



Public Service Commission

State of North Dakota

COMMISSIONERS

Randy Christmann
Sheri Haugen-Hoffart
Julie Fedorchak

sent via email and regular mail

March 8, 2024

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

Doug Scheetz
Manager Environmental Health & Safety
BNI Coal, Ltd.
2360 35th Avenue SW
Center, ND 58530-9499
dscheetz@bnicoal.com

Dear Mr. Scheetz:

This is to inform you that on March 5, 2024, the Commission conditionally approved Revision No. 8 to Permit BNCR-1101 held by BNI Coal, Ltd. for the Center Mine. The revision adds 2,661.04 acres to the existing permit area and updates the environmental resource information and the mining and reclamation plans for the acreage added to the permit. The revision also modifies the postmining topography for 1,211 acres of the existing permit area. Special Condition No. 1, attached to the initial permit issuance and remains in full force, prohibits any overburden or coal removal from the federal coal tracts until BNI receives the coal lease and the Secretary of the Interior approves the federal mine plan. BNI has obtained the federal coal lease; however, until the federal mine plan is approved by the Department of the Interior, surface disturbances on the federal coal tracts are limited to those activities that the Commission determines are necessary for carrying out mining on the adjoining tracts where BNI Coal, Ltd. has all of the rights necessary to mine the privately owned coal. Two special conditions were attached to the approval of this permit revision. The existing surety bond for Permit BNCR-1101 totals \$42,449,183.00 and is sufficient to cover the worst-case reclamation cost estimate for the permit at this time.

Revision No. 8 was deemed a significant revision and was therefore subject to the public notice requirements specified in NDAC 69-05.2-10 and NDCC 38-14.1-18. Any person with an interest that is or may be adversely affected by the Commission's decision has the right to request a formal hearing within 30 days of publication of the approval notice in the Center Republican and Bismarck Tribune.

Enclosed are copies of the permit award form and permit conditions. Please contact this office if you have any questions.

Sincerely,

Jonathan Emmer
Director
Reclamation Division

Enclosures

cc via email only: Karene Hall (khall@bnicoal.com)
BNI Coal Efiling (BNIfiling@bnicoal.com)



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March 8, 2024

Jeffrey W. Fleischman, Chief
Denver Field Division
Office of Surface Mining
PO Box 11018
Casper, WY 82601
jfleischman@osmre.gov

Dear Mr. Fleischman:

This is to inform you that on March 5, 2024, the Commission conditionally approved Revision No. 8 to Permit BNCR-1101 held by BNI Coal, Ltd. for the Center Mine. The revision adds 2,661.04 acres to the existing permit area and updates the environmental resource information and the mining and reclamation plans for the acreage added to the permit. The revision also modifies the postmining topography for 1,211 acres of the existing permit area. Revision No. 8 also adds Federal Coal Lease No. NDM 105513 to the permit and plans to mine federal coal tracts 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. Two special conditions were attached to the approval of this permit revision. The existing surety bond for Permit BNCR-1101 totals \$42,449,183.00 and is sufficient to cover the worst-case reclamation cost estimate for the permit at this time. This revision was a significant alteration to Permit BNCR-1101 and was subject to the public notice requirements.

Copies of the revision award form, special permit conditions, and the approved revision are enclosed. Please contact this office if you have any questions.

Sincerely,

Jonathan Emmer
Director
Reclamation Division

Enclosures

cc via email only w/o enclosures: John Sieving (jsieving@osmre.gov)

Center Mine\Permits\BNCR - 1101\Revisions & Renewals\No. 8\Rev8_Cond_AL_3-8-24



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March 8, 2024

Ms. Elizabeth Shaeffer
Field Operations Manager
P.O. Box 25065
Denver, CO 80225-0065
eshaeffer@osmre.gov

Dear Ms. Shaeffer:

This is to inform you that on March 5, 2024, the Commission conditionally approved Revision No. 8 to Permit BNCR-1101 held by BNI Coal, Ltd. for the Center Mine. The revision adds 2,661.04 acres to the existing permit area and updates the environmental resource information and the mining and reclamation plans for the acreage added to the permit. The revision also modifies the postmining topography for 1,211 acres of the existing permit area. Revision No. 8 also adds Federal Coal Lease No. NDM 105513 to the permit and plans to mine federal coal tracts 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. Two special conditions were attached to the approval of this permit revision. The existing surety bond for Permit BNCR-1101 totals \$42,449,183.00 and is sufficient to cover the worst-case reclamation cost estimate for the permit at this time. This revision was a significant alteration to Permit BNCR-1101 and was subject to the public notice requirements.

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Sincerely,

Jonathan Emmer
Director
Reclamation Division

Enclosures

cc via email only w/o enclosures: Erica Trent (etrent@osmre.gov)
Charlie Kwak (ckwak@osmre.gov)

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March 8, 2024

Josh Alexander
Bureau of Land Management
Billings Field Office
Eastern Montana Dakotas District Office
5001 Southgate Dr.
Billings, MT 59101
jalexand@blm.gov