



# Public Service Commission

## State of North Dakota

---

### COMMISSIONERS

Brian P. Kalk  
Randy Christmann  
Julie Fedorchak

Executive Secretary  
Darrell Nitschke

600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

February 12, 2014

Mr. Jay Volk  
Environmental Manager  
BNI Coal, Ltd.  
2360 35th Ave. SW  
Center, ND 58530-9499

Dear Mr. Volk:

The Reclamation Division has reviewed BNI Coal, Ltd's January 14, 2014 response to deficiencies identified in our technical review of the application for Bond Release 9 to Permit 37. The following items must be adequately addressed before the Reclamation Division can recommend Commission action on the bond release application.

### **Attachment VI – Tract History**

1. Follow-up to item No. 9: The title of Table 2c has not been revised as requested. Revise the title of Table 2c to Cropland Yield Data (Historical) or something similar that clearly indicates these values are cropland yields and retain this table in its original approved format. In the footnotes, clarify that this is a Yield Table from Bond Release #6 of Permit 37, identify the field location, and explain how this table is relevant to BR #9. (ZAB/RLK)
2. Follow-up to item No. 10: Please revise paragraph two in the Tract History to clarify that Table 2c represents the actual crops planted and the actual yields that were used to demonstrate reclamation success for bond release on the adjacent cropland during BR #6. Please note that your written response to item 10 in the January 14, 2014 letter contains most of the requested information and this information should be incorporated into the bond release application. (ZAB/RLK)
3. Follow-up to item No. 11: Please change 40lbs/SqFt to 40 seeds/SqFt in the first footnote of Table 4b. (ZAB)
4. Follow-up to item No. 11: Remove \*lbs/ac PLS = from the beginning or remove = #PLS/Ac from the end of the equation in the first footnote of Table 2b. Both of these represent pounds per acre Pure Live Seed and only one is necessary in the equation. (ZAB)
5. Follow-up to Item No. 14: The soil map unit lines provided for the bond release tract on Attachment V do not appear to coincide with those on the 1976 detailed soil survey by Robert Howey included in Bond Release No. 6 to Permit 37 for the SW1/4 of Section 25. Perhaps the soil map for the quarter

Mr. Jay Volk  
February 12, 2014  
Page 2 of 2

section was georeferenced to cover the entire section. The bond release tract is located in a portion of the SW1/4 of Section 25 and that would not have contained a portion of the Belfield soil map unit. Please review and revise as appropriate. (RLK)

6. Follow-up to Items No. 14 and 15: Table 1 on page 38 of Attachment VI shows that Williams loam has a median hay yield of 0.43 in MLRA 54 but the Revegetation Guidelines indicate that the value should be 1.5 t/acre. We also question the yield values listed for Wet Alluvial (0.47), Williams loam, stoney (0.55), and Scoria (0.21). Please also provide the soil mapping unit names of the SCS soil mapping units listed as at the bottom of the table and review the yield values listed. It appears that the Ringling soil mapping unit should be listed as yielding 0.65 rather than 0.22, the Cabba-Werner complexes should be 0.43 rather than 0.22. It is not clear how the values were derived for complex mapping units. Please review and revise as necessary. The unadjusted standard in Table 3 will need to be updated if the standards changes. (GAW)

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch  
Director  
Reclamation Division