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AN ALLETE COMPANY

2360 35TH AVENUE SW CENTER, ND 58530-9499
MINING LIGNITE AT THE CENTER MINE SINCE 1970

December 8, 2022

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

RE: Renewal 8/Revision 59 to Permit BNCR-8106

Dear Ms. Brinkman,

This submittal contains a response to your pre-renewal review letter to us dated October 31, 2022. In this letter you listed deficiencies that must be addressed before the Renewal 8/Revision 59 application to BNCR-8106 can be deemed complete. Below is a listing of the deficiencies followed by our response:

Section 1.7 – Business Entity Information

1. Please revise Section 1.7 to reflect any changes to the corporate officers and board members for BNI Coal, Ltd., BNI Energy, Inc. and ALLETE, and any other changes to the corporate organization, since the most recent updates with Revision No. 58. (MLJ/BSM/JAR/PJR)

Section 1.7 Business Entity information has been updated.

Section 1.9 – Surface and Coal Ownership

2. Please update the permit area and contiguous (extending one-quarter mile from the permit boundary) surface ownership in Section 1.9 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 9A (Ownership Map), if any changes to surface ownership have occurred since the most recent updates with Revision No. 58. Coal ownership information does not need to be updated because all coal removal activities have been complete in the permit area. (MLJ/GAW/BSM/JAR/PJR)

Section 1.9 Surface and Coal Ownership has been updated.

Section 1.11 – Current Surface Mining Permits

3. Update Section 1.11 to reflect any changes with the Center Mine permits that have occurred since Revision No. 58. (MLJ)

No changes have occurred.

Section 1.12 – Other Licenses and Permits

4. Please review and update Section 1.12 to reflect any changes that may have occurred since Revision No. 58. Notably, the ND State Water Commission should be changed to the ND Department of Water Resources, the addresses for the ND Department of Environmental Quality and the Environmental Protection Agency need to be updated, and the Coal Exploration Permit needs to be updated. (MLJ/BSM/JAR)

Section 1.12 Other Licenses and Permits has been updated.

Section 1.13 – Past Violations

5. Please review and update Section 1.13 to include NOV-2202. (MLJ/JAR)

Section 1.13 Past Violations has been updated to include information on NOV-2202.

Section 2.1 – Extended Mine Plan

6. Please replace Plate 6 with the Center Mine Extended Mine Plan map that will be submitted in January 2023 as required by NDAC 69-05.2-07-02. (MLJ/BSM/JAR)

Plate 6 has been updated to reflect the map that will be submitted in January as requested.

Section IV – Operation Plan

7. Please update the Pit Layout and Facilities Map, Plate 12, to reflect any changes with the status or presence of SPGM stockpiles; overburden stockpiles; water management structures; haul roads, access roads, and walkways; and buildings, facilities, utilities, and structures that have occurred since the map was last updated with Revision 58. (MLJ)

Plate 12 has been updated with the latest Pit Layout and Facilities map. Changes included mineral removal line updates, dragline walkway, and NE36S01.

8. Subsoil pile NE36S01 located within the N½ of Section 36 of permit BNCR-8106 is not delineated within Plate 12 (Pit Layout and Facilities Map). Please update Plate 12 (Pit Layout and Facilities Map) to delineate subsoil pile NE36S01 located within the N½ of Section 36 of Permit BNCR-8106. (BSM)

NE36S01 has been added to Plate 12.

Appendix 4.1.1 – Equipment Listing

9. Update the equipment listing provided in Section 4.1 if changes have occurred since the last update with Revision 58. (MLJ/JAR)

Section 4.1 has been updated to reflect the most recent equipment list.

Section 4.6 – Surface Water Management Plan

10. The last paragraph on page 4.6-3 of the Surface Water Management Plan states that sediment ponds 23-6, 25-1, 25-2 lower cell, 25-3 and 31-1 will be retained as permanent structures. Please update the narrative to clarify that these ponds have been bond released and clarify if pond 35-10 was a sediment pond converted to a developed water resource. (GAW)

The paragraph has been updated to remove the ponds that have been bond released. The ponds have been added to a list of ponds that have been retained and bond released. The paragraph states that Pond 35-10 will be retained as a DWR.

11. Since Final Bond Release #4 included Pond 31-1 in the bond release area, please update the narrative in paragraphs 7 and 8 on page 4.6-3 in Section 4.6 – Surface Water Management, as appropriate, to reflect the current status of Pond 31-1. Also, Plate 40 – Pond 31-1 NDPDES Point 003 and Plate 41 – Sediment Pond 31-1 can be removed from the permit since this pond was bond released in 2002. (JAR)

Paragraph 7 and 8 have been removed. Pond 31-1 was been added to the list of ponds that have been bond released.

12. Please update the reference to the ND Water Commission to the ND Department of Water Resources in the last sentence in the last paragraph of page 4.6-3 in Section 4.6 – Surface Water Management. (JAR)

The reference has been changed.

