

March 20, 2020

Dean Moos
ND Public Service Commission
Inside Mail

Dear Mr. Moos:

This is in response to your request for a review of the environmental impacts associated with the Revision No. 7 to Surface Coaling Mining Permit BNCR-1101 and Revision No. 41 to Permit BNCR-9702 both located at the Center Mine.

The proposed project has been reviewed by State Water Commission staff, and the following comments are provided:

- There may be floodplains identified and/or mapped where this proposed project is to take place. North Dakota has no formal 'permitting' authority as a state entity in NFIP identified floodplain areas. The permitting is always done by the local entity, which has jurisdiction in the area in question. Please work closely with the local Floodplain Administrator.

On March 19, 2020 Matthew Lindsey from our Regulatory Division provided his comments to you via email regarding these two permits.

Thank you for the opportunity to provide review comments. Should you have further questions, please contact me at 701-328-4970 or stevebest@nd.gov.

Sincerely,



Steven Best
Planner III

SB:dm/1570



Public Service Commission
State of North Dakota

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FEB 21 2020

STATE WATER COMMISSION

COMMISSIONERS

Brian Kroshus
Julie Fedorchak
Randy Christmann

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
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Fax: 701-328-2410
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February 20, 2020

Garland Erbele, P.E., State Engineer
North Dakota State Water Commission
900 East Boulevard Avenue Dept 770
Bismarck, ND 58505-0850

Dear Mr. Erbele:

BNI Coal, Ltd. has filed an application for Revision No. 41 to Permit BNCR-9702 at the Center Mine to revise the permit for the next five-year permit term through August 2, 2025. The revision application makes routine updates throughout the permit in response to our pre-renewal permit review.

A DVD of the permit revision application is enclosed for your agency's evaluation as an Advisory Committee member as required by NDAC 69-05.2-11-02(5)(b). A permit Table of Contents is accessible from the Home page. Please refer to pages 53 and 54 of Appendix 1-1 (Revision Summary and List of Changes) on the Section 1 home page for a list of Revision No. 41 proposed changes. Please review the revision application with regard to your agency's areas of responsibility and technical expertise, and for compliance with NDAC 69-05.2-16-03. Please provide any revision application review comments by March 20, 2020.

Please contact us with any questions.

Sincerely,

Dean K. Moos
Director
Reclamation Division

Enclosure



Public Service Commission
State of North Dakota

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STATE WATER COMMISSION

COMMISSIONERS

Brian Kroshus
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February 26, 2020

Mr. Garland Erbele
State Engineer
North Dakota State Water Commission
900 East Boulevard, Dept. 770
Bismarck, ND 58505-0850

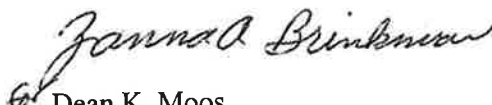
Dear Mr. Erbele:

BNI Coal, Ltd. has filed an application for Revision No. 7 to Surface Coal Mining Permit BNCR-1101 held by BNI Coal, Ltd. for the Center Mine. The revision adds design plans for MSHA Pond 21-5, and updates the Operations Plan and the Surface Water Management Plan sections of the permit accordingly.

A DVD of the permit revision application is enclosed for your agency's evaluation as an Advisory Committee member as required by NDAC 69-05.2-11-02(5)(b). A Permit Table of Contents is accessible from the Home page. Please refer to page 29 of Appendix 1-1 (Revision Summary and List of Changes) on the Section 1 home page for a list of Revision No. 7 proposed changes. Please review the revision application with regard to your agency's area of responsibility and technical expertise, and for compliance with NDAC 69-05.2-16-02.

Please reply with any comments on the revision application by March 25, 2020. Please contact us with any questions.

Sincerely,


for Dean K. Moos
Director
Reclamation Division

Enclosure

Minedata/Center/Permits/BNCR-1101/Revisions/No.7/Rev7_Advsry_rvw_rqst_ltr_2-26-2020