

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**BNI Coal, Ltd.**  
**Revision 8, Permit BNCR-1101**  
**Application**

**Case No. RC-20-438**

**AFFIDAVIT OF SERVICE CERTIFIED AND REGULAR MAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**John Hamre** deposes and says that:

he is over the age of 18 years and not a party to this action and, on the **6th** day of **May 2021**, he deposited in the United States Mail, at Bismarck, North Dakota, **42** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

**Notice of Receipt of Revision Application**

The certified mail envelopes were addressed as follows:

See attached certified mail list

**John Hamre** further deposes and says that on the **6th** day of **May 2021**, he deposited in the United States Mail, Bismarck, North Dakota, **17** envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same, .

LEWIS & CLARK REGIONAL  
DEVELOPMENT COUNCIL  
200 1<sup>st</sup> AVE NW, STE B  
MANDAN, ND 585554-3109

COUNTY COMMISSION  
PO BOX 188  
CENTER, ND 58530-0188

PLANNING AND ZONING COMMISSION  
COUNTY AUDITOR  
PO BOX 188  
CENTER, ND 58530-0188

SOIL CONSERVATION DISTRICT  
DISTRICT CONSERVATIONIST  
PO BOX 87  
CENTER, ND 58530-0087

WATER RESOURCE DISTRICT  
PO BOX 355  
CENTER, ND 58530

MAYOR OF CENTER  
PO BOX 76  
CENTER, ND 58530-0076

US EPA, REGION 8  
1595 WYNKOOP STREET  
DENVER, CO 80202-1129

NATURAL RESOURCE CONSERVATIVE  
SERVICE  
PO BOX 1458  
BISMARCK, ND 58502-1458

MINING HEALTH & SAFETY ADMN  
CMSHA - US DEPT OF LABOR  
PO BOX 25367  
DENVER, CO 80225-5367

BUREAU OF LAND MANAGEMENT  
TNT STATE OFFICE  
5001 SOUTHGATE DR  
BILLINGS, MT 59101-4669

US FISH & WILDLIFE SERVICE  
3425 MIRIAM AVENUE  
BISMARCK, ND 58501-7926

5-BW JA  
475 SUMMIT DRIVE SUITE 211  
MINOT AIR FORCE BASE  
MINOT, ND 58705

NATIONAL FARMERS ORGN.  
GASCOYNE, ND 58653

DAKOTA RESOURCE COUNCIL  
1720 BURNT BOAT DR. STE 104  
BISMARCK, ND 58503-0801

NORTH DAKOTA FARM BUREAU  
4900 OTTAWA STREET  
BISMARCK, ND 58503

ENVIRONMENTAL COORDINATOR  
PLANNING & COMPLIANCE OFFICE  
NATIONAL PARK SERVICE, MIDWEST  
REGION  
601 RIVERFRONT DR.  
OMAHA, NE 68102-4226

OLIVER COUNTY AUDITOR  
COUNTY COURTHOUSE  
CENTER, ND 58530

**Mailing list for affected surface owners by CERTIFIED MAIL:**

MINNKOTA POWER COOP 5301 32ND AVENUE SOUTH GRAND FORKS, ND 58201 Cert. Mail No. <b>70201290000161508880</b>	OPP LIMITED PARTNERSHIP ALLEN E. OPP and FERN O. OPP C/O JANET DOHRMANN 9721 31ST STREET SW TAYLOR, ND 58656 Cert. Mail No. <b>70201290000161508903</b>	GARY LEINIUS 4985 HWY 200 HAZEN, ND 58545 Cert. Mail No. <b>70201290000161508910</b>
DANITA DEICHERT 4609 BORDEN HARBOR DRIVE MANDAN, ND 58554 Cert. Mail No. <b>7020129000011508927</b>	DORETTA BORNEMANN 3017 HILLSIDE ROAD NW MANDAN, ND 58554 Cert. Mail No. <b>70201290000161508934</b>	DAVID ERHARDT 13906 ROUND OAK COURT HOUSTON, TX 77059 Cert. Mail No. <b>70201290000161508941</b>
DEAN ERHARDT 5439 GUINEVERE DRIVE WELDON SPRING, MO 63304 Cert. Mail No. <b>70201290000161508958</b>	DELPHINE VETTER 512 NE 4TH STREET LINTON, ND 58552 Cert. Mail No. <b>70201290000161508965</b>	LARRY AND VIRGINIA SCHMIDT 2631 35TH AVENUE SW CENTER, ND 58530 Cert. Mail No. <b>70201290000161508972</b>
KASPER AND DONNA KRAFT 2847 35TH AVENUE NEW SALEM, ND 58563 Cert. Mail No. <b>70201290000161508989</b>	DEPARTMENT OF TRUST LANDS 1707 N 9TH STREET BISMARCK, ND 58501 Cert. Mail No. <b>70201290000161508996</b>	WAYNE REUTHER 4746 GLENWOOD DRIVE BISMARCK, ND 58504 Cert. Mail No. <b>70201290000161509009</b>

