



PHONE (701) 355-5588

FAX (701) 794-3125

March 10, 2021

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

RE: Revision 17 to Permit BNCR-9401

Dear Mr. Moos,

This submittal contains a response to your midterm review letter to us dated March 3, 2021. In this letter you listed completeness deficiencies that must be addressed before the Revision 17 application to BNCR-8106 can be deemed complete. Below is a listing of the deficiencies followed by our response:

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 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.

The second paragraph of the Notice of Publication has been replaced with the above listed paragraphs.

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)

The publication map has been revised to include hatching for the revision area.

3. Please include a statement in the public notice that indicates Revision 17 updates the worst case bond estimate. (PJR/ZAB)

A statement has been added to the description stating that the worst case bond estimate has been updated with Revision 17.

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)

The Revision 17 application description, Appendix 1-5 description paragraph and the Revision Summary have all been updated to include a statement that the worst case bond estimate is also updated with the revision application.

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. 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)

The Section descriptions on the List of Changes have been updated to provide details of what was revised.

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)

The above listed statement has been revised as requested.

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)

BNI has not received a copy of the approved lease as of this date.

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)

The lithologic log was moved into the correct subsection, along with adding it into Pg 2 of the appendix. There is no geophysical log for 21-M001 due to the hole only being 11' deep, which is insufficient for the logging tool.

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)

Narrative for Ash Cell 5 has been added to Section 4.1. More details will be provided after the design is finalized

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)

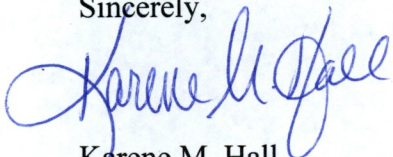
Both tables are changed to 2022-2023.

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)

Narrative has been updated to state that BNI has obtained the federal coal lease and has not received approval to mine.

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



APPLICATION FOR REVISION OF PERMIT TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION OPERATIONS
 PUBLIC SERVICE COMMISSION
 RECLAMATION DIVISION
 SFN 10562 (1-2004)

March 10, 2021

		Date February 2, 2021	
Name of Company, Corporation, Partnership, or Individual BNI Coal, Ltd.		Permit Number BNCR-9401	
Address 2360 35th Avenue SW		City Center	State ND
		Revision Number 17	
		Zip Code 58530-9499	

The above named hereby makes application for the above Revision Number to: (include a brief description of the surface coal mining and reclamation operation being revised.)

add the coal lease for the Federal parcel in the S2NE4NE4 of Section 8 T141N R83W and will update the mine plan to detail the removal of the federal and private coal under the proposed location of Minnkota Power's Ash Cell 5. Revision 17 will also update the Worst Case Bond Estimate.

Attached to this Permit Revision Application are a narrative describing the proposed permit revision, reasons for requesting the revision, and appropriate maps, cross-sections, graphs, construction details, revised reclamation plans and other data which demonstrate compliance with Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and the permit conditions of the approved permit. If an incidental boundary revision involving an acreage adjustment is being requested as part of the permit revision application, the following information shall be included (attach a copy of a metes and bounds description):

NAME OF MINE	ACRES	LOCATION			
		SEC.	TWP.	RANGE	COUNTY
ADDRESS					
TOTAL ACRES					

Based upon the proposed changes and any incidental boundary revisions to the permit as stated herein, a new or adjusted bond, or its equivalent, duly executed in accordance with Section 38-14.1-16 of the North Dakota Century Code and Chapter 69-05.2-12 of the North Dakota Administrative Code will be delivered to the Public Service Commission prior to issuance of the surface coal mining and reclamation operations permit herein requested. A check for filing fees, pursuant to Section 38-14.1-13 of the North Dakota Century Code, in the amount of \$ 0, is included with the revision application.

Name of Official Authorized to Represent the Applicant Karene M. Hall
--

I, the above named, certify that:

1. All information and documents required by Sections 38-14.1-13, 38-14.1-14, and 38-14.1-15 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, are submitted as part of this permit application;
2. Information and documentation contained in the permit application affirmatively demonstrate that:
 - a. The permit revision application is accurate and complete and all the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code have been complied with;
 - b. Reclamation as required by Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code can be accomplished under the reclamation plan contained in this permit revision application;