

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 **8th** day of **June 2023**, he deposited in the United States Mail, Bismarck, North Dakota, **20** envelopes by standard first-class mail, postage prepaid, and **42** certified mail envelopes, postage prepaid, all securely sealed and each containing:

RENOTIFICATION OF RECEIPT OF REVISION APPLICATION

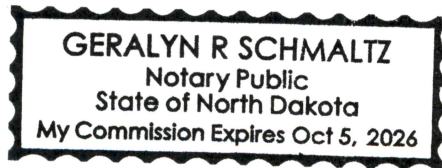
The envelopes were addressed as follows.


See Attached Mailing Lists

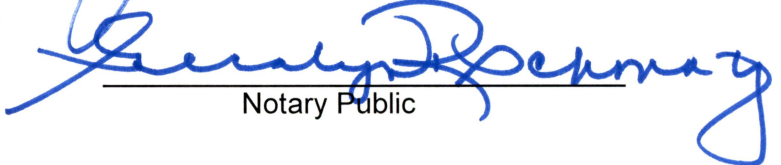
To the best of affiant's knowledge each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **8th** day of **June 2023**.

SEAL







Notary Public

State and Federal Agencies, and Advisory Committee Members - Regular Mail List

US EPA, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

Richard Webb, State
Conservationist
Natural Resource Conservative
Service
PO Box 1458
Bismarck, ND 58502-1458

US Army Corps of Engineers
ND Regulatory Office
3319 University Dr.
Bismarck, ND 58504-7565

Mark Watne, President
ND Farmers Union
PO Box 2136
Jamestown, ND 58402-2136

Mining Health & Safety
Administration
CMSHA - US Dept of Labor
PO Box 25367, DFC
Denver, CO 80225-5367

Bureau Of Land Management
TNT State Office
5001 Southgate DR
Billings, MT 59101-4669

Jessica Johnson
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

Jeb Williams
ND Game & Fish Dept
100 North Bismarck
Expressway
Bismarck, ND 58505

David Glatt
Dept. of Environmental Quality
(DEQ)
4201 Normandy Street
Bismarck, ND 58503-1324

John Paczkowski
North Dakota DWR
1200 Memorial Hwy
Dept. 770
Bismarck, ND 58504

Bill Peterson
State Historical Society of ND
612 East Blvd Ave
ND Heritage Center
Bismarck, ND 58505

Tom Claeys
State Forester
N.D. Forest Service
307 1st St. E
Bottineau, ND 58318

Mr. Aaron Field
State Soil Conservation
Specialist
2718 Gateway Ave.
Suite #104
Bismarck, ND 58503

Cody Schulz
North Dakota Park and
Recreation
604 E Blvd Ave
Dept. 750
Bismarck, ND 58505-0605

Dakota Resource Council
1720 Burnt Boat Dr. Ste 104
Bismarck, ND 58503-0801

Ed Murphy
ND Geological Survey
600 E. Blvd. Ave.
Bismarck, ND 58505-0840

Mr. Pete Hanebutt
North Dakota Farm Bureau
4900 Ottawa Street
Bismarck, ND 58503

Jaden Schmidt
Oliver County Auditor
County Courthouse
115 Main Street
Center, ND 58530

Scott Blackburn,
Environmental Coordinator
Planning & Compliance Office
National Park Service,
Midwest Region
601 Riverfront Dr.
Omaha, NE 68102-4226

