



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

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*Sent via email only*

May 5, 2021

Jay M. Volk, PhD, Manager  
Health, Safety, and Environmental Services  
BNI Coal, Ltd.  
2360 35<sup>th</sup> Avenue SW  
Center, ND 58530-9499  
[jvolk@bnicoal.com](mailto:jvolk@bnicoal.com)

Dear Mr. Volk:

The Reclamation Division has reviewed BNI Coal, Ltd.'s April 12, 2021 responses to our April 9, 2021 completeness review letter for the Revision No. 8 application to Permit BNCR-1101 at the Center Mine. Revision No. 8 proposes to add 2,661.04 acres to the permit in Sections 11, 14, 15, 16, 22, and 23 of Township 141N, Range 84W. The revision also proposes to revise the postmining topography for 1,211 acres of the existing permit area. The following item must be adequately addressed before the application can be deemed complete and approval is granted to begin publication of the permit revision newspaper notice. Please note that the follow-up item references the item number in our April 9, 2021 completeness review letter.

### **Appendix 1.5-1 - Notice of Publication**

1. Follow-up to item No. 1: Please update the third paragraph of the first page of the Notice of Publication to add the following bolded and underlined text sequence. (WTG)

**Any person with an interest which is, or may be, adversely affected may file a petition to designate an area added to the permit with the revision application as unsuitable for surface coal mining operations. Petitions to designate an area as unsuitable for surface mining, and written comments, objections, or requests for informal conferences on the revision application may be submitted by any person with an interest which is, or may be, adversely affected by the revision to the North Dakota Public Service Commission, 600 East Boulevard Avenue, Bismarck, ND, 58505-0480, within 30 days after the last publication of this notice. The written request should state the concerns or objections regarding the revision.**

Jay M. Volk, PhD  
May 5, 2021  
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Please contact us with any questions.

Sincerely,



Dean K. Moos  
Director  
Reclamation Division

cc: Karene Hall (khall@bnicoal.com)  
Jodey Houn (jhoun@bnicoal.com)  
Oliver County Auditor Judith Hintz (jhintz@nd.gov)

Center Mine\Permits\BNCR - 1101\Revisions & Renewals\No. 8\Rev8\_complete4\_rvw\_ltr\_5-5-21