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AN ALLETE COMPANY

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

RECEIVED

JAN - 6 2023

NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

January 6, 2023

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 December 30, 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:

**Newspaper Notice**

1. The last sentence of the second paragraph in the public notice states that a copy of the renewal application may be requested by contacting the PSC. Please delete this sentence from the public notice since this was an accommodation for Covid. (GAW)

*The last sentence of the second paragraph has been deleted.*

2. The third paragraph of the public notice states that a petition may be filed to designate an area being added to the permit with the renewal application unsuitable for surface coal mining operations. Land is not added to a permit with a renewal application and no land is being added to the permit with Revision 59. Petitions to designate an area unsuitable for surface coal mining do not apply to lands that have already been permitted for surface coal mining activities. Please revise the paragraph accordingly. (GAW)

*The third paragraph has been revised as requested.*

3. The newspaper notice appears to include several surface owners outside of the permit area. The notice requirements specified in NDCC 38-14.1-18(1) do not require the advertisement to include adjacent landowners. Please remove the adjacent landowners from the newspaper publication. (JAR/MLJ)

*Adjacent landowners have been removed from the notice of publication.*

4. There are discrepancies between the surface owners listed in the newspaper notice and those listed in Section 1.9 - Surface and Coal Ownership. Please review/revise the surface owner list in the newspaper notice to ensure that the list is accurate. (MLJ)

*Section 1.9 Surface and Coal Ownership has been updated.*

5. The map included with the public notice does not include an accurate distance measurement as required by NDAC 69-05.2-10-01(1)(b). Please update the map to include an accurate distance measurement. (MLJ/PRJ).

*A distance to Center measurement has been added to the publication map.*

6. The map included with the public notice identifies Square Butte Creek as Butte Creek. Please revise. (GAW)

*The label for "Square" Butte Creek has been revised.*

#### **Section 1.12 Other Licenses and Permits**

7. Please update the address of the ND Department of Water Resources to: 1200 Memorial Highway, Dept 770, Bismarck, ND 58504. (BSM)

*The ND Dept. of Water Resources address has been updated.*

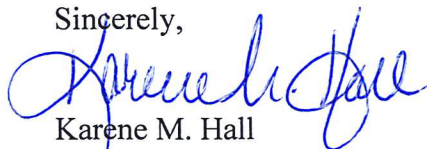
#### **Plate 9A – Ownership Map**

8. Coal ownership in the SW $\frac{1}{4}$  of Section 23 was updated to remove Arnold from co-ownership with Ruby Meyhoff in Section 1.9 – Surface and Coal Ownership. However, Plate 9A – Ownership Map identifies coal ownership in the SW $\frac{1}{4}$  of Section 23 as Arnold and Ruby Meyhoff. Arnold was also removed for the adjacent land in the NW $\frac{1}{4}$  of Section 23 but remains on Plate 9A. Please revise accordingly. (JAR/BSM)

*Plate 9A-Meyhoff has been updated to be consistent with Section 1.9.*

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

Sincerely,



Karene M. Hall  
Permit Coordinator