



# Public Service Commission

## State of North Dakota

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October 19, 2012

Mr. William Pladson  
Gascoyne Materials Handling & Recycling, LLC  
2151 I94 Business Loop East  
Dickinson ND 58601

Dear Mr. Pladson:

We appreciate receiving your October 3, 2012 letter describing GMHR's intent to purchase land in Section 3, T130N, R99W, from Knife River Corporation and construct a west bound WYE connection to the BNSF main line. We have had discussions with Knife River Corporation on how to facilitate the project on land that is currently subject to Surface Coal Mining Permit KRGC-8101. In our discussions we informed Knife River that a permit revision would need to be submitted and reviewed by the Reclamation Division before work could proceed on the rail connection. The permit revision is required to change the approved postmining land use to industrial and incorporate plans for this facility in accordance with NDCC 69-05.2-11. The bond release will be finalized sometime following the approval of the permit revision and will need to be updated to address the change in designated land use for the rail spur. If a permit revision to change the postmining land use of the rail spur to industrial were not submitted, GMHR would have to wait until the bond release was approved before construction activities could begin.

The work on the rail connection can be allowed to proceed prior to bond release, but not before the permit revision approval. To date we have not received the revision application; however, Knife River is planning to submit the application very soon. Assuming the revision application contains the necessary information, we estimate that it could be approved in two to four weeks.

If you have any questions, please contact this office.

Sincerely,

James R. Deutsch  
Director  
Reclamation Division

CC: Jeff Frohlich, Knife River Corporation