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A BNI ENERGY COMPANY

February 1, 2022

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Ms. Zanna Brinkman, Director
Reclamation Division, NDPSC
Department 408
600 East Boulevard Avenue
Bismarck, ND 58505-0480

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

RE: Revision 9 to Permit BNCR-1101

Dear Ms. Brinkman,

This submittal contains a response to your Technical Review 1 letter to us dated January 10, 2022. In this letter you listed technical deficiencies that must be addressed before the Revision 9 application to BNCR-1101 can be deemed approved. Below is a listing of the deficiencies followed by our response:

Section 1 – Legal and Financial

1. Please update the Revision 9 Summary and List of Changes, Appendix 1-1, of Section 1.0, Legal and Financial, to state that Appendix 1-1 was updated with Revision 9 and update to clarify that new Landowner Notification Letters, Appendix 1.5-2, were sent to inform landowners of the Revision 9 mining sequence changes. (GAW)

Appendix 1-1 has been updated as requested above.

2. The Revision 9 Summary and List of Changes, Appendix 1-1, states that Plate 1.5-2, Landowner Notification Map, was updated to reflect a boundary change. Please revise to clarify that the map was also updated to notify landowners of the mining sequence changes proposed with Revision 9. (GAW)

Appendix 1-1 has been updated as requested above.

3. Please revise Section 1.7.2 to recognize the recent changes with BNI Coal, Ltd., BNI Energy, Inc., and ALLETE officers and directors submitted with BNI's October 28, 2021 technical review response for Revision No. 8 to Permit BNCR-1101. (WTG)

Section 1.7.2 has been updated to be consistent with the most recent submittal of Revision 8 to Permit BNCR 1101.

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Response to Technical Review Letter - electronic only
BNI Coal, Ltd.

4. Appendix 1.9-1 [Ownership Information (within Permit Boundary)] states that BNI owns 2.08% of the mineral rights in the NW1/4 of Section 8, T141N, R83W but no lease or deed is attached. Please update Appendix 1.9-1 to include the lease or deed and update Appendix 1-2 (Certified Copies of Leases and Assignment Documents, Article of Amendment to Articles of Incorporation) accordingly. (JWE)

Document #84332 has been added to Appendix 1-2 which shows BNI ownership of the above mentioned tract. Appendix 1.9-1 has been updated to add the document number and the link to it.

5. Appendix 1-2 (Certified Copies of Leases and Assignment Documents, Article of Amendment to Articles of Incorporation) is missing pages 2-4 for Lease 3044. Please include the missing pages of the lease. (JWE)

Pages 2-4 for Lease 3044 were found out of order and were moved so to be in the correct sequence.

6. Appendix 1.9-1 [Ownership Information (within Permit Boundary)] states that BNI owns 2.08% of the mineral rights in the NW1/4 of Section 17, T141N, R83W but no lease or deed is attached. Please update Appendix 1.9-1 to include the lease or deed and update Appendix 1-2 (Certified Copies of Leases and Assignment Documents, Article of Amendment to Articles of Incorporation) accordingly. (JWE)

Document #84332 has been added to Appendix 1-2 which shows BNI ownership of the above mentioned tract. Appendix 1.9-1 has been updated to add the document number and the link to it.

7. Appendix 1.9-1 [Ownership Information (within Permit Boundary)] lists “Noyce McGarity” as owning 1.04% of the coal in the NW1/4 of Section 17, T141N, R83W. Please correct the typographical error of the owner’s name to “Mary McGarity”. (JWE)

The name change has been updated as requested.

8. Appendix 1.9-1 [Ownership Information (within Permit Boundary)] states that BNI owns 2.08% of the mineral rights in the N1/2 of the SE1/4 of Section 18, T141N, R83W but no right of entry document is listed. Please update Appendix 1.9-1 and Appendix 1-2 (Certified Copies of Leases and Assignment Documents, Article of Amendment to Articles of Incorporation) accordingly or clarify. (JWE)

Document #84332 has been added to Appendix 1-2 which shows BNI ownership of the above mentioned tract. Appendix 1.9-1 has been updated to add the document number and the link to it.

