



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Brian Kroshus

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

Sent via regular mail

May 20, 2021

Jeffrey W. Fleischman, Chief
Denver Field Division
Office of Surface Mining
PO Box 11018
Casper, WY 82601

Dear Mr. Fleischman:

BNI Coal, Ltd. (BNI) has filed an application for Revision No. 8 to Permit 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, in Oliver County, North Dakota. 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.

The permit revision adds federal coal lease NDM 105513 to the permit for the 320 acre federal coal tract located in the E $\frac{1}{2}$ NE $\frac{1}{4}$, the S $\frac{1}{2}$ SW $\frac{1}{4}$, and the SE $\frac{1}{4}$ of Section 14. It also adds plans that will require mine plan modification to mine the federal coal tract between 2027 and 2032. BNI is mining federal coal in the NE $\frac{1}{4}$ of Section 18 in Township 141N, Range 83W, in the existing permit area under federal coal lease NDM 102083 for which federal mine plan approval was granted on October 27, 2020. Revision No. 8 will be conditionally approved to prohibit overburden or coal removal from the federal coal tract in Section 14 of the permit addition area until the mine plan modification is approved.

A USB flash drive of the permit revision application is enclosed. Please review the revision application and reply with any comments by July 6, 2021.

Please contact us with any questions.

Sincerely,

Dean K. Moos
Director
Reclamation Division

Enclosure

Center Mine\Permits\BNCR - 1101\Revisions & Renewals\No. 8\Rev8_fed_agency_rvw_rqst_ltr_5-20-21



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Marcelo Calle, Manager
Program Support Division
Office of Surface Mining - Western Region
PO Box 25065
Lakewood, CO 80225-0065

Dear Mr. Calle:

BNI Coal, Ltd. (BNI) has filed an application for Revision No. 8 to Permit 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, in Oliver County, North Dakota. 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.

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Loren Wickstrom
Field Office Manager
Bureau of Land Management
99 23rd Avenue West - Suite A
Dickinson, ND 58601

Dear Mr. Wickstrom:

BNI Coal, Ltd. (BNI) has filed an application for Revision No. 8 to Permit 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, in Oliver County, North Dakota. 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.

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Nathaniel Arave, Chief
Branch of Solid Minerals
Bureau of Land Management
5001 Southgate Drive
Billings, Montana 59101

Dear Mr. Arave:

BNI Coal, Ltd. (BNI) has filed an application for Revision No. 8 to Permit 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, in Oliver County, North Dakota. 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.

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Mary E. Podoll, State Conservationist
Natural Resources Conservation Service
220 East Rosser Avenue
PO Box 1458
Bismarck, ND 58502-1458

Dear Ms. Podoll:

BNI Coal, Ltd. (BNI) has filed an application for Revision No. 8 to Permit 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, in Oliver County. 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.

A USB flash drive of the permit revision application is enclosed for your agency's review and comment on the prime farmland reclamation plan for the acreage added to the permit as required by NDAC 69-05.2-10-01(3). Please review the permit revision application with respect to BNI's prime farmland reclamation plan in Section 3.7 and reply with any comments by July 6, 2021.

Please contact us with any questions.

Sincerely,

Dean K. Moos
Director
Reclamation Division

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Drew Becker, Supervisor
North Dakota Ecological Services Field Office
U.S. Fish and Wildlife Service
3425 Miriam Avenue
Bismarck, North Dakota 58501

Dear Mr. Becker:

BNI Coal, Ltd. (BNI) has filed an application for Revision No. 8 to Surface Coal Mining Permit No. BNCR-1101 at the Center Mine. The revision adds 2,661.04 acres of private and state-owned agricultural land to the permit in all or portions of Sections 11, 14, 15, 16, 22, and 23 of Township 141N, Range 84W, in Oliver County. The additional acreage will expand the permit area to the west for coal mining and support activities as depicted in attached Figure 1.

On May 10, 2017 the Reclamation Division provided your office with a copy of BNI's plans for acquiring baseline fish and wildlife resource information on this property and the adjacent area. A copy of the plan and the results of the fish and wildlife surveys begins on page 70 of Appendix 3.10-3 in the permit revision application. Attachment 3 (mistakenly titled as Attachment 2) on page 78 of Section 3.10 identifies the acreage of each land use within and adjacent the proposed permit addition area. In 2019 BNI conducted a detailed analysis of the native grassland acreage to determine if any suitable Dakota skipper habitat was present in the proposed permit area. The results of the 2019 study can be found beginning on page 89 of Appendix 3.10-3.

