



Public Service Commission

State of North Dakota

COMMISSIONERS

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February 28, 2020

Mr. Gregory Petrick
Reclamation Specialist
BNI Coal, Ltd.
2360 35th Ave. SW
Center, ND 58530-9499

Dear Mr. Petrick:

The Reclamation Division has completed an initial review of the application for Bond Release No. 5 to Permit BNCR-9401. The items listed below must be addressed prior to publishing the newspaper notice or notifying the surface owners, adjacent surface owners and governmental agencies.

General Information

1. Please remove the Attachment 4.pdf bookmark from the bond release application and add bookmarks with titles for each attachment, similar to the Bond Release 4 application, so readers can access each attachment without scrolling through the entire application. (PJR/ZAB)

Bond Release Application - SFN 19813

2. Please correct the acreages listed for Sections 5 and 8 on the application SFN 19813 to be consistent with Attachment I - Legal-Description (Map) that lists the removal area in Section 5 as 27.19 acres and the removal area in Section 8 as 16.41 acres. Currently, SFN 19813 lists the removal acres in Section 5 as 27.09 and in Section 8 as 16.51. (JAR/JSP)
3. Please revise page one of the application SFN 19813 by removing Tract 2 from the Tract Number column. The bond release request area includes acreage from two Sections, but the tract was surveyed as one unit and the remainder of the application discusses the bond release request area as one tract. (ZAB)
4. Please revise the bonding statement on page one of the application SFN 19813 to read *The area representing BNI is requesting first, second, third and fourth stage bond release on 43.60 acres of industrial land in Permit BNCR-9401. Permit BNCR-9401 is under worst-case bonding, thus and no monetary reduction of the bond is being requested. is involved for the acres represented by this mining permit.* (ZAB)
5. Please revise page 3 of the application SFN 19813 by removing tract 2 from the Tract Number box in the upper right corner of the page. (ZAB)

6. Please check the last five boxes on the bottom of page 3 of the application SFN 19813 because these items are relevant to this application. (ZAB)

Attachment III - Advertisement

7. Please revise the first sentence of the public notice by changing the word “applications” to “an application”. Only one application has been submitted for Bond Release #5. (JAR/JSP/ZAB/PJR)
8. Please revise the first part of the third sentence of the public notice as follows. *No monetary release is being requested for Permit BNCR-9401 with this bond release since the bond amount.....Center Mine.* (ZAB)
9. Please revise the fourth sentence of the public notice as follows. *The total bond amount on file for Permit BNCR-9401 is \$960,254 \$1,404,271.* (ZAB/PJR)
10. Please revise the first sentence of the second paragraph of the public notice as follows. *Final bond release for 43.60 acres in Permit BNCR-9401 is being requested in accordance with the North Dakota Public Service Commission policy memorandum No. 15, which establishes the total bond release requirements for waste disposal sites on mined lands.* (ZAB)
11. Please revise the narrative that follows the bullet point in the public notice as follows. ~~For Permit BNCR-9401, the bond release tract contains Cell Number 4 of Minnkota Power Cooperative’s FGD Sludge Disposal Facility. The disposal facility has been constructed in accordance with Minnkota’s Permit SP-159 issued by the North Dakota State Department of Environmental Quality Health. The proposed bond release area has been zoned industrial by Oliver County. Small portions of topsoil removal occurred in 1996 in association with construction of a storm water pond. The remaining topsoil and subsoil were removed from the ash cell area for coal removal in 2010-2011 with and coal removal occurring in 2017. Following the removal of lignite, preparation of this tract construction of Ash Cell #4 for the Milton R. Young Power Plant was completed by Minnkota Power Cooperative. to be used as Ash Cell #4 for their Milton R. Young Power Plant. None of the usual operations associated with reclamation of a pit have been performed due to the intended use of Ash Cell #4 for disposal of power plant wastes. Ash Cell #4 was put into use by Minnkota in November 2018.~~ (ZAB/PJR)
12. We suggest removing the bullet point that follows the second paragraph of the public notice and moving the bulleted narrative to the second paragraph. (ZAB)
13. Please revise the last paragraph of the public notice as follows. ~~Any person whose interests are or may be adversely affected by the proposed application has the right to file written comments, objections or request an informal conference with the North Dakota Public Service Commission. Written comments, objections or requests for informal conferences should be sent to the ND Public Service Commission, 600 E Boulevard Avenue, Dept. 408, Bismarek, ND 58505 within 30 days after the last date of publication of this notice. Copies of the bond release applications are available for inspection at the Oliver County Auditor's office located in the Oliver County Courthouse, Center, North Dakota 58530 and the Director's office, Reclamation Division, North Dakota Public Service Commission, 134~~

Mr. Gregory Petrick

February 28, 2020

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~~Floor State Capitol Building, 600 E Boulevard Avenue, Dept. 408, Bismarck, North Dakota 58505.~~

Any person whose interests are or may be adversely affected by the proposed application has the right to file written comments, objections or request an informal conference with the North Dakota Public Service Commission. Written comments, objections or requests for informal conferences should be sent to the ND Public Service Commission, 600 E Boulevard Avenue, Dept. 408, Bismarck, ND 58505 within 30 days after the last date of publication of this notice. (ZAB)

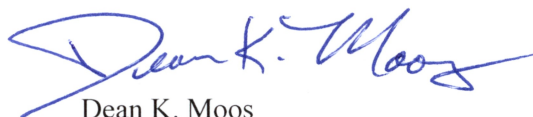
14. Please revise the font size and color of all labels on the public notice map so that all text is legible at newspaper print scale. (ZAB/PJR)

Attachment IV

15. Please verify all addresses listed on page 17, and correct the the ND Department of Environmental Quality address to 918 E. Divide Ave. (PJR)
16. Please revise the Mayor's address on page 17. It is our understanding that mail directed to the mayor should be sent to the Center City Office, PO Box 76 or 312 N. Lincoln Ave. (JAR)
17. Please update the notification letters in Attachment IV to include all of the corrections requested for the public notice above or replace the first paragraph with the first two paragraphs from the public notice. (JAR/JSP/PJR/ZAB)

If you have any questions, please contact this office.

Sincerely,



Dean K. Moos
Director
Reclamation Division