Public Service Commission
State of North Dakota

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April 30, 2015

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

Dear Mr. Volk:

The Reclamation Division has conducted a completeness review of the applications for Revision No. 13 and Renewal No. 4 to Permit BNCR-9401 at the Center Mine. The following items must be adequately addressed before the applications can be deemed complete and approval is granted to begin publication of the permit revision and renewal newspaper notice. Please respond in a timely manner so that publication of the public notice and the more detailed technical review can begin.

Revision No. 13 Application (SFN 10562)

1. Since current and planned water management features are being updated, surface water management needs to be added to the list of revision updates. Environmental resources and post mine land use do not need to be mentioned because updates to these sections are primarily for clarity. Please consider condensing the narrative description of the revision as follows: *"The permit revision updates the legal and financial, operations, reclamation, and surface water management sections, the extended mine plan, and the worst case bond estimate for permit renewal."* (ZAB)

Newspaper Notice

2. As required by NDAC 69-05.2-05-02(1) and 69-05.2-10-01(1), please revise several sentences in the first two paragraphs on page 1 of the newspaper notice as follows: (WTG/ZAB)
   a. "~~*The permit renewal depicts coal sub-removal for the next five year term*~~." (Please delete this sentence since no coal removal is planned during the next permit term).

b. "*The area for which a permit ~~revision~~ renewal is sought includes ~~approximately~~ 384.17 acres …*"
c. Revise the last sentence of the first paragraph to, "*The permit revision updates the legal and financial, operations, reclamation and surface water management sections, the extended mine plan, and the worst case bond estimate.*
d. "*Any person whose interests are or may be adversely affected by the ~~proposed~~ applications has the right to file written comments, objections or request an informal conference ~~or file a petition to designate an area as unsuitable for surface coal mining operations~~ with the North Dakota Public Service Commission.*"
e. "*Written comments, objections or requests for informal conferences ~~or petitions~~ should be ~~sent to~~ filed with the ND Public Service Commission, 600 E Boulevard Avenue, Dept. 408, Bismarck, ND 58505 within 30 days after the last ~~date of~~ publication of this notice.*"

3. Please review M. Ellen Emley listed for coal ownership in the NW¼ of Section 8 and correct as necessary because Section 1.9 (Surface and Coal Ownership) and Plate 1.9-1 (Surface and Ownership) list Ellen M. Emley instead for coal ownership of the listed parcel. (WTG/ZAB)

4. As required by NDAC 69-05.2-05-02(1) and 69-05.2-10-01(1)(b), please revise the newspaper notice map to indicate by road line type or labeling that 35th AVE SW is temporarily closed south of the BNI Coal, Ltd. shop/office complex entrance in the E½SE¼ of Section 31. (WTG)

If you have any questions, please contact this office.

Sincerely,

James R. Deutsch
Director
Reclamation Division

Minedata/Center/Permits/BNCR-9401/Revisions/No.13/Rev13_Ren4_complete_rvw_ltr_4-30-15.docx