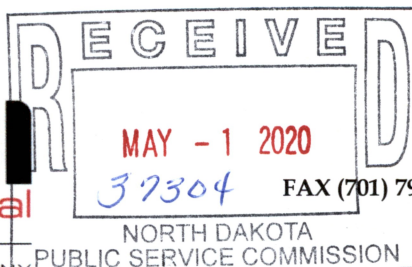


PHONE (701) 355-5588



A BNI ENERGY COMPANY



April 30, 2020

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

RE: Revision 16/Renewal 5 to Permit BNCR-9401

Dear Mr. Moos,

This submittal contains a response to your Technical Review 1 letter to us dated April 23, 2020. In this letter you listed technical deficiencies that must be addressed before the Revision 16/Renewal 5 application to BNCR-9401 can be approved. Below is a listing of the deficiencies followed by our response:

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)

A statement was added to the above referenced paragraph that the landfill was reclaimed and closed in 2017.

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)

The legend has been changed to reflect read "Proposed Permit Addition 2021"

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)

The set back line has been removed as we plan to remove the buildings and ANFO storage this summer.

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)

The revision number has been added to the title block.

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)

The dates have been updated in the legend to reflect the mine years on the map.

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)

The SHPO correspondence letter dated October 15, 2014 has been added to Section 3.12 as Appendix 3.12-7 Section 5 Correspondence (10-2014).

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)

Revised NDS DH to ND Department of Environmental Quality.

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)

The map has been updated to depict the top of embankment as built shape of Ash Cell 4.

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)

The blasting map ash cell are consistent with the Pit Layout and Facilities Map and Extended Mine Plan Map as suggested.

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)

The Blasting Plan is Consistent to what is approved in BNCR 1101. The Blast Record has been updated to reflect the forms that are being used at the mine.

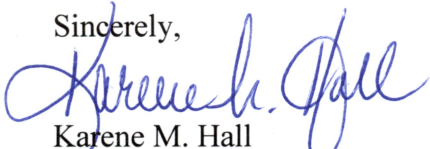
Section 4.15 Signs and Markers, Air Monitoring, Socioeconomic Information, Scenic and Aesthetic Impact

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)

A statement has been added to the paragraph for socioeconomic information in regards to BNCR-9401.

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