



Public Service Commission

State of North Dakota

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April 23, 2020

Ms. Karene Hall
Permit Coordinator
BNI Coal, Ltd.
2360 35th Ave. SW
Center, ND 58530-9499

Dear Ms. Hall:

The Reclamation Division has conducted a technical review of the application for Revision No. 16 to Surface Coal Mining Permit BNCR-9401 for the Center Mine. The revision application was filed on January 21, 2020 in response to our December 10, 2019 pre-renewal letter. The following items must be adequately addressed before the Reclamation Division will recommend Commission action on Revision No. 16 and Renewal No. 5. The current permit term expires on August 16, 2020.

Section 1.12 - Other Licenses and Permits

1. Follow-up to item No. 4 in our December 10, 2019 pre-renewal letter: Please update the description for Minnkota Power Cooperative's inert waste landfill permit IT-205 to state that the landfill was closed in 2017. (WTG)

Plate 2.1 - Extended Mine Plan

2. Follow-up to item No. 8 in our December 10, 2019 pre-renewal letter: The legend for the proposed future Mine Area C1 permit addition labels the boundary as "Permit Addition 2018". Please update the permit boundary legend description with a date that is more representative of an anticipated application date for the permit addition or anticipated approval date for the permit addition. (BEB/JSP)
3. Follow-up to item No. 8 in our December 10, 2019 pre-renewal letter: The Extended Mine Plan map depicts a 500-foot setback in the NE1/4 of Section 18 of Permit BNCR-1101 surrounding the Larry and Virginia Schmidt farmstead. The farmstead was abandoned several years ago and BNI Coal plans to mine through the farmstead area in 2022. We realize a portion of the farmstead is currently being used for your ANFO storage area, which will likely be relocated in the near future. However, with plans in place to mine through the farmstead area, the 500-foot setback designation could probably be eliminated from the map. Please review and update if deemed necessary. (BEB)
4. Follow-up to item No. 8 in our December 10, 2019 pre-renewal letter: Please add the revision number and date to the extended mine plan map legend. (PJR/JSP)

5. Color designations associated with a particular mine year are not consistent between the map and the legend. Please review the map and legend, and revise as necessary. (PJR/JSP)

Section 3.12 – Cultural and Historical Resources

6. The Pit Layout and Facilities Map for Permit BNCR-9401, Plate 4.1-1, depicts the 32OL333 NRHP eligible prehistoric cultural resource site 100-foot buffer zone (including a small portion of the actual site) to be within the associated disturbance boundary of the north-to-south access road located east of the section line common to Sections 5 and 6 and within the W1/2W1/2 of Section 5 south of the Hagel Creek crossing in Permit BNCR-1101. The status of 32OL333 is being questioned during this revision review because the site was identified during a 1992 Class III Cultural Resource Inventory for baseline work associated with the application for Permit BNCR-9401. This prehistoric site consists of about 20 stone rings and several cairns, and site specific testing and mitigation is required prior to any disturbance. Review of the cultural resource sections in Permit BNCR-9401 and BNCR-1101 indicates that no testing or mitigation was completed on this NRHP eligible site and that no disturbances are allowed. It appears that road widening disturbances were conducted in 2014, but SHPO correspondence allowing disturbance of the site and/or buffer zone has not been located in the permit. Please review and respond. (BEB)

Section 4.1 - Coal Removal

7. The third paragraph on page 4.1-4 references NDS DH. Please update with the ND Department of Environmental Quality. (JAR)

Plate 4.1-1 - Pit Layout and Facilities Map

8. Follow-up to item No. 12 in our December 10, 2019 pre-renewal letter: Please depict the as-built shape of Minnkota Power Cooperative's Ash Cell 4 on the Pit Layout and Facilities Map. (BEB)

Section 4.4 - Blasting Plan

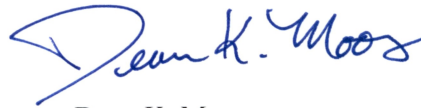
9. Follow-up to item No. 15 in our December 10, 2019 pre-renewal letter: Although blasting has not been conducted and is not planned in Permit BNCR-9401, a blasting map is provided in the permit in Plate 4.4-1 and should be updated to show current conditions within the permit area. Please review the blasting map and update the construction schedules provided for Ash Cells 4 and 5 in Permit BNCR-9401 as those dates do not correspond with the dates provided for the cells on the updated Pit Layout and Facilities Map in Plate 4.1-1 of the permit. The location of proposed Cell 6 could also be added to the blasting map to correspond with plans on the Pit Layout and Facilities Map. (BEB)
10. Follow-up to item No. 15 in our December 10, 2019 pre-renewal letter: The revision summary states that the Blasting Plan was updated; however, there are no highlighted changes in the plan or corresponding footnote reference to the current revision. Please review the Blasting Plan, mark up any changes and include a revision footnote. (PJR/JSP)

Section 4.15 Signs and Markers, Air Monitoring, Socioeconomic Information, Scenic and Aesthetic Impact

11. The socioeconomic information found on page two of Section 4.15 was copied from other permits and BNI revised the narrative by changing Permit BNCR-9702 to BNCR-9401 with this revision. The BNCR-9702 information remains relevant and should be retained. Please add a brief narrative at the beginning of the paragraph that addresses the need for Permit BNCR-9401. (PJR)

Please contact us with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Dean K. Moos". The signature is stylized with a large, sweeping initial "D" and a cursive "K" and "Moos".

Dean K. Moos
Director
Reclamation Division