



A BNI ENERGY COMPANY

April 11, 2025

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

RE: Revision 45 to Permit BNCR-9702

Dear Mr. Emmer,

This submittal contains a response to your completeness review letter to us dated April 10, 2025. In this letter you listed completeness deficiencies that must be addressed before the Renewal 5 Revision 45 application to BNCR-9702 can be deemed complete. Below is a listing of the deficiencies followed by our response:

Section 1 – Legal and Financial

1. Please add “post-mine topography” to the list of revision updates in the last sentence of the first paragraph of Appendix 1.5-1 (Notice of Publication). (BSM)

Added Post-mine topography to list of items included in this revision.

2. Follow-up to Item No. 1: The Table of Contents – BNCR-9702 file path is missing in the internet browser permit application. (JAR/ACC)

File path corrected for Table of Contents

3. Follow-up to Item No. 2: Please replace “Renewal No. 4” with “Renewal No. 5” in the fourth sentence of the first paragraph of Appendix 1.5-1 (Notice of Publication). (JAR/WWS/BSM/AAC/PJR)

“4” replaced with 5”

4. Appendix 1-2 (Certified Copies of Leases and Assignment Documents, Article of Amendment to Articles of Incorporation) lists Laverne Huck as a coal owner for the NE¼ of Section 6 and the N½NE¼ of Section 8, T141N, R84W. The Laverne Huck Life Estate with remaindermen: Rachelle Markel, Raynee Morrell, Rayette Fasching, Raydene Zimmerman, and Raylynn Huck are listed as coal owners in Appendix 1.5-1 (Notice of Publication) and Plate 1.9-1 (Ownership

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Map). Please review this discrepancy and update Appendix 1.5-1, Appendix 1-2, and/or Plate 1.9-1 as necessary. (AAC)

Appendix 1-2 updated with Life Estate Remaindermen to match Appendix 1.5-1 and Plate 1.9-1. Pages 109-110 added (In completeness 1) to Appendix 1-2 are transfer deeds indicating change.

5. Follow-up to item No. 7: Daryl Yantzer is listed as a surface owner for the N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T142N, R84W in Appendix 1.5-1 (Notice of Publication). However, Appendix 1-2 (Certified Copies of Leases and Assignment Documents, Article of Amendment to Articles of Incorporation) and Plate 1.9-1 (Ownership Map) list the Daryl Yantzer LE as a surface owner of these tracts. Please review this discrepancy and update Appendix 1.5-1, Appendix 1-2, and/or Plate 1.9-1 as necessary. (AAC)

Appendix 1.5-1 updated to reflect surface ownership change to Daryl Yantzer LE as properly indicated in Appendix 1-2 and Plate 1.9-1.

6. Follow-up to item No. 8: Betty Vandenburg is listed as a surface owner for the N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T142N, R84W, and she is listed as a coal owner for the NE $\frac{1}{4}$ of Section 32, T142N, R84W in Appendix 1-2 (Certified Copies of Leases and Assignment Documents, Article of Amendment to Articles of Incorporation). However, she is not listed as a surface and/or coal owner for these Section 32 tracts in Appendix 1.5-1 (Notice of Publication) and Plate 1.9-1 (Ownership Map). Please review this discrepancy and update Appendix 1.5-1, Appendix 1-2, and/or Plate 1.9-1 as necessary. (AAC)

Appendix 1-2 updated to remove Betty Vandenburg as she is deceased and passed interests in to other Vandenburg. This now matches Appendix 1.5-1 and Plate 1.9-1. Pages 456-460 added (In completeness 1) to Appendix 1-2 are the transfer deeds indicating this change.

7. Follow-up to item No. 9: Kenneth Barnhardt, Helen Pfleger, Dennis Barnhardt, Joanne Trinkle, and Karen O. Van Amburg are listed as the coal owners for the SE $\frac{1}{4}$ of Section 31, T142N, R84W in Appendix 1.5-1 (Notice of Publication) and Plate 1.9-1 (Ownership Map). Appendix 1-2 (Certified Copies of Leases and Assignment Documents, Article of Amendment to Articles of Incorporation) lists Kenneth Barnhardt, Helen Pfleger, Dennis Barnhardt, Virginia Spurgin Gaines et al, and the State of ND as the coal owners for the SE $\frac{1}{4}$ of Section 31. Please review these discrepancies and update Appendix 1.5-1, Appendix 1-2, and/or Plate 1.9-1 as necessary. (AAC)

Appendix 1-2 amended to indicate proper ownership as indicated in Appendix 1.5-1 and Plate 1.9-1.

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

Sincerely,



Greg Petrick
Environmental Supervisor

cc: Greg Petrick
Jonathan Rudnick
PSCrecfilings@nd.gov