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A BNI ENERGY COMPANY

April 2, 2025

RECEIVED

Mr. Jonathan Emmer, Director
Reclamation Division, NDPSC
Department 408
600 East Boulevard Avenue
Bismarck, ND 58505-0480

APR 2 2025

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

RE: Revision 19/Renewal 6 to Permit BNCR-9401

Dear Mr. Emmer,

This submittal contains a response to your completeness review letter to us dated March 12, 2025. In this letter you listed completeness deficiencies that must be addressed before the Revision 19/Renewal 6 application to BNCR-9401 can be deemed complete. Below is a listing of the deficiencies followed by our response:

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)

Narrative about well abandonment and destruction was amended

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)

NE5T01 was added to Plate 4.1-1. The stockpile was used in 2023 for the closure of a portion of Ash Cell 2 for Minnkota Power, but a small volume still remains. The worst case bond estimate is the accurate and references the current volume remaining.

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)

The legend was updated to add Bond Released Areas which are depicted on map.

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)

Changes to table 4.7-1 were highlighted and extra pages were deleted.

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)

Added the Suckley's Cuckoo Bumble Bee narrative and proposed listing.

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)

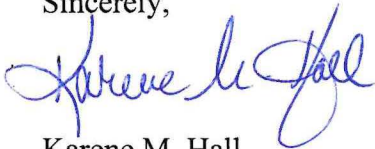
Corrected as requested.

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)

Added the Bond Release packages to the legend.

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
Sr. Regulatory Compliance Specialist

cc: Mike Heger
Jonathan Rudnick
PSCrecfilings@nd.gov