

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

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

**Case No. RC-20-438**

**AFFIDAVIT OF SERVICE BY CERTIFIED AND REGULAR MAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Amy Haugen** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **26th day of July 2023**, she deposited in the United States Mail at Bismarck, North Dakota, **41** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

- **Notice of Informal Conference**

The envelopes were addressed as follows:

See Attached Mailing List

**Amy Haugen** further deposes and says that on the **26th day of July 2023**, she deposited in the United States Mail, Bismarck, North Dakota, **20** envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

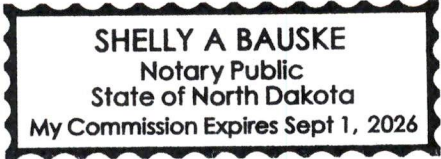
The envelopes were addressed as follows:

See Attached Mailing List

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this **26th day of July 2023**.

*Amy Haugen*  
\_\_\_\_\_



*Shelly A Bauske*  
\_\_\_\_\_  
Notary Public

SEAL

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

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

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

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

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

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

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

Mailing List for Affected Surface Owners Sent by Certified Mail

MINNKOTA POWER COOP  
5301 32ND AVENUE SOUTH GRAND  
FORKS, ND 58201  
**Cert. 7021 2720 0003 0053 5021**

DORETTA BORNEMANN  
3017 HILLSIDE ROAD NW  
MANDAN, ND 58554  
**Cert. 7021 2720 0003 0053 5090**

GARY LEINIUS  
4985 HWY 200  
HAZEN, ND 58545  
**Cert. 7022 3330 0000 7993 6743**

DANITA DEICHERT  
4609 BORDEN HARBOR DRIVE  
MANDAN, ND 58554  
**Cert. 7021 2720 0003 0053 5038**

DELPHINE VETTER  
512 NE 4TH STREET  
LINTON, ND 58552  
**Cert. 7021 2720 0003 0053 5106**

DAVID ERHARDT  
13906 ROUND OAK COURT  
HOUSTON, TX 77059  
**Cert. 7022 3330 0000 7993 6750**

DEAN ERHARDT  
120 TENNESSEE WALKER WAY  
SAINT PETERS, MO 63376  
**Cert. 7021 2720 0003 0053 5045**

DEPARTMENT OF TRUST LANDS  
1707 N 9TH STREET  
BISMARCK, ND 58501  
**Cert. 7022 3330 0000 7993 6699**

LARRY AND VIRGINIA SCHMIDT  
2631 35TH AVENUE SW  
CENTER, ND 58530  
**Cert. 7022 3330 0000 7993 6767**

KASPER AND DONNA KRAFT  
2847 35TH AVENUE  
NEW SALEM, ND 58563  
**Cert. 7021 2720 0003 0053 5052**

KAREN SHULZ  
4519 EAGLE MTN. DR.  
SPARKS, NV 89436  
**Cert. 7022 3330 0000 7993 6705**

WAYNE REUTHER  
4236 CUMBERLAND LOOP  
BISMARCK, ND 58503  
**Cert. 7022 3330 0000 7993 6774**

JERRY REUTHER  
405 DENVER AVENUE  
BISMARCK, ND 58504  
**Cert. 7021 2720 0003 0053 5069**

WINFRID KELLER  
PO BOX 1141  
MANDAN, ND 58554  
**Cert. 7022 3330 0000 7993 6712**

KENT REUTHER  
3610 27TH STREET SW  
NEW SALEM, ND 58563  
**Cert. 7022 3330 0000 7993 6781**

KEITH REUTHER  
3594 27TH STREET SW  
NEW SALEM, ND 58563  
**Cert. 7021 2720 0003 0053 5076**

DALE PFLIGER  
806 TOWER PLACE  
MANDAN, ND 58554  
**Cert. 7022 3330 0000 7993 6729**

CHARLES AND DORIS KUETHER  
3555 28TH STREET SW  
NEW SALEM, ND 58563  
**Cert. 7022 3330 0000 7993 6798**

THOMAS PFLIGER  
200 11<sup>th</sup> STREET NW  
MANDAN, ND 58554  
**Cert. 7021 2720 0003 0053 5083**

ROBERT MOSBRUCKER  
12620 WAGNER ROAD  
MONROE, WA 98272  
**Cert. 7022 3330 0000 7993 6736**

ELIZABETH WAGENDORF  
948 STRYKER AVENUE  
WEST ST. PAUL, MN 55118  
**Cert. 7022 3330 0000 7993 6804**

JAMES & BONITA PAZDERNIK  
LIFE ESTATE  
3487 375TH AVENUE  
NEW SALEM, ND 58563  
**Cert. 7022 3330 0000 7993 6811**

CLEMENTINE FRIESZ  
LIFE ESTATE  
710 PINE AVENUE  
NEW SALEM, ND 58563  
**Cert. 7022 3330 0000 7993 5821**

DOUGLAS AND DEBERRA K.  
DOLL  
LIFE ESTATE  
3901 FAYE AVENUE NORTH  
MANDAN, ND 58554  
**Cert. 7022 3330 0000 7993 5883**

