

PHONE (701) 355-5588



FAX (701) 794-3125

A BNI ENERGY COMPANY

July 23, 2021

Mr. Dean Moos, Director
Reclamation Division, NDPSC
Department 408
600 East Boulevard Avenue
Bismarck, ND 58505-0480

RE: Affidavits of Publication

Dear Mr. Moos,

Enclosed with this letter are copies of the "Affidavit for Publication" notices from the Bismarck Tribune and the Center Republican for Permit BNCR-1101 Revision 8.

If you have any questions, please contact me at the Center office.

Sincerely,

A handwritten signature in blue ink that reads "Karene M. Hall".

Karene M. Hall
Permit Coordinator

cc: Jay Volk

22 RC-20-438 Filed 07/23/2021 Pages: 7
Affidavits of Publication of Public Notice
BNI Coal, Ltd.
Karene Hall

*** Proof of Publication ***

State of North Dakota)
) SS:
County of Burleigh)

Before me, a Notary Public for the State of North Dakota personally

appeared Jill Lindsay who being duly sworn, deposes and says that he (she) is the Clerk of Bismarck Tribune Co., and that the publication(s) were made through the

Bismarck Tribune on the following dates:

5/13, 20, 27 + 6/4/2021

Signed Jill Lindsay

BNI COAL LTD

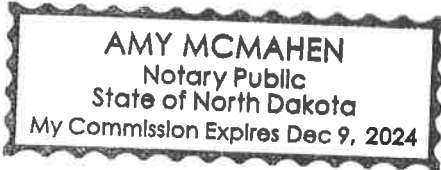
2360 NW 35TH AV
CENTER, ND 58530

ORDER NUMBER 27787

Sworn and subscribed to before me this 4th day of

June 20 21

Amy McMahon
Notary Public in and for the State of North Dakota



Section: Legals

Category: 5380 Public Notices

PUBLISHED ON: 05/13/2021, 05/20/2021, 05/27/2021, 06/04/2021

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FILED ON: 6/4/2021

NOTICE OF APPLICATION FOR A PERMIT REVISION TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION ACTIVITIES

Please take notice that BNI Coal Ltd., 2360 35th Avenue SW, Center, North Dakota 58530-9499 has submitted an application to the North Dakota Public Service Commission for Revision No. 8 to Permit BNCR-1101, to engage in surface coal mining and reclamation operations. The approved permit includes 8,360.72 acres in parts of Sections 5, 7, 8, 9, 16, 17, 18, 19, 20, 21 and 28 T141N R83W, parts of Sections 12, 13, 24 and 25 T141N R84W and parts of Sections 31 and 32 T142N R83W and was approved on May 28, 2014. The permit addition area is located southwest of Center in Oliver County, North Dakota and is shown on the accompanying map. This permit revision will add 2,661.04 acres to the existing permit area for a total of 11,021.76 acres. The new acreage is located in parts of Sections 11, 14, 15, 16, 22 and 23 T141N R84W. The permit revision will also update the Legal and Financial Section including ownership and control, surface and coal ownerships, will update the metes & bounds description, will update the rights-of-entry documents, will update the extended mine plan, will update the environmental resource sections, will update the mining operations plan including the pit layout and facilities map, will update the blasting section, will update the surface water management sections, will update the transportation plan, will update the reclamation schedule, the backfilling and regrading plan and the SPGM removal and replacement plan, will update the post mining land use, will update the wildlife monitoring plan and will update the worst case bond estimate to include the additional area. The revision also proposes to revise the postmining topography for 1,211 acres of the existing permit area.

The application for revision of the surface coal mining permit is available for public inspection at the offices of the North Dakota Public Service Commission, 600 East Boulevard Avenue, Bismarck, ND, 58505-0480, and the County Auditor, Oliver County Courthouse, Center, ND, 58530. A USB flash drive copy of the revision application may be requested by contacting the Public Service Commission at (701) 328-2400 or ndpsc@nd.gov, or by sending a written request.

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. The legal description and names of surface and coal owners follow for the existing permit area and the proposed permit addition:

LEGAL DESCRIPTION SURFACE OWNER (S) COAL OWNERS

SECTION 5 T141N R83W NW1/4, SW1/4 Minnkota Power Cooperative Great Northern Properties

SECTION 7 T141N R83W W1/2 E1/2 SECTION 8 T141N R83W NW1/4 Opp Limited Partnership Gary Leinius BNI Coal, Ltd.

SECTION 11 T141N R83W NE1/4 Larry & Virginia Schmidt Daryl & Loretta Tabor Linda Borlaug John Kautzman Donna Barnhardt Randy Titsworth Ronnie Titsworth Marita Bishop Lucille Gardner PEC Minerals, LP BNI Coal, Ltd. Clay Hedrick, Jr. Charles Hamilton, Jr. M. Ellen Emley Barbara Endres Richard Files Robert Files Erika Hilliard Penelope Files Carolyn Files Blackstone Minerals Walter Duncan, Inc. Kurt Files Georgianne Hedrick Mercer John Hedrick Barbara Hager Donald Hager Joyce Hager Giles James Hager Noyce McGarity Alexis Bochko Dean Stucky Jean Cliff Susan Koehn Julie & Donald Gregory Patsy McGehee Jack & Nancy Horn Donald R. Posey Five D's

SECTION 14 T141N R84W NW1/4, SW1/4, S1/2SE1/4, less Lot A SE1/4 Lot A Five D's BNI Coal, Ltd.

SECTION 9 T141N R83W ALL Minnkota Power Cooperative Duane C. Anderson Corrine L. Dockter Vi Ann Olson Sharon Anderson

SECTION 16 T141N R83W NW1/4 SW1/4 E1/2 SECTION 17 T141N R83W NW1/4 Larry & Virginia Schmidt Kasper & Donna Kraft State of ND

SECTION 19 T141N R83W NE1/4 Wayne Reuther Karen Shultz Jerry Reuther Kent Reuther Keith Reuther Winfrid Keller

SECTION 20 T141N R83W NW1/4 NE1/4 Thomas Pfliger Dale Pfliger Douglas D. & Deberra K. Doll LE James & Bonita Pazdernik LE

SECTION 21 T141N R83W SE1/4 NW1/4 Helen Pfliger Delmar Hagerott Douglas D. & Deberra K. Doll LE James & Bonita Pazdernik LE

SECTION 22 T141N R84W NE1/4 James & Bonita Pazdernik LE Anton Landeis Douglas D. & Deberra K. Doll LE James & Bonita Pazdernik LE

SECTION 23 T141N R84W NW1/4 Helen Pfliger Maria Brown LE Remainderman: Holli K. Taylor Myra Buntin LE Remaindermen: Darrell Ray Buntin III Amand Marie Minick Ralph & Irene Kautzman

