



Public Service Commission

State of North Dakota

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February 3, 2023

Karene M. Hall
Permit Coordinator
BNI Coal, Ltd.
2360 35th Avenue SW
Center, ND 58530-9499
khall@bnicoal.com

Dear Ms. Hall:

The Reclamation Division has reviewed BNI Coal, Ltd.'s (BNI) December 29, 2022 responses to our December 12, 2022 technical review letter (fifth technical review) for the Revision No. 8 application to Permit BNCR-1101 at the Center Mine. Revision No. 8 proposes to add 2,661.04 acres to the permit in Sections 11, 14, 15, 16, 22, and 23 of Township 141N, Range 84W. The revision also proposes to revise the postmining topography for portions of the existing permit area. The following items must be adequately addressed before the Reclamation Division will recommend Commission action on the Revision No. 8 application. Please note that follow-up items reference the item as numbered in our December 12, 2022 technical review letter.

General

1. It appears that Appendix 1-2 (Certified Copies of Leases and Assignment Documents, Article of Amendment to Articles of Incorporation) was revised with the December 29, 2022 submittal, but no change is listed in Appendix 1-1 (Revision Summary and List of Changes). Please update Appendix 1-1 to list the changes made to Appendix 1-2. (JWE)

Section 3.2 – Geology

2. The overburden analyses provided in Appendix 3.2-2 (Overburden Analysis) for the eight 2021 drill holes (21-C1-001 to 21-C1-008) do not provide a physical and chemical analysis of the strata below the lowest coal seam to be mined as required by NDAC 69-05.2-08-05(2)(c). Please provide the required analyses of the strata below the lowest coal seam for the 2021 drill holes. Since coal was not encountered in drill hole 21-C1-005, additional analyses would not be required for that location. (MLJ/JWE/PJR)

Section 4.11 – SPGM Removal and Replacement

3. Plate 4.11-1 (Proposed SPGM Respread Depths – Method A) shows two tracts in the SW $\frac{1}{4}$ of Section 24 that have a projected SPGM respread thickness of less than 48 inches, but it appears that no overburden analysis was conducted in these areas. Please change these areas to show a projected respread thickness of 48 inches. (MLJ)

4. It appears that the proposed SPGM respread depth associated with drill hole 21-C1-007 located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14 incorrectly shows a respread depth of 36 inches on Plate 4.11-1 (Proposed SPGM Respread Depths – Method A). Based on the overburden sample analyses from Appendix 3.2-2 (Overburden Analyses), the potential respread depth for the area associated with 21-C1-007 should be 48 inches due to two spoil samples having sodium absorption ratio (SAR) values greater than 20. These undesirable spoil properties make up twenty percent or more of the overburden above the lowest coal seam to be mined. Please revise Plate 4.11-1 (Proposed SPGM Respread Depths – Method A) as necessary. (MLJ)
5. Please revise the symbology for drill hole locations 21-C1-001 and 16-C1-007 in Section 14 on Plate 4.11-1 (Proposed SPGM Respread Depths – Method A) to the proper symbol shown in the map legend. (MLJ)
6. Please update Table 4.11-1 (SPGM Respread Depths by Ownership within the Mining Disturbance Boundary) to account for the changes made to Plate 4.11-1 (Proposed SPGM Respread Depths – Method A). (MLJ)

Section 4.14 – Reclamation Cost Estimate for Bonding Purposes

7. Follow-up to Item No. 2: Appendix 4.14-1 (Worst Case Bond Calculations) lists the worst case bond estimate as 2022, but the narrative in Section 4.14 (Reclamation Cost Estimate for Bonding Purposes) lists the worst case time period as the end of 2024. Please revise Appendix 4.14-1 or Section 4.14 so they account for the correct worst case estimate and ensure that they are consistent. (JWE)

Please contact us with any questions.

Sincerely,



Zanna A. Brinkman
Director
Reclamation Division

cc via email only: Doug Scheetz (dscheetz@bnicoal)
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