

**Public Service Commission
Reclamation Division**

Memorandum

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

From: ^{ZAB} Zanna Brinkman, ^{DKM} Dean Moos, and ^{JW} Jim Deutsch

Date: June 18, 2014

Subject: Application for Renewal No. 6 to Permit No. BNCR-8202 held by BNI Coal, Ltd.
for the Center Mine, Case No. RC-14-116

On March 6, 2014, BNI Coal, Ltd. filed the application for Renewal No. 6 to Surface Coal Mining Permit No. BNCR-8202 to continue mining and reclamation operations within this existing permit area through July 31, 2019. Permit No. BNCR-8202 covers portions of Sections 22 and 26, T142N, R84W, Oliver County, totaling 727.71 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 soil stockpiles, sedimentation ponds, and an equipment supply staging area in the permit area are used to support mining operations in other Center Mine permits. Coal removal was completed in this permit area many years ago. At the time BNI Coal, Ltd. filed this permit renewal application they also filed the application for Revision No. 35 to Permit BNCR-8202 to update the legal and financial section, groundwater monitoring plan, surface water management plan, operations and reclamation plans. 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-8202 and three other permits at the Center Mine are part of a consolidated bond area which is covered by surety and collateral bonds that total \$34,139,439.

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

Minedata/Center/Permits/BNCR-8202/Renewals/Renewal No. 6/Ren6_memo_6-18-14

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Public Service Commission Staff

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