



# Public Service Commission

## State of North Dakota

---

### COMMISSIONERS

Brian Kroshus  
Julie Fedorchak  
Randy Christmann

600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

June 5, 2020

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

Dear Ms. Hall:

The Reclamation Division has reviewed BNI Coal, Ltd.'s April 30, 2020 responses to our April 23, 2020 technical review letter for Revision No. 16 to Surface Coal Mining Permit BNCR-9401 for the Center Mine. The following items must be adequately addressed before the Reclamation Division will recommend Commission action on Revision No. 16 and Renewal No. 5. Please provide a prompt response to these items to allow for staff review and Commission approval prior to the current permit term expiration date of August 16, 2020.

#### **Plate 4.1-1 - Pit Layout and Facilities Map**

The recent review of the Bond Release No. 5 application for Permit BNCR-9401 confirmed that temporary topsoil stockpile NE8T01 formerly located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 8 was removed in 2018 according to BNI's April 19, 2018 letter describing the ash cell 4 phase 2 construction plan. Please remove temporary topsoil stockpile NE8T01 from Plate 4.1-1 (Pit Layout and Facilities Map). (WTG)

The recent review of BNI's request to apply a topsoil veneer on the outer shoulder slopes of haul road Sections A-2 and A-3 in Permit BNCR-9401 confirmed that the proposed relocation route for Minnkota Power Cooperative's 230kv power line depicted on Plate 4.1-1 (Pit Layout and Facilities Map) approved with Revision No. 15 does not depict the actual power line relocation route. Please revise Plate 4.1-1 to depict the actual power line relocation route, remove the former power line route, and revise the actual power line relocation route line type to be consistent with the plate's legend. (WTG)

#### **Section 4.5 - Transportation Plan**

As requested in the May 27, 2020 approval letter for BNI's request to apply a topsoil veneer on the outer shoulder slopes of haul road Sections A-2 and A-3 in Permit BNCR-9401, please add a description of the topsoil veneer application to the Proposed Haul Road Section A-2 and A-3 subsection on page 4.5-3 in Section 4.5 (Transportation Plan), and add the submitted map with a revised title box to Appendix 4.5-4 (Haul Road Section A-2 and A-3). (WTG)

Ms. Karene Hall  
June 5, 2020  
Page 2 of 2

Please contact us with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dean K. Moos". The signature is fluid and cursive, with a large initial "D" and "M".

Dean K. Moos  
Director  
Reclamation Division