JERRY REUTHER  
405 DENVER AVENUE  
BISMARCK, ND 58504  
Cert. Mail No.  
**70201290000161509016**

KAREN SHULZ  
5875 LONE HORSE DRIVE  
RENO, NV 89502-9011  
Cert. Mail No.  
**70201290000161506398**

KENT REUTHER  
3610 27TH STREET SW  
NEW SALEM, ND 58563  
Cert. Mail No.  
**70201290000161506404**

KEITH REUTHER  
3594 27TH STREET SW  
NEW SALEM, ND 58563  
Cert. Mail No.  
**70201290000161506411**

WINFRID KELLER  
PO BOX 1141  
MANDAN, ND 58554  
Cert. Mail No.  
**70201290000161506428**

CHARLES AND DORIS KUETHER  
3555 28TH STREET SW  
NEW SALEM, ND 58563  
Cert. Mail No.  
**70201290000161506435**

THOMAS PFLIGER  
806 TOWER PLACE  
MANDAN, ND 58554  
Cert. Mail No.  
**70201290000161506442**

DALE PFLIGER  
806 TOWER PLACE  
MANDAN, ND 58554  
Cert. Mail No.  
**70201290000161506459**

DOUGLAS AND DEBERRA K.  
DOLL  
LIFE ESTATE  
3901 FAYE AVENUE NORTH  
MANDAN, ND 58554  
Cert. Mail No.  
**70201290000161506466**

JAMES & BONITA PAZDERNIK  
LIFE ESTATE  
3487 375TH AVENUE  
NEW SALEM, ND 58563  
Cert. Mail No.  
**70201290000161506473**

ROBERT MOSBRUCKER  
P.O. BOX 745  
BOTHEL, WA 98041  
Cert. Mail No.  
**70201290000161506480**

HELEN PFLEGER  
100 1ST STREET NW #302  
MANDAN, ND 58554  
Cert. Mail No.  
**7020290000161506497**

DELMAR HAGEROTT  
3170 27TH STREET  
CENTER, ND 58530  
Cert. Mail No.  
**70201290000161506503**

CLEMENTINE FRIESZ  
LIFE ESTATE  
710 PINE AVENUE  
NEW SALEM, ND 58563  
Cert. Mail No.  
**70201290000161506510**

DAVID O. BERGER AND DEBRA  
A. BERGER  
2531 37TH AVENUE SW  
CENTER, ND 58530  
Cert. Mail No.  
**70201290000161506527**

LEE DRESSER  
PO BOX 683  
RIVERDALE, ND 58565  
Cert. Mail No.  
**70201290000161506534**

ROSALIE DINGUS  
4512 WHITETAIL LANE  
BISMARCK, ND 58504  
Cert. Mail No.  
**70201290000161506541**

MARK R. FUCHS  
18671 FAIRWEATHER  
CANYON COUNTRY, CA 91351  
Cert. Mail No.  
**70201290000161506558**

JACK B. FUCHS  
15409 RHODODENDRON DRIVE  
CANYON COUNTRY, CA 91351  
Cert. Mail No.  
**70201290000161506565**

JOLENE BERGER  
3004 MANCHESTER STREET  
BISMARCK, ND 58504  
Cert. Mail No.  
**70201290000161506572**

BRIAN DRESSER  
2574 37TH AVENUE SW  
CENTER, ND 58530  
Cert. Mail No.  
**70201290000161506589**

MARK ERHARDT  
PO BOX 132  
CENTER, ND 58530  
Cert. Mail No.  
**70201290000161506596**

BURTON & ETHELEEN  
ENTERPRISES, LLC  
3655 COUNTY ROAD 139  
NEW SALEM, ND 58563  
Cert. Mail No.  
**70201290000161506602**

JESSE LACKMAN  
2647 37TH AVENUE SW  
CENTER, ND 58530  
Cert. Mail No.  
**70201290000161506619**

RUSSEL HOESEL  
3370 COUNTY ROAD 84  
NEW SALEM, ND 58563  
Cert. Mail No.  
**70201290000161506626**

DAVID AND KAREN  
PORSBORG  
2722 37TH AVENUE SW  
NEW SALEM, ND 58563  
Cert. Mail No.  
**70201290000161506633**

MARVIN PFLEGER  
2895 37TH AVENUE SW  
NEW SALEM, ND 58563  
Cert. Mail No.  
**70201290000161506640**

BRIAN AND KIMBERLY REINKE  
1106 E HIGHLAND ACRES ROAD  
BISMARCK, ND 58501  
Cert. Mail No.  
**70201290000161506657**

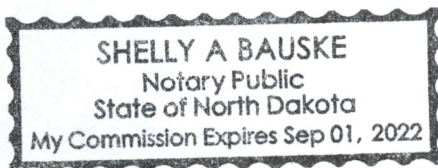
BENJAMIN REINKE  
1215 COLUMBIA DRIVE  
BISMARCK, ND 58504  
Cert. Mail No.  
**70201290000161506664**


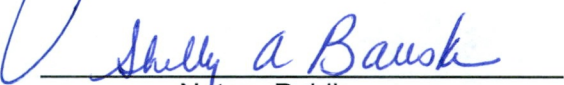
ELIZABETH WAGENDORF  
948 STRYKER AVENUE  
WEST ST. PAUL, MN 55118  
Cert. Mail No.  
**70201290000161506671**

Each address shown is the respective addressee's last reasonably ascertainable mailing address.

