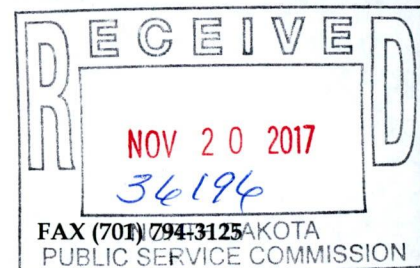


PHONE (701) 355-5588



November 20, 2017

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

RE: Revision 40 to Permit BNCR-9702

Dear Mr. Moos,

This submittal contains a response to your completeness review letter to us dated November 7, 2017. In this letter you listed completeness deficiencies that must be addressed before the Revision 40 application to BNCR-9702 can be deemed complete. Below is a listing of the deficiencies followed by our response:

Revision No. 40 Application (SFN 10562)

1. Follow-up to item No. 1: Please revise the revision description for Revision No. 40 on the revision application attachment to delete the following sentence that is not relevant to the revision description: *"The areas where postmine topography modifications are proposed are depicted on the accompanying map."* (WTG)

The application attachment has been revised as requested.

Appendix 1.5-1 - Notice of Publication

2. Follow-up to item No. 7: As required by NDAC 69-05.2-05-02(1) and 69-05.2-10-01(1), please revise the first paragraph of the public notice as follows: (ZAB/WTG/BEB)
 - a. Remove Section 20 from the permit area description because it is not within the current permit area and is referenced in the following sentence as being added to the permit area.
Section 20 was removed from the current permit area as requested.
 - b. Add the following sentence to the paragraph directing the reader to the accompanying map: *"The area for which a permit is being sought and the current permit are shown on the accompanying map."*

A reference to an accompanying map has been added to the first paragraph.

3. Follow-up to item No. 12: As required by NDAC 69-05.2-10-01(1) and NDCC 38-14.1-18(1), please add a phrase to the last paragraph on page 1 of the newspaper notice specifying the surface and coal owners of land being added to the permit, as well as those that may be affected by the revised plans within the current permit boundary. The paragraph as revised with the October 13, 2017 response requires rearranging to clearly indicate that the ownership listing includes surface and coal owners of land being added to the permit, as well as those that may be affected by the revised plans within the current permit area. (WTG)

The last paragraph has been rephrased as requested.

4. Please remove the cross fill pattern from Section 20 on the publication map because an approved postmine topography is not being revised in Section 20. With the cross fill pattern removed, please orient the "Addition Acres" label parallel to the simple hatch fill pattern in two or more places to clearly identify the acreage being added to the permit. (WTG)

The cross fill pattern has been removed from the addition area in Section 20 and the labels for the addition area have been rotated. Additional labels have been added to the addition area as well.

Section 3.2 - Geology

5. Follow-up to item No. 20: BNI Coal's October 13, 2017 completeness response addressed the second part of the original deficiency, but not the first part. All lithologic/drillers logs should be placed in Appendix 3.2-1A and only geophysical logs should be placed in Appendix 3.2-1. As currently provided, lithologic logs identified as the 09, 10, 13, 14, and 15 series are located in Appendix 3.2.1, which is where your geophysical logs are placed in the permit. As originally requested, please separate the lithologic logs from the geophysical logs for the described borings so that the information can be reasonably searched and reviewed in the permit. (BEB)

The correct Appendix was missed in the submittal.

Plate 4.1-1 Pit Layout and Facilities Map

6. Follow-up to item No. 40: Please revise the yellow simple hatch fill pattern used to indicate federal coal ownership in Section 20 as necessary to improve its visibility on a white background, and add the symbol and description to the plate's legend rather than labeling federal ownership. We also suggest that narrative regarding the Section 20 Federal Coal tract on Page 4.1-2 be broken into a separate paragraph specific to only Section 20 and provide any updated information regarding the federal application for the coal lease and mine plan approval. (GAW/WTG)

The unleased federal coal tract hatch in Section 20 has been changed and added to the legend. The hatch is now consistent in type and color to the hatch used on Plate 4.1-1 of BNCR 1101. The Section 20 narrative has been broken off into a separate paragraph as

suggested. There are no updates regarding the federal lease application at this time and BNI anticipates obtaining the lease to execute on the mine plan as shown in the permit application.

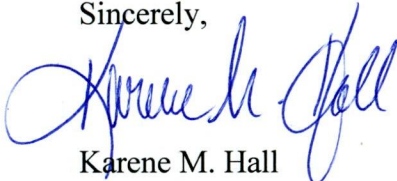
Section 4.10 - Backfilling and Regrading

7. As required by NDAC 69-05.2-05-02(1), please add a reference to Appendix 4.10-2 (Section 21 Final Pit Design) in item number 4 of subsection 4.10.1(Design Methods) on page 4.10-2 informing the reader that Appendix 4.10-2 contains a secondary postmine topography design for Sections 20 and 21 to reclaim a final pit along the west section line of Section 21 if a federal coal lease for the N½ and the SW¼ of Section 20 is not acquired. It appears the permit application contains no references to Appendix 4.10-2 other than those in Appendix 1.5-1 (Notice of Publication) and Appendix 1-1 (Revision Summary and List of Changes). (WTG)

Subsection 4 of 4.10-1 has been updated and points out the alternate post mining topography design shown in Appendix 4.10-2. The narrative also points out that both plans account for the final pit reclamation volumes.

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