

**PUBLIC SERVICE COMMISSION**  
**Reclamation Division**  
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**MEMORANDUM**

TO: Commissioners Kroshus, Fedorchak and Christmann  
Steve Kahl, Executive Secretary  
John Schuh, General Counsel

FROM: *Dkan* *ZAB*  
Dean Moos, Zanna Brinkman, and Julie Prescott

DATE: July 20, 2020

SUBJECT: Approval of Renewal No. 5 to Permit No. BNCR-9401 held by BNI Coal, Ltd. for the Center Mine, Case No. RC-20-26

On January 21, 2020, BNI Coal, Ltd. (BNI) filed the application for Renewal No. 5 to Surface Coal Mining Permit No. BNCR-9401 at the Center Mine to continue operations within the existing permit area through August 16, 2025. Permit No. BNCR-9401 covers portions of Sections 5 and 8, T141N, R83W, and Section 32, T142W, R83W, Oliver County, totaling 381.88 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 to continue mining and reclamation operations in the permit area. Mining has been conducted in Permit No. BNCR-9401 solely to remove lignite prior to the construction of disposal cells for flue gas desulfurization sludge from Minnkota Power Cooperative (MPC) Inc.'s Milton R. Young Station. Coal removal is projected for the next permit term when disposal cell 5 is constructed in 2023. A portion of Permit BNCR-9401 is also used to support mining in Permit No. BNCR-1101. At the time BNI filed this permit renewal application, they also filed the application for Revision No. 16 to Permit BNCR-9401 to update the legal and financial section, the operations, ground water, surface water management and post mining land use sections, the worst case reclamation cost estimate, and the mining and reclamation plans for the next five-year permit term.

Renewal No. 5 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. We notified the appropriate agencies, affected landowners, and the advisory committee members. No objections to this renewal application were received.

Evidence of adequate performance bond and liability insurance are on file. Permit No. BNCR-9401 is covered by a surety bond in the amount of \$1,404,271.

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

Minedata/Center/Permits/BNCR-9401/Revisions/No.5/Ren5\_Apprv1\_memo\_7-20-20

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Public Service Commission Staff

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