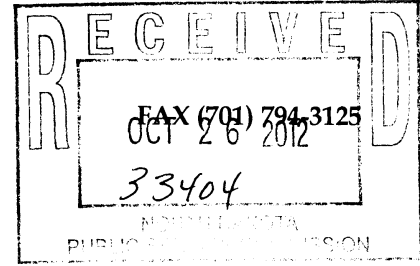


PHONE (701) 794-8734



AN ALLETE COMPANY

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

October 25, 2012

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

RE: Revision 51 to Permit BNCR-8106

Dear Mr. Deutsch,

This submittal contains a response to your letter to us dated October 19, 2012. In this letter you listed a technical deficiency that must be addressed before the permit revision application for Revision 51 to BNCR-8106 can be approved. Below is a listing of the deficiency followed by our response:

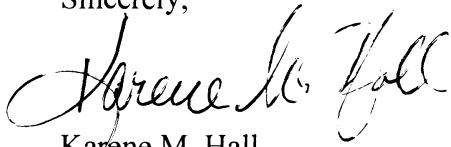
Permit Application (SFN 10562)

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)

Included with this submittal is a metes and bounds description and map of the five parcels being added to BNCR-8106.

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 black ink, appearing to read "Karene M. Hall". The signature is written in a cursive, flowing style.

Karene M. Hall
Permit Coordinator

BNCR-8106
Transfer Parcels from Permit 37 and Repermit of Parcel from BNCR 8106
METES & BOUNDS DESCRIPTION

Five tracts of land lying in Sections 23,35 & 36 of Township 142 North, Range 84 West of the Fifth Principal Meridian, Oliver County, North Dakota, more fully described as follows:

Tract 1 (Previous Parcel 37-23)

Commencing at the West Quarter Corner of Section 23:
(NAD 27-ND State Plane South Zone- US Foot- N: 525,170.5, E: 1,800,996.7);

Thence South 89°17'03" East, a Distance of 1938.07 Feet to the True Point of Beginning;
Thence South 89°17'03" East, a Distance of 681.25 Feet;
Thence South 00°13'28" West, a Distance of 885.89 Feet;
Thence North 62°44'52" West, a Distance of 1049.50 Feet;
Thence North 31°40'08" East, a Distance of 486.22 Feet to the Point of Beginning.

The Above Described Tract of Land Contains 12.77 Acres, More Or Less.

Tract 2 (Previous Parcel 37-36 E)

Commencing at the West Quarter Corner of Section 36:
(NAD 27-ND State Plane South Zone- US Foot- N: 514,578.4, E: 1,806,173.3);

Thence North 73°49'21" East, a Distance of 1039.34 Feet to the True Point of Beginning;
Thence North 00°35'48" East, a Distance of 158.64 Feet;
Thence North 78°40'01" East, a Distance of 2410.27 Feet;
Thence South 01°45'44" West, a Distance of 656.99 Feet;
Thence North 89°24'12" West, a Distance of 2344.85 Feet to the Point of Beginning.

The Above Described Tract of Land Contains 21.97 Acres, More Or Less.

Tract 3 (Previous Parcel 37-36 H)

Commencing at the East Quarter Corner of Section 36:
(NAD 27-ND State Plane South Zone- US Foot- N: 514,523.5, E: 1,811,441.8);

Thence North 89°24'12" West, a Distance of 1799.74 Feet to the True Point of Beginning;
Thence South 77°26'17" West, a Distance of 950.01 Feet;
Thence North 11°20'47" West, a Distance of 221.05 Feet;
Thence South 89°24'12" East, a Distance of 970.81 Feet to the Point of Beginning.

The Above Described Tract of Land Contains 2.41 Acres, More Or Less.

Tract 4 (Previous Parcel 37-35)

Commencing at the Southeast Corner of Section 35:
(NAD 27-ND State Plane South Zone- US Foot- N: 511,943.5, E: 1,806,155.1);

Thence North 77°59'24" West, a Distance of 968.66 Feet to the True Point of Beginning;
Thence North 89°18'00" West, a Distance of 779.88 Feet;
Thence North 00°42'00" East, a Distance of 709.89 Feet;
Thence South 89°18'00" East, a Distance of 779.88 Feet;
Thence South 00°42'00" West, a Distance of 709.89 Feet to the Point of Beginning.

The Above Described Tract of Land Contains 12.71 Acres, More Or Less.

Tract 5 (Repermit of Parcel from BNCR 8106)

Commencing at the West Quarter Corner of Section 36:
(NAD 27-ND State Plane South Zone- US Foot- N: 514,578.4, E: 1,806,173.3);

Thence North 32°25'39" East, a Distance of 898.45 Feet to the True Point of Beginning;
Thence North 78°17'54" West, a Distance of 348.65 Feet;
Thence North 02°15'34" West, a Distance of 767.41 Feet;
Thence South 89°08'18" East, a Distance of 271.27 Feet;
Thence South 06°52'12" East, a Distance of 839.47 Feet to the Point of Beginning.

The Above Described Tract of Land Contains 5.57 Acres, More Or Less.

Total Area Of The Five Parcels = 55.43 Acres, More Or Less.

General Notes:

1. The basis of this survey is the 1927 North Dakota State Plane System, South Zone, US Survey Feet, 1993 MSI control. Details are available upon request @ 701-794-8735 ext. 260.
2. Survey control was re-established in 1993 by Measurement Sciences, Inc. using Trimble 4000 GPS receivers and Trimble software.
3. Additional survey control was established in 1994 by Ulteig Engineers using Sokkia 3BII total station (laser). Corrected coordinates for existing Land Corners and additional Land Corners were also established in 1995 and 1996 by Ulteig Engineers.
4. Calculations were done with Carlson Survey 2010 & AutoCAD 3D Map 2010. An electronic copy is available upon request. Checking closure & acreages with autoCad is encouraged. A current digital ortho photo of the land is available for use in autoCad.
5. For electronic drawings, this drawing was originally issued and sealed by Todd Marschall, R.L.S. 4431, and is stored at BNI Coal Inc., 2360 35th Ave. SW, Center, ND 58530-9499.
6. Please realize that measurements are never exact and that acreages are not a count.
7. Electronic version saved as shown in the footer.
8. This document is not expected to perfectly match other documents with a different basis of survey. Round off error should be expected.

Certification:

I, Todd Marschall, hereby certify that this document is a reasonable representation and that I am a Registered Land Surveyor in the State of North Dakota. I hereby certify that the items shown on this document were prepared by me or under my direct supervision. Any alterations to this document will void my Certification.


Todd Marschall R.L.S. 4431

10-24-12
Date

