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AN ALLETE COMPANY

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

November 25, 2013

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

RE: Revision 12 to Permit BNCR-9401

Dear Mr. Deutsch,

This submittal contains a response to your letter to us dated November 15, 2013. In this letter you listed technical deficiencies that must be addressed before the permit revision application for BNCR-9401 can be approved. Below is a listing of the deficiencies followed by our response:

**Section 3.3 Groundwater**

1. Follow-up to item No. 1: The hyperlink to Plate 3.4-1 that was added to the ground water narrative on page 3.3-2 continues to take the reader to the Surface Water Analysis (water quality tables) of Appendix 3.4-1. Please re-direct the hyperlink (Plate 3.4-1) so that it opens the General Drainage Map that is located in Plate 3.4-1. (BEB)

*The link on page 3.3-2 for Plate 3.4-1 has been directed to open the plate instead of the appendix.*

**Plate 3.6-2 Woodlands**

2. Follow-up to item No. 11: Woodland No. 19 is outlined in blue on Plate 3.6-2. Please revise the line color around this woodland so that the woodland type is accurately depicted according to the woodland type and appropriate legend colors. It appears that this polygon was selected in the attribute table when the map was printed. (GAW)

*The blue color around woodland No. 19 on Plate 3.6-2 has been removed, and the correct line colors are now depicted.*

### **Appendix 3.6-3 Woodland Density and Cover Data**

3. Follow-up to item No. 18: The Low Shrub Vegetation Type, Table 1 of Appendix 3.6-3, shows that a 2 meter by 2 meter quadrant was used but the bottom row of the table lists "Stems/16m squared". Although it appears that the density values have been revised to address this item, the conversion value to convert stems per quadrant to stems per acre is not provided. Please correct the table and include this conversion value in the first paragraph on page 4 of Appendix 3.6-3. (GAW)

*Table 1 has been corrected in Appendix 3.6-3. It now reads "Stems/4m<sup>2</sup>" rather than 16m<sup>2</sup>. The conversion value to convert stems per quadrant to stems per acres for low shrubs has been included in the first paragraph on page 4 of Appendix 3.6-3.*

### **Section 4.5 Transportation Plan**

4. Follow-up to item No. 26: Please add a statement to the last paragraph in the Subsoil as a Road Building Material subsection on page 4.5-3 that BNI will update the permit with a future revision to clearly identify road segments where subsoil has been used in its construction. (FSE)

*The final paragraph on page 4.5-3 addresses this request.*

### **Plate 4.5-1 General Transportation Plan**

5. Please remove the duplicate Existing Haul Road designation from the legend of Plate 4.5-1. (FSE)

*The duplicate has been removed from the legend.*

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

6. Please update completion and reclamation dates as necessary for Table 4.6-1 in Section 4.6, e.g., MSHA Pond 5-6 and Diversion 5-2. Please also update any associated appendices (Appendix 4.6-8) as necessary. (FSE)

*Table 4.6-1 has been updated to show that MSHA Pond 5-6 will be constructed in 2014 and that Diversion 5-2 has been reclaimed in 2013. Appendix 4.6-8 has been changed to reflect the construction date and new outlet design details.*

### **Plate 4.6-1 Surface Water Management Plan**

7. It appears the legend for Plate 4.6-1 contains extraneous designations, e.g., permit boundaries for other permits that are not depicted on the plate. Please review the legend and delete any unnecessary designations. (FSE)

*The legend was updated to reflect only what is present on the plate. Permit boundaries, coal removal areas, and county road reconstruction labels have been removed.*

#### **Plate 4.10-1 Post Mining Topography**

8. Follow-up to item No. 30: Thank you for the updates to Plate 4.10-1 and associated updates to other plates and narratives for the proposed prime farmland respread area in Section 5. However, it appears about 0.35 acres of the 1.4 acre tract of proposed prime farmland respread depicted on Plate 4.10-1 falls within an area of postmine industrial land use. At your discretion, please shift the 1.4 acre proposed prime farmland respread area to the west so that it entirely occupies postmine cropland land use (this area has the proper slope configuration for reclaimed prime farmland), or update the narratives and plates to describe respreading all of the Tract 1 prime farmland acreage in Section 9 of Permit BNCR-1101. While updating Plate 4.10-1, please remove the three extraneous black-outline polygons that appear to have been inadvertently added to the plate. (GAW/WTG)

