

February 23, 2024

RECEIVED

Mr. Jonathan Emmer
Reclamation Division
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505

FEB 26 2024

**NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

RE: Revision 11 and Renewal 2 to Permit BNCR-1101

Dear Mr. Emmer:

The North Dakota Department of Environmental Quality, Division of Water Quality reviewed BNI Coal Ltd.'s application for revision number 11 and renewal number 2 to Surface Coal Mining Permit BNCR-1101. We have no objections to the revision which updates various sections of the permit for the next 5-year permit term; including Pit Layout and Facilities Map to identify coal removal areas, Ground Water Hydrology, and Surface Water Management.

We recommend reviewing the hyperlink connections to Sections 4.12 (Revegetation, Post Mining Land Use and Reclamation Success Narrative) and 4.13 (Fish and Wildlife Resource Protection, Enhancement, and Monitoring Plan). The message "File not found" appeared when the links were clicked in the electronic copy of the Surface Coal Mining Permit provided to the department.

At this time, the Division of Water Quality has no further comments regarding this revision.

Sincerely,



Dallas Grossman
Environmental Engineer
Division of Water Quality