9. Please update Appendix 1.14-1 (Proof of Liability Insurance) to include the most current Certificate of Liability Insurance. (JWE)

Appendix 1.14-1 has been updated with the most recent certificates. We have not received the renewed Cancellation of Endorsement as of the submittal date.

10. Update Appendix 1-1 (Revision Summary and List of Changes) to account for the changes made to Appendix 4.14-1 (Worst Case Bond Calculations) This section was

updated to account for changes in the mining sequence and increased variable costs. (JWE)

Appendix 1-1 has been updated as requested above.

11. Update Appendix 1.5-3 (Affidavits of Publication) with the Affidavit for Publication notices from the Bismarck Tribune and the Center Republican for Revision No. 9 to BNCR-1101. (JWE)

The Affidavits of Publication for Revision 9 have been added to Appendix 1.5-3.

12. Update Section 1.12 (Other Licenses and Permits) to change the name of the ND State Water Commission to ND Department of Water Resources. (JWE)

Department names have been updated.

Section 3.12 - Cultural and Historical Resources and Protection

13. Please revise the title box for Plate 3.12-1 (Cultural Resources Location Map) to document a plate change with Revision 9 in 2021. (WTG/GAW)

Updated title block to Rev 9 date

14. Please update Section 3.12, Cultural and Historic Resources, with information regarding BNI's plans for relocating the cemetery in the SE1/4NE1/4 of Section 18. (GAW)

Updated narrative 3.12 with info of relocation plan.

Section 4.0 - Operations

15. Update Plate 4.1-1 (Pit Layout and Facilities Map) to include Diversion 17-1, Diversion 20-3, Diversion 20-4, Catch Basin 20-1, and Catch Basin 21-1. (JWE/WTG)

The plate has been updated to show the water control features added in 2021 and 2022.

16. Please update Plate 4.1-1 (Pit Layout and Facilities Map) to reflect any changes since Revision No. 7 such as new or depleted SPGM piles, constructed or reclaimed surface water management structures, and haul roads. (JWE)

Sections 21 and 13 stockpiles have been updated.

17. Page 4.1-2 in Section 4.1 (Operations Plan) references the ND Department of Health and the State Water Commission in paragraphs 2 and 3. Please change the references to the ND Department of Environmental Quality and the ND Department of Water Resources. (JWE)

Department names have been updated.

18. Please review the 500-foot setback around the buildings in the NE1/4 of Section 20 on the Pit Layout and Facilities Map and update to ensure that the information provided is current, accurate, and consistent with what is stated in the Existing Structures narrative in

Section 4.3. The Pit Layout and Facilities map depicts a 500-foot setback around the buildings in the NE1/4 of Section 20, but mining disturbance has already occurred within 500 feet of these buildings. (GAW)

Removed structures from Pit layout map.

19. Please update the numbered references on Plate 4.2-1 (Existing Structures Map) to correctly reference the items in Section 4.2 (Existing Structures). (JWE)

Renumbered after removing cemetery areas that will be avoided.

20. Please update the Existing Structures narrative on page 4.2.2 to mention the cemetery being added to the permit with Revision No. 9. (GAW)

Added cemetery into the occupied dwellings and cemeteries within permit boundary section as #18

21. The last sentence of the Larry and Virginia Schmidt narrative that begins on page 4.2-2 in Section 4.2 (Existing Structures) states that a copy of a farmstead purchase agreement has been attached. For compliance with NDAC 69-05.2-04-01.1(4), please reference where a copy of the purchase agreement can be found in the permit. (GAW)

Bill of sale provided in Appendix 4.2-1. Also included that parcel #12 has been purchased by BNI Coal.

