



May 1, 2020

Mr. Dean Moos
State Capitol
Public Service Commission
600 East Boulevard Ave. Dept. 408
Bismarck, ND 58505-0480

Dear Mr. Moos:

This is in response to your request for a review of the environmental impacts associated with the renewing and revising of Surface Coal Mining Permit No. BNCR-9401 covering lands in Oliver County, North Dakota.

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

-There are no FEMA regulatory floodplains identified and/or mapped where this proposed project is to take place. No permits relative to the NFIP are required based on the current effective FIRM and State minimum standards.

-In accordance with North Dakota Century Code §61-16.1-38, any new construction or modifications of water storage impoundments may require a construction permit from the Office of the State Engineer (OSE). Please contact the OSE Regulatory Division at 701-328-2752 if you have any questions.

-The Office of the State Engineer (OSE) Engineering and Permitting Section reviewed the project location and determined that the project will be constructed near surface water resources. The OSE requests to be notified regarding the proposed project's impacts, if any, to water resources such as watercourses (i.e. streams or rivers), agricultural drains, and wetlands (i.e. ponds, sloughs, lakes, or any series thereof) as any alterations, modifications, improvements, or impacts to those water resources may require a drainage permit(s) or a construction permit(s) from the OSE.

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The following permitted structures were identified as being located within the proposed project bounds of Section 5 & 8, T141N, R83W; and Section 32, T142N, R83W (please find attached associated permit documents):

- Construction Permit No. 901, Applicant Minnkota Power Inc
- Construction Permit No. 2412, Applicant BNI Coal, Ltd
- Construction Permit No. 2517, Applicant Minnkota Power Inc.

Any alterations, modifications, improvements, or impacts to these structures will require a construction permit from the OSE.

In addition, the following drainage permits were found (please find attached associated permit documents):

- Application to Drain a Wetland No. 2667, Applicant BNI Coal
- Application to Drain a Wetland No. 2699, Applicant BNI Coal

Please contact the OSE Engineering and Permitting Section at 701-328-4288 if you have any questions.

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:pp/1570
Enclosure