SECTION 24 T141N R84W NW1/4 David & Karen Porsborg

SECTION 25 T141N R84W NW1/4 NE1/4 Marvin Pflieger David & Karen Porsborg

SECTION 28 T141N R83W NE1/4 Clementine Friesz Life Estate Remaindermen: Sandra K. Orgaard Roger A. Friesz Duane M. Friesz Karen M. Porsborg Michael J. Friesz Audrey A. Peterson

West 528' of NW1/4 Thomas Pfliger Dale Pfliger

NW1/4 less West 528' Helen Pfliger

Walter Duncan, Inc. Kurt Files Georgianne Hedrick Mercer John Hedrick Barbara Hager Donald Hager Joyce Hager Giles James Hager Noyce McGarity Alexis Bochko Dean Stucky Jean Cliff Susan Koehn Julie & Donald Gregory Patsy McGehee Jack & Nancy Horn Donald R. Posey Larry & Virginia Schmidt Helen Pfliger Margaret Pflieger Maria Brown LE Remainderman: Holli K. Taylor Myra Buntin LE Remaindermen: Darrell Ray Buntin III Amand Marie Minick Duane Siegel Donald Bonogofsky Gary Bonogofsky Lisa Pulse

SECTION 19 T141N R83W NW1/4 NE1/4 E1/2SE1/4 SW1/4, W1/2SE1/4 Wayne Reuther Karen Shultz Jerry Reuther Kent Reuther Keith Reuther Winfrid Keller Charles & Doris Kuether Charles & Doris Kuether

SECTION 20 T141N R83W NW1/4 NE1/4 Thomas Pfliger Dale Pfliger Douglas D. & Deberra K. Doll LE James & Bonita Pazdernik LE

SECTION 21 T141N R83W SE1/4 NW1/4 Helen Pfliger Delmar Hagerott Douglas D. & Deberra K. Doll LE James & Bonita Pazdernik LE

SECTION 22 T141N R84W NE1/4 James & Bonita Pazdernik LE Anton Landeis Douglas D. & Deberra K. Doll LE James & Bonita Pazdernik LE

SECTION 23 T141N R84W NW1/4 Helen Pfliger Maria Brown LE Remainderman: Holli K. Taylor Myra Buntin LE Remaindermen: Darrell Ray Buntin III Amand Marie Minick Ralph & Irene Kautzman

SECTION 24 T141N R84W NW1/4 David & Karen Porsborg

SECTION 25 T141N R84W NW1/4 NE1/4 Marvin Pflieger David & Karen Porsborg

SECTION 28 T141N R83W NE1/4 Clementine Friesz Life Estate Remaindermen: Sandra K. Orgaard Roger A. Friesz Duane M. Friesz Karen M. Porsborg Michael J. Friesz Audrey A. Peterson

West 528' of NW1/4 Thomas Pfliger Dale Pfliger

NW1/4 less West 528' Helen Pfliger

S1/2N1/2 BNI Coal, Ltd.

N1/2S1/2 BNI Coal, Ltd.

S1/2S1/2 BNI Coal, Ltd.

SECTION 14 T141N R84W NW1/4NE1/4, N1/2NW1/4, SW1/4NW1/4 Lee Dresser

SW1/4NE1/4, SE1/4NW1/4, Burton & Etheleen Ent. LLC

N1/2SW1/4 E1/2NE1/4, SE1/4, S1/2SW1/4 SECTION 15 T141N R84W N1/2 Russel Hoesel

SW1/4 Burton & Etheleen Ent. LLC

SE1/4 Burton & Etheleen Ent. LLC

SECTION 16 T141N R84W E1/2 SECTION 22 T141N R84W NE1/4 State of ND Burton & Etheleen Ent. LLC

NW1/4 Burton & Etheleen Ent. LLC

SECTION 23 T141N R84W NW1/4 Burton & Etheleen Ent. LLC

NE1/4 SECTION 24 T141N R84W NW1/4 David & Karen Porsborg

SW1/4 E1/2 David & Karen Porsborg Wayne Reuther Karen Shultz Jerry Reuther Kent Reuther Keith Reuther

SECTION 25 T141N R84W NW1/4 NE1/4 Marvin Pflieger David & Karen Porsborg

SECTION 31 T142N R83W ES1/2SE1/4, less Haul Road Corridor Brian Reinke Benjamin Reinke Elizabeth Wagendorf

SECTION 32 T142N R83W S1/2SW1/4 -4.5 acres Minnkota Power Cooperative

WS1/2SW1/4 -1.5 acres BNI Coal, Ltd. Minnkota Power Cooperative

Operations within 100 feet of the outside rights-of-way for the following public roads or section lines will be necessary for this permit area. Prior to any operations being conducted, BNI will obtain approval from the Oliver County Board of Commissioners subject to public notice and hearing.
1. The east and west sides of the entire section line between Section 11 and Section 12, T141N, R84W.

Kathryn Erhardt Evangeline Bolton Lorraine Bosch Edward Erhardt Marcus C. Erhardt LE Norman J. Erhardt Isabelle Forster Alice Christianson Ann Pasley Agnes Phagan Margaret Erhardt Kathryn Erhardt Gloria Ciavarella Wallace Erhardt Margaret Erhardt Kathryn Erhardt Margaret Erhardt Kathryn Erhardt Rhoda P. Erhardt Anita Erhardt Dorothy Erhardt Lee Dresser Yvonne Schmidt LE Remaindermen: Terrence Schmidt Randall Schmidt Raymond Schmidt Marsha Krance JoAnne Stromme Jeffrey Schmidt Donald Erhardt

USA

Jean Holmgren J. Marie Smith Living Trust Patricia Samson Anne F. Cerulli Karen Van Amburg LE Remaindermen: Jana Van Amburg Matthew Van Amburg H. Huffman & Co. Blackstone Minerals Co. L.P. Burton & Etheleen Ent. LLC Paul Senger Burton & Etheleen Ent. LLC Bobby Jo Scholdt Cory Scholdt Arlen Wright Terry Wright Doran Horsley David Horsley Darrel Horsley Darla Parks Bradley Dykes Brenda Dykes Dennis Dykes Kelly Dykes

State of ND

Burton & Etheleen Ent. LLC

Ronald Mosbrucker Kathleen Geiger Eugene Doll Sharon Bullinger Debra Erhardt Burton & Etheleen Ent. LLC Paul Senger

Burton & Etheleen Ent. LLC

Ronald Mosbrucker Kathleen Geiger Eugene Doll Sharon Bullinger Debra Erhardt Central Dakota Humane Society

David & Karen Porsborg

David & Karen Porsborg Jeanette Bonnet Robert Porsborg Darlene Sorge Dorothy Willems USA Wayne Reuther Karen Shultz Jerry Reuther Kent Reuther Keith Reuther

