



Public Service Commission

State of North Dakota

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March 03, 2022

Karene Hall
Permit Coordinator
BNI Coal, Ltd.
2360 35th Avenue SW
Center, ND 58530-9499
khall@bnicoal.com

Dear Ms. Hall:

The Reclamation Division has reviewed BNI Coal, Ltd.'s February 21, 2022 response to our February 16, 2022 technical review of the application for Revision No. 9 to Permit BNCR-1101 at the Center Mine. Please note that the follow-up items reference the item number in our February 16, 2022 technical review letter. The following items must be adequately addressed before the Reclamation Division will recommend Commission action on the Revision No. 9 application.

Section 4.0 – Operations

1. Please revise Plate 4.1-1 (Pit Layout and Facilities Map) to accurately depict all haul roads so they are consistent with the legend and the transportation plan map (Plate 4.5-1). For example, Haul Road Section F is depicted as an Existing Haul Road, but it has not been constructed yet. Haul Road Section F should be depicted as a Future Haul Road. (JWE)
2. Follow-up to Item No. 21: Sediment ponds P-9-1, P-9-2, P-9-3, P-9-4, and diversion D-9-3 are depicted as “Proposed Sediment Ponds” instead of “Future Sediment Ponds” in Plate 4-1.1 (Pit Layout and Facilities Map). Please revise Plate 4.1-1 accordingly. (JWE)
3. Please update the Plate 4-1.1 (Pit Layout and Facilities Map) with the revised disposal location of the Schmidt farmstead as stated in your March 1, 2022 letter to the Reclamation Division requesting to move the disposal area. (JWE)

Section 4.5 – Transportation Plan

4. Follow-up to Item No. 20: Please correct the spacing issue in the third sentence of the Haul Road Section E narrative on page 4.5-4 where the word “constructed” is split. (JWE)
5. The legend in Plate 4.5-1 (Transportation Plan) depicts a linetype for Mine Access Road, but that linetype is not depicted in the map. Please revise the legend to remove that line from the legend or describe where it is depicted. (JWE)

Section 4.6 – Surface Water Management Plan

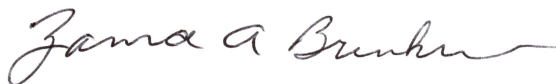
6. Follow-up to Item No. 6: The “Completion” date for Diversion D-21-1 is “202” in Table 4.6-1 on page 4.6-7 in Section 4.6 (Surface Water Management Plan). Please correct the date to 2022. (JWE)

Section 4.14 – Reclamation Cost Estimate for Bonding Purposes

7. The Reclamation Division has been conducting the review process for the worst case bond estimate outside of this review in order to speed up the review process. We approved BNI’s February 23, 2022 submittal of Section 4.14. Please include the most recent version of Section 4.14 in your response. (JWE)

Please contact us with any questions.

Sincerely,



Zanna A. Brinkman
Director
Reclamation Division

cc via email only: Jodey Houn (jhoun@bnicoal.com)
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