22. Please update the Doug Doll/Lillie M. Marcy narrative on page 4 of Section 4.2, Existing Structures, to clarify if BNI has purchased the unoccupied structures in the NE1/4 of Section 20. The last sentence in the Doll/Marcy narrative on page 4.2-4 states there is a 500 foot setback from the buildings, but mining activities have commenced within 500 feet of these buildings. (GAW)

Revised narrative to reflect BNI has purchased structures and disposed of accordingly. Bill of sale provided in Appendix 4.2-1.

Section 4.6 – Surface Water Management Plan

23. Table 4.6-1 in Section 4.6 (Surface Water Management Plan) states that Diversion 20-4 will be constructed in 2021 and mined through in 2022. However, Plate 4.6-1 (Surface Water Management Plan) and Appendix 4.6-56 (Design Details – Catch Basins and Diversions) state that Diversion 20-4 will be constructed in 2022. Please revise Table 4.6-1 to state the correct construction date for Diversion 20-4 and when it will be mined through. (JWE)

The table has been updated to reflect the correct construction dates.

24. Please revise Table 4.6-1 on page 4.6-5 of the Section 4.6 narrative to revise the incorrect 2020 reclamation dates for existing ponds P-7-1 and P-7-2, and diversions D-7-1 and D-7-2. (WTG)

Updated to 2022, reclamation plans to follow.

25. Please revise the pit layout and timing depicted on Plate 4.6-30A in Appendix 4.6-30 (Design Details - Sedimentation Pond P-21-3) to be consistent with the pit layout and timing depicted on Plate 4.1-1 (Pit Layout and Facilities Map) and Plate 4.6-1 (Surface Water Management Plan). Please also revise the plate's title box to document a plate change with permit revision 9 in 2021. (WTG)

Updated yearly mine blocks, title blocks, and stockpile locations.

26. Please revise the pit layout and timing depicted on Plate 4.6-31A in Appendix 4.6-31 (Design Details - Sedimentation Pond P-21-4) to be consistent with the pit layout and timing depicted on Plate 4.1-1 (Pit Layout and Facilities Map) and Plate 4.6-1 (Surface Water Management Plan). Please also revise the plate's title box to document a plate change with Revision 9 in 2021. (WTG)

Updated yearly mine blocks, title blocks, and stockpile locations.

27. Please revise the title box for Plate 4.6-33A in Appendix 4.6-33 (Design Details - Diversion D-21-1) to document a plate change with Revision 9 in 2021. (WTG)

Updated yearly mine blocks and noted change in plate title.

28. In Appendix 4.6-33 (Design Details – Diversion D-21-1), please revise the calculations with the correct watershed slope in the HydroCAD model(s) because a slope of 1.68% is used in the calculations, but an average watershed slope of 10.1% is listed in the Diversion Information Sheet. (JWE)

Calculations were corrected. Updated the cover sheet, info sheet, design report, and appendix 4.6-33. Construction will be from STA 22+00 to 30+50. Design is still for the entire length of diversion to allow BNI opportunity to later extend the diversion for associated disturbance.

29. Update Appendix 4.6-56 (Design Details – Catch Basins and Diversions) with the revised design plans and calculations for Diversion 20-4 which were revised on October 29, 2021. (JWE)

The Appendix 4.6-56 has been updated to reflect the most recent design plans.

30. Please revise the title page for Appendix 4.6-56 (Design Details - Catch Basins and Diversions) to correctly describe the catch basin CB-21-1 location as the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20 as opposed to the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20. (WTG)

The location has been corrected as suggested.

31. Please revise the plate title boxes for catch basin CB-21-1, diversion D-20-3, and diversion D-20-4 in Appendix 4.6-56 (Design Details - Catch Basins and Diversions) to describe the correct locations consistent with structure locations depicted on Plate 4.6-1 (Surface Water Management Plan). Please also revise all plate title boxes in Appendix 4.6-56 to document plate additions to the permit with Revision 9 in 2021. (WTG)

The locations and dates of the title boxes has been updated on the plates of the appendix.

