



Public Service Commission

State of North Dakota

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March 19, 2014

Ms. Karene Hall
Permit Coordinator
BNI Coal, Ltd.
2360 35th Ave. SW
Center, ND 58530-9499

Dear Ms. Hall:

The Reclamation Division has conducted a completeness review of the application for Renewal No. 6 and Revision No. 35 to Surface Coal Mining Permit BNCR-8202 at the Center Mine. The following items must be adequately addressed before the application can be deemed complete:

Renewal Application

1. As required by NDAC 69-05.2-11-03(5)(b), please revise the Permit BNCR-8202 renewal request as follows: (WTG/ZAB)
 - a. Remove the references to the former haul road corridor and the impending permit expiration.
 - b. Add references to several sedimentation ponds and an equipment-supply staging area, in addition to the soil stockpiles already mentioned, that are used in support of active coal mining and reclamation operations in another mining permit.

Notice of Application

2. The application for Renewal 6 to Permit BNCR-8202 is subject to the public notice requirements of NDAC 69-05.2-10-01(1) and NDCC 38-14.1-18, but public notice is not required for the application of Revision 35 that it is considered an insignificant revision to the approved permit since coal removal operations are complete. Please remove all references to Revision No. 35 and the revision application in the notice title and first paragraph. (WTG/ZAB)
3. Please remove the reference to the USGS quadrangle map in the first paragraph because it is not presented in the notice. (WTG/ZAB)
4. Please reorganize the first paragraph so the county and state description immediately follows the Section, Township and Range description. (ZAB)

5. Please clarify the last sentence in paragraph two by revising the beginning of the sentence to read, "*A copy of the permit renewal application is and the approved permit are available for inspection at...*" (ZAB)
6. Please review the following items for surface and mineral ownership and revise as necessary. It appears that some adjacent ownership parcels are listed as being in the permit area because ownership information copied from Section 1.9 of the permit lists ownership within and adjacent the permit area consecutively. (WTG/ZAB)
 - a. Lee Husfloen and the City of Center surface ownerships listed for the N½NE¼ of Section 22 do not appear to be within the BNCR-8202 permit area.
 - b. BNI Coal, Ltd. surface ownership listed for the SW¼ of Section 26 is not within the BNCR-8202 permit area.
7. At your discretion the ownership addresses may be removed to reduce the notice length. (WTG/ZAB)

Notice of Application Map

8. As required by NDAC 69-05.2-10-01(1)(b), please revise the Notice of Application map as follows: (WTG/ZAB)
 - a. Clearly depict the BNCR-8202 permit boundaries with a distinctive line type, or depict the permit area with shading or a fill pattern.
 - b. Depict and label the route of 38th Avenue SW that is adjacent the permit boundary.
 - c. Provide a complete label for Square Butte Creek.
 - d. Provide an appropriate map title such as Application for Renewal No. 6 to Permit BNCR-8202.

Revision 35 Application

9. Please review the Revision 35 Application Form. The revision description appears to be a general statement or a copy/paste from another revision. Please submit a revised application that briefly describes the items addressed in Revision 35 by removing items not addressed in this revision, such as revegetation and post mining land use. Please include items specific to this revision such as the AVF update and clarify updates to general items like surface water, which should be more specifically stated as surface water management. (ZAB)

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch
Director
Reclamation Division