Mailing List for Affected Surface Owners Sent by Certified Mail

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

DANITA DEICHERT
4609 BORDEN HARBOR DRIVE
MANDAN, ND 58554

DORETTA BORNEMANN
3017 HILLSIDE ROAD NW
MANDAN, ND 58554

DAVID ERHARDT
13906 ROUND OAK COURT
HOUSTON, TX 77059

DEAN ERHARDT
5439 GUINEVERE DRIVE
WELDON SPRING, MO 63304

DELPHINE VETTER
512 NE 4TH STREET
LINTON, ND 58552

LARRY AND VIRGINIA SCHMIDT
2631 35TH AVENUE SW
CENTER, ND 58530

KASPER AND DONNA KRAFT
2847 35TH AVENUE
NEW SALEM, ND 58563

DEPARTMENT OF TRUST LANDS
1707 N 9TH STREET
BISMARCK, ND 58501

WAYNE REUTHER
4236 CUMBERLAND LOOP
BISMARCK, ND 58503

JERRY REUTHER
405 DENVER AVENUE
BISMARCK, ND 58504

KAREN SHULZ
5875 LONE HORSE DRIVE
RENO, NV 89502-9011

KENT REUTHER
3610 27TH STREET SW
NEW SALEM, ND 58563

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

THOMAS PFLIGER
200 11th STREET NW
MANDAN, ND 58554

DALE PFLIGER
806 TOWER PLACE
MANDAN, ND 58554

DOUGLAS AND DEBERRA K.
DOLL
LIFE ESTATE
3901 FAYE AVENUE NORTH
MANDAN, ND 58554

JAMES & BONITA PAZDERNIK
LIFE ESTATE
3487 375TH AVENUE
NEW SALEM, ND 58563

ROBERT MOSBRUCKER
P.O. BOX 745
BOTHTEL, 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

LEE DRESSER
PO BOX 683
RIVERDALE, ND 58565

ROSALIE DINGUS
4512 WHITETAIL LANE
BISMARCK, ND 58504

MARK R. FUCHS
18671 FAIRWEATHER
CANYON COUNTRY, CA 91351

JACK B. FUCHS
15409 RHODODENDRON DRIVE
CANYON COUNTRY, CA
91351

JOLENE BERGER
3004 MANCHESTER STREET
BISMARCK, ND 58504

BRIAN DRESSER
2574 37TH AVENUE SW
CENTER, ND 58530

MARK ERHARDT
PO BOX 132
CENTER, ND 58530

BURTON & ETHELEEN
ENTERPRISES, LLC
3655 COUNTY ROAD 139
NEW SALEM, ND 58563

JESSE LACKMAN
2647 37TH AVENUE SW
CENTER, ND 58530

RUSSEL HOESEL
3370 COUNTY ROAD 84
NEW SALEM, ND 58563

DAVID AND KAREN PORSBORG
2722 37TH AVENUE SW
NEW SALEM, ND 58563

MARVIN PFLEGER
2895 37TH AVENUE SW
NEW SALEM, ND 58563

BRIAN AND KIMBERLY REINKE
1106 E HIGHLAND ACRES ROAD
BISMARCK, ND 58501

BENJAMIN REINKE
1215 COLUMBIA DRIVE
BISMARCK, ND 58504

ELIZABETH WAGENDORF
948 STRYKER AVENUE
WEST ST. PAUL, MN 55118

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. RC-20-438

RE-NOTIFICATION OF RECEIPT OF REVISION APPLICATION

June 8, 2023

The purpose of this renotification is to inform you of BNI Coal, Ltd.'s intent to mine federal coal in Section 14, T141N, R84W in Permit BNCR-1101 at the Center Mine. All other information regarding the original notice for Revision No. 8 to BNCR-1101 remains unchanged and is as follows.

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 13th 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.

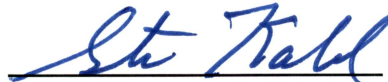
You may submit written comments or objections on the proposed permit revision application and its effects on the environment and on landowners in the permit area. You may request an informal conference with the Commission and the applicant on the application. The reasons for requesting an informal

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 31, 2023**.

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; and by fax at 701-328-2410.

PUBLIC SERVICE COMMISSION



Steven Kahl
Executive Director

Center Mine\Permits\BNCR - 1101\Revisions & Renewals\No. 8\Rev8_Re-Notice_of_rct_6-8-23