32. As indicated by Ms. Kolden's email on November 9, 2021, please remove Diversion D-21-4 from Section 4.6 (Surface Water Management Plan), Plate 4.6-1 (Surface Water Management Plan), Appendix 4.6-31 (Design Details – Sedimentation Pond P-21-4), Plate 4.1-1 (Pit Layout and Facilities Map), and any other sections where the diversion is shown. (JWE)

Diversion 21-4 has been removed.

33. Please update the hatching for the stream buffer zone around MSHA sedimentation pond P-21-5 to the hatching used for "Intermittent Steam / Buffer Zone Disturbance Requests" as depicted in the legend since disturbance within the buffer zone is approved as required by NDAC 69-05.2-16-20 in Plate 4.6-1 (Surface Water Management Plan) and Plate 4.1-1 (Pit Layout and Facilities Map). (JWE)

Hatch has been updated.

34. As indicated in Ms. Kolden's email on November 9, 2021, diversion D-21-1 will only be constructed from station 22+00 to the end since the stripping limit has been adjusted in Section 21. Please update Plate 4.1-1 (Pit Layout and Facilities Map), Plate 4.6-1 (Surface Water Management Plan), and Appendix 4.6-33 (Design Details – Diversion D-21-1) to account for the revised design of diversion D-21-1.

Updated the cover sheet, info sheet, design report, and Appendix 4.6-33. Noted on Cover sheet that Construction will be from STA 22+00 to 30+50. Design is still for the entire length of diversion to allow BNI opportunity to later extend the diversion for associated disturbance if deemed necessary.

Section 4.9 – Reclamation Schedule

35. Please review the size of Variance Area No. 6 on Plate 4.9-1, Reclamation Variance Areas, and adjust the size of the Variance Area to the Revision 9 mine plan changes or provide appropriate justification for retaining the size of previously approved Variance Area. It appears a variance from the contemporaneous reclamation requirements is no longer needed for the southern portion of Variance Area No. 6. (GAW)

Variance Area No. 6 has been modified to reflect the new mining sequence.

Section 4.14 – Reclamation Cost Estimate

36. Please review and revise Section 4.14 (Reclamation Cost Estimate for Bonding Purposes) and all of the appropriate plates and appendices to ensure that the correct time period is analyzed for the worst-case bonding condition due to the change in mining, and that the information provided is consistent and accurate. (JWE)

Section 4.14 and Plates 4.14-1 and 4.14-2 have been updated along with Appendix 4.14-1.

MIDTERM REVIEW DEFICIENCY RESPONSES

This submittal contains a response to your Midterm Review letter to us dated January 10, 2022. In this letter you listed technical deficiencies that must be addressed before the Midterm Review,

incorporated into the Revision 9 application, to BNCR-1101 can be approved. Below is a listing of the deficiencies followed by our response:

Section 1.7 Business Entity Information

1. Please update Section 1.7 (Business Entity Information) to reflect any updates to the corporate officers and board members for BNI Coal, Ltd., BNI Energy, Inc., and Allete and any subsequent changes to corporate officers and board members. Please also update the BNI Coal, Ltd. organizational chart and list of corporate officers to reflect any updates. (JAR/JWE)

Section 1.7 has been updated to reflect the changes made in the most recent submittal of Revision 8 to BNCR 1101.

Section 1.9 Surface and Coal Ownership

2. Please update the permit area surface and coal interests in Appendix 1.9-1 (Ownership Information) as required by NDCC 38-14.1-14(1)(c)(2) and NDAC 69-05.2-06-01(1)(a) and make the corresponding updates to Plate 1.9-1 (Surface and Coal Ownership) if any changes have occurred since the most recent updates with Revision No. 7. Please update Appendix 1-2 (Certified Copies of Leases and Assignment Documents, Article of Amendment to Articles of Incorporation if necessary). (JAR/JWE/GAW/WTG/PJR)

Appendix 1.9-1 and Appendix 1-2 have been updated in Revision 9 Technical Review 1.

3. Please update the adjacent surface and coal interests in Appendix 1.9-2 (Adjacent Ownership Information) as required by NDAC 69-05.2-06-01(1)(a) and make the corresponding updates to Plate 1.9-1 (Surface and Coal Ownership) if any changes have occurred since the most recent updates with Revision No. 7. (JAR/JWE/GAW/WTG/PJR)

No changes necessary.

