



Public Service Commission

State of North Dakota

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October 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 September 18, 2012 responses to our August 31, 2012 review letter for BNI's application of Revision No. 51 to Permit No. BNCR-8106 for the Center Mine. The following item must be adequately addressed prior to recommending Commission approval.

Permit Application (SFN 10562)

1. Follow-up to item No. 2: Although a metes and bounds description and map for the **entire** permit area effective with Revision 51 are included with the permit revision, a metes and bounds description and map of **only** the acres being transferred from Permit No. 37 [12.77 acres in Section 23, 12.71 acres in Section 35, and 24.38 acres (21.97 and 2.41) in Section 36 (total of 49.86 acres)] and the bond released acres being added to the permit (5.57 acres in Section 36) in five parcels with Revision 51 are also required with the revision. Please note that a metes and bounds description for only the acreage being transferred or added to BNCR-8106 with Revision 51 will be required as an attachment to the Commission's revision approval document. We suggest that BNI use the same method to include the metes and bounds description and map of acres being transferred or added with Revision 51 as was used to describe and depict Revision 30 acres added to Permit BNCR-9702 whereby tract numbers were assigned to each parcel added in Sections 21, 29, and 32. Please note that while revising the AutoCAD drawing for this deficiency you may wish to revise the labeling for the Model Space inset that incorrectly labels the 5.57 bond released acres being added to the permit in Section 36 as being transferred from Permit No. 37. (DKM/WTG)

Jay M. Volk, Ph. D
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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