

Public Service Commission

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sent via email only

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Karene M. Hall
Sr. Regulatory Compliance Specialist
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Dear Ms. Hall:

The Reclamation Division has conducted a completeness review of the applications for Revision No. 19 and Renewal No. 6 to Permit BNCR-9401 at the Center Mine. The following items must be adequately addressed before the application can be deemed complete and approval granted to begin publication of the newspaper notice for the permit renewal and revision. A prompt response is necessary to keep the revision and renewal applications on schedule prior to the expiration of the current permit term. Please note that follow-up items reference the item as numbered in the November 18, 2024 pre-renewal letter.

Appendix 1-1 – Revision Summary and List of Changes

1. Please revise the Section 4.7 summary in Appendix 1-1 (Revision Summary and List of Changes) to include the actual date of when the wells were destroyed. The summary currently states wells C4-1, 2 were destroyed on January/February XX, 2025. (PJR)

Plate 4.1-1 – Pit Layout and Facilities Map

2. It appears topsoil stockpile NE5T01 is not delineated on Plate 4.1.1 (Pit Layout and Facilities Map), although it was used for calculations in Appendix 4.14-1 (Worst Case Bond Estimate) and is delineated on Plate 4.14-1 (Worst Case Bond Map). Please review and make any necessary revisions regarding topsoil stockpile NE5T01. (BSM)
3. There is no label in the legend for the cyan-colored crosshatch depicted on Plate 4.1-1 (Pit Layout and Facilities Map), which was previously depicted as “Bond Released Areas” in Revision No. 18. Please update the legend for Plate 4.1-1 to ensure all map information is properly labeled. (BSM/AAC)

Table 4.7-1 – Ground Water Monitoring Well Information

4. Appendix 1-1 (Revision Summary and List of Changes) indicates changes were made to Table 4.7-1 (Ground Water Monitoring Well Information); however, it appears no changes were made. Please

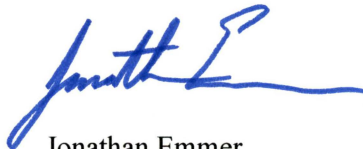
review and update Table 4.7-1 and mark all changes with highlight/underline format. Also, please add a footer at the bottom of each page in Table 4.7-1 to indicate the latest revision that changes were made. (PJR)

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

5. Follow-up to Item No. 18: Please update Section 4.13 (Fish and Wildlife Resource Protection, Enhancement, and Monitoring Plan) to include narrative on the Suckley's Cuckoo Bumble Bee and clarify that this species is proposed for listing as Threatened or Endangered. (GAW/AAC)
6. Follow-up to Item No. 18: The seventh paragraph on page 1 and the sixth paragraph on page 9 of Section 4.13 (Fish and Wildlife Resource Protection, Enhancement, and Monitoring Plan) incorrectly indicate that the Monarch Butterfly and Western Regal Fritillary are candidate species rather than species proposed for listing. (GAW/AAC)
7. There is no label in the legend for the red-orange crosshatch present on Plate 4.13-1 (Wildlife Monitoring Map). Please update the legend for Plate 4.13-1 to ensure all map information is properly labeled. Any changes made to Plate 4.13-1 should be properly summarized in Appendix 1-1 (Revision Summary and List of Changes). (AAC)

If you have any questions, please contact this office.

Sincerely,



Jonathan Emmer
Director
Reclamation Division

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