Marvin Pflieger David & Karen Porsborg

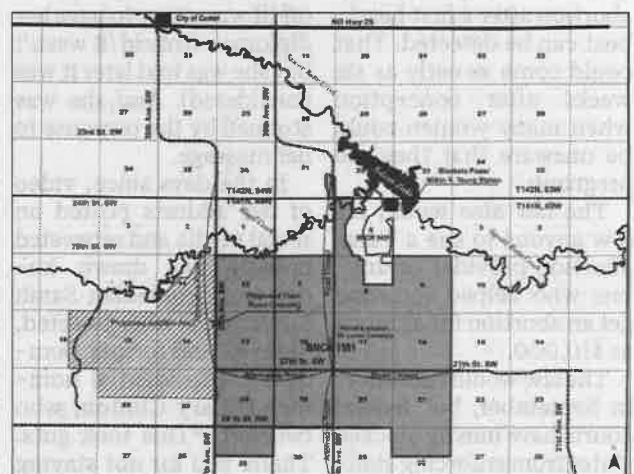
Jeanette Bonnet Robert Porsborg Darlene Sorge Dorothy Willems

Brian Reinke Benjamin Reinke Elizabeth Wagendorf

Minnkota Power Cooperative

Minnkota Power Cooperative

			S1/2SW1/4	Douglas D. & Debera K. Doll LE James & Bonita Pazdernik LE	Ralph & Irene Kautzman	SECTION 16 T141N R84W E1/2 SECTION 22 T141N R84W NE1/4	State of ND Burton & Etheleen Ent. LLC	State of ND Burton & Etheleen Ent. LLC Ronald Mosbrucker Kathleen Geiger Eugene Doll Sharon Bullinger Debra Erhardt Burton & Etheleen Ent. LLC Paul Senger
			SE1/4 SECTION 21 T141N R83W NE1/4 NW1/4	Helen Pfleger Delmar Hagerott Douglas D. & Debera K. Doll LE James & Bonita Pazdernik LE	Anton Landeis Delmar Hagerott Ralph & Irene Kautzman Anton Landeis	NW1/4	Burton & Etheleen Ent. LLC	Burton & Etheleen Ent. LLC Ronald Mosbrucker Kathleen Geiger Eugene Doll Sharon Bullinger Debra Erhardt Burton & Etheleen Ent. LLC Paul Senger
			SW1/4	Helen Pfleger	Douglas D. & Debera K. Doll LE James & Bonita Pazdernik LE Helen Pfleger Marla Brown LE Remaindermen: Hollie K. Taylor Myra Buntin LE Remaindermen: Darrell Ray Buntin III Amand Marie Minick Ralph & Irene Kautzman	NE1/4 SECTION 24 T141N R84W NW1/4	David & Karen Porsborg	David & Karen Porsborg David & Karen Porsborg Jeanette Bonnet Robert Porsborg Darlene Sorge Dorothy Willems USA Wayne Reuther Karen Shulz Jerry Reuther Kent Reuther Keith Reuther
SW1/4, NE1/4SE1/4 NW1/4SE1/4, S1/2SE1/4, less Lot A SE1/4 Lot A	Five D's Five D's BNI Coal, Ltd.	USA Five D's USA	SE1/4	Douglas D. & Debera K. Doll LE James & Bonita Pazdernik LE	Anton Landeis			David & Karen Porsborg David & Karen Porsborg Jeanette Bonnet Robert Porsborg Darlene Sorge Dorothy Willems USA Wayne Reuther Karen Shulz Jerry Reuther Kent Reuther Keith Reuther
SECTION 9 T141N R83W ALL	Minnkota Power Cooperative	Duane C. Anderson Corrine L. Dockter Vi Ann Olson Sharon Anderson	SECTION 28 T141N R83W NE1/4	Clementine Friesz Life Estate Remaindermen: Sandra K. Orgaard Roger A. Friesz Duane M. Friesz Karen M. Porsborg Michael J. Friesz Audrey A. Peterson	Clementine Friesz Life Estate Remaindermen: Sandra K. Orgaard Roger A. Friesz Duane M. Friesz Karen M. Porsborg Michael J. Friesz Audrey A. Peterson Marshall & Winston, Inc. Fortin Enterprises, Inc. Hancock Enterprises Thomas Pfliger Dale Pfliger Marla Brown LE Remaindermen: Hollie K. Taylor Myra Buntin LE Remaindermen: Darrell Ray Buntin III Amand Marie Minick	SW1/4 E1/2	David & Karen Porsborg Wayne Reuther Karen Shulz Jerry Reuther Kent Reuther Keith Reuther	Marvin Pfliger David & Karen Porsborg
SECTION 16 T141N R83W NW1/4 SW1/4 E1/2 SECTION 17 T141N R83W NW1/4	Larry & Virginia Schmidt Kasper & Donna Kraft State of ND Larry & Virginia Schmidt	State of ND State of ND State of ND Larry & Virginia Schmidt Daryl & Loretta Tabor Linda Borlaug John Kautzman Donna Barnhardt Randy Titsworth Ronnie Titsworth Marita Bishop Lucille Gardner PEC Minerals, LP BNI Coal, Ltd. Clay Hedrick, Jr. Charles Hamilton, Jr. M. Ellen Emley Barbara Endres Richard Files Robert Files Erika Hilliard Penelope Files Carolyn Files Blackstone Minerals Walter Duncan, Inc. Kurt Files Georgianne Hedrick Mercer John Hedrick Barbara Hager Donald Hager Joyce Hager Giles James Hager Noyce McGarity Alexis Bochko Dean Stucky Jean Cliff Susan Koehn Julie & Donald Gregory Patsy McGehee Jack & Nancy Horn Donald R. Posey Five D's Wayne Reuther Jerry Reuther	West 528' of NW1/4	Thomas Pfliger Dale Pfliger	Great Northern Properties Lee Dresser Yvonne Schmidt LE Remaindermen: Terrence Schmidt Randall Schmidt Raymond Schmidt Marsha Krance JoAnne Stromme Jeffrey Schmidt	SECTION 31 T142N R83W E1/2SE1/4, less Haul Road Corridor	Brian Reinke Benjamin Reinke Elizabeth Wagendorf	Brian Reinke Benjamin Reinke Elizabeth Wagendorf
			NW1/4 less West 528'	Helen Pfleger	Rosalie Dingus Mark R. Fuchs Jack B. Fuchs Dennis Hagel	SECTION 12 T141N R84W N1/2NW1/4		
			SECTION 11 T141N R84W N1/2 S1/2	David O. & Debra A. Berger Lee Dresser	Gary Hagel Judith McNulty Regina Husloen Scott Hagel Katherine Kautzman	SECTION 13 T141N R84W N1/2N1/2 (less 2 acres NW corner of NW1/4)		
			SECTION 12 T141N R84W N1/2NW1/4	Rosalie Dingus Mark R. Fuchs Jack B. Fuchs Dennis Hagel	Mark R. Fuchs Jack B. Fuchs Jolene Berger Jolene Berger Jolene Berger USA Brian Dresser Yvonne Schmidt LE Remaindermen: Terrence Schmidt Randall Schmidt Raymond Schmidt Marsha Krance JoAnne Stromme Jeffrey Schmidt	S1/2NW1/4 N1/2NE1/4 S1/2NE1/4 S1/2	Rosalie Dingus USA Jolene Berger Brian Dresser	Margaret Erhardt Kathryn Erhardt Evangeline Bolton Lorraine Bosch Edward Erhardt Marcus C. Erhardt LE Norman J. Erhardt Isabelle Forster Alice Christianson Ann Pasley Agnes Phagan Margaret Erhardt
E1/2 SW1/4	Five D's Wayne Reuther Jerry Reuther	State of ND BNI Coal, Ltd. Florence Porsborg Wayne Reuther Jerry Reuther	SECTION 13 T141N R84W N1/2N1/2 (less 2 acres NW corner of NW1/4)	BNI Coal, Ltd.				
SECTION 18 T141N R83W NE1/4NW1/4, Lots 1 and 2 Opp Limited Partnership	Wayne Reuther Karen Shulz Jerry Reuther Kent Reuther Keith Reuther Larry & Virginia Schmidt Larry & Virginia Schmidt	Opp Limited Partnership State of ND Wayne Reuther Karen Shulz Jerry Reuther Kent Reuther Keith Reuther USA Larry & Virginia Schmidt Daryl & Loretta Tabor Linda Borlaug John Kautzman Donna Barnhardt Randy Titsworth Ronnie Titsworth Marita Bishop Lucille Gardner PEC Minerals, LP BNI Coal, Ltd. Clay Hedrick, Jr. Charles Hamilton, Jr. Ellen M. Emley Barbara Endres Richard Files Robert Files Erika Hilliard Penelope Files Carolyn Files Blackstone Minerals	SECTION 13 T141N R84W N1/2N1/2 (less 2 acres NW corner of NW1/4)	BNI Coal, Ltd.				