Subscribed and sworn to before me  
this **6th** day of **May 2021**.

SEAL



  
\_\_\_\_\_  
  
\_\_\_\_\_  
Notary Public

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**BNI Coal, Ltd.**  
**Revision No. 8, Permit BNCR-1101**  
**Application**

**Case No. RC-20-438**

**NOTICE OF RECEIPT OF REVISION APPLICATION**

**May 5, 2021**

BNI Coal, Ltd. has filed an application for Revision No. 8 to Surface Coal Mining Permit No. BNCR-1101 at the Center Mine to add 2,661.04 acres to the permit in Sections 11, 14, 15, 16, 22, and 23 of Township 141N, Range 84W. The additional acreage will expand the permit area to the west for coal mining and support activities. The revision application revises the surface and coal ownership information, right of entry documents, environmental resource information, cultural resource information, mining plans, surface water management plans, reclamation plans, and the reclamation cost estimate for the acreage being added to the permit. The revision also proposes to revise the postmining topography for 1,211 acres of the existing permit area.

The revision application and surface coal mining and reclamation permit may be inspected at:

Public Service Commission  
State Capitol 13<sup>th</sup> Floor  
600 East Boulevard Avenue  
Bismarck, North Dakota

Oliver County Auditor  
Oliver County Courthouse  
115 West Main Street  
Center, North Dakota

A USB flash drive copy of the revision application may be requested by contacting the Public Service Commission using the contact information that follows.

You may submit written comments or objections on the proposed permit revision application and its effects on the environment and on landowners in the permit area. You may request an informal conference with the Commission and the applicant on the application. The reasons for requesting an informal conference must be stated in the request. In addition, you may file a petition to designate land being added to the permit as unsuitable for mining. Written comments, objections, petitions, or requests for an informal conference must be filed with the Commission by **July 6, 2021**.

If there is an informal conference, you may request a formal administrative hearing on the Commission's ruling on the application. Your request for a formal hearing must be made within thirty days of the Commission ruling on the application.

Written comments, objections, petitions, or requests for an informal conference should be addressed to the Public Service Commission, 600 East Boulevard Avenue, Dept. 408, Bismarck, North Dakota 58505-0480. For more information, and to request a copy of the revision application, you may contact the Public Service Commission by telephone at 701-328-2400, 877-245-6685 toll free, or 800-366-6888 TTY; by email at [ndpsc@nd.gov](mailto:ndpsc@nd.gov); and by fax at 701-328-2410.

### PUBLIC SERVICE COMMISSION

  
Randy Christmann  
Commissioner

  
Julie Fedorchak  
Chair

  
Brian Kroshus  
Commissioner

Center Mine\Permits\BNCR - 1101\Revisions & Renewals\No. 8\Rev8\_ntc\_of\_rcpt\_5-5-21

**Mailing lists for Revision No. 8, Permit BNCR-1101 NOTICE OF RECEIPT OF REVISION APPLICATION - local (Oliver County), state and federal agencies, and Advisory Committee members**

**Use standard lists  
Regular First Class, mailing affidavit**

**Mailing list for affected surface owners by CERTIFIED MAIL provided below**

MINNKOTA POWER COOP 5301 32ND AVENUE SOUTH GRAND FORKS, ND 58201	OPP LIMITED PARTNERSHIP ALLEN E. OPP and FERN O. OPP C/O JANET DOHRMANN 9721 31ST STREET SW TAYLOR, ND 58656	GARY LEINIUS 4985 HWY 200 HAZEN, ND 58545
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KEITH REUTHER 3594 27TH STREET SW NEW SALEM, ND 58563	WINFRID KELLER PO BOX 1141 MANDAN, ND 58554	CHARLES AND DORIS KUETHER 3555 28TH STREET SW NEW SALEM, ND 58563
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JAMES & BONITA PAZDERNIK LIFE ESTATE 3487 375TH AVENUE NEW SALEM, ND 58563	ROBERT MOSBRUCKER P.O. BOX 745 BOTHEL, WA 98041	HELEN PFLEGER 100 1ST STREET NW #302 MANDAN, ND 58554
DELMAR HAGEROTT 3170 27TH STREET CENTER, ND 58530	CLEMENTINE FRIESZ LIFE ESTATE 710 PINE AVENUE NEW SALEM, ND 58563	DAVID O. BERGER AND DEBRA A. BERGER 2531 37TH AVENUE SW CENTER, ND 58530

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