

Public Service Commission

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January 6, 2025

Karene M. Hall
Sr. Regulatory Compliance Specialist
BNI Coal, Ltd.
2360 35th Avenue SW
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Dear Ms. Hall:

The Reclamation Division has conducted a technical review of BNI Coal, Ltd.'s application of Revision No. 44 to Permit BNCR-9702 at the Center mine. The following items must be adequately addressed before the Revision No. 44 application can be approved.

Section 4.5 – Transportation Plan

1. Culvert ID #51 in Appendix 4.5-2 (Culvert Information Sheet) is listed as being located in Section 4, T141N, R84W; however, Plate 4.5-1 (Permit Boundary and Overall Road Plan) appears to depict Culvert ID #51 on the section line between Section 28 and Section 21, T142N, R84W. Please revise the location information for Culvert ID #51 in Appendix 4.5-2 to the correct location. (BSM)
2. Culvert ID #52 in Appendix 4.5-2 (Culvert Information Sheet) is listed as a corrugated metal pipe, but Plate 4.5-35 (Haul Road Section A) depicts Culvert ID #52 as "CORR PE PIPE." Please review and update as necessary so that Appendix 4.5-2 correlates with Plate 4.5-35 for Culvert ID #52. (BSM)

Section 4.6 – Surface Water Management Plan

3. As stated in the Reclamation Division's December 18, 2024 response letter regarding the construction of Diversion 20-4, please revise the necessary design information on Plate 4.6-53 in Appendix 4.6-53 (Diversion 20-4 Design Details) to reflect the substitution of riprap for flexamat placed on topsoil as the erosion control measure for the outlet. Also, please review and update as necessary the narrative for Diversion 20-4 under the New Construction subsection in Section 4.6 (Surface Water Management Plan). (BSM/JAR)

Section 4.10 – Backfilling and Regrading

4. Plate 4.10-2 (Post-Mining Slope Analysis) indicates slopes exceeding 9 percent are planned on an area to be reclaimed to cropland in the N½NW¼ of Section 21. The 2023 Annual Mine Map and 2024 NAIP aerial photography indicates this area has not been disturbed by mining activities.

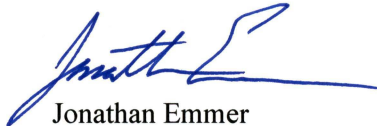
Please review the disturbance boundary along the northern portion of NW $\frac{1}{4}$ of Section 21 to ensure that it is accurately depicted. (GAW)

Section 4.12 – Post Mining Land Use

5. Please review the cropland and hayland land-use boundary along the north end of the NW $\frac{1}{4}$ of Section 21 on Plate 4.12-1 (Post Mining Land Use) to ensure the land use boundary is correct. Grassland not disturbed by mining activities should not be converted to cropland or hayland. Even though the pre-mine land use map depicts a portion of this area as cropland, NAIP, Google Earth aerial imagery, and Plate 3.5-1D (Pre-Mine Landuse) suggest otherwise. (GAW)
6. Please review the land use boundary between cropland and native grassland in the N $\frac{1}{2}$ of Section 20 on Plate 4.12-1 (Post Mining Land Use). It appears some cropland is being converted to native grassland in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and it is not clear what the purple polyline through the N $\frac{1}{2}$ NE $\frac{1}{4}$ is representing. The surface owner preference statement provides the preference for cropland. (GAW)

If you have any questions, please contact this office.

Sincerely,



Jonathan Emmer
Director
Reclamation Division

cc via email only: Greg Petrick (gpetrick@bnicoal.com)
 BNI Coal Efiling (BNIefiling@bnicoal.com)