



**APPLICATION FOR REVISION OF PERMIT TO ENGAGE IN  
SURFACE COAL MINING AND RECLAMATION OPERATIONS**  
PUBLIC SERVICE COMMISSION  
RECLAMATION DIVISION  
SFN 10562 (1-2004)

Date	October 27, 2020
Revision Number	8
State	ND
Zip Code	58530

Name of Company, Corporation, Partnership, or Individual BNI Coal, Ltd.	Permit Number BNCR-1101
Address 2360 35th Avenue SW	City Center

The above named hereby makes application for the above Revision Number to: (include a brief description of the surface coal mining and reclamation operation being revised.)  
add 2,661.04 acres in Sections 11, 14, 15, 16, 22 and 23, T141N R84W to the existing permit and update all applicable sections for the acreage addition.

Attached to this Permit Revision Application are a narrative describing the proposed permit revision, reasons for requesting the revision, and appropriate maps, cross-sections, graphs, construction details, revised reclamation plans and other data which demonstrate compliance with Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and the permit conditions of the approved permit. If an incidental boundary revision involving an acreage adjustment is being requested as part of the permit revision application, the following information shall be included (attach a copy of a metes and bounds description):

NAME OF MINE	ACRES	LOCATION			
		SEC.	TWP.	RANGE	COUNTY
Center Mine	See Attached	Sheet			Oliver
ADDRESS					
2360 35th Avenue SW					
Center, ND 58530					
<b>TOTAL ACRES</b>	<b>2,661.04</b>				

Based upon the proposed changes and any incidental boundary revisions to the permit as stated herein, a new or adjusted bond, or its equivalent, duly executed in accordance with Section 38-14.1-16 of the North Dakota Century Code and Chapter 69-05.2-12 of the North Dakota Administrative Code will be delivered to the Public Service Commission prior to issuance of the surface coal mining and reclamation operations permit herein requested. A check for filing fees, pursuant to Section 38-14.1-13 of the North Dakota Century Code, in the amount of \$ 42,110.40, is included with the revision application.

Name of Official Authorized to Represent the Applicant  
Karene M. Hall

I, the above named, certify that:

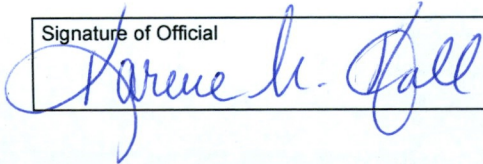
1. All information and documents required by Sections 38-14.1-13, 38-14.1-14, and 38-14.1-15 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, are submitted as part of this permit application;
2. Information and documentation contained in the permit application affirmatively demonstrate that:
  - a. The permit revision application is accurate and complete and all the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code have been complied with;
  - b. Reclamation as required by Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code can be accomplished under the reclamation plan contained in this permit revision application;

- c. An assessment of the probable cumulative impact of all anticipated mining in the general area on the hydrologic balance as specified in subdivision o of subsection 1 of Section 38-14.1-14 has been made and the proposed operation has been designed to prevent material damage to the hydrologic balance both on and off the mine site;
  - d. The area proposed to be affected is not included within an area designated unsuitable for all or certain types of surface coal mining and is not within an area under study for such designation in an administrative proceeding;
  - e. The proposed surface coal mining operation will not interrupt, discontinue or preclude farming on alluvial valley floors that are irrigated or naturally subirrigated and will not materially damage the quantity or quality of water in surface or underground water systems that supply these alluvial valley floors; and
  - f. The permit revision applicant has the legal right to surface mine the land for which this permit revision application is made and all of the requirements of Chapter 38-18 of the North Dakota Century Code have been complied with.
3. The area proposed to be affected is not included within an area where mining is prohibited pursuant to Section 38-14.1-07 of the North Dakota Century Code; unless specifically allowed in accordance with the provisions of Section 69-05.2-04-01 of the North Dakota Administrative Code; and
4. The surface coal mining and reclamation operations contained in this permit revision application will be carried out at all times in a manner which ensures that all of the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and any permit conditions attached thereto are complied with.

Signature of Official 	Title Permit Coordinator
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**VERIFICATION**

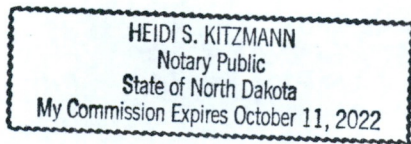
I, Karene M. Hall, being first and duly sworn, verify that the information contained in this Permit Revision Application is true and correct to the best of my knowledge and belief.

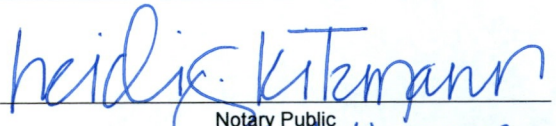
Signature of Official 	Title Permit Coordinator
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STATE OF North Dakota )  
 )ss.  
 COUNTY OF Oliver )

Subscribed and Sworn before me, this 27th day of October, 2020.

(SEAL)



  
 Notary Public  
 My Commission Expires: Oct. 11, 2022

## APPLICATION ATTACHMENT

### ACRES ADDED in REVISION 8 TO PERMIT BNCR-1101

ACRES	SECTION	TOWNSHIP	RANGE	COUNTY
424.97	11	141	84	Oliver
639.15	14	141	84	Oliver
638.87	15	141	84	Oliver
319.62	16	141	84	Oliver
318.74	22	141	84	Oliver
319.69	23	141	84	Oliver
<b>2661.04</b>				

BNCR-1101  
REVISION 8 APPLICATION ATTACHMENT

Revision 8 to Permit BNCR 1101 proposes to add 2,661.04 acres in Sections 11, 14, 15, 16, 22 and 23, all in T141N R84W, for the continuation of mining.

The intent to mine the federal coal within Section 14 is dependent upon the acquisition of the federal coal lease and receipt of federal mine plan approval.