Section 1.10 – Areas Unsuitable for Mining

4. Please review the road closure narrative in subsection 1.10, Areas Unsuitable for Mining, and update to ensure the information provided is current and accurate. The narrative mentions Oliver County Road closure activities in 2014 and 2015 but does not provide information about Oliver County Road closure activities after those dates. Plate 4.5-3 (Section Line Closure, Right of Ways, and Detour Corridors) indicates County closure activities occurred in 2017. (GAW)

Updated narrative with dates of petition and approval in Section 1.10

Section 1.12 Other Licenses and Permits

5. Please review and update accordingly Section 1.12 (Other Licenses and Permits) as required by NDAC 69-05.2-06-04 since the most recent updates with Revision No. 7. (JAR/JWE)

Section 1.12 has been updated in Revision 9 Technical Review 1.

Appendix 1.14-1 Proof of Liability Insurance

6. The Certificate of Liability Insurance in the permit will expire on 2/1/2022; please add the new certificate (effective 2/1/2022 - 2/1/2023) to Appendix 1.14-1 – Proof of Liability Insurance. (JAR/JWE/PJR)

Appendix 1.14-1 has been updated with the most recent certificates.

Appendix 1-3 Other Leaseholder Information and Easements

7. Please review and update the listing of leaseholder interests, other than coal, and easements on record in Appendix 1-3 if any changes have occurred since last updated in Revision No. 7. (JAR)

No changes necessary.

Appendix 1-7 Approval Documents

8. Please update the applicable approval documents if any changes have occurred since Revision No. 7 to Permit BNCR-1101 to Appendix 1-7. (JAR/JWE)

There are no recent approval documents to add to Appendix 1-7.

Plate 2-1 Extended Mine Plan

9. Please update Plate 2.1 (Extended Mine Plan) with the most recent Center Mine Extended Mine Plan that was submitted in January 2022 as required by NDAC 69-05.2-07-01. (JAR/JWE/PJR)

Plate 2.1 has been updated to the latest plan that was submitted in 2022.

Section 3.3 Ground Water

10. Please update the Ground Water Monitoring Map on Plate 3.3-1 and the Monitoring Well Information in Appendix 3.3-1 to add new wells and annual water quality sampling for groundwater monitoring wells added with pending revisions. Water quality sampling and chemical analyses should be conducted every year on these wells. Please update the Inventory spreadsheet as indicated and include any other updates such as changes to well status, new or destroyed wells, etc. (PJR)

The plate was updated to up to date information.

11. If there have been any new wells, developed spring certifications, or re-certifications, please update Appendix 3.3-1 with that abridged information and add the certification forms to Appendix 3.3-2 (Water Well Certifications) and add any new well locations to the Certified Well Location Map, Plate 3.3-4. (PJR)

No updates were noted

Section 4.1 Operations Plan

12. Page 4.1-2 in Section 4.1 (Operations Plan) references the ND Department of Health and the State Water Commission in paragraphs 2 and 3. Please change the references to the ND Department of Environmental Quality and the ND Department of Water Resources accordingly. (JWE)

The references have been updated as suggested.

13. If necessary, please update pages 4.1-8 through 4.1-13 in Section 4.1 (Operations Plan) with the current equipment list. (JWE)

The equipment list has been updated.

Plate 4.1-1 Pit Layout and Facilities Map

14. Please update Plate 4-1.1 (Pit Layout and Facilities Map) to reflect any changes such as new SPGM piles, depleted SPGM piles, constructed or reclaimed surface water management features, haul roads, and any other updates that have occurred. Additionally, update the pit boundaries to depict where coal removal has occurred. (JAR/JWE/GAW)

The plate has been updated to show the mined out boundary and changes to surface water features and stockpiles.

