



# Public Service Commission

## State of North Dakota

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*Sent via email only*

July 19, 2021

Jay M. Volk, Ph. D  
Environmental Services Manager  
BNI Coal, Ltd.  
2360 35th Avenue SW  
Center, ND 58530-9499  
[jvolk@bnicoal.com](mailto:jvolk@bnicoal.com)

Dear Mr. Volk:

The Reclamation Division has reviewed BNI Coal's June 14, 2021 responses to our June 1, 2021 technical review letter for Revision No. 17 to Surface Coal Mining Permit BNCR-9401 for the Center Mine. Revision No. 17 adds the coal lease for the Federal coal tract in Section 8 and updates the mine plan for mining the Federal and private coal under the proposed location of Minnkota Power Cooperative's Ash Cell 5. Revision 17 also updates the worst case bond estimate. The following items must be adequately addressed before the Revision No. 17 application can be approved.

### **Section 4.1-1 – Pit Layout and Facilities Map**

1. The hatching used for ponds (i.e. MSHA Pond P-5-6) on the map is different than what is depicted in the map legend. Please update the ponds on the map so the hatching depicted on the map corresponds with the legend. (JAR/PJR)
2. Please define the light blue cross hatching depicted in the ash cell area. Also, most of this hatching is outside the BNCR-9401 permit area except the northern-most point. Please review and adjust accordingly. (JAR)
3. Please correct the typo in the label "New Ash Tuck Road" in the NE1/4 of Section 5. (JAR)

Please contact us with any questions.

Sincerely,

Dean K. Moos  
Director  
Reclamation Division

cc via email only: Karene Hall ([khall@bnicoal.com](mailto:khall@bnicoal.com))  
BNI Coal Efiling ([BNIfiling@bnicoal.com](mailto:BNIfiling@bnicoal.com))