



# Public Service Commission

## State of North Dakota

**PSC - 8**

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May 21, 2020

Catherine Kolden, PE  
Mining Engineer  
BNI Coal, Ltd.  
2360 35<sup>th</sup> Avenue SW  
Center, ND 58530-9499

Dear Ms. Kolden:

The Reclamation Division has reviewed BNI Coal, Ltd.'s April 20, 2020 request to use postmine topographic changes proposed in Permit BNCR-1101 with the forthcoming Revision No. 8 application for grade approval requests in the following defined areas where direct respreading of suitable plant growth material is planned for 2020:

1. The 736 dragline pits in Sections 7 and 18 of Township 141N, Range 83W; and Section 12 of Township 141N, Range 84W; and,
2. The 8200 dragline pits in Sections 16 and 17 of Township 141N, Range 83W.

Revision No. 8 will add 2,661 acres as the C1 Addition to the permit in Sections 11, 14, 15, 16, 22, and 23 of Township 141N, Range 84W. The postmine topographic changes proposed in Permit BNCR-1101 comprise 1,146 acres as depicted on proposed Revision No. 8 Plate 4.10-1 (Post-Mining Topography) dated March 20, 2020 submitted with the request. Postmine elevation contours on Plate 4.10-1 approved with Revision No. 6 represent respread topsoil topography, but the postmine elevation contours proposed with Revision No. 8, and henceforth throughout the permit, represent graded spoil topography.

BNI's request states that the proposed postmine topographic changes are necessary to expedite reclamation of the 736 and 8200 dragline pit box cut spoils, and it confirms that no postmine land use changes are proposed in areas where postmine topographic changes are proposed. Additional information from revised Section 3.4 (Surface Water) of the permit proposed with Revision No. 8 was submitted May 8, 2020 to document the effects of the proposed postmine topographic changes on premine and postmine watershed comparisons with 10 year- and 25 year-24 hour design events.

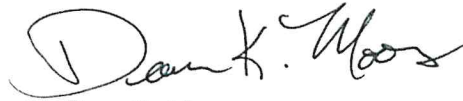
BNI's request to use postmine topographic changes proposed in Permit BNCR-1101 with the forthcoming Revision No. 8 application for grade approval requests in the defined areas for 2020 is approved. Grade approval requests granted in these areas will be contingent upon the approved Revision No. 8 postmine

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topography. BNI will be responsible for ensuring that postmining topography in the conditionally approved areas conforms to the approved Revision No. 8 postmine topography.

Please contact us with any questions.

Sincerely,

A handwritten signature in black ink that reads "Dean K. Moos". The signature is written in a cursive style with a large, looped initial "D".

Dean K. Moos  
Director  
Reclamation Division

cc: Jodey Houn  
Jon Rudnick  
Jay Volk

Minedata/Center/Permits/BNCR-1101/Revisions/No.8/2020\_PMT\_rvw\_AL\_5-21-20