



Public Service Commission

State of North Dakota

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July 30, 2021

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

Dear Mr. Petrick:

The Reclamation Division has reviewed BNI Coal, Ltd.'s June 14, 2021 responses to our second technical review letter for the application of Bond Release No. 5 to Permit BNCR-9401 at the Center Mine. The following items must be adequately addressed prior to this office recommending Commission action. The follow-up items reference the item as numbered in our March 12, 2021 technical review letter.

Attachment V – Soils Map

1. Follow-up to item No. 4: The map legend on Attachment V, Soils Map, has a label for Surface Ownership, but no symbol. We suggest that you remove the Surface Ownership label from the legend because surface ownership is adequately identified on the map. (JAR)
2. Follow-up to item No. 5: It appears an example soil mapping unit was inadvertently inserted inside the BNCR9401 Bond Release #5 symbol instead of the red square for the Bond Release 5 soils symbol. Please correct. (JAR)
3. Follow-up to item No. 6: Please remove the two "IND" post mine land use labels that are located in Ash Cells 1 and 2. (PJR/JAR)

Attachment VI – Tract History and Pond Maintenance Agreements

4. Follow-up to item No. 7: The Subareas narrative that was added to the first page of the Tract History contains a typographical error in the Subarea No. 2 location. Please correct the "E/12 of Section 5" to the "E1/2 of Section 5." (JAR)
5. Follow-up to item No. 8: Please revise the acreages listed in the first paragraph of the narrative on page 1 of Attachment VI. The acreages should be revised to 16.41 for the NE1/4 of Section 8 and 27.19 for the E1/2 of Section 5 to be consistent with the bond release application and the metes and bounds description of the bond release tract. (PJR)

Mr. Gregory Petrick
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If you have any questions, please contact this office.

Sincerely,



Dean K. Moos
Director, Reclamation Division

cc via email only: Jay Volk (jvolk@bnicoal.com)
Karene Hall (khall@bnicoal.com)

Center Mine\Permits\BNCR - 9401\Bond Release\Bond Release 5\BR5_Tech3_Review_Ltr_7-30-21