15. Please update the ANFO Storage Hopper Location to Section 13 in Plate 4-1.1 (Pit Layout and Facilities Map). (JWE)

The ANFO Storage Hopper is now shown in its current location in the SW1/4 of Section 13.

Section 4.2 Existing Structures

16. Please update the narrative for the Larry and Virginia Schmidt farmstead in item No. 11 of Section 4.2 (Existing Structures). (JAR)

Updated as part of Rev9 Tech 1 reviews # 21

Section 4.5 – Transportation Plan

17. Please review Plate 4.5-3, Section Line Closure, Right of Ways, and Detour Corridors, to ensure the information provided on this map is current and accurate. (GAW)

There has not been any changes.

Section 4.6 Surface Water Management Plan

18. Please review Table 4.6-1 on pages 4.6-5 through 4.6-7 to ensure the pond construction dates provided are accurate and that the list of water management features is complete. Also, please update Plate 4.6-1 (Surface Water Management Plan) to include any changes

since Revision No. 7 such as constructed or reclaimed surface water management structures and any other updates that have occurred. (JAR/JWE/GAW)

Detailed designs have been added to the appendix for the proposed water management structures in Section 9, T141N, R83W. Reclamation dates for Ponds P-7-1 and P-7-2 have been changed.

Section 4.7 Water Monitoring and Drill Hole Reclamation Plans

19. Please update the reference to the North Dakota Department of Health to the North Dakota Department of Environmental Quality in the second paragraph under “Discharges from NDPDES Points” on Page 4.7-2 in Section 4.7 (Water Monitoring and Drill Hole Reclamation Plans). (JAR)

The section was updated to change NDDH to NDDEQ as requested

Section 4.9 Reclamation Schedule and Plate 4.9-1 Reclamation Variance Areas

20. Please review the Reclamation Schedule Table on page 4.9-1 of Section 4.9 and update if necessary. (JAR)

Changes were made to the timing of Variance Area 1 and 6 to correspond to the timing changes associated with the 736 dragline timing.

Section 4.13 Fish and Wildlife Resource Protection, Enhancement, and Monitoring Plan

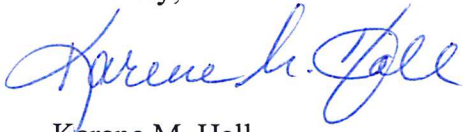
21. Please review the Threatened and Endangered Species discussion that begins on page 1 of Section 4.13, Fish and Wildlife Protection and Enhancement Plan, and update to include a brief description of all species currently listed threatened, endangered, or proposed in Oliver County according to USFWS IPaC. The species description should mention if the permit area contains any suitable habitat for each listed and proposed species, and the protective measures that will be applied to ensure that no threatened, endangered, or proposed species, or their designated critical habitats, are adversely affected by surface coal mining activities. The protection and enhancement plan should state that BNI will periodically utilize the IPaC website to ensure that BNI is constantly aware of USFWS species and habitat listings. (GAW)

Updated narrative to mention use of IPaC on a yearly basis, updated info on DASK and removed INLT from endangered list.

Please note that Section 4.5 Transportation Plan and Plate 4.5-1 were modified to reflect the current plans for haul roads. Appendix 4.5-4 Haul Road Section B was changed to the original plan which utilizes the current alignment. Appendix 4.5-9 Haul Road Section F design details were added to access mining area in Section 9. The associated 4.5-2a Culvert Information Sheets have been updated to reflect the design of Haul Road Section F and changes to Section B.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Karene M. Hall". The signature is written in a cursive style with a large initial "K".

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)

Revised: January 25, 2022

Revised: August 11, 2021

Name of Company, Corporation, Partnership, or Individual BNI Coal, Ltd.		Permit Number BNCR-1101	Date June 25, 2021	
Address 2360 35th Avenue SW		City Center	Revision Number 09	State ND
			Zip Code 58530	

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.

See Attached Sheet.

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
Center Mine	2	18	141	83	Oliver
ADDRESS					
2360 35th Avenue SW					
Center, ND 58530					
TOTAL ACRES	2				

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 \$ _____, 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;