



A BNI ENERGY COMPANY

March 4, 2022

RECEIVED

MAR - 4 2022

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 2 letter to us dated March 3, 2022. In this letter you listed technical deficiencies that must be addressed before the Revision 9 application to BNCR-1101 can be approved. Below is a listing of the deficiencies followed by our response:

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)

The roads and legend of Plate 4.1-1 have been changed to match the transportation plan.

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)

The water control structures in Section 9 have been changed to Future Sediment Ponds.

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)

The location of the disposal location of the Schmidt farmstead has been moved 500ft SW.

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)

The format has been corrected.

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)

The mine access road has been removed from the legend.

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)

The date has been corrected in Table 4.6-1.

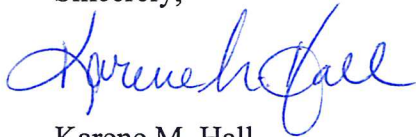
Section 4.14 – Reclamation Cost Estimate for Bonding Purposes

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)

The approved Section 4.14 and Plate 4.14-1 and Plate 4.14-2 has been included.

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

Sincerely,



Karene M. Hall
Permit Coordinator