the item response, no change was made to the permit to complete the average sulfate information for wetland and spring samples in the table in Appendix 3.4-1. Please provide the information or remove the column heading for where data will not be provided. (RLK)

*The column heading for average sulfates has been removed from the wetlands, spring and seeps, and surface monitoring locations in Table 3.4-1. The average sulfates data only applies to developed water resources.*

### **Section 3.5 – Pre –mining Land Use**

15. Follow-up to Item No. 119: Please update the relevant narratives, maps and tables in Section 3.5 to address the previously disturbed native grassland located in the SE1/4 of Section 31, T142N, R84W. Plates 1 and 28 (deleted) of Permit BNCR-8106 clearly show that a portion of the SE1/4 of Section 31 was cropped in the 1980's and early 1990's. The discussion on page 12 of Section 3.5 needs to discuss this old field area in Section 31 and the area needs to be depicted on Plate 3.6-1, Ecological Site Location Map. It also appears that an old field located in the NW1/4 of Section 8 needs to be shown on the Ecological Site Location Map, Section 3.6-1. (GAW)

*Plate 3.6-1 has been revised to depict a tract in the SE4 of Section 31 and two areas in the NW4 of Section 8 that have been previously tilled. Narratives in Sections 3.5, 3.6, and Appendix 4.12-2 have been revised to discuss previously tilled areas in the SE4 of Section 31.*

### **Section 3.7 Prime Farmlands**

16. In your response cover letter please describe the changes made to the nonprime farmland and prime farmland subsoil mixing demonstration in Section 3.7 and Plate 3.7-2 (Dominant Order 1 Soils and NRCS Designated Prime Farmland Areas within Mining Disturbance) as discussed between BNI and PSC staff during the weeks of March 10<sup>th</sup> and 17<sup>th</sup>. (WTG)

*The following changes have been made to Section 3.7 as per conversations with PSC staff:*

1. *A reference to Plate 3.8-1 has been added to the 1<sup>st</sup> paragraph. As requested the NRCS Prime Farmland mapping unit have been added to Plate 3.8-1. This allows for all mapping units (Order one soil survey, Howey soil survey, and NRCS Prime farmland tracts).*
2. *Prime Farmland Soil Physical and Chemical Properties Comparison section beginning on Page 7 has been revised as follows:*
  - a. *A statement has been added to the 4<sup>th</sup> paragraph on page 7 to describe the total acres within the mining disturbance and the number NRCS prime farmland acre within this area.*
  - b. *We have removed what was previously titled Table 4 and instead referred readers to Table 1 at the beginning of the section. We have also made any associated changes within the narrative; including changing the titles of what were previously Tables 5 & 6 to be Tables 4 & 5.*

- c. *We have Updated Table 3a & Table 3b to include Map Units and all slope phases. These have been listed in descending order of most to lease acreages.*
- d. *Tables 4 & 5 (Previously Tables 5 & 6) have also been updated as per the samples that were provided Appendix 5 of the Order 1 Soils report.*
- e. *We have also removed the CEC & PH columns from Tables 4 & 5 and have now included Texture.*
- f. *All revisions that were outlined during a April 15<sup>th</sup> meeting with PSC staff have been made to Section 3.7, Section 3.8, Appendix 3.8-1, Plate 3.7-2, and Plate 3.8-1.*

### **Section 3.8 Soil Resources**

17. In your response cover letter please describe the changes made to Plate 3.8-1 (Soils Map) as discussed between BNI and PSC staff during the weeks of March 10<sup>th</sup> and 17<sup>th</sup>. (WTG)

*Plate 3.8-1 Soils Map has been revised as per conversations with PSC staff. The changes made include depicting the NRCS prime Farmland soils Mapping Units on this map in blue, as well as including a description of these mapping units in a legend at the bottom of the table. Also the duplicated text in the title block has been removed.*

### **Plate 4.1-1 Pit Layout and Facilities Map**

18. Please label all proposed ponds and diversions in the permit, including those in Sections 24 and 19. It was noted that some of the ponds and diversions were labeled with a pond and diversion number whereas others were only labeled as the type of pond and the anticipated year of construction. All ponds and diversions should be labeled in a consistent manner on this map. (FSE)

*Plate 4.1-1 was updated. All Ponds and Diversions were labeled as requested to include the pond and/or diversion number and the anticipated year of construction.*