*Plate 4.10-1 was updated. The portion of the proposed prime farmland respread that was located within the industrial postmine landuse was moved to the north. This new location to the north lies within a current and/or future disturbance area. The black outlined polygons were removed, they were inadvertent lines.*

*Plate 4.10-2 was also updated to reflect this new prime farmland location.*

#### **Section 4.12 Revegetation and Post Mining Land Use**

9. Follow-up to item No. 36: The Pre-Mine Land Use map, Plate 3.5-1, identifies the land located south Woodland No. 9 as tame pastureland, but the Post Mining Land Use map, Plate 4.12-1, identifies this area as native grassland. The Pit Layout and Facilities Map, Plate 4.1-1, does not identify any disturbance in this area other than the haul road corridor. Please revise Section 4.12 to provide additional details regarding the conversion of tame pastureland that is not going to be disturbed by mining activities to native grassland. (GAW)

*The land use on Plate 4.12-1 has been revised. This area along with areas to the north of this woodland will be reclaimed as Tame Pasture. Any areas that are disturbed within tame pasture will be reclaimed as such. Sections 4.12, 4.12-1, and 4.12-2 have been updated accordingly to account for this.*

10. Follow-up to item No. 37: Please change the legal description from Section 34-84-142 to 34-142-84 for the wetland footnote on Table 4.12-1, Post Mine Land Use, on page 4.12-3. (ZAB)

*The legal description in the footnote of Table 4.12-1 Post Mine Land Use, on Page 4.12-3 has been corrected.*

### **Section 4.12-1 Revegetation Methods**

11. Follow-up to item No. 38: AS previously requested, please revise the native grassland seed mixture to include forbs as required by NDCC 38014.1-24(17) and NDAC 69-05.2-22-02(3), and that meets the NRCS Range Planting standards and specifications for Major Land Resource Area 54. NDAC 69-05.2-13-05 requires use of the best technology currently available and the Reclamation Division believes NRCS Range Planting recommendations are the best technology currently available. (GAW)

*Per our conversations with the PSC director, it is BNI's understanding that the PSC would like to propose a discussion with the LEC reclamation manager's task force regarding the revision of the native seed mixes. As confirmed in the phone conversation BNI has committed to taking part in those conversations.*

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

12. Follow-up to item No. 42: Please consider removing the CL(HL)-Hayland postmine land use designation from the Plate 4.12-1 legend because no hayland is depicted on the plate. Also, please note that neither the Section 4.12 narratives, nor Table 4.12-1 Post Mine Land Use, indicate any postmine hayland land use. (ZAB)

*The listing of CL(HL)- Hayland has been removed from the legend of Plate 4.12-1.*

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

13. Please update Section 4.14, Plate 4.14-1, and Appendix 4.14-1 to delete all references to Pond 5-7 that has been removed from the Surface Water Management Plan with the October 14, 2013 changes to the Revision No. 12 application. (FSE)

*Pond 5-7 had been mentioned once on page 4.14-1 and once again on page 4.14-2. Those references have been removed.*

*Pond 5-7 has been removed from Plate 4.14-1. The topsoil removal disturbance boundary has been pulled back as well.*

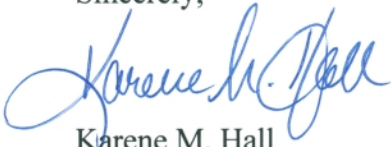
*The 5-7 embankment respread line (5000 cy) has been removed from the Worst Case Bond Estimate calculations. The Pond 5-7 topsoil respread line (1,936 cy from pile MI5T01) has also been removed. Those topsoil yards have now been allocated to the Other Ash Cells line.*

*The total disturbed area is now lowered by 1.2 acres. This is reflected by lowering the seeded area from 77.0 acres to 75.8 acres.*

*\*Please also note the additional language that was added to Section 4.1 Operations Plan, which addresses the federal coal tract located within Section 8-141-83 and future mine plan approvals needed.*

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Karene M. Hall". The signature is fluid and cursive, with the first name being the most prominent.

Karene M. Hall  
Permit Coordinator