

PUBLIC SERVICE COMMISSION

Reclamation Division

Memorandum

TO: Commissioners Christmann, Fedorchak and Kroshus
Darrell Nitschke, Executive Secretary
Illona Jeffcoat-Sacco, General Counsel

FROM: ^{DKM} Dean Moos, ^{ZAB} Zanna Brinkman and ^{RK} Randy Kowalski

DATE: September 14, 2017

SUBJECT: Application for Revision No. 14 to Permit No. BNCR-9401 held by BNI Coal, Ltd., Case No. RC-17-323

On May 31, 2017, BNI Coal, Ltd. (BNI) submitted the application for Revision No. 14 to Surface Coal Mining Permit BNCR-9401 to delete 15.24 acres from this permit at the Center Mine. The area to be deleted was not disturbed by surface coal mining operations. The landowner, Minnkota Power Cooperative, plans to expand their solid waste management facility on the deletion area. The Reclamation Division has completed its review of this revision application and respectfully recommends it be approved.

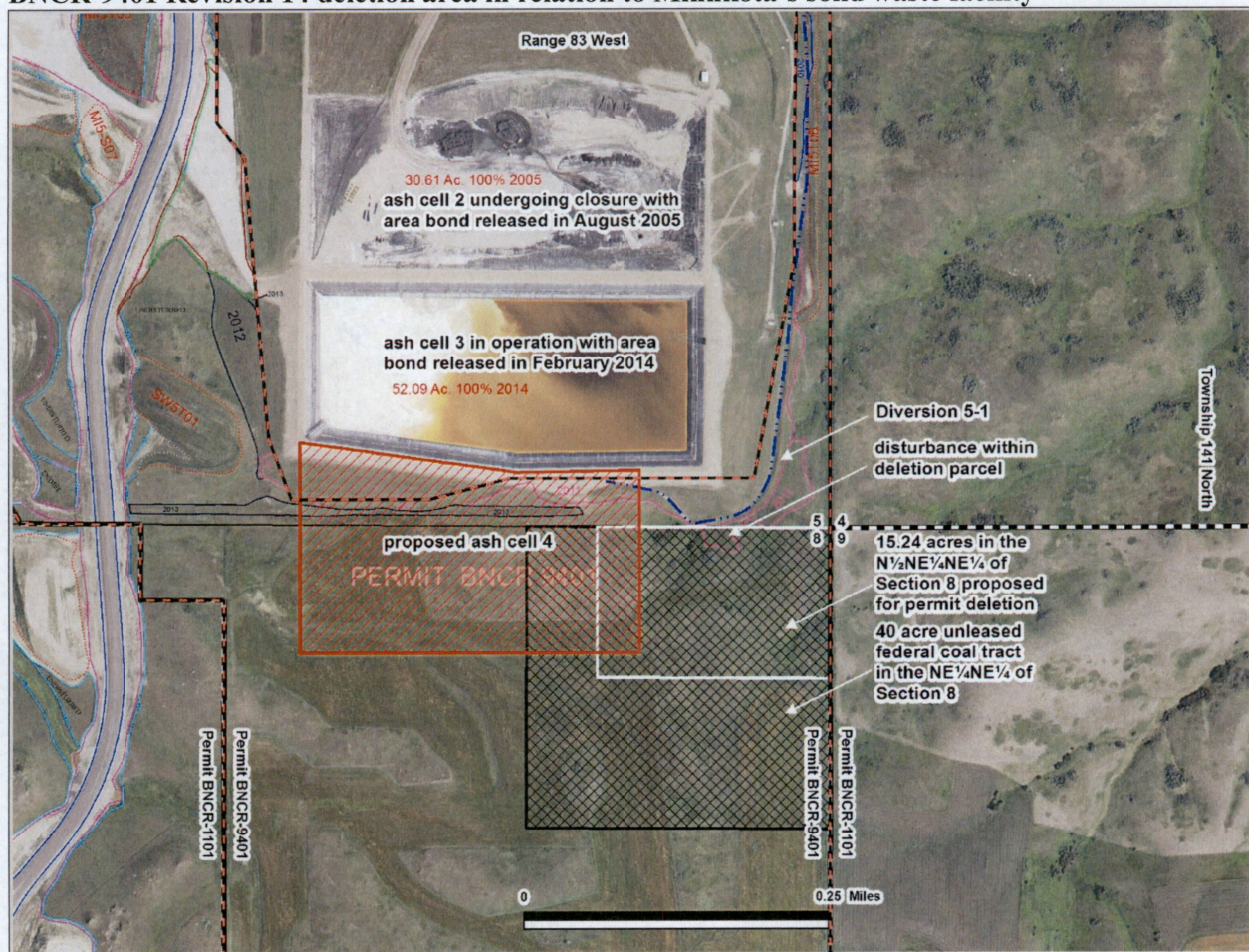
The tract proposed for deletion is an unleased federal coal tract located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T141N, R83W, in Oliver County. The surface of this tract is owned by Minnkota Power Cooperative who operates a solid waste management facility on adjacent land. No coal was removed from this tract and the surface was not disturbed by mining related activities. A small area (approximately 0.3 acres) was affected in 2011 by Minnkota to facilitate construction of the embankment and surface water drainage for cell 3 of their solid waste management facility; however, this was not considered a mining related disturbance. Minnkota is planning a landfill expansion that does not involve mining the federal coal on this tract since BNI Coal does not have a lease for the federal coal tract. The adjacent fee coal will be mined prior to the development of the ash disposal cell. No coal will be mined from the federal coal tract including that portion of the federal coal tract that will remain in the permit and that portion of the federal coal tract that is being deleted from the permit with this revision. A cross section of the planned landfill cell design illustrating the proposed coal removal adjacent to the unleased federal coal tract is attached to this memo. Reclamation Division staff inspected the proposed deletion area on June 21, 2017. There were no mining related activities occurring on the tract and there were no indications of recent activities on the tract.

This permit revision was found to be an insignificant revision and therefore, was not subject to the public notice requirements. However, Commission approval is required to delete undisturbed acreage from an approved permit. The Bureau of Land Management (BLM) and Office of Surface Mining (OSM) were sent copies of the application along with a letter requesting concurrence or any concerns related to the decision to delete the unleased federal coal tract on July 6, 2017. The Reclamation Division received a response from the OSM's Western Region Office in a July 28, 2017 letter stating that they reviewed the application and had no concerns related to the decision to delete the unleased federal coal tract. No other comments were received for the revision application.

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

Minedata/Center/Permits/BNCR-9401/Revisions/No.14/Rev14_apprvl_memo_9-14-17

BNCR-9401 Revision 14 deletion area in relation to Minnkota's solid waste facility



Proposed landfill cell cross section in relation to the federal coal tract and deletion boundary (From BNCR-9401 Rev. 14, Figure 4.1-1)