DELMAR HAGEROTT  
3170 27TH STREET  
CENTER, ND 58530  
**Cert. 7022 3330 0000 7993 6828**

ROSALIE DINGUS  
4512 WHITETAIL LANE  
BISMARCK, ND 58504  
**Cert. 7022 3330 0000 7993 5838**

HELEN PFLEGER  
100 1ST STREET NW #302  
MANDAN, ND 58554  
**Cert. 7022 3330 0000 7993 5890**

LEE DRESSER  
PO BOX 683  
RIVERDALE, ND 58565  
**Cert. 7022 3330 0000 7993 6835**

JOLENE BERGER  
3004 MANCHESTER STREET  
BISMARCK, ND 58504  
**Cert. 7022 3330 0000 7993 5845**

DAVID O. BERGER AND DEBRA  
A. BERGER  
2531 37TH AVENUE SW  
CENTER, ND 58530  
**Cert. 7022 3330 0000 7993 5906**

JACK B. FUCHS  
15409 RHODODENDRON DRIVE  
CANYON COUNTRY, CA  
91351  
**Cert. 7022 3330 0000 7993 6842**

BURTON & ETHELEEN  
ENTERPRISES, LLC  
3655 COUNTY ROAD 139  
NEW SALEM, ND 58563  
**Cert. 7022 3330 0000 7993 5852**

MARK R. FUCHS  
18671 FAIRWEATHER  
CANYON COUNTRY, CA 91351  
**Cert. 7022 3330 0000 7993 5913**

MARK ERHARDT  
PO BOX 132  
CENTER, ND 58530  
**Cert. 7022 3330 0000 7993 5791**

DAVID AND KAREN PORSBORG  
2722 37TH AVENUE SW  
NEW SALEM, ND 58563  
**Cert. 7022 3330 0000 7993 5869**

BRIAN DRESSER  
2574 37TH AVENUE SW  
CENTER, ND 58530  
**Cert. 7022 3330 0000 7993 5920**

RUSSEL HOESEL  
3370 COUNTY ROAD 84  
NEW SALEM, ND 58563  
**Cert. 7022 3330 0000 7993 5807**

BENJAMIN REINKE  
1215 COLUMBIA DRIVE  
BISMARCK, ND 58504  
**Cert. 7022 3330 0000 7993 5876**

JESSE LACKMAN  
2647 37TH AVENUE SW  
CENTER, ND 58530  
**Cert. 7022 3330 0000 7993 5937**

BRIAN AND KIMBERLY REINKE  
1106 E HIGHLAND ACRES ROAD  
BISMARCK, ND 58501  
**Cert. 7022 3330 0000 7993 5814**

MARVIN PFLEGER  
2895 37TH AVENUE SW  
NEW SALEM, ND 58563  
**Cert. 7022 3330 0000 7993 5944**

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

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

**Case No. RC-20-438**

**NOTICE OF INFORMAL CONFERENCE**

**Preliminary Statement**

On October 28, 2020, the Public Service Commission received the application for Revision No. 8 to Surface Coal Mining Permit BNCR-1101 from BNI Coal, Ltd. (BNI) for its Center Mine located southeast of Center, North Dakota in Oliver County. Revision No. 8 adds 2,661.04 acres to the existing permit in Sections 11, 14, 15, 16, 22, and 23, T141N, R84W, adds plans to mine 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, T141N, R84W, and proposes to modify the postmining topography for 1,211 acres in the existing permit area. The revision updates nearly every section of the permit.

The Commission received requests for an Informal Conference on the application from Brian Dresser on July 18, 2023, and David and Debra Berger on July 19, 2023, with concerns about coal mining operations being conducted within 500 feet of residences, and the lack of design plans in the permit for the haul road crossing 37<sup>th</sup> Avenue. Specific concerns include blasting damage to wells and buildings, possible at grade county road crossing, access, noise, dust control, and lack of communication from BNI on past agreements and future mining plans. Other topics may be added if any additional requests for an informal conference are submitted before the end of the public comment period on July 31, 2023.

**Notice of Informal Conference**

Notice is hereby given that the captioned matters are set for an Informal Conference, commencing at **9:00 a.m., CDT, on August 17, 2023, Public Service Commission Hearing Room, 12<sup>th</sup> Floor, State Capitol, Bismarck, North Dakota.**

If you require any auxiliary aids, such as readers, signers, or Braille materials, please notify the Commission, at (701) 328-2400, or Relay North Dakota TTY: 1-800-366-6888 at least 24 hours prior to the hearing.

**Issued: July 25, 2023**

**PUBLIC SERVICE COMMISSION**

  
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**Steve Kahl**  
**Executive Secretary**