Affidavit of Publication

STATE OF NORTH DAKOTA,
COUNTY OF OLIVER, ss.

I, Lori Cox, being first duly sworn, on oath says, that she is the bookkeeper of the CENTER REPUBLICAN, a weekly newspaper published in Center, County of Oliver, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies weekly, and has been published within said county for fifty-two successive weeks next prior to the publication of the notice herein mentioned; that the


Notice of Application of a Revision of a Permit to engage in surface coal mining and reclamation

BNI COAL

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once each week for 5 successive week, on the day of each week on which said newspaper was regularly published to-wit:

12 - Center Republican: 5/6/2021, 5/13/2021, 5/20/2021, 5/27/2021, 6/3/2021

That the full amount of the fees for the publication of the annexed notice is: \$ 4338.25

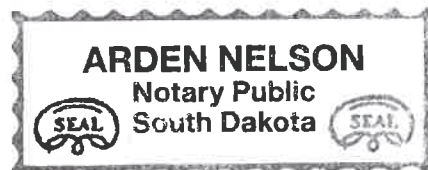


Subscribed and sworn to before me this 6/7/2021



Arden Nelson, Notary Public
State of South Dakota

My commission expires August 1, 2025



PUBLIC NOTICES

NOTICE OF APPLICATION FOR A PERMIT REVISION TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION ACTIVITIES

Please take notice that BNI Coal Ltd., 2360 35th Avenue SW, Center, North Dakota 58530-9499 has submitted an application to the North Dakota Public Service Commission for Revision No. 8 to Permit BNCR-1101, to engage in surface coal mining and reclamation operations. The approved permit includes 8,360.72 acres in parts of Sections 5, 7, 8, 9, 16, 17, 18, 19, 20, 21 and 28 T141N R83W, parts of Sections 12, 13, 24 and 25 T141N R84W and parts of Sections 31 and 32 T142N R83W and was approved on May 28, 2014. The permit addition area is located southwest of Center in Oliver County, North Dakota and is shown on the accompanying map. This permit revision will add 2,661.04 acres to the existing permit area for a total of 11,021.76 acres. The new acreage is located in parts of Sections 11, 14, 15, 16, 22 and 23 T141N R84W. The permit revision will also update the Legal and Financial Section including ownership and control, surface and coal ownerships, will update the metes & bounds description, will update the rights-of-entry documents, will update the extended mine plan, will update the environmental resource sections, will update the mining operations plan including the pit layout and facilities map, will update the blasting section, will update the surface water management sections, will update the transportation plan, will update the reclamation schedule, the backfilling and regrading plan and the SPGM removal and replacement plan, will update the post mining land use, will update the wildlife monitoring plan and will update the worst case bond estimate to include the additional area. The revision also proposes to revise the postmining topography for 1,211 acres of the existing permit area.

