



# Public Service Commission

## State of North Dakota

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January 8, 2024

Karene M. Hall  
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113 RC-20-438 Filed 01/08/2024 Pages: 2  
Review 8 Technical 9 Review Letter  
Public Service Commission  
Jonathan Emmer

Dear Ms. Hall:

The Reclamation Division has reviewed BNI Coal, Ltd.'s (BNI) December 18, 2023 responses to our December 15, 2023 technical review letter (eighth 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 item 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 15, 2023 technical review letter.

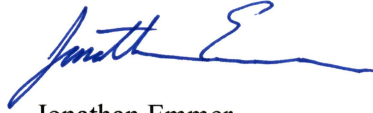
**Section 4.11 – SPGM Removal and Replacement**

1. Follow-up to Item No. 7: BNI did not reincorporate the version of Table 4.11-1 (SPGM Respread Depths by Ownership within the Mining Disturbance Boundary) from the technical 6 review. Pages 4.11-3 and 4.11-5 are unnecessary duplicates that appear to be from an outdated version of the technical review process. The acreage change to account for the modified setback made with Lackman ownership is acceptable since BNI must always include the most up-to-date information in permit revisions. As a reminder, our permit revision process includes reviewing proposed changes marked by redlines and/or highlights, as indicated by the marked change for the Lackman ownership in Section 14. It is not best practice to include outdated duplicate documents within a section of the permit for the Reclamation Division to review what changes have been made. The Reclamation Division has the ability to check previous versions of the documents submitted in prior technical responses. Furthermore, please reach out to the Reclamation Division if any questions arise from this technical review letter. Having questions addressed before submitting a response to a technical review letter can reduce the number of technical reviews and time needed to review a permit revision. (MLJ)

Karene M. Hall  
January 8, 2024  
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Please contact us with any questions.

Sincerely,



Jonathan Emmer  
Director  
Reclamation Division

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Center Mine\Permits\BNCR - 1101\Revisions & Renewals\No. 8\Rev8\_Tech9\_rvw\_ltr\_1-8-24