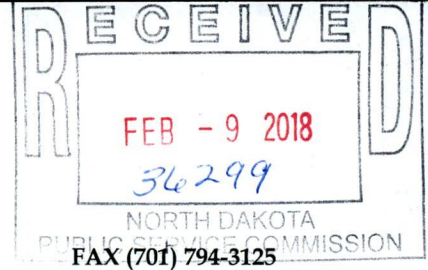




PHONE (701) 355-5588

A BNI ENERGY COMPANY



February 9, 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 February 7, 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:

1. Follow-up to item No. 10: Please provide a current qualified registered professional engineer certification for the surface water management plan that supersedes the May 3, 2012 certification in Section 4.6 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) with the Revision No. 15 application. (WTG)

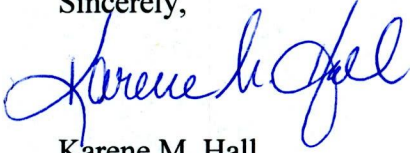
*An updated certification page is included with this submittal.*

2. Follow-up to item No. 12: The revised postmine land use map, Plate 4.12-1, includes a change in postmine land use from cropland to industrial for the approximately 2.5 acres of permit area located within the NW $\frac{1}{4}$  of Section 8, T141N, R83W. However, the application does not include documentation for the zoning change or conditional use permit from Oliver County and the related information necessary to approve an alternative postmining land use for this tract as required by NDAC 69-05.2-23-03. Please identify the currently approved postmine land use for the portion of the NW $\frac{1}{4}$  of Section 8 included in this mining permit or provide the additional required information to consider the alternative postmining land use. (RLK)

*The 2.5 acre tract in the NW $\frac{1}{4}$  of Section 8 will be returned to a post mine landuse of Native Grassland to match the post mine landuse of the surrounding area that is in Permit BNCR-1101. Plate 4.12-1, Section 4.12 and Appendix 4.12-3 have been modified to reflect this change.*

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Karene M. Hall". The signature is fluid and cursive, with the first name being the most prominent.

Karene M. Hall  
Permit Coordinator