Section 4.9 – Reclamation Schedule

13. The third paragraph on page 4.9-1 in Section 4.9 - Reclamation Schedule states the waste disposal facility in Section 36 will remain active until 2007 and will be reclaimed in 2008; please update this narrative to the current status of this facility. Also, please update the reference to the NDDH to the NDDEQ as applicable. (JAR)

Updated the narrative to state that the waste pit was reclaimed as planned in 2008, Caped, Graded and spread with SPGM and seeded by 2008. Updated the reference of ND department of health to ND department of environmental quality

14. Please update the fourth paragraph that describes the coal stockpile in the N½ of Section 36 to the narrative used on page 4.1-2 in Section 4.1 – Coal Removal. (JAR)

Updated the narrative in 4.1-2 to include new timeframe of coal removal (2024) and reclamation of the coal pit (2026), copied the narrative from 4.1-1 to the fourth paragraph in 4.9-1 regarding the field coal stockpile

15. Please update the reference to the State Water Commission to the ND Department of Water Resources in the last paragraph on page 4.9-2 in Section 4.9 – Reclamation Schedule. (JAR)

Changed State water Commission to ND Department of Water Resources in the last paragraph of 4.9-2

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

16. The last sentence of the first paragraph on page 4.13-2 incorrectly states that a list of threatened and endangered species for North Dakota dated May 2016 is included at the end of this section but the information provided is dated March of 2021. Please correct this error. (GAW)

Revised page 2 changing reference date to March 2021.

17. Please update the Fish and Wildlife Resources Protection and Enhancement Plan to clearly state that BNI will utilize the USFWS Information for Planning and Consultation (IPaC) web site to continuously realize proposed and listed species in Oliver County and designated critical habitat on lands near the Center Mine. (GAW)

Added paragraph on page 4 referencing BNI annual IPaC search.

18. Please update the Fish and Wildlife Resources Protection and Enhancement Plan to clearly state that no surface mining activities will be conducted that may jeopardize the continued existence of any proposed, threatened, or endangered species or adversely modify designated critical habitat. Please also modify the plan to state that BNI will promptly report to the Commission the presence in the permit area of any state listed or federally listed endangered or threatened species as required by NDAC 69-05.2-13-08(2). (GAW)

Added paragraph on page 4 referencing BNI's commitment to not jeopardizing T&E critical habitat and what is done if T&E species observed on the mine site.

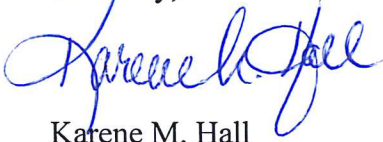
19. Please update the Fish and Wildlife Resources Protection and Enhancement Plan to clearly state that no mining activities will be conducted that would result in the unlawful taking of a bald or golden eagle, its nest, or any of its eggs. (GAW)

Added reference to raptors within the T&E statements on page 4.

Nine standard permit conditions and three special permit conditions remain in effect for Permit BNCR-8106.

Thank you for your consideration of this matter. 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 fluid and cursive, with the first name being the most prominent.

Karene M. Hall
Permit Coordinator



APPLICATION FOR RENEWAL OF PERMIT TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION OPERATIONS

PUBLIC SERVICE COMMISSION
RECLAMATION DIVISION
SFN 10566 (1-2004)

Date
December 8, 2022

Name of Permittee BNI Coal, Ltd.		Permit Number BNCR-8106	
Address 2360 35th Avenue SW	City Center	State ND	Zip Code 58530

The above named hereby makes application for Renewal Number 8 of the above Permit Number in order to continue to engage in surface coal mining and reclamation operations within the area described below in the permit during the period from July 18, 2023 to July 18, 2028.

The reasons for requesting the renewal is attached and any changes to the matters set forth in the approved Permit are particularly described in the accompanying revision application.

The applicable public notice provisions of Section 38-14.1-18 of the North Dakota Century Code have been complied with. A copy of the advertisement is attached and affidavits of publications will be furnished to the Commission prior to issuance of the Permit Renewal.

Bond for surface coal mining and reclamation operations and liability insurance will be provided for the proposed period of renewal. Attached is a statement evidencing that the bond is sufficient and will continue in full force for the renewal period and that liability insurance will be provided for the renewal period.

LOCATION				ACRES
SECTION	TOWNSHIP	RANGE	COUNTY	
				See attached Sheet
TOTAL ACRES				1,169.71

Signature of Official <i>Karene M. Hall</i>	Title Permit Coordinator
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VERIFICATION

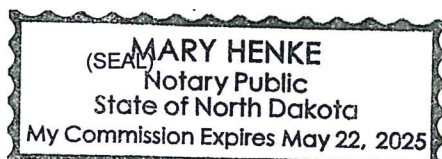
Name of Official Karene M. Hall

I, the above named, being first and duly sworn, verify that the information contained in the Permit Renewal Application is true and correct to the best of my knowledge and belief.

Signature of Official <i>Karene M. Hall</i>	Title Permit Coordinator
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STATE OF North Dakota)
)ss.
COUNTY OF Oliver)

Subscribed and Sworn before me, this 8th day of December 2022



Mary Henke
Notary Public

My Commission Expires: 5-22-25

Renewal No. 8 Request

This renewal is being requested because the main haul road to the Minnkota Power Plant runs through this permit and is due to expire. All mining has been completed in this permit.

The bond for this area is sufficient and will continue for the renewal period. Liability insurance is provided and will be renewed on a yearly basis throughout the renewal period.

Total acreage in the permit for Renewal No. 8 is 1,169.71.

BNCR-8106

Acreages per
Section

<u>ACRES</u>	<u>SECTION</u>	<u>TOWNSHIP</u>	<u>RANGE</u>	<u>COUNTY</u>
165.44	23	142	84	OLIVER
122.30	25	142	84	OLIVER
36.87	31	142	83	OLIVER
74.40	32	142	83	OLIVER
563.46	35	142	84	OLIVER
207.24	36	142	84	OLIVER

TOTAL:

1,169.71