

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 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 **2nd day of August 2023**, she deposited in the United States Mail at Bismarck, North Dakota, **five** 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:

Larry and Virginia Schmidt
4680 42nd Street SW
New Salem, ND 58563

Dale Pfliger
1732 Golf Drive
Bismarck, ND 58503

Cert. No. 7022 3330 0000 7993 5951

Cert. No. 7022 3330 0000 7993 5968

Clementine Friesz
Life Estate
309 N 2nd St Apt #7
New Salem, ND 58563

Janet K. & L.J. Dohrmann
Revocable Trust
9721 31st Street SW
Taylor, ND 58656

Cert. No. 7022 3330 0000 7993 5975

Cert. No. 7022 3330 0000 7993 5982

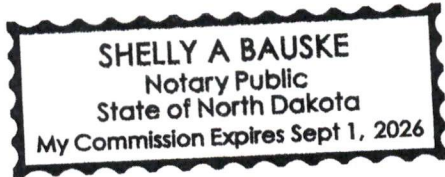
Doll Farm Enterprises
3997 36th Street SW
New Salem, ND 58563

Cert. No. 7022 3330 0000 7993 5999

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

Subscribed and sworn to before me
this **2nd day of August 2023**.

Amy Haugen



Shelly A Bauske
Notary Public

SEAL

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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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 37th 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, 12th 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


Steve Kahl
Executive Secretary

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Notice of Informal Conference