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A BNI ENERGY COMPANY

January 11, 2024

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

Dear Mr. Emmer,

This submittal contains a response to your Technical Review 7 letter to us dated January 8, 2024. In this letter you listed a technical deficiency 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:

**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 Pages 4.11-3 and 4.11-5 are unnecessary duplicates that appear to be from an outdated version of the technical review process.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 It is not best practice to include outdated duplicate documents within a section of the permit for the Reclamation Division to review what changes have been made.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)

*Track changes within Section 4.11 were accepted in order to remove the outdated version of Table 4.11 which was displayed on Pages 4.11-3 and 4.11-5. This should make the document easier to read. No further changes were made to the table.*

Thank you for your consideration of this matter. If you have any questions regarding this submittal, please contact me at the Center office.

Sincerely,

A handwritten signature in blue ink that reads "Karene M. Hall".

Karene M. Hall  
Permit Coordinator