

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

BNI Coal, Ltd.
Revision No. 8, Permit BNCR-1101
Application

Case No. RC-20-438

OAH File No. 20230243

ORDER

[1] BNI Coal, Ltd. must provide haul road design plans to access the Revision No. 8 addition area and plans for any other roads that may be necessary to transport mining equipment over 37th Ave SW. BNI Coal, Ltd. may not conduct surface coal mining activities where mining is prohibited until Oliver County Road Authority has provided authorization and BNI receives Commission approval.

[2] BNI Coal, Ltd. must conduct seismic and air blast monitoring at or near all occupied dwellings within one mile from the nearest charged drill hole with advanced notice given to landowners so they may be present when the monitoring takes place.

[3] BNI Coal, Ltd. must revise Revision No. 8 to remove all mining disturbances within the five-hundred-foot setback from occupied dwellings, unless approved by the owners thereof in writing which will be incorporated into the permit, before approval is recommended.

PUBLIC SERVICE COMMISSION

September ____, 2023.

Sheri Haugen-Hoffart
Commissioner

Randy Christmann
Chair

Julie Fedorchak
Commissioner