### **Section 4.4 – Blasting Plan**

19. Plate 4.4-1 – Blasting Map: Please revise the Blasting map so that it complies with NDAC 69-05.2-09-04(8)(b). The maximum permissible weight of explosives to be detonated is established by NDAC 69-05.2-17-05(7). The map must show the maximum weight of explosives at intervals not exceeding four hundred feet [121.92 meters] and continue until the maximum amount specified in NDAC 69-05.2-09-04(1). (BAJ)

*The Blasting Map has been revised to show distances at 400 ft intervals from structures within the mining area. Distances to structures outside the mining area show a distance to the nearest mining area. A distance chart with the corresponding maximum weight of explosives per delay has been added to the plate legend.*

#### **Section 4.5 Transportation Plan**

20. Follow-up to item No. 82: Proposed Haulroad Section E is shown on Plate 4.5-1 but there is no discussion of the route in the transportation narrative. Please include a narrative discussion of this proposed haul road in Sections 8 and 9. (NDAC 69-05.2-09-06, NDAC 69-05.2-09-01(3)). (FSE)

*Haulroad E has been added to the list of road sections which will be designed and submitted in future revisions.*

#### **Section 4.6 Surface Water Management Plan**

21. Please update Section 4.6 (Surface Water Management Plan) to clarify how runoff from disturbed areas around the NE¼ of Section 18 will be managed. It would appear that several sediment ponds will be needed to control runoff from adjacent pits. If any water management structures are to be built on this tract, then they should also be depicted on Plate 4.1-1, Pit Layout and Facilities Map. (GAW)

*The surface water management strategy for this area will not require the construction of any additional ponds or diversions which are not currently shown on Plate 4.6-1. Please refer to Page 4.6-5 for a detailed discussion of this strategy.*

22. Please label all ponds and diversions on Plate 4.6-1 (Surface Water Management Plan), including those in Sections 24, 19, 20, 21 and 28. Some of the proposed structures are only labeled as the year they will be constructed. Please also correct the date on the plate (05-12-2014). (FSE)

*All Ponds and Diversions were labeled as requested to include the pond and/or diversion number and the anticipated year of construction.*

#### **Section 4.6 Appendices 4.6-1 through 4.6-18**

23. Please correct the Design of Diversion D-32-1 in Appendix 4.6-13 because it states that "The diversion will convey water from a 7.4 Acre watershed into Sedimentation Pond P-5-8". Please explain the function of the diversion because Pond P-5-8 was removed from the water management plan. (FSE)

*Diversion D-32-1 has been removed from the permit because Pond P-5-8 will not be built.*

#### **Section 4.10 Regrading Plan**

24. Follow-up to item No. 126: Please revise the postmine topography of the land that is to be mined in the SW¼ of Section 16 to comply with the wishes of the surface owner that the land be leveled as feasible. BNI initially proposed to convert 20 acres of this tract to cropland that the surface owner did not request, and now BNI is proposing steeper slopes than are present prior to mining. Please revise the postmine topography to comply with NDCC 38-14.1-24(2) and (3) and to ensure that the pre-mine capabilities are restored. (GAW)

*The post-mine topography in the SW ¼ of Section 16 was revised to provide an area in the SW corner of the quarter with flatter slopes similar to what existed pre-mine. This should ensure that pre-mine capabilities are restored. The average slope throughout the quarter is flatter than existed pre-mine. Pre-mine average slope was 7.7%, and the post-mine average slope is 6.5%.*

#### **Section 4.12 Revegetation, Post Mining Land Use and Reclamation Success Narrative**

25. Follow-up to item No. 103: Please correct the inconsistencies in Section 4.12 regarding the conversion of grassland acres to cropland in the W½ of Section 7. The Appendix 4.12-2 narrative discusses 1.76 acres of grassed waterway that is not discussed in Section 4.12 and is not shown on Plate 4.12-1 (Post Mine Land Use). (RLK/GAW)

*Table 1 in Section 4.12, the last paragraph of narrative on pg. 4 of Appendix 4.12-2, and Appendix 4.12-6 have been revised to clarify that there is no planned grassed waterway within this section. This was an error from earlier versions of the post mine land use, when more cropland was planned.*

26. Follow-up to item No. 103: Please revise the new narrative in the post-mine land use discussion section for the W½ of Section 7 to clarify that the land use conversion comprises approximately 0.7 percent of the total pre-mine native grassland in the permit area rather than less than 0.5 percent as stated. (GAW)

*The second paragraph on page 3 of Section 4.12 has been revised to clarify that the 29.09 acres of native grasslands comprises 0.7 % of the total native grassland acreage rather than 0.5%.*