Based on the information provided, the Reclamation Division anticipates that it will be making a finding that BNI's proposed mining and reclamation activities in the Revision No. 8 addition area will not jeopardize the continued existence of any threatened, endangered, or proposed species, or result in the destruction or adverse modification of any proposed or designated critical habitat. The USFWS Information for Planning and Consultation (IPaC) site will be referenced prior to making a final effects determination.

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Dean K. Moos
Director
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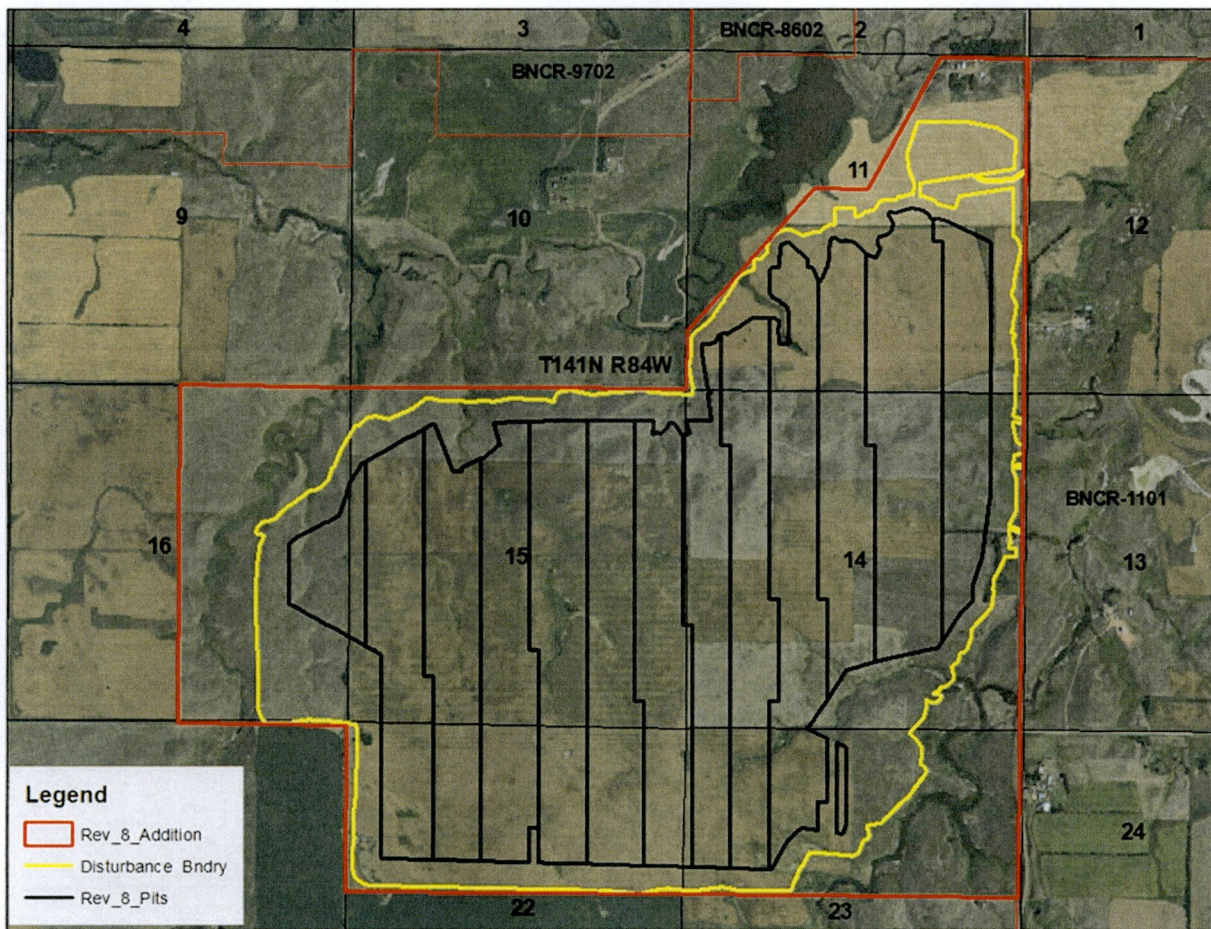


Figure 1. Location and areal extent of acreage proposed for addition to Permit BNCR-1101 with Revision No. 8. Aerial photography is courtesy of the USDA-NAIP acquired in early August 2020.