

**Public Service Commission
Reclamation Division**

Memorandum

To: Commissioners Kalk, Christmann, and Fedorchak
Darrell Nitschke, Executive Secretary
Illona Jeffcoat-Sacco and Ryan Norrell

From: ^{BG DKM} Bill Gunnerson, Dean Moos, and Jim Deutsch ^{JP}

Date: July 3, 2013

Subject: Application for Renewal No. 6 to Permit No. BNCR-8106 held by BNI Coal, Ltd.
for the Center Mine, Case No. RC-13-78

On February 7, 2013, BNI Coal, Ltd. filed the application for Renewal No. 6 to Surface Coal Mining Permit No. BNCR-8106 to continue mining operations within this existing permit area through July 18, 2018. Permit No. BNCR-8106 covers portions of Sections 31 and 32, T142N, R83W; and Sections 23, 25, 35, and 36, T142N, R84W; Oliver County, totaling 1,223.80 acres. The Reclamation Division has completed its review of this five-year permit renewal application and respectfully recommends its approval.

BNI Coal, Ltd. applied for this permit renewal because the mine office and shop complex, haulroad, topsoil and subsoil stockpiles, and sedimentation ponds in the permit area are used to support mining operations in other Center Mine permits. Coal removal from this permit area was completed several years ago. At the time BNI Coal, Ltd. filed this permit renewal application they also filed the application for Revision No. 52 to Permit BNCR-8106 to update the premine land use, postmine land use, reclamation plan, and fish and wildlife monitoring plan sections of the permit for the next five-year permit term. This insignificant revision application will be approved prior to Commission action on the renewal application.

BNI Coal, Ltd. submitted the affidavits of publication for the newspaper notices. We notified the appropriate agencies, affected landowners and the advisory committee members. We received no objections to this renewal application. Evidence of adequate performance bond and liability insurance are on file. Permit BNCR-8106 and three other permits at the Center Mine are covered by surety and collateral bonds that total \$31,539,439.

Attached for your consideration are the proposed motion and renewal approval form.