



Public Service Commission

State of North Dakota

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November 19, 2012

Jay M. Volk, Ph. D
Environmental Manager
BNI Coal, Ltd.
2360 35th Avenue SW
Center, ND 58530-9499

Dear Dr. Volk:

The Reclamation Division has reviewed BNI Coal Ltd.'s November 1, 2012 responses to our October 23, 2012 third completeness review letter for BNI's application for Revision No. 12 to Permit No. BNCR-9401 for the Center Mine. The following items must be satisfactorily addressed before we can deem the application complete:

Section 1.8 - Description of the Revised Permit Boundary

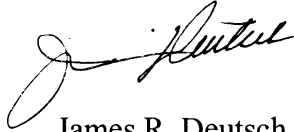
1. The metes and bounds description of the acres being added with Revision 12 is not correct. One segment of the permit boundary was omitted from the metes and bounds. There should be an additional segment (L6.5 until it can be renumbered) between line segments L6 and L7. L6.5 should read "*Thence North 65°38'25" West, a distance of 98.39 feet*" to allow the area to close properly. Please include the full description on both the Tract 1 legal description as well as the map. (MDB)
2. A similar error was also noted on Plate 1.8-1, Permit Boundary Legal Description Map BNCR-9401, between line segments L17 and L18 and in Section 1.8, Metes & Bounds of Permit BNCR-9401. Please correct accordingly. This error was noted when comparing the permit metes and bounds description with those supplied with the AutoCAD drawing. (MDB)
3. Please incorporate the Revision 12 additional acres metes and bound submitted in paper format into the current electronic revision as well as the corresponding map. At this time you may also wish to consider updating the title box for Plate 1.8-1 Permit Boundary Legal Description Map BNCR-9401, to match that listed on the Legal and Financial

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home page and in the Table of Contents, and also remove the reference to Attachment II.
(MDB/WTG)

If you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Deutsch", written in a cursive style.

James R. Deutsch
Director
Reclamation Division