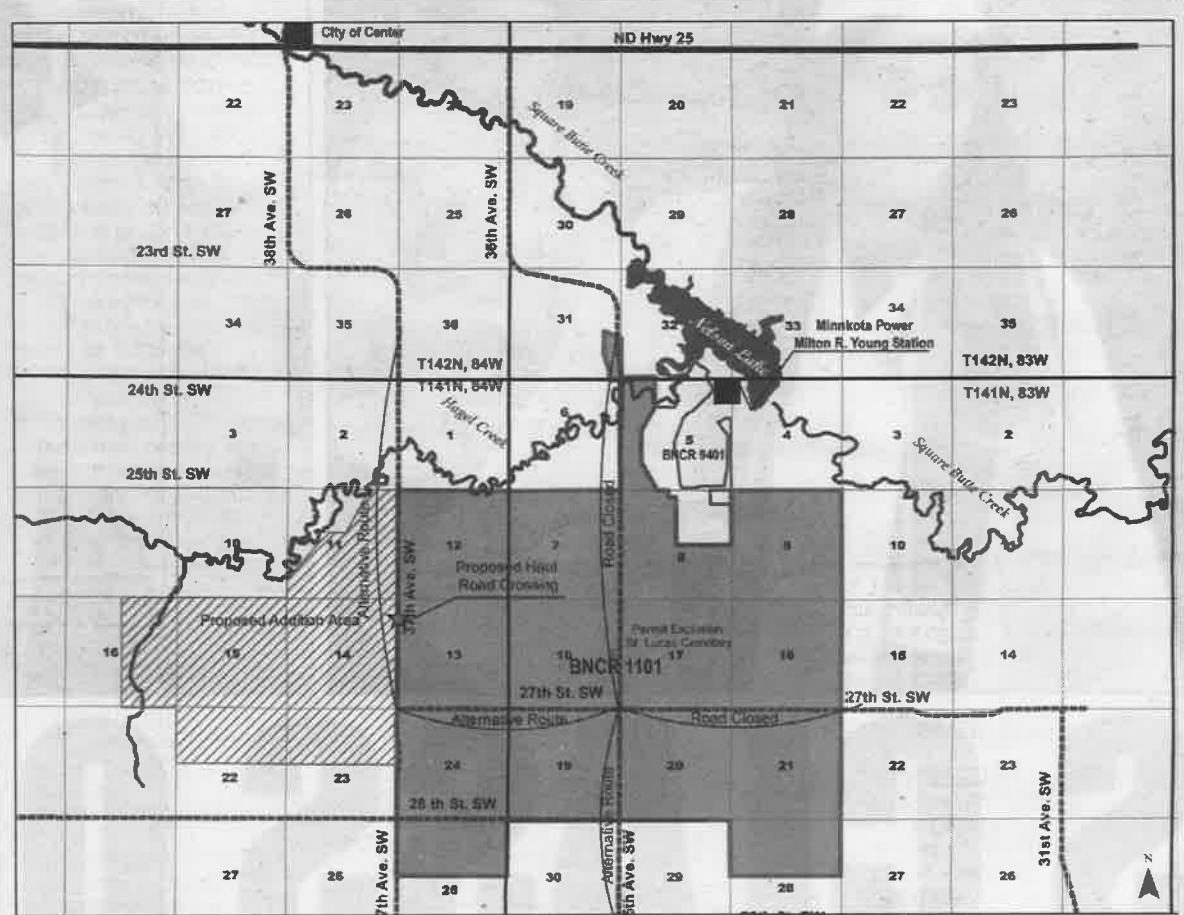
The application for revision of the surface coal mining permit is available for public inspection at the offices of the North Dakota Public Service Commission, 600 East Boulevard Avenue, Bismarck, ND, 58505-0480, and the County Auditor, Oliver County Courthouse, Center, ND, 58530. A USB flash drive copy of the revision application may be requested by contacting the Public Service Commission at (701) 328-2400 or ndpsc@nd.gov, or by sending a written request.

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.

The legal description and names of surface and coal owners follow for the existing permit area and the proposed permit addition:

- LEGAL DESCRIPTION**
SECTION 5 T141N R83W
NW1/4, SW1/4
SURFACE OWNER (S)
Minnkota Power Cooperative
COAL OWNERS
Great Northern Properties
LEGAL DESCRIPTION
SECTION 7 T141N R83W
W1/2
SURFACE OWNER (S)
Opp Limited Partnership
COAL OWNERS
BNI Coal, Ltd.
LEGAL DESCRIPTION
E1/2
SURFACE OWNER (S)
Gary Leinius
COAL OWNERS
BNI Coal, Ltd.
LEGAL DESCRIPTION
SECTION 8 T141N R83W
NW1/4
SURFACE OWNER (S)
BNI Coal, Ltd.
COAL OWNERS
Larry & Virginia Schmidt
Daryl & Loretta Tabor
Linda Borlaug
John Kautzman
Donna Barnhardt
Randy Titsworth
Ronnie Titsworth
Marita Bishop
Lucille Gardner
PEC Minerals, LP
BNI Coal, Ltd.
Clay Hedrick, Jr.
Charles Hamilton, Jr.
M. Ellen Emley
Barbara Endres
Richard Files
Robert Files
Erika Hilliard
Penelope Files
Carolyn Files
Blackstone Minerals
Walter Duncan, Inc.
Kurt Files
Georgianne Hedrick Mercer
John Hedrick
Barbara Hager
Donald Hager
Joyce Hager Giles
James Hager
Noyce McGarity
Alexis Bochko
Dean Stucky
Jean Cliff
Susan Koehn
Julie & Donald Gregory
Patsy McGehee
Jack & Nancy Horn
Donald R. Posey
LEGAL DESCRIPTION
E1/2
SURFACE OWNER (S)

- Clay Hedrick, Jr.
Charles Hamilton, Jr.
M. Ellen Emley
Barbara Endres
Richard Files
Robert Files
Erika Hilliard
Penelope Files
Carolyn Files
Blackstone Minerals
Walter Duncan, Inc.
Kurt Files
Georgianne Hedrick Mercer
John Hedrick
Barbara Hager
Donald Hager
Joyce Hager Giles
James Hager
Noyce McGarity
Alexis Bochko
Dean Stucky
Jean Cliff
Susan Koehn
Julie & Donald Gregory
Patsy McGehee
Jack & Nancy Horn
Donald R. Posey
LEGAL DESCRIPTION
SW1/4, NE1/4SE1/4
SURFACE OWNER (S)
Five D's
COAL OWNERS
Five D's
LEGAL DESCRIPTION
NW1/4SE1/4, S1/2SE1/4, less Lot A
SURFACE OWNER (S)
Five D's
COAL OWNERS
USA
LEGAL DESCRIPTION
SE1/4 Lot A
SURFACE OWNER (S)
BNI Coal, Ltd.
COAL OWNERS
Five D's
USA
LEGAL DESCRIPTION
SECTION 9 T141N R83W
ALL
SURFACE OWNER (S)
Minnkota Power Cooperative
COAL OWNERS
Duane C. Anderson
Corrine L. Dockter
Vi Ann Olson
Sharon Anderson
LEGAL DESCRIPTION
SECTION 16 T141N R83W
NW1/4
SURFACE OWNER (S)
Larry & Virginia Schmidt
COAL OWNERS
State of ND
LEGAL DESCRIPTION
SW1/4
SURFACE OWNER (S)
Kasper & Donna Kraft
COAL OWNERS
State of ND
LEGAL DESCRIPTION
E1/2
SURFACE OWNER (S)
State of ND
COAL OWNERS
State of ND
LEGAL DESCRIPTION
SECTION 17 T141N R83W
NW1/4
SURFACE OWNER (S)
Larry & Virginia Schmidt
COAL OWNERS
Larry & Virginia Schmidt
Daryl & Loretta Tabor
Linda Borlaug
John Kautzman
Donna Barnhardt
Randy Titsworth
Ronnie Titsworth
Marita Bishop
Lucille Gardner
PEC Minerals, LP
BNI Coal, Ltd.
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M. Ellen Emley
Barbara Endres
Richard Files
Robert Files
Erika Hilliard
Penelope Files
Carolyn Files
Blackstone Minerals
Walter Duncan, Inc.
Kurt Files
Georgianne Hedrick Mercer
John Hedrick
Barbara Hager
Donald Hager
Joyce Hager Giles
James Hager
Noyce McGarity
Alexis Bochko
Dean Stucky
Jean Cliff
Susan Koehn
Julie & Donald Gregory
Patsy McGehee
Jack & Nancy Horn
Donald R. Posey
LEGAL DESCRIPTION
E1/2
SURFACE OWNER (S)



