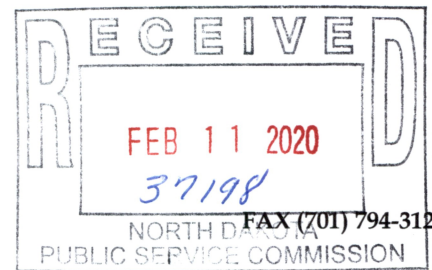


PHONE (701) 355-5588



A BNI ENERGY COMPANY



February 10, 2020

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

RE: Renewal 4 and Revision 41 to Permit BNCR-9702

Dear Mr. Moos,

This submittal contains a response to your pre-renewal review letter to us dated February 7, 2020. In this letter you listed completeness deficiencies that must be addressed before the Renewal 4 and Revision 41 applications to BNCR-9702 can be deemed complete. Below is a listing of the deficiencies followed by our response:

Permit Renewal Application (SFN 10566) and Renewal Request

1. Please remove the statement "*The revision depicts sub-removal for the next five year term.*" from the first paragraph of the Renewal No. 4 request. (ZAB/WTG)

The above listed sentence has been removed from the Notice of Publication and from the renewal request statement as requested.

Appendix 1.5-1 Notice of Publication

2. Please correct the discrepancy between coal ownership listed as "*Fortin Enterprises*" for the NE¼ of Section 5 in Appendix 1.5-1 (Notice of Publication) and Appendix 1.9-1 (Ownership Information (within permit boundary)), and that listed as "*Fortin Enterprises, Inc.*" on Plate 1.9-1 (Ownership Map). (JAR)

The ownerships listed as "Fortin Enterprises" have been updated to state "Fortin Enterprises, Inc." in Appendix 1.5-1 and Appendix 1.9-1.

4 RC-20-24 Filed 02/10/2020 Pages: 4
Response letter from BNI to completeness review
BNI Coal, Ltd.
Karene Hall

13 RC-20-23 Filed 02/10/2020 Pages: 4
Response letter from BNI to completeness review
BNI Coal, Ltd.
Karene Hall

Section 1.9 - Surface and Coal Ownership

3. Please revise the BNCR-9702 permit boundary line type, or the permit area shading, on Plate 1.9-1 (Ownership Map) to clearly define the permit boundary as required by NDAC 69-05.2-05-02(1). As presented on Plate 1.9-1, the permit boundary is difficult to identify on screen or in print. The permit boundary is clearly defined on Plate 1.9-1 for approved Revision No. 40 to Permit BNCR-9702 with permit area gray shading. (WTG)

The line type for the permit boundary was changed as well as shading added inside the boundary to better identify it.

4. Please review the reference to Appendix 1-2 (Certified Copies of Leases and Assignment Documents, Article of Amendment to Articles of Incorporation) for an explanation of State of North Dakota coal ownership in the S $\frac{1}{2}$ of Section 31 on Plate 1.9-1 (Ownership Map). It does not appear that Appendix 1-2 provides an explanation of State of North Dakota coal ownership for the S $\frac{1}{2}$ of Section 31, but an explanation is provided on page 1-6 of Appendix 1.9-1 (Ownership Information (within permit boundary)). Please correct the reference to an explanation of State of North Dakota coal ownership in the S $\frac{1}{2}$ of Section 31 on Plate 1.9-1 as necessary. (JAR)

The reference to Appendix 1-2 on Plate 1.9-1 has been changed to reference Appendix 1.9-1 and a link has been added to the map.

Appendix 1.9-1 - Ownership Information (within permit boundary)

5. Please delete the surface and coal ownership listed for the N $\frac{1}{2}$ of Section 29 from Appendix 1.9-1 and add it to Appendix 1.9-2 (Adjacent Ownership Information (within one-quarter mile)). (WTG/PJR)

The N $\frac{1}{2}$ of Section 29 has been removed from Appendix 1.9-1 and added to Appendix 1.9-2 Adjacent Ownership Information.

6. Please adjust the line spacing on the bottom of page 1-6 of Appendix 1.9-1 so the entire legal description, "SE $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$, Less NW $\frac{1}{4}$ SW $\frac{1}{4}$ " for Section 32 is on one page. (NDAC 69-05.2-05-02(1)) (PJR)

Page 1-6 was updated as requested. The descriptions of the sections will be adjusted to flow well once the permit revision has been approved.

Section 1.12 - Other Licenses and Permits

7. Please update the effective date of North Dakota Pollution Discharge Elimination System (NDPDES) Storm Water Permit #NDR32-0009 issued by the ND Department of Environmental Quality. If the NDPDES storm water permit issuance is pending, please provide information on its status. (JAR/PJR/JSP)

The Storm Water Permit from ND DEQ is pending. A note has been added to Section 1.12 to state pending approval.

8. The Bureau of Alcohol, Tobacco, Firearms and Explosives ATF-FEL License held by Specialized Blasting Services, Inc. is shown as expired on August 1, 2019. Please provide updated license information. (JSP)

SBS Blasting License has been updated.

9. The ND Geological Survey Coal Exploration Permit will expire on February 21, 2020. Please update if a request for another NDGS permit has been filed. (JSP)

No update at this time.

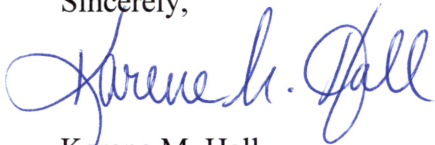
Section 1.14 - Proof of Liability Insurance

10. The liability insurance covering commercial general liability and automobile liability is shown as expired on February 1, 2020. Please provide an updated certificate of liability. (JSP/PJR)

The Certificate of Liability Insurance has been updated with the most recent certificate. The insurance company was unable to provide the Notice of Cancellation at this time and will forward it to us when they receive it.

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

Renewal No. 4 Request

This renewal is being requested because this permit is where the active mining is being conducted and is due to expire.

The bond for this area is sufficient and will continue for the renewal period. Liability insurance is provided and will be renewed on a yearly basis throughout the renewal period.