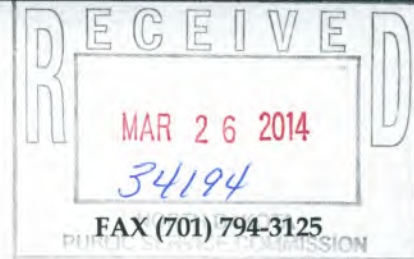


PHONE (701) 794-8734



AN ALLETE COMPANY

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

March 24, 2014

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

RE: Renewal 6 to Permit BNCR-8202

Dear Mr. Deutsch,

This submittal contains a response to your letter to us dated March 20, 2014. In this letter you listed technical deficiencies that must be addressed before the Renewal 6 application for BNCR-8202 can be deemed complete. Below is a listing of the deficiencies followed by our response:

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.

The renewal request has been updated to remove references to the former haul road corridor and the permit expiring. References have been added including sedimentation ponds and an equipment-supply staging area.

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)

All references to Revision 35 have been removed from the title and first paragraph of the Notice of Publication.

3. Please remove the reference to the USGS quadrangle map in the first paragraph because it is not presented in the notice. (WTG/ZAB)

The reference to the USGS quadrangle map has been removed from the Publication.

4. Please reorganize the first paragraph so the county and state description immediately follows the Section, Township and Range description. (ZAB)

The county and state description has been moved directly behind the Section, Township and Range.

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)

The last sentence in paragraph two has been updated as requested.

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 N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 22 do not appear to be within the BNCR-8202 permit area.
 - b. BNI Coal, Ltd. surface ownership listed for the SW $\frac{1}{4}$ of Section 26 is not within the BNCR-8202 permit area.

Lee Husfloen, the City of Center and BNI Coal, Ltd have been removed from the surface ownership on the Publication Notice.

7. At your discretion the ownership addresses may be removed to reduce the notice length. (WTG/ZAB)

The addresses have been removed from the Surface Ownership listing.

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.

Hatching was added to the permit boundaries to clearly show the areas included in the permit. A label for County Road, 38th Avenue SW has been added to the map to identify it. The Square Butte Creek label was updated to include the word "Creek". A map title has been added to the top of the Publication Map.

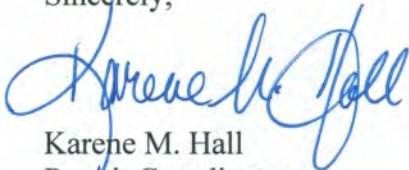
Revision 35 Application

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)

The Revision Application description statement has been updated as requested.

Thank you for your consideration of this matter. If you have any questions regarding this submittal, please contact me at the Center office.

Sincerely,



Karene M. Hall
Permit Coordinator

Renewal No. 6 Request

Although mining has been completed, this renewal is being requested because soil stockpiles, several sedimentation ponds and an equipment-supply staging area remain in Permit BNCR-8202, all of which are used in support of active coal mining and reclamation operations in another mining permit.

The bond for this area is sufficient and will continue for the renewal period. Liability insurance is provided and will be renewed on a yearly basis throughout the renewal period.

NOTICE OF APPLICATION FOR RENEWAL OF A PERMIT TO ENGAGE
IN SURFACE COAL MINING AND RECLAMATION ACTIVITIES.

Please take notice that BNI Coal Ltd., 2360 35th Avenue SW, Center, North Dakota 58530-9499 has submitted an application to the North Dakota Public Service Commission for Permit Renewal No. 6 to engage in surface coal mining and reclamation operations. The area for which a permit renewal is sought includes approximately 728 acres in parts of Sections 22 and 26 T142N R84W. This area is in Oliver County, North Dakota and is shown on the accompanying map and is described below. Coal removal is completed in this permit area but is still being used to support mining activities in other permit areas. Renewal No. 6 will extend the permit term another five years until July 31, 2019.

