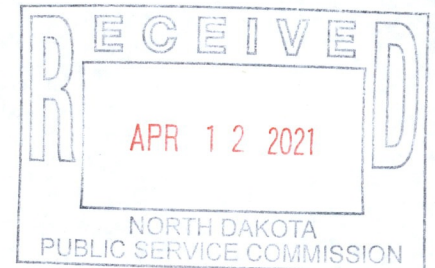


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April 12, 2021



Mr. Dean Moos, Director
Reclamation Division, NDPSC
Department 408
600 East Boulevard Avenue
Bismarck, ND 58505-0480

RE: Revision 8 to Permit BNCR-1101

Dear Mr. Moos,

This submittal contains a response to your Completeness Review 3 letter to us dated April 9, 2021. In this letter you listed completeness deficiencies that must be addressed before the Revision 8 application to BNCR-1101 can be deemed complete. Below is a listing of the deficiencies followed by our response:

Appendix 1.5-1 - Notice of Publication

1. Follow-up to item No. 9 of the November 30, 2020 completeness review letter: The fluctuating COVID-19 pandemic situation may allow the public an opportunity to inspect the revision application at the state capitol and the Oliver County courthouse. Please replace the outdated second paragraph on the first page of the Notice of Publication with the two following paragraphs: (ZAB/WTG)

The application for revision of the surface coal mining permit is available for public inspection at the offices of the North Dakota Public Service Commission, 600 East Boulevard Avenue, Bismarck, ND, 58505-0480, and the County Auditor, Oliver County Courthouse, Center, ND, 58530. A USB flash drive copy of the revision application may be requested by contacting the Public Service Commission at (701) 328-2400 or ndpsc@nd.gov, or by sending a written request.

Written comments, objections, or requests for informal conferences on the revision application may be submitted by any person with an interest which is, or may be, adversely affected by the revision to the North Dakota Public Service Commission, 600 East Boulevard Avenue, Bismarck, ND, 58505-0480, within 30 days after the last publication of this notice. The written request should state the concerns or objections regarding the revision.

The 2nd paragraph of the Notice of Publication has been replaced with the two paragraphs from above.

2. Follow-up to item No. 6: Coal ownership remains listed for Matt Pfliger in the NW¼ of Section 28 less West 528 feet in the Notice of Publication but Marla Brown LE and Myra Buntin LE are listed to recognize the coal ownership change. Please strike-through Matt Pfliger coal ownership in the NW¼ of Section 28 less West 528 feet in the Notice of Publication. (WTG/JAR)

Matt Pfliger's name in the NW1/4 of Section 28 has been updated with text strike-through.

Section 1.9 - Surface and Coal Ownership

3. Plate 1.9-1 (Surface and Coal Ownership) was revised with BNI's February 25, 2021 second completeness review response but the plate's title box revised/print dates for Revision No. 8 remains unchanged as 7/24/20. As required by NDAC 69-05.2-05-02(1), please update the plate's title box to add the revised/print date of 2/25/2021 that has occurred during the revision review to date. A revised/print date should be added each time plate changes are made during the revision review. Please also update the plate's legend to explain the boundary type of the Revision No. 8, not Revision No. 7, addition acreage. (WTG)

Updated title box and legend. Also changed Robert Reinke ownership in T142N, R83W Section 31 to split between Benjamin Reinke, Elizabeth Wagendort and Brian Reinke. Appendix 1.9-1 and Appendix 1.9-2 were also updated with the Reinke ownership changes.

Appendix 1-2 - Certified Copies of Leases and Assignment Documents

4. Please add the fully executed Federal Coal Lease NDM 105513 issued to BNI for the SE¼, the E½NE¼, and the S½SW¼ of Section 14 to Appendix 1-2. (WTG)

A copy of the Federal Lease NDM 105513 has been added to Appendix 1-2. A copy of the recorded lease will be included once we receive it. Appendix 1.9-1 has been updated as well to provide a link to the federal lease.

Plate 4.1-1 Pit Layout and Facilities Map

5. Please remove the pit boundaries extending beyond the southern permit boundary depicted on Plate 4.1-1 (Pit Layout and Facilities Map) as required by NDAC 69-05.2-05-02(1). (WTG)

The pit lines have been removed.

6. Follow-up to item No. 19: Please remove the dark green simple hatch fill pattern representing an unleased federal coal tract depicted in the SE¼, the E½NE¼, and the S½SW¼ of Section 14 on Plate 4.1-1 (Pit Layout and Facilities Map) now that BNI has acquired the federal coal lease. (WTG)

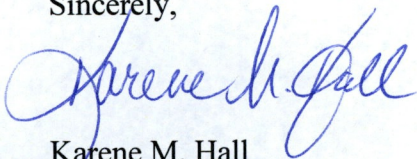
The hatch presenting unleased federal coal has been removed from Section 14.

7. Follow-up to item No. 30 of the November 30, 2020 completeness review letter: Please review the green simple hatch fill pattern depicted in the E½ of Section 16 (T141N, R84W) on Plate 4.1-1 (Pit Layout and Facilities Map) that apparently represents Department of Trust Lands surface ownership. The hatching was removed with BNI's January 19, 2021 first completeness review response but was restored with BNI's February 25, 2021 second completeness review response. As required by NDAC 69-05.2-05-02(1), please use the hatching consistently for Department of Trust Lands surface ownership contained in the permit area and update the plate's legend to explain what the fill pattern represents if BNI intends to retain the hatching on Plate 4.1-1. (WTG)

The green hatch representing state surface ownership has been removed.

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