- Five D's
COAL OWNERS
Five D's
LEGAL DESCRIPTION
SW1/4
SURFACE OWNER (S)
Wayne Reuther
Jerry Reuther
COAL OWNERS
State of ND
BNI Coal, Ltd.
Florence Porsborg
Wayne Reuther
Jerry Reuther
LEGAL DESCRIPTION
SECTION 18 T141N R83W
NE1/4NW1/4, Lots 1 and 2
SURFACE OWNER (S)
Opp Limited Partnership
COAL OWNERS
Opp Limited Partnership
State of ND
LEGAL DESCRIPTION
SW1/4, SE1/4NW1/4
SURFACE OWNER (S)
Wayne Reuther
Karen Schulz
Jerry Reuther
Kent Reuther
Keith Reuther
COAL OWNERS
Wayne Reuther
Karen Schulz
Jerry Reuther
Kent Reuther
Keith Reuther
LEGAL DESCRIPTION
NE1/4, less 2 acres
SURFACE OWNER (S)
Larry & Virginia Schmidt
COAL OWNERS
USA
LEGAL DESCRIPTION
N1/2SE1/4
SURFACE OWNER (S)
Larry & Virginia Schmidt
COAL OWNERS
Larry & Virginia Schmidt
Daryl & Loretta Tabor
Linda Borlaug
John Kautzman
Donna Barnhardt
Randy Titsworth
Ronnie Titsworth
Marita Bishop
Lucille Gardner
PEC Minerals, LP
BNI Coal, Ltd.
Clay Hedrick, Jr.
Charles Hamilton, Jr.
M. Ellen Emley
Barbara Endres
Richard Files
Robert Files
Erika Hilliard
Penelope Files
Carolyn Files
Blackstone Minerals
Walter Duncan, Inc.
Kurt Files
Georgianne Hedrick Mercer
John Hedrick
Barbara Hager
Donald Hager
Joyce Hager Giles
James Hager
Noyce McGarity
Alexis Bochko
Dean Stucky
Jean Cliff
Susan Koehn
Julie & Donald Gregory
Patsy McGehee
Jack & Nancy Horn
Donald R. Posey
LEGAL DESCRIPTION
E1/2
SURFACE OWNER (S)

- Jack & Nancy Horn
Donald R. Posey
LEGAL DESCRIPTION
S1/2SE1/4
SURFACE OWNER (S)
Larry & Virginia Schmidt
COAL OWNERS
Larry & Virginia Schmidt
Helen Pfeiffer
Margaret Pfeiffer
Marla Brown LE
Remainderman:
Holli K. Taylor
Myra Buntin LE
Remaindermen:
Darrell Ray Buntin III
Amanda Marie Minick
Duane Siegel
Donald Bonogofsky
Gary Bonogofsky
Lisa Pulse
LEGAL DESCRIPTION
SECTION 19 T141N R83W
NW1/4
SURFACE OWNER (S)
Wayne Reuther
Karen Schulz
Jerry Reuther
Kent Reuther
Keith Reuther
COAL OWNERS
Wayne Reuther
Karen Schulz
Jerry Reuther
Kent Reuther
Keith Reuther
LEGAL DESCRIPTION
NE1/4
SURFACE OWNER (S)
Winfred Keller
COAL OWNERS
Winfred Keller
Robert Mosbrucker
LEGAL DESCRIPTION
E1/2SE1/4
SURFACE OWNER (S)
Charles & Doris Kuether
COAL OWNERS
Charles & Doris Kuether
Florence Porsborg
BNI Coal, Ltd.
LEGAL DESCRIPTION
SW1/4, W1/2SE1/4
SURFACE OWNER (S)
Charles & Doris Kuether
COAL OWNERS
Charles & Doris Kuether
Fryhling Family Trust
Lois Hohimer
Madalyn Kraft
Lila Wilson
LEGAL DESCRIPTION
SECTION 20 T141N R83W
NW1/4
SURFACE OWNER (S)
Thomas Pfliger
Dale Pfliger
COAL OWNERS
Thomas Pfliger
Dale Pfliger
LEGAL DESCRIPTION
NE1/4
SURFACE OWNER (S)
Douglas D. & Debbera K. Doll LE
James & Bonita Pazdernik LE
COAL OWNERS
Douglas D. & Debbera K. Doll LE
James & Bonita Pazdernik LE
Beverly R. Buttram
Dorothy Cottrell
Charles Marsters
Sandra Kay Gish
Ronald P. Tuning

- L.D. Jenkins
Willow Point Corporation
Legal, LLC
LEGAL DESCRIPTION
N1/2SW1/4
SURFACE OWNER (S)
Robert Mosbrucker
COAL OWNERS
Robert Mosbrucker
Winfred Keller
LEGAL DESCRIPTION
S1/2SW1/4
SURFACE OWNER (S)
Douglas D. & Debbera K. Doll LE
James & Bonita Pazdernik LE
COAL OWNERS
Ralph & Irene Kautzman
Anton Landeis
Douglas D. & Debbera K. Doll LE
James & Bonita Pazdernik LE
LEGAL DESCRIPTION
SE1/4
SURFACE OWNER (S)
Helen Pfeiffer
COAL OWNERS
Helen Pfeiffer
LEGAL DESCRIPTION
SECTION 21 T141N R83W
NE1/4
SURFACE OWNER (S)
Delmar Hagerott
COAL OWNERS
Delmar Hagerott
LEGAL DESCRIPTION
NW1/4
SURFACE OWNER (S)
Douglas D. & Debbera K. Doll LE
James & Bonita Pazdernik LE
COAL OWNERS
Ralph & Irene Kautzman
Anton Landeis
Douglas D. & Debbera K. Doll LE
James & Bonita Pazdernik LE
LEGAL DESCRIPTION
SW1/4
SURFACE OWNER (S)
Helen Pfeiffer
COAL OWNERS
Helen Pfeiffer
LEGAL DESCRIPTION
SECTION 22 T141N R83W
NE1/4
SURFACE OWNER (S)
Douglas D. & Debbera K. Doll LE
James & Bonita Pazdernik LE
COAL OWNERS
Ralph & Irene Kautzman
Anton Landeis
Douglas D. & Debbera K. Doll LE
James & Bonita Pazdernik LE
LEGAL DESCRIPTION
SW1/4
SURFACE OWNER (S)
Helen Pfeiffer
COAL OWNERS
Helen Pfeiffer
LEGAL DESCRIPTION
SECTION 23 T141N R83W
NE1/4
SURFACE OWNER (S)
Douglas D. & Debbera K. Doll LE
James & Bonita Pazdernik LE
COAL OWNERS
Ralph & Irene Kautzman
Anton Landeis
Douglas D. & Debbera K. Doll LE
James & Bonita Pazdernik LE
LEGAL DESCRIPTION
SE1/4
SURFACE OWNER (S)
Douglas D. & Debbera K. Doll LE
James & Bonita Pazdernik LE
COAL OWNERS
Ralph & Irene Kautzman
Anton Landeis
Douglas D. & Debbera K. Doll LE
James & Bonita Pazdernik LE
LEGAL DESCRIPTION
SECTION 28 T141N R83W
NE1/4
SURFACE OWNER (S)
Clementine Friesz Life Estate
Remaindermen:
Sandra K. Orgaard
Roger A. Friesz
Duane M. Friesz
Karen M. Friesz
Michael J. Friesz
Audrey A. Peterson
COAL OWNERS
Clementine Friesz Life Estate
Remaindermen:
Sandra K. Orgaard
Roger A. Friesz

