



# Public Service Commission State of North Dakota

*Sent via email only*

March 3, 2021

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Dear Ms. Hall:

The Reclamation Division has conducted a completeness review of the application for Revision No. 17 to Permit BNCR-9401 at the Center Mine. The following items must be adequately addressed before the applications can be deemed complete and approval is granted to begin publication of the permit revision newspaper notice.

**Appendix 1.5-1 Notice of Publication**

1. Due to the pandemic, we have been including an additional option for people to obtain a copy of revision applications. Please replace the second paragraph of the public notice with the following two paragraphs. (JAR/PJR/BEB)

*A copy of the application for revision of a surface coal mining permit is available for public inspection at the offices of the North Dakota Public Service Commission, 600 East Boulevard Ave, Bismarck, ND, 58505-0480 and at the offices of the County Auditor, Oliver County Courthouse, Center, ND, 58530. A DVD copy of the application for revision may be requested by contacting the Public Service Commission at (701) 328-2400 or [ndpsc@nd.gov](mailto:ndpsc@nd.gov) or by sending a written request.*

*Written comments, objections, or requests for informal conferences on the application may be submitted by any person with an interest which is or may be adversely affected to the North Dakota Public Service Commission, 600 East Boulevard Ave, Bismarck, ND, 58505-0480, within 30 days after the last publication of this notice. The written request should state the concerns or objections regarding the revision.*

2. Please update the publication map by adding cross-hatching or shading to the affected area the revision addresses, and also provide a label stating "Affected Area" with an arrow pointing to the affected area. (PJR/BEB)
3. Please include a statement in the public notice that indicates Revision 17 updates the worst case bond estimate. (PJR/ZAB)

**Appendix 1-1 Revision Summary-List of Changes and Appendix 1-5 Application**

4. Revise the Revision 17 application, Appendix 1-5, and the first paragraph in the Revision Summary and List of Changes, Appendix 1-1, to include a statement that Revision 17 updates the worst case bond estimate. (PJR/ZAB)
5. The Revision 17 Summary and List of Changes in Appendix 1-1 does list the Sections of the permit that were updated, but no meaningful information was provided on the second page.

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Preston Ripplinger  
Pages: 2

Listing the permit section number and “section updated” provides no information about what changes were made and provides no guidance to our staff, advisory committee members, or the general public. Revise Appendix 1-1 by identifying each permit section by number and name, and include a short summary or list of the changes made to each plate or section of the permit. (ZAB)

6. Revise the statement *updated Appendix 4.14-1 Worst Case Bond Estimate for the next 5 year term* in Section 4.14 of the Revision Summary and List of Changes, Appendix 1-1. The worst case bond estimate is being updated in response to the 2020 variable costs update, not for the next 5 year permit term. (PJR/ZAB)

#### **Appendix 1-2 – Certified Copies of Leases and Assignment Documents**

7. It appears the coal lease for the federal coal tract in the NE¼ of Section 8 has not been placed in the permit. Please update Appendix 1-2 with a certified copy of the lease agreement and update Appendix 1-1, Revision Summary and List of Changes, to indicate Appendix 1-2 was updated. (BEB/PJR)

#### **Appendix 3.2-1 – Lithologic and Geophysical Logs**

8. The lithologic log for drillhole 21-M001 was placed under the Geophysical Logs subsection of Appendix 3.2-1. Please place the drillhole log sheet for 21-M001 under the Lithologic Logs subsection. (BEB)

#### **Section 4.1 – Coal Removal and Waste Disposal Cell Construction**

9. Similar to existing waste disposal cell information (Ash Cells 1-4) provided in Section 4.1, there is no narrative, design or detail information provided for proposed Cell 5. Please update Section 4.1 with that information unless more specific details regarding Cell 5 are planned to be provided in a future revision. Please address. (PJR/BEB)
10. Table 4.1-2 lists coal production for 2023, but Table 4.1-1 lists coal removal from Ash Cell 5 in 2022. Please review and update as appropriate. (ZAB)
11. Revise the Federal Coal Tract narrative that was added on page 4.1-5. BNI obtained the federal coal lease on January 1, 2021, but BNI has not received approval to mine this tract. (PJR/ZAB)

If you have any questions, please contact this office.

Sincerely,



Dean K. Moos  
Director  
Reclamation Division

cc via email only: Jay Volk (jvolk@bnicoal.com)