



Public Service Commission State of North Dakota

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August 31, 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 conducted a review of the application for Revision No. 51 to Permit BNCR-8106 for the Center Mine. The following items must be adequately addressed prior to recommending Commission approval.

Permit Application (SFN 10562)

1. Please submit a revised page 1 of SFN 10562 to indicate that a fee of \$55.70 was filed with the application for the addition of 5.57 acres of bond released land to the permit in Section 36 as required by NDCC 38-14.1-13(1)(b). (WTG/MSK)
2. Please attach a metes and bounds description and map of the area being added to the permit (area being transferred from Permit 37 and the 5.57 acres of previously bond released land) to the revision application form. (DKM)

Section 1.1 Calculation of Filing Fee

3. Please revise Section 1.1 as necessary to clarify that a filing fee of \$55.70 was filed for Revision 51 for the 5.57 acres of bond released land being added to the permit. Please also provide the proof of filing for Appendix B, or remove the reference, because it does not appear that Appendix B currently includes any proof of filing documentation. (WTG)

Section 3.5 Pre-Mining Landuse

4. Please review and revise as necessary the reference to maps 5 and 5A on page 1 because Plate 5B is being added with Revision 51. Please expand the narrative as necessary to explain the addition of Plate 5B to depict areas in BNCR-8106 that were formerly in Permit No. 37. (WTG)
5. The table added to Section 3.5 listing the pre-mine land use acres in the permit area identifies 0.88 acres of hayland for Section 31 T142, R83W, but the pre-mine land use map (Plate 5B) does not show any hayland acres in Section 31. Previous versions of the table and map do not indicate any hayland land use acreage for Section 31. Please review and revise as appropriate. (RLK)

Section 4.6 Surface Water Management Plan

6. The changes that were associated with pond 25-2 in a previous revision are still printed in red as if they are being proposed, when in fact they have already taken place and the pond has been bond released. Please correct as necessary. (MSK)
7. Please remove the “4.6” placed just before the word “watersheds” in the second sentence of the first paragraph. (RLK)

Section 4.12 Post Mine Land Use

8. Please correct the reference to the postmine land use map in the first paragraph of Section 4.12.1 to read Plates 15C and 15D that were updated with Revision 51 instead of the reference to Plate 4.12 that does not appear to exist in the permit. (WTG)
9. The acreages provided in Table 4.12-1 differ slightly from some of the acreages provided on the post mine land use plates (Plates 15C and 15D). It seems that the table would be the values of record and the plates provide the CAD values for reference. Normally the postmine land use acreages are not provided on the map. If the acreage figures are retained on the map, it may be helpful to note in the narrative that the post-mine land use acreages of record for the permit area are provided in Table 4.12-1 and the acreages shown on Plates 15C and 15D may vary slightly. (RLK)
10. If the additional acreage associated with Revision 51 results in changes to the unadjusted yield standards currently approved in Permit BNCR-8106, then please make the appropriate changes to Section 4.12.4 – Determining Reclamation Success. (GAW/DKM)

Map Book I Table of Contents

11. Please make the following corrections to the Map Book I Table of Contents: add Plate 5B and specify Revision 51 transfer of acres from Permit No. 37; and, revise the Plate 12

description that formerly was “General Mine Plan” to read “Pit Layout and Facilities”.
(WTG)

Plate 2-1 Extended Mine Plan

12. Please review and make the following revisions to Plate 2-1 as necessary: depict the Permit BNCR-8602 permit boundary in Section 2; correct the permit number in the legend for BNCR-8602 that currently reads “8601”; and add BNCR-8106 to the legend.
(WTG/MSK)

Plate 4A Soils Map

13. Please review and make the following revisions to Plate 4A as necessary: remove the Permit No. 37 permit boundaries in Sections 23 and 36; join the soil map units from Permit No. 37 with those in Permit BNCR-8106 if possible, and label each unit; update the soil map unit legend; and update the plate legend to reflect Revision 51 and revised date. (WTG)

Plate 5B Premine Land Use

14. Please remove the Permit No. 37 permit boundary in Section 23 because it does not separate land use or property ownership. Please also label the stock pond in Section 23.
(WTG)

Plate 9A Ownership Map

15. As required in part by NDAC 69.05.2-08-02(1)(b), please depict and label Section 32, T142N, R83W, on Plate 9A. (WTG)

Plate 12 Pit Layout and Facilities

16. Please remove the blue hatching that represents bond released areas from the area that will be repermited in the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 36. (WTG)

Plate 13A Surface Water Control Plan

17. Please modify the outline color of Haulroad Section C as necessary to make it more visible. (WTG)
18. The table on Plate 13A lists a watershed of 35 acres for Pond 32-1; however, the narrative indicates that the pond will collect runoff from 73.9 acres. Furthermore, the calculations used to support the pond used 71.7 acres to calculate the amount of sediment runoff. Please make the appropriate corrections. (MSK)

Jay M. Volk, Ph. D
August 31, 2012
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If you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink that reads "Dan K. Moore". The signature is written in a cursive style with a large initial "D" and a long horizontal stroke at the end.

for James R. Deutsch
Director
Reclamation Division