



February 10, 2023

Ms. Zanna Brinkman, Director  
Reclamation Division, NDPSC  
Department 408  
600 East Boulevard Avenue  
Bismarck, ND 58505-0480

Dear Ms. Brinkman,

This submittal contains a response to your Technical Review <sup>b</sup>4 letter to us dated February 3, 2023. In this letter you listed technical deficiencies that must be addressed before the Revision 8 application to BNCR-1101 can be approved. Below is a listing of the deficiency followed by our response:

### **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)

*Appendix 1-2 from Revision 8 was compared to the approved version from Revision 10 and a few updates were required for Sections 8, 17, 18 and Section 21. A duplicate lease was also removed for Section 21.*

### **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)

*Due to the 2021 drill holes being on a federal coal tract, until OSM MPDD is granted on this tract, BNI will wait to complete this requirement.*

### **Section 4.11 – SPGM Removal and Replacement**

3. Plate 4.11-1 (Proposed SPGM Respread Depths – Method A) shows two tracts in the SW¼ 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)

*Updated respread depths to 48"*

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)

*Updated respread depths to 48"*

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)

*Updated symbol for drill hole.*

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)

*Updated respread depths in table based on Plate 4.11-1 changes*

#### **Section 4.14 – Reclamation Cost Estimate for Bonding Purposes**

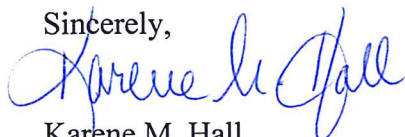
7. Follow-up to Item No. 2: Appendix 4.14-1 (Worst Case Bond Calculations) lists the worst case bond estimate as 2022, but the narrative in Section 4.14 (Reclamation Cost Estimate for Bonding Purposes) lists the worst case time period as the end of 2024. Please revise Appendix 4.14-1 or Section 4.14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

*The correct version of Appendix 4.14-1 which corresponds to Plate 4.14 for the time period of 2024 has been included. Section 4.14 has been updated.*

*Section 4.5 – Transportation Plan was updated to exclude dates and call out that finalized designs are forthcoming for C1 stream and county road crossings.*

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