



Public Service Commission

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June 18, 2025

Mr. Greg Petrick
Environmental Supervisor
BNI Coal Ltd.
2360 35th Ave. SW
Center, ND 58530-9499
gpetrick@bnicoal.com

Dear Mr. Petrick:

The Reclamation Division has reviewed BNI Coal, Ltd's June 5, 2025 response (despite being labeled June 3, 2025) to the May 21, 2025 technical review letter for the application of Revision No. 45 for Renewal No. 5 to Surface Coal Mining Permit BNCR-9702 for the Center Mine. The following items must be adequately addressed prior to Commission approval of the revision and the corresponding renewal. Please respond to these items in a timely manner since the current permit term will expire on August 2, 2025.

Section 3.7 – Prime Farmlands

1. The narrative on Plate 3.7-1 (Prime Farmland) states that “performance standards for prime farmland soils DO APPLY to 186.5 acres within Permit BNCR-9702.” However, the narrative on page 2 of Section 3.7 (Prime Farmlands) states that “performance standards for prime farmland soils DO APPLY to 164.04 acres within Permit BNCR-9702.” Please review the acreage where the performance standards do apply for prime farmland in Permit BNCR-9702 and update Section 3.7 and/or Plate 3.7-1 as necessary. If edits are made to either section, please update Appendix 1-1 (Revision Summary and List of Changes) accordingly. (JAR)

Section 4.5 – Transportation Plan

2. Please update Plate 4.5-28-3 (Haul Road - Slope 6 Plan & Profile) as a result of discussions between the mine and Reclamation Division staff following the May 21, 2025 technical review letter. Possible discrepancies were discussed with Kate Kolden regarding the plan and profile elevations depicted on Plate 4.5-28-3 and the actual as-built conditions. (BSM)

Section 4.6 - Surface Water Management Plan

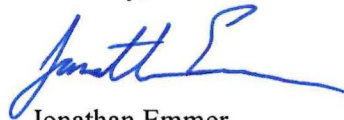
3. The current certification letter for Section 4.6 (Surface Water Management Plan) is dated December 1, 2020. Several updates to the permit have been made involving catch basins and diversions since the certification letter date. Please provide an updated engineering certification letter for Permit BNCR-9702 that reflects these updates in accordance with NDAC 69-05.2-09-09(1)(h). (BSM)

Section 4.12 - Revegetation and Post Mining Land Use

4. The link for Plate 4.12-1 (Post Mining Land Use) is not functioning as intended due to the file not being located in the appropriate folder in Section 4.12 (Revegetation & Post Mining Land Use). Please ensure that Plate 4.12-1 is relocated to the correct location within the permit folder structure. (BSM/GAW)
5. Table 4.12-1 in Section 4.12-1 (Post Mine Land Use Acreages) has been updated to include areas designated "Conservation Grassed Waterway." However, unlike the other columns in the table, the total acreage for "Conservation Grassed Waterway" is not provided. Please update Table 4.12-1 to include the total acres for this land use category. Also, please provide narrative in Section 4.12 (Postmine Land Use and Revegetation) describing the purpose for the conservation grassed waterways. (JAR/BSM/WWS)

Enclosed are the comments we received from the North Dakota Department of Environmental Quality, North Dakota Department of Transportation, and the North Dakota Department of Water Resources for Revision No. 45 and Renewal No. 5. Please contact us with any questions.

Sincerely,



Jonathan Emmer
Director
Reclamation Division

Enclosures

cc via email only: Jonathan Rudnick (jrudnick@bnicoal.com)
BNI Regulatory and Compliance (BNIefiling@bnicoal.com)