PUBLIC NOTICES

Duane M. Friesz
Karen M. Porsborg
Michael J. Friesz
Audrey A. Peterson
Marshall & Winston, Inc.
Fortin Enterprises, Inc.
Hancock Enterprises, Inc.
LEGAL DESCRIPTION
West 528' of NW1/4
SURFACE OWNER (S)

Thomas Pfliger
Dale Pfliger
COAL OWNERS
Thomas Pfliger
Dale Pfliger
Marla Brown LE
Remainderman:
Holli K. Taylor
Myra Buntin LE
Remaindermen:
Darrell Ray Buntin III
Amand Marie Minick
LEGAL DESCRIPTION
NW1/4 less West 528'
SURFACE OWNER (S)

Helen Pfliger
COAL OWNERS
Helen Pfliger
Marla Brown LE
Remainderman:
Holli K. Taylor
Myra Buntin LE
Remaindermen:
Darrell Ray Buntin III
Amand Marie Minick
LEGAL DESCRIPTION
SECTION 11 T141N R84W
N1/2
SURFACE OWNER (S)

David O. & Debra A. Berger
COAL OWNERS
Great Northern Properties
LEGAL DESCRIPTION
S1/2
SURFACE OWNER (S)
Lee Dresser
COAL OWNERS
Lee Dresser
Yvonne Schmidt LE
Remaindermen:
Terrence Schmidt
Randall Schmidt
Raymond Schmidt
Marsha Krance
JoAnne Stromme
Jeffrey Schmidt.
LEGAL DESCRIPTION
SECTION 12 T141N R84W
N1/2NW1/4
SURFACE OWNER (S)

Rosalie Dingus
Mark R. Fuchs
Jack B. Fuchs
COAL OWNERS
Rosalie Dingus
Mark R. Fuchs
Jack B. Fuchs
Dennis Hagel
Gary Hagel
Judith McNulty
Regina Husfloen
Scott Hagel
Katherine Kautzman
LEGAL DESCRIPTION
S1/2NW1/4
SURFACE OWNER (S)

Rosalie Dingus
Mark R. Fuchs
Jack B. Fuchs
COAL OWNERS
USA
LEGAL DESCRIPTION
N1/2NE1/4
SURFACE OWNER (S)
Jolene Berger
COAL OWNERS
Jolene Berger
LEGAL DESCRIPTION
S1/2NE1/4
SURFACE OWNER (S)

Jolene Berger
COAL OWNERS
USA
LEGAL DESCRIPTION
S1/2
SURFACE OWNER (S)
Brian Dresser
COAL OWNERS
Brian Dresser
Yvonne Schmidt LE
Remaindermen:
Terrence Schmidt
Randall Schmidt
Raymond Schmidt
Marsha Krance
JoAnne Stromme
Jeffrey Schmidt
LEGAL DESCRIPTION
SECTION 13 T141N R84W
N1/2N1/2 (less 2 acres NW corner of
NW1/4)
SURFACE OWNER (S)

BNI Coal, Ltd.
COAL OWNERS
Margaret Erhardt
Kathryn Erhardt
Evangeline Bolton
Lorraine Bosch
Edward Erhardt
Marcus C. Erhardt LE
Norman J. Erhardt
Isabelle Forster

Alice Christianson
Ann Pasley
Agnes Phagan
LEGAL DESCRIPTION
2 acre tract NW corner of NW1/4
SURFACE OWNER (S)

Mark Erhardt
COAL OWNERS
Margaret Erhardt
Kathryn Erhardt
Evangeline Bolton
Lorraine Bosch
Edward Erhardt
Marcus C. Erhardt LE
Norman J. Erhardt
Isabelle Forster
Alice Christianson
Ann Pasley
Agnes Phagan
LEGAL DESCRIPTION
S1/2N1/2
SURFACE OWNER (S)

BNI Coal, Ltd.
COAL OWNERS
Margaret Erhardt
Kathryn Erhardt
Gloria Ciavarella
Wallace Erhardt
LEGAL DESCRIPTION
N1/2S1/2
SURFACE OWNER (S)

BNI Coal, Ltd.
COAL OWNERS
Margaret Erhardt
Kathryn Erhardt
LEGAL DESCRIPTION
S1/2S1/2
SURFACE OWNER (S)

BNI Coal, Ltd.
COAL OWNERS
Margaret Erhardt
Kathryn Erhardt
Rhoda P. Erhardt
Anita Erhardt
Dorothy Erhardt
LEGAL DESCRIPTION
SECTION 14 T141N R84W
NW1/4NE1/4, N1/2NW1/4,
SW1/4NW1/4
SURFACE OWNER (S)

Lee Dresser
COAL OWNERS
Lee Dresser
Yvonne Schmidt LE
Remaindermen:
Terrence Schmidt
Randall Schmidt
Raymond Schmidt
Marsha Krance
JoAnne Stromme
Jeffrey Schmidt
LEGAL DESCRIPTION
SW1/4NE1/4, SE1/4NW1/4,
N1/2SW1/4
SURFACE OWNER (S)

Burton & Etheleen Ent. LLC
COAL OWNERS
Donald Erhardt
LEGAL DESCRIPTION
E1/2NE1/4, SE1/4,
S1/2SW1/4
SURFACE OWNER (S)

Jesse Lackman
COAL OWNERS
USA
LEGAL DESCRIPTION
SECTION 15 T141N R84W
N1/2
SURFACE OWNER (S)

