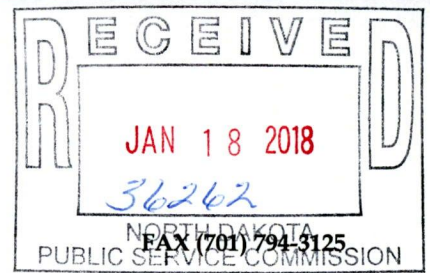


PHONE (701) 355-5588



January 18, 2018

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

RE: Revision 15 to Permit BNCR-9401

Dear Mr. Moos,

This submittal contains a response to your completeness review letter to us dated January 2, 2018. In this letter you listed completeness deficiencies that must be addressed before the Revision 15 application to BNCR-9401 can be deemed complete. Below is a listing of the deficiencies followed by our response:

Appendix 1.5-1 – Publication Notice and Map

1. Please revise the first sentence of the public notice to clarify that the revision application revises surface coal mining and reclamation plans in Section 8 rather than authorizes BNI “to engage in surface coal mining and reclamation operations”. In addition, the first portion of the second sentence in the first paragraph could be removed from the notice since the permit already contains the acreage listed. (GAW)

The first sentence and paragraph have been revised as requested.

2. Please specify that the permit revision will change the postmine land use from cropland and native grassland to industrial and commercial in the NE¼ of Section 8 for the coal combustion waste cells in the first paragraph on page 1 of the newspaper notice as required by NDAC 69-05.2-05-02(1). (WTG/RLK)

The permit revision description in the first paragraph has been revised as requested.

3. Please delete the two references to filing petitions to designate the area as unsuitable for mining in the second paragraph on page 1 of the newspaper notice since that requirement only applies to new permits or permit revisions that add land to a permit. (WTG)

The two references noted above have been deleted as requested.

4. Please list only the surface and coal owners of the N½ of Section 8 in the newspaper notice as those that may or will be affected by the permit revision. The surface and coal owners of Sections 5 and 32 in the permit will not be affected by the permit revision. (WTG/RLK)

The surface owners for Sections 5 and 32 have been removed as requested.

5. Please remove the duplicative permit label in the NE¼ of Section 8 to depict the approximate Ash Cell 6 extent on the newspaper notice map to be consistent with the listing of Ash Cells 4, 5, and 6 in the first paragraph on page 1 of the newspaper notice as required by NDAC 69-05.2-05-02(1). Please also revise the simple hatch pattern to accurately depict the postmine land use change boundary that may or may not coincide with the ash cell boundaries, and label the area as such. (WTG/RLK/GAW)

The duplicate permit label has been removed. The Ash Cell 6 extent has been added to the map. The revision boundary and label have been added to the map also.

Section 2 – Extended Mine Plan

6. Please revise the Extended Mine Plan map, Plate 2.1, to show mining under Ash Cell 6 if coal is to be removed from this area in the future. (GAW)

The projected coal removal for Ash Cell 6 was added to the plate as requested.

Section 3 – Environmental Resources

7. BNI updated numerous plates in Section 3.0, Environmental Resources, to show Revision 14 permit boundary changes. The Reclamation Division does not normally require or advise permit boundary changes on plates and maps associated with baseline environmental data in instances where undisturbed acreage is being deleted from a permit. If you choose to depict the current permit boundary on these maps, please label the deleted acreage so the baseline narrative and table information is consistent with the plates. (GAW)

The plates in Section 3.0 Environmental Resources have been updated to label the deleted acreage as such.

Section 4.1 - Coal Removal

8. Please revise the Pit Layout and Facilities Map, Plate 4.1-1, to show mining under Ash Cell 6 if coal is to be removed from this area. (GAW)

The projected coal removal for Ash Cell 6 was added to the plate as requested.

9. Please add a hyperlink to Appendix 4-1.2 (Minnkota Cell 4 Layout and Grading Concept) on the Section 4 home page. The Revision No. 15 Table of Contents and Appendix 1-1 (Revision Summary and List of Changes) indicate that Appendix 4-1.2 was added to the

permit with the revision application but the appendix is only accessible through Windows Explorer. (WTG)

The hyperlink to Appendix 4.1-2 has been added as requested.

Section 4.6 - Surface Water Management Plan

10. Please include a current qualified registered professional engineer certification for the surface water management plan as required by NDAC 69-05.2-09-09(1)(h) for the addition of Appendix 4.6-11 (Design of Diversion D-8-1) to the revision application. (WTG)

Appendix 4.6-11 was updated to include Engineers Certification on Plate 4.6-11A.

11. Please add a hyperlink to Appendix 4.6-11 (Design of Diversion D-8-1) on the Section 4 home page. The Revision No. 15 Table of Contents and Appendix 1-1 (Revision Summary and List of Changes) indicate that Appendix 4.6-11 was added to the permit with the revision application but the appendix is only accessible through Windows Explorer. (WTG/GAW)

The hyperlink to Appendix 4.6-11 has been added as requested.

Section 4.12 Re-vegetation and Post-mining Land Use

12. Plate 4.12-1 indicates that BNI Coal is only proposing to change the land use on the actual footprint of Ash Cells 4, 5, and 6 and leaving a thin sliver of agricultural land (cropland and native grassland) around the perimeter. This land use boundary appears to be impractical and unmanageable. The Reclamation Division recommends changing the post-mine land use of the entire tract located within the NE $\frac{1}{4}$ of Section 8 (with the possible exception of the ROW) to industrial land use. (DKM/RLK)

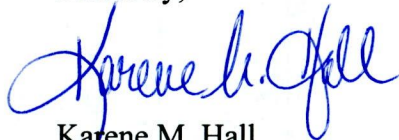
Plate 4.12-1 has been revised to reflect the entire NE $\frac{1}{4}$ of Section 8 and the small corner in the NW $\frac{1}{4}$ of Section under permit as Industrial Post Mine Land Use, less the ROW on the east side of the NE $\frac{1}{4}$.

13. Based on your response to the previous item, please adjust the narrative and tables in Section 4.12 and Appendix 4.12-3 to identify the entire tract located within the NE $\frac{1}{4}$ of Section 8 as being changed to industrial post mine land use or provide additional explanation on how the area will be managed as cropland and or native grassland to demonstrate reclamation success for any associated disturbance around the perimeter of the proposed waste disposal footprint. Minnkota may choose to use the area for crop production or other purpose compatible with their waste disposal site operation and post closure obligations as a method of managing ground cover for erosion control on the industrial area associated with the solid waste facility. (RLK)

Section 4.12 and Appendix 4.12-3 narrative and data tables have been revised to account for the minimal acreage outside the Ash Cell complex disturbance boundary being changed to industrial land use. The ROW acreage has also been revised since the section line between Sections 5 and 8 is permanently closed.

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