Any person whose interests are or may be adversely affected by the proposed action has the right to file written comments, objections or request an informal conference with the North Dakota Public Service Commission. Written comments, objections, requests for informal conferences and petitions should be sent to the Public Service Commission, 600 East Boulevard, Bismarck, ND 58505-0480 within 30 days after the final date of publication of this notice. A copy of the permit renewal application and the approved permit are available for inspection at the Office of the Auditor, Oliver County Courthouse, Center, ND 58530 and the Office of the Director of the Reclamation Division, Public Service Commission, 600 East Boulevard Avenue, Bismarck, ND 58505-0480.

The legal description and names of the apparent surface and mineral (coal) owners of the land in the permit area are as follows:

<u>Description</u>	<u>Surface Owner(s)</u>	<u>Mineral Owner(s)</u>
Section 22, T142N, R84W N $\frac{1}{2}$ NE $\frac{1}{4}$	David Helm	USA
S $\frac{1}{2}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$	BNI Coal, Ltd.	USA
N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$	BNI Coal, Ltd.	University of Mary ND State Land Dept.
Section 26, T142N, R84W NW $\frac{1}{4}$	Arnold & Ruby Meyhoff	USA

Application for Renewal 6
to Permit BNCR-8202



CITY OF CENTER
SQUARE
ND HWY 25
ND HWY 48

BUTTE
CREEK

SEC 22
PERMIT BNCR 8202

SEC 26
PERMIT BNCR 8202

SEC 27

SEC 23

38th Avenue SW



APPLICATION FOR REVISION OF PERMIT TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION OPERATIONS

PUBLIC SERVICE COMMISSION
RECLAMATION DIVISION
SFN 10562 (1-2004)

Updated March 21, 2014

Name of Company, Corporation, Partnership, or Individual BNI Coal, Ltd.		Permit Number BNCR-8202	Date March 5, 2014	
Address 2360 35th Avenue SW		City Center	Revision Number 35	State ND
			Zip Code 58530	

The above named hereby makes application for the above Revision Number to: (include a brief description of the surface coal mining and reclamation operation being revised.)

update the Legal & Financial and Ownership Sections, Extended Mine Plan Map, Alluvial Valley Floor Determination, Water Management Plan, Surface Water Control Plan, Pit Layout and Facilities Map, Certificates of Liability Insurance, Equipment List and the Worst Case Bond.

Attached to this Permit Revision Application are a narrative describing the proposed permit revision, reasons for requesting the revision, and appropriate maps, cross-sections, graphs, construction details, revised reclamation plans and other data which demonstrate compliance with Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and the permit conditions of the approved permit. If an incidental boundary revision involving an acreage adjustment is being requested as part of the permit revision application, the following information shall be included (attach a copy of a metes and bounds description):

NAME OF MINE	ACRES	LOCATION			
		SEC.	TWP.	RANGE	COUNTY
ADDRESS					
TOTAL ACRES					

Based upon the proposed changes and any incidental boundary revisions to the permit as stated herein, a new or adjusted bond, or its equivalent, duly executed in accordance with Section 38-14.1-16 of the North Dakota Century Code and Chapter 69-05.2-12 of the North Dakota Administrative Code will be delivered to the Public Service Commission prior to issuance of the surface coal mining and reclamation operations permit herein requested. A check for filing fees, pursuant to Section 38-14.1-13 of the North Dakota Century Code, in the amount of \$ _____, is included with the revision application.

Name of Official Authorized to Represent the Applicant Karene M. Hall
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I, the above named, certify that:

- All information and documents required by Sections 38-14.1-13, 38-14.1-14, and 38-14.1-15 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, are submitted as part of this permit application;
- Information and documentation contained in the permit application affirmatively demonstrate that:
 - The permit revision application is accurate and complete and all the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code have been complied with;
 - Reclamation as required by Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code can be accomplished under the reclamation plan contained in this permit revision application;