Russel Hoesel
COAL OWNERS
Jean Holmgren
J. Marie Smith Living Trust
Patricia Samson
Anne F. Cerulli
Karen Van Amburg LE
Remaindermen:
Jana Van Amburg
Matthew Van Amburg
H. Huffman & Co.
Blackstone Minerals Co. L.P.
LEGAL DESCRIPTION
SW1/4
SURFACE OWNER (S)

Burton & Etheleen Ent. LLC
COAL OWNERS
Burton & Etheleen Ent. LLC
Paul Senger
LEGAL DESCRIPTION
SE1/4
SURFACE OWNER (S)

Burton & Etheleen Ent. LLC
COAL OWNERS
Burton & Etheleen Ent. LLC
Bobby Jo Schuldt
Cory Schuldt
Arlen Wright
Terry Wright
Doran Horsley
David Horsley
Darrel Horsley
Darla Parks
Bradley Dykes
Brenda Dykes
Dennis Dykes
Kelly Dykes
LEGAL DESCRIPTION
SECTION 16 T141N R84W
E1/2
SURFACE OWNER (S)

State of ND
LEGAL DESCRIPTION
SECTION 22 T141N R84W
NE1/4
SURFACE OWNER (S)

Burton & Etheleen Ent. LLC
COAL OWNERS
Burton & Etheleen Ent. LLC
Ronald Mosbrucker
Kathleen Geiger
Eugene Doll
Sharon Bullinger
Debra Erhardt
LEGAL DESCRIPTION
NW1/4
SURFACE OWNER (S)

Burton & Etheleen Ent. LLC
COAL OWNERS
Burton & Etheleen Ent. LLC
Ronald Mosbrucker
Kathleen Geiger
Eugene Doll
Sharon Bullinger
Debra Erhardt
Central Dakota Humane Society
LEGAL DESCRIPTION
NE1/4
SURFACE OWNER (S)

David & Karen Porsborg
COAL OWNERS
USA
LEGAL DESCRIPTION
SECTION 24 T141N R84W
NW1/4
SURFACE OWNER (S)

David & Karen Porsborg
COAL OWNERS
Jeanette Bonnet
Robert Porsborg
Darlene Sorge
Dorothy Willems
LEGAL DESCRIPTION
SW1/4
SURFACE OWNER (S)

David & Karen Porsborg
COAL OWNERS
Jeanette Bonnet
Robert Porsborg
Darlene Sorge
Dorothy Willems
LEGAL DESCRIPTION
SECTION 25 T141N R84W
NW1/4
SURFACE OWNER (S)

Marvin Pfliger
COAL OWNERS
Marvin Pfliger
LEGAL DESCRIPTION
NE1/4
SURFACE OWNER (S)

David & Karen Porsborg
COAL OWNERS
Jeanette Bonnet
Robert Porsborg
Darlene Sorge
Dorothy Willems
LEGAL DESCRIPTION
SECTION 31 T142N R83W
ES1/2SE1/4, less Haul Road Corridor
SURFACE OWNER (S)

Brian Reinke
Benjamin Reinke
Elizabeth Wagendorf
COAL OWNERS
Brian Reinke
Benjamin Reinke
Elizabeth Wagendorf
LEGAL DESCRIPTION
SECTION 32 T142N R83W
S1/2SW1/4 ~4.5 acres
SURFACE OWNER (S)

Minnkota Power Cooperative
COAL OWNERS
Minnkota Power Cooperative
LEGAL DESCRIPTION
WS1/2SW1/4 ~1.5 acres
SURFACE OWNER (S)

BNI Coal, Ltd.
COAL OWNERS
Minnkota Power Cooperative
Operations within 100 feet of the outside rights-of-way for the following public roads or section lines will be necessary for this permit area. Prior to any operations being conducted, BNI will obtain approval from the Oliver County Board of Commissioners subject to public notice and hearing.

1. The east and west sides of the entire section line between Section 11

and Section 12, T141N, R84W.
2. The east and west sides of the entire section line between Section 13 and Section 14, T141N, R84W.
3. The west side of the SW1/4 of Section 11, and the section line between Section 11 and Section 10, T141N, R84W.
4. The south side of the entire section line between Section 10 and Section 15, T141N, R84W.
During the term of the permit, mining and related construction activities will need to be located across some section lines. BNI will obtain approval from the Oliver County Board of Commissioners to temporarily close the following section lines during the term of mining and reclamation:

1. The east-west section line between Section 11 and Section 14 T141N R84W.
2. The east-west section line between Section 14 and Section 23 T141N R84W.
3. The east-west section line between Section 15 and Section 22 T141N R84W.
4. The north-south section line between Section 14 Section 15 T141N R84W.
5. The north-south section line between Section 15 Section 16 T141N R84W.
Operations within the right-of-way and across the right-of-way of the following public road with a mine haul road will be necessary:

The east and west right-of-ways of the north - south portion of the county road located between the NW1/4 of Section 13 T141N, R84W and the NE1/4 of Section 14 T141N, R84W.
No surface coal mining operations will be located within 100 feet of the outside rights-of-way of any of these county and section line roads until they are closed by the Oliver County Board of Commissioners. Before the rights-of-way and associated setback corridors are disturbed, approval from the Oliver County Board of Commissioners will be obtained. Notice and opportunity for a hearing will be provided as required by the ND Century Code.
(5-13-21)(5-20-21)(5-27-21)(6-3-21)

1. The east and west sides of the entire section line between Section 11

and Section 12, T141N, R84W.
2. The east and west sides of the entire section line between Section 13 and Section 14, T141N, R84W.
3. The west side of the SW1/4 of Section 11, and the section line between Section 11 and Section 10, T141N, R84W.
4. The south side of the entire section line between Section 10 and Section 15, T141N, R84W.
During the term of the permit, mining and related construction activities will need to be located across some section lines. BNI will obtain approval from the Oliver County Board of Commissioners to temporarily close the following section lines during the term of mining and reclamation:

1. The east-west section line between Section 11 and Section 14 T141N R84W.
2. The east-west section line between Section 14 and Section 23 T141N R84W.
3. The east-west section line between Section 15 and Section 22 T141N R84W.
4. The north-south section line between Section 14 Section 15 T141N R84W.
5. The north-south section line between Section 15 Section 16 T141N R84W.
Operations within the right-of-way and across the right-of-way of the following public road with a mine haul road will be necessary:

The east and west right-of-ways of the north - south portion of the county road located between the NW1/4 of Section 13 T141N, R84W and the NE1/4 of Section 14 T141N, R84W.
No surface coal mining operations will be located within 100 feet of the outside rights-of-way of any of these county and section line roads until they are closed by the Oliver County Board of Commissioners. Before the rights-of-way and associated setback corridors are disturbed, approval from the Oliver County Board of Commissioners will be obtained. Notice and opportunity for a hearing will be provided as required by the ND Century Code.
(5-13-21)(5-20-21)(5-27-21)(6-3-21)