

To	zbrinkman@nd.gov	RECEIVED
Cc		JUL 19 2023
Bcc		NORTH DAKOTA PUBLIC SERVICE COMMISSION
Subject	BNI Permit	

7/14/23

Public Service Commission,

We are requesting an Informal Conference to oppose the Application by BNI Coal, Revision No.8, Permit BNCR-1101 for these reasons.

We've been told that BNI is looking at an AT-Grade Crossing on 37th Ave. in Oliver County. This kind of crossing with over 50 vehicles per day minimum, is a Safety concern. How will it be monitored to insure our safety and that all of us that use this road will have the right of way. If an overpass is built, we believe we should have an input on how this will progress. Concerns are the detour, time to build, location, and size as this will have an impact on many of us. In the last week there are 10 to 12 semi-loads of grain being hauled to the ADM Benson Quinn Elevator in Hensler along with all daily traffic which has increased since BNI closed the road 2 miles east of this road for mining purposes.

Another concern is the dirt, dust, and noise that we will be living in for however long and this could present health conditions. Does BNI have a plan in place for dust control as our farmyard is in the Permit Area. We have also been told that there will be more dynamiting happening and what will be done to correct the damage to our buildings and property. We have had problems with our well years ago whenever they did dynamite, and also to the shop floor and cracks in our house. BNI has never offer to compensate us or address the problems when we contacted them. We are expecting more damage as BNI moves back closer again.

We also have a Buy Back Contract with BNI to get finalized on a quarter of land and there is A total lack of Communication to get this agreement started. We were told this would happen in 2018 and still no progress. PSC personnel have been out to look at the land.

As BNI moves forward with the mining on my property, this will have an effect on our hunting of deer and pheasant and fishing that my kids and 10 grandkids now enjoy. But we accept that my parents signed a lease agreement years ago and we will honor it.

In the past we have supported BNI and we continue to support BNI Coal for them to supply coal to Minnkota Power to generate electricity for the Good of the Energy Industry, Community, County, and all the employees in both Companies.

In return we expect BNI to better communicate with us and to treat us as an Asset to their Business and right now we don't feel included or like we should have any say or rights to our property. A comment a BNI employee made to me. "Well we have a lease so we can do just about anything we feel we need to do our job" has made us question their practices.

We did not ask to be moved, but realize it will be difficult to live here in this environment so we want to be fairly compensated for all of our buildings and property and also to be relocated to continue to live and enjoy the life we have now. My grandpa started this farm, then my parents, and now passed on to us. I have lived here 65 of my 67 years and this will change our lives. Deb and I have made many improvements and will pass this land on to our family.

We agree to an extension of the 30-day period to schedule this Informal Conference.

Dave and Debra Berger
dberger@westriv.com

2531 37th Ave SW
7012208862

Center, ND 58530