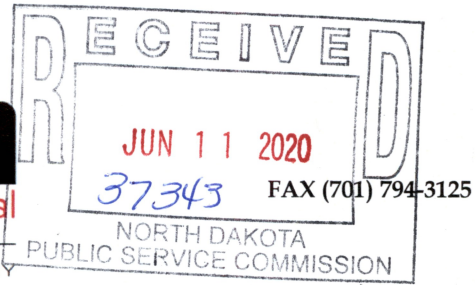


PHONE (701) 355-5588



June 9, 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 2 letter to us dated June 5, 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:

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 stockpile has been removed.

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)

The power line location of Minnkota's line has been updated. The remaining BNI transmission line and Rough Rider Electric underground line has been depicted on the map as well. They are all shown as "Power Line" and match the line type in the legend.

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Response to second technical review letter
BNI Coal, Ltd.

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)

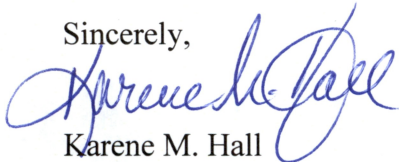
The outline of the topsoil veneer was added to the plate in Appendix 4.5-4 instead of adding an additional map. The Section 4.5 narrative was updated as requested.

Appendix 4.5-4 was revised to update alignment changes to Haul Roads A-2 and A-3. This change allowed for better access to the active coal stockpile. Culvert #17 was removed in order to eliminate another potential spot for disturbed runoff to potentially affect undisturbed areas. The watershed was added to Culvert #18 and the design information in Appendix 4.5-2 was corrected to reflect.

Plate 4.5-1 was also updated to reflect the adjusted alignments and culvert removal.

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