27. Follow-up to item No. 103: Please edit the post-mine narrative for the S½ of Section 8 to provide clarity. There is confusing language regarding land use changes that are not planned or proposed and a statement about how a land use change that is not proposed will not present an actual or probable hazard to public health or safety and not be impractical. Please review and revise to provide clarity. NDAC 69-05.2-05-02. (GAW)

*The confusing language in the first paragraph of the post-mine narrative for the S1/2 of Section 8 has been removed. These statements which apply to any proposed changes are found at the beginning of page 2.*

28. Follow-up to item No. 105: Please revise the new narrative in the post-mine land use discussion section for the E½ of Section 17 to put the conversion of 1.99 acres of native grassland to cropland in proper perspective. This insignificant change is far less than 1 percent of the total pre-mine native grassland in the permit area as stated. (GAW)

*The post-mine land use discussion for the E1/2 of Section 17 on page 6 of Section 4.12 has been revised to clarify that the conversion of 1.99 acres of native grassland to cropland will result in less than a 0.001% change in native grassland acres and that this minute change will not have an effect on wildlife habitats within the permit boundary.*

29. Follow-up to item Nos. 105 and 107: The post-mine land use discussion for Opp's land in Section 18 incorrectly states that the conversion of 115 acres of native grassland to

cropland is approximately 2 percent of the pre-mine native grassland in the permit area when in fact it is closer to 3 percent of the total. The acreage value listed as a land use conversion should include the cropland grass waterway (3.69 acres) because this is a necessary support feature for this land use conversion, and it appears that the remaining 0.65 acres of native grassland will actually be affected by an SPGM stockpile so this acreage should be included in the total. Please correct as necessary. (GAW)

*The post mine narrative for the NW1/4 of Section 18 owned by Opp Limited Partnership with Section 4.12 has been revised. The number of cropland acres has been revised to 120.04 (CL + Grassed waterways). The paragraph at the beginning of page 7 has been revised to state that conversion of this 120 acres is approximately 3% of the native grassland within the permit area. Also, the small piece of native grassland that will be disturbed by associated disturbance (stockpile) will be converted to cropland post mine. This has been depicted on Plate 4.12-1 and post mine acreage tables in Section 4.12, Appendix 4.12-2, and Appendix 4.12-6 have been updated accordingly.*

30. Please revise Section 4.12-1 (Reclamation Plans) to discuss all land use changes being proposed, including those not requested by the surface owners. Appendix 4.12-6 indicates a loss of about 8 acres of cropland in the E½ of Section 24 and increases in native grassland acreage for the E½ of Sections 24 and 18. Appendix 4.12-6 also indicates land use conversion for 41 acres of grassed waterways, but grassed waterways were not considered a pre-mine land use so this is somewhat misleading as pre-mine grassed waterways certainly existed in Sections 24, 25, and 21. Please consider grassed waterways as cropland for the purposes of land use changes. Please revise to provide clarity and summarize the proposed changes so that the Commission can consult with the landowners regarding these changes as required by NDAC 69-05.2-23-03. (GAW)

*Section 4.12-1 Reclamation Plans has been revised to discuss all land use changes that are proposed within BNCR 1101. Table 4.12-1 has also been revised to include all tracts where these changes will occur as well.*

*Repetitive language that was found throughout the tract narratives within the land use changes discussion has been removed. These statements have been placed at the beginning in the general discussion. It can now be found on the bottom of page 2. This way will not need to be repeated within each tract discussion.*

*Grassed waterways have been removed from post mine land use acreage tables. This acreage has been incorporated into croplands within each of these tracts, as grassed waterways are a support feature to these croplands. Grasses waterways are still depicted on Plate 4.12-1 and discussed within the corresponding narratives in Appendix 4.12-2.*

*Fish and wildlife buffers (conservational buffers) have also been incorporated into their adjacent land uses (Hayland or Cropland). This change has been made in tables found in Section 4.12, Appendix 4.12-2, and Appendix 4.12-6.*

*Narratives (Section 4.12, 4.13, Appendix 4.12-2, and corresponding plates) have been revised name buffer areas around wetlands as conservational buffers rather than Fish and Wildlife buffers, so they are not confused with Fish and Wildlife Grasslands.*

