

**Public Service Commission
Reclamation Division**

Memorandum

To: Commissioners Kroshus, Fedorchak, and Christmann
Steven Kahl - Executive Secretary
John Schuh - General Counsel

From: *DKM* *ZB* *BG*
Dean Moos, Zanna Brinkman, and Bill Gunnerson

Date: July 16, 2020

Subject: Approval of Renewal No. 4 to Permit No. BNCR-9702 held by BNI Coal, Ltd., Case No. RC-20-24

BNI Coal, Ltd. (BNI) filed the application for Renewal No. 4 to Surface Coal Mining Permit No. BNCR-9702 on January 17, 2020 to continue mining and reclamation operations within the existing permit area through August 2, 2025. Permit No. BNCR-9702 covers all or portions of Sections 3, 4, 5, 6, 7, 8, 9 and 10 of T141N, R84W; and, Sections 20, 21, 27, 28, 29, 31, 32, 33, and 34 of T142N, R84W, of Oliver County containing 7,655.11 acres as depicted in Figure 1. The Reclamation Division has completed its review of this five-year permit renewal application and respectfully recommends its approval.

Coal removal is planned to be nearly complete in Permit No. BNCR-9702 during the next permit term as depicted in Figure 1. BNI filed the application for Revision No. 41 to Permit No. BNCR-9702 coincident with the application of Renewal No. 4 to the permit. Revision No. 41 identifies the next five-year coal removal subareas and updates the legal and financial, operation, and reclamation permit sections for the next five-year permit term.

Renewal No. 4 was subject to the notice, hearing, and procedural requirements. BNI submitted the affidavits of publication for the newspaper notice indicating that it was published in the Center Republican and the Bismarck Tribune for four consecutive weeks. Surface owners within the permit area, the appropriate agencies, and the state's advisory committee members were notified of the renewal application and the opportunity to submit comments or objections, or to request an informal conference, on the renewal application. No comments, objections, or requests for an informal conference were received on the renewal application.

Evidence of adequate performance bond and liability insurance are on file. Permit No. BNCR-9702 and three other permits at the Center Mine are covered by surety bonds that total \$35,067,865.

Attached for your consideration at the July 23rd Commission meeting are the proposed motion and renewal approval form.

Attachments

Minedata/Center/Permits/BNCR-9702/Revisions/No.4/Ren4_Apprvl_memo_7-16-20

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