

CHRONOLOGY OF EVENTS
BNI Coal, Ltd.
Revision No. 8 to Surface Coal Mining Permit BNCR-1101

<u>Date</u>	<u>Event</u>
December 12, 2011	BNI Coal, Ltd. (BNI) submitted an application for Permit BNCR-1101, which encompasses 8359.72 acres, of which 600 acres of associated disturbance area is Federal coal. This permit includes portions of Sections 5, 7, 8, 9, 16, 17, 18, 19, 20, 21 and 28 of T141N, R83W; Sections 12, 13, 24 and 25 of T141N, R84W; and Sections 31 and 32 of T142N, R83W, Oliver County, North Dakota.
May 28, 2014	Permit BNCR-1101 is conditionally approved by the Public Service Commission.
November 7, 2014	BNI submits lease application to the BLM for the federal coal tract in the NE $\frac{1}{4}$ of Section 18, T141N, R83W.
November 14, 2016	BLM requests comments on the draft EA for federal coal lease NDM 102083.
November 23, 2016	PSC submits comments via email on the draft EA for federal coal lease NDM 102083.
December 1, 2016	BNI submits a letter to PSC requesting approval to construct an advanced bench on the federal coal tract to facilitate the mining of the adjacent non-federal coal.
January 6, 2017	PSC submits letter to OSM requesting approval to construct an advanced bench on the federal coal tract in order to mine the adjacent non-federal coal.
January 13, 2017	PSC receives letter addressed to OSM from BLM stating their approval of BNI's proposal to construct an advanced bench (prebench) for the dragline on the federal coal tract in the NE $\frac{1}{4}$ of Section 18 in Permit BNCR-1101 in order to mine adjacent non-federal coal.
February 14, 2017	BNI submits the Environmental assessment (EA) to the BLM for three lease tracts containing 630 acres and an estimated 6.13 million tons of mineable lignite. The EA includes the Federal coal tracts in the E $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ & SE $\frac{1}{4}$ of Section 14, T141N, R84W, in Permit BNCR-1101.
February 27, 2017	BNI files an amended Lease by Application (LBA) with the Bureau of Land Management (BLM) for lease serial number NDM 105513 that includes 630 acres of Federal coal on three privately owned surface tracts in the following locations: (1) the S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T141N, R83W, on land within Permit BNCR-9401; (2) 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, on land planned for the addition to Permit BNCR-1101, and, (3) the NE $\frac{1}{4}$, the E $\frac{1}{2}$ SW $\frac{1}{4}$, the SE $\frac{1}{4}$ NW $\frac{1}{4}$, and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, T142N, R84W in Permit BNCR-9702.

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- July 20, 2017 PSC signs Memorandum of Understanding with BLM, OSMRE, and BNI to establish an understanding between the Parties regarding the respective roles, responsibilities, conditions, and procedures to be followed throughout the National Environmental Policy Act (NEPA) process for the BNI coal lease by application (NDM 105513).
- August 23, 2017 BLM publishes Notice of Availability opening public review of the Environmental Assessment (EA) for BNI's Lease-by-Application (LBA) for the federal coal tract in the NE¼ of Section 18.
- February 12, 2018 Revision No. 4 is approved which added 1 acre to the permit in Section 8, T141N, R83W. The surface acreage added was for a tower site acquired by BNI within the mine area and brought the total permit acreage to the 8360.72 described in Revision No. 6 and Renewal No. 1.
- June 4, 2018 BLM issues a Record of Decision and FONSI on the EA for federal coal lease NDM 102083.
- October 10, 2018 BNI is successful bidder at BLM lease sale for the Federal coal tract in the NE¼ of Section 18, T141N, R83W.
- December 14, 2018 BNI files the applications for Revision No. 6 and Renewal No. 1 to Permit BNCR-1101 that identifies the five-year coal removal subareas for the next five-year permit term including the NE¼ of Section 18, T141N, R83W, which consists of Federal Coal (100%). The Reclamation Division sent completeness and technical review letters to the applicant on January 18, 2019, March 5, 2019, April 3, 2019, and April 26, 2019. Responses to each letter were reviewed and changes to the revision application were made to address the deficient items.
- January 23, 2019 PSC sends revision application advisory review request to USFWS.
- January 24, 2019 BLM issues federal coal lease NDM 102083 to BNI Coal, Ltd. for approximately 160 acres in the NE¼ of Section 18, T141N, R83W with notification that the lease bond was accepted.
- February 5, 2019 USFWS submits their review comments for Revisions No. 6 and Renewal No. 1 regarding proposed, threatened or endangered species, or proposed or designated critical habitat.
- September 4, 2020 BLM receives BNI's Resource Recovery and Protection Plan (R2P2) for Federal coal lease NDM 105513 that includes the 320 acres of Federal coal located in the E½NE¼, the S½SW¼, and the SE¼ of Section 14, T141N, R84W of Permit BNCR-1101.
- October 8, 2020 The public comment period ends for the Environmental Assessment analyzing potential impacts from leasing the 320 acres of Federal coal located in the E½NE¼, the S½SW¼, and the SE¼ of Section 14, T141N, R84W of Permit BNCR-1101 included in the 630 acres of Federal coal lease NDM 105513. The remaining acreage of Federal coal lease NDM 105513 is split between two other locations within Center Mine permits BNCR-9401 and BNCR-9702.