31. Follow-up to item No. 112: Please include a technical reference section in Section 4.12 that either includes all technical materials used in development of the reclamation plans, or include citations to where all technical reference materials can be found as required by NDAC 69-05.2-05-02(1). For example, the Conservation Practice 612, Tree/Shrub Practice Specification and NRCS Herbaceous Vegetation Establishment Guide materials are mentioned as reference material and therefore specific references or copies need to be included. BNI repeatedly states in various sections of the permit that the best technology currently available will be used but no standard technical material is referenced. Please include specific reference material in each instance where the "best technology currently available" terminology is mentioned in the permit. (GAW)

*A technical references section has been added to Section 4.12. These references include multiple sections of the Oliver County FOTG Site and the NDPSC Re-vegetation Guidelines.*

32. Follow-up to item No. 114: Table 4 (Woodland Species Mix) has been revised to indicate that 2000 trees will be planted per acre but the percent composition values listed for tall shrubs (40%), low shrubs (36%), and trees (24%), do not agree with the planting rate values. Please either adjust the species planting rate values or the community type percentage so that the information agrees. (GAW)

*Table 4 Woodland Species Mix of Section 4.12 has been revised. The percent composition values have been corrected for tall shrub, low shrub, and trees to correctly list the values as (34%, 45%, and 21% respectively),*

33. Follow-up to item No. 126: Please revise the post-mine discussion for the SW¼ of Section 16 to comply with the surface owner's wishes that the land be more level to the extent feasible, and for compliance with NDCC 38-14.1-24(2) and (3) that require the maximum postmining graded slopes to not exceed approximate original contour, and that the premining capabilities be restored. The postmine topography must be revised to comply with NDCC 38-14.1-24(2) and (3). (GAW)

*Please see the response to deficiency #24. The capabilities of this tract will be returned to pre-mine conditions. A 50.47 acre tract will be converted to hayland as per the landowner's request.*

#### **Plate 4.12-1 Post Mine Land Use**

34. Please label the trails and roads comprising 13.82 acres in Section 13 on Plate 4.12-1 that are not associated with statutory rights-of-way. Appendix 4.12-6 indicates that there are 29.82 acres of trails, roads, and right-or-ways associated with this section. (GAW)

*The Trails (TR) and Right of Ways (ROW) within Section 13 have been labeled accordingly on Plate 4.12-1.*

#### **Appendix 4.12-2 Pre-mine and Post Mine Land Use Discussions**

35. Follow-up to item No. 127: As required by NDAC 69-05.2-08-08(1)(d), please revise the discussion for Section 31 to describe the species composition of the previously disturbed

land located in the SE¼ of Section 31 and identify the disturbed areas on Plate 3.6-1 (Ecological Site Map). The old disturbance boundaries are readily evident on the ground and a portion of the area may have even been disturbed by mining activities (Hoffmann and Ries study area that helped established the ground cover standard). (GAW)

*The narrative for Section 31 on page 36 of Appendix 4.12-2 has been revised to describe species composition in areas located along the northern edge of this tract that were previously tilled. These areas were delineated using of historic maps and air photos; some of which can be found within BNCR 8106.*

#### **Section 4.14 Reclamation Cost Estimate for Bonding Purposes**

36. Please revise Appendix 4.14-1 (Worst Case Bond Calculations) to remove Ponds 5-8 and 5-9 from the bond calculations because they have been deleted from the permit application, and to include costs for the reclamation of Pond 16-3 in the calculations. (FSE)

*Page 2 of Appendix 4.14-1 has been modified to address this issue. Ponds 5-8 and 5-9 have been removed. Pond 16-3 has been added. No other permit documents have been modified to address this deficiency.*

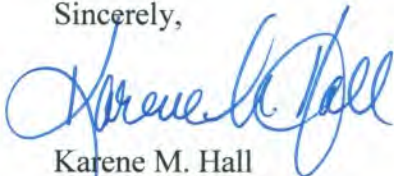
#### **Appendix 4.14-1 Worst Case Bond Estimate**

37. Page 2 of 5 of Appendix 4.14-1: Please list the area of topsoil and subsoil respread for the stockpiles in the table. The Reclamation Division cannot verify the haul distances without a location. For example, the areas of Mining Disturbance SPGM respread should be broken down by quarter section, topsoil respread for ponds should have the pond identification. (BAJ)

*Page 2 of Appendix 4.14-1 has been modified to address this issue. Several changes have been made to the top ½ of this page to provide additional information relative to SPGM haulage origins and destinations. No other permit documents have been modified to address this deficiency.*

Thank you for your consideration of this matter. If you have any questions regarding this submittal, please contact me at the Center office.

Sincerely,



Karene M. Hall  
Permit Coordinator