

PUBLIC SERVICE COMMISSION
Reclamation Division

Memorandum

TO: Commissioners Kroshus, Fedorchak and Christmann
Steve Kahl, Interim Executive Secretary
Illona Jeffcoat-Sacco, John Schuh

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

DATE: May 8, 2019

SUBJECT: Application for Renewal No. 1 to Permit No. BNCR-1101 held by BNI Coal, Ltd., Case No. RC-19-14

On December 14, 2018, BNI Coal, Ltd. filed the application for Renewal No. 1 to Permit No. BNCR-1101 to continue to conduct mining operations within the existing permit area until May 28, 2024. Permit No. BNCR-1101 covers all or portions of Sections 5, 7, 8, 9, 16, 17, 18, 19, 20, 21 and 28 of T141N, R83W; Sections 12, 13, 24 and 25 of T141N, R84W; and Sections 31 and 32 of T142N, R83W, Oliver County, totaling approximately 8360.72 acres. The Reclamation Division has completed its review of this five-year permit renewal and respectfully recommends that it be approved.

BNI Coal has applied for this five-year renewal because coal removal operations will continue for many years in this permit area. Mining and reclamation plans and other information were updated for the next permit term as part of Revision No. 6 that was submitted with the renewal application.

BNI Coal has submitted the affidavits of publication of the newspaper notice. We notified the appropriate agencies, affected landowners and the advisory committee members. We received no comments or objections to this renewal application. Evidence of adequate performance bond and liability insurance are currently on file. The surety bond in the amount of \$31,251,165. covers this permit at the Center Mine.

A map showing the location of this permit area is attached. Also attached for your consideration are the proposed motion and renewal approval forms.

Minedata/Center/Permits/BNCR-1101/Renewals/Ren1_apprvl_memo_5-8-19.docx

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Public Service Commission Staff
Dean Moos,Zanna Brinkman,Randy Kowalski

BNCR-1101 Permit Area Map (from BNI's Newspaper Notice)