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- October 21, 2020 The BLM signs a Finding of No Significant Impact and Decision Record on the Environmental Assessment analyzing potential impacts from leasing the 320 acres of Federal coal located in the E½NE¼, the S½SW¼, and the SE¼ of Section 14, T141N, R84W of Permit BNCR-1101 included in the 630 acres of Federal coal lease NDM 105513.
- October 28, 2020 BNI files the application for significant Revision No. 8 to Permit BNCR-1101 adding 2,661.04 acres of land located in Sections 11, 14, 15, 16, 22, and 23, T141N, R84W. The application also adds Federal coal lease NDM 105513 to the permit. The Reclamation Division sent completeness and technical review letters to the applicant on November 30, 2020, February 12, 2021, April 9, 2021, May 5, 2021, May 10, 2021, July 19, 2021, February 18, 2022, July 13, 2022, October 4, 2022, December 12, 2022, and February 3, 2023. Responses to each letter were reviewed and changes to the revision application were made to address the deficient items.
- January 1, 2021 BNI receives federal coal lease No. NDM 105513 which includes 320 acres of Federal coal in the E½NE¼, the S½SW¼, and the SE¼ of Section 14, T141N, R84W, in Permit BNCR-1101.
- April 28, 2021 The BLM approves BNI's Resource Recovery and Protection Plan for Federal coal lease NDM 105513 that includes the 320 acres of federal coal located in the E½NE¼, the S½SW¼, and the SE¼ of Section 14, T141N, R84W, in Permit BNCR-1101.
- May 6, 2021 PSC sends Notice of Receipt of Revision Application for Revision 8 to the surface owners along with state and federal agencies.
- May 10, 2021 PSC deems Revision No. 8 to BNCR-1101 complete and grants approval for BNI to begin publication of the public notice.
- May 20, 2021 PSC sends a copies of Revision No. 8 to the advisory committee members, which included USFWS, and to OSM-Denver, OSM-Casper, BLM-Billings, and BLM-Dickinson.
- June 2, 2021 The OSM informs the PSC that the proposed action of mining Federal coal lease NDM 105513 in the E½NE¼, the S½SW¼, and the SE¼ of Section 14, T141N, R84W, in Permit BNCR-1101 approved with Revision No. 8 constitutes a mining plan modification requiring Secretarial approval.
- June 10, 2021 PSC receives comments from the Natural Resources Conservation Service.
- June 11, 2021 PSC receives comments from the North Dakota Department of Environmental Quality.
- June 25, 2021 BNI submits Revision No. 9 application to the PSC which revises the mining sequence for 345 acres in Section 20 and 21 of Township 141N, Range 83W planned for mining in 2031 through 2037 by

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advancing mining in the area to 2021 through 2032. The revision also adds 2 acres to the permit in the NE¼ of Section 18, T141N, R83W, updates the legal and financial section, updates the worst-case bond estimate, and adds Federal Coal Lease NDM 105513 to the permit.

June 29, 2021 PSC receives comments the State Historical Society of North Dakota.

July 6, 2021 PSC receives comments the North Dakota Water Commission.

December 14, 2021 The PSC submits Federal Lands Decision documents for mine plan approval to Permit BNCR-1101 for Federal coal lease NDM 105513 to the Office of Surface Mining - Western Region, Lakewood, CO.

March 30, 2022 Commission approved Revision No. 9 to Surface Coal Mining Permit No. BNCR-1101 at the Center Mine to revise the mining sequence for 345 acres in Section 20 and 21 of Township 141N, Range 83W planned for mining in 2031 through 2037 by advancing mining in the area to 2021 through 2032. The revision also adds 2 acres to the permit in the NE¼ of Section 18, T141N, R83W, updated the legal and financial section, updated the worst-case bond estimate, and adds Federal Coal Lease NDM 105513 to the permit.

September 16, 2022 The PSC received OSM's finding that Revision 8 constitutes a mining plan modification requiring approval by the Assistant Secretary, Land and Minerals Management.

October 5, 2022 The PSC sent a draft finding for threatened and endangered species to US Fish and Wildlife Service (USFWS).

October 12, 2022 PSC receives concurrence from the USFWS on the finding for threatened and endangered species.

March 7, 2023 PSC completes review of worst-case reclamation cost estimate and determines that the current surety bond (800006493) in the amount of \$42,449,183 is adequate to cover changes proposed with Revision 8.

March 27, 2023 PSC sends letter to BNI requesting updated ownership and control information prior to revision approval.

April 12, 2023 PSC receives updated ownership and control information from BNI.

June 1, 2023 Applicant Violator System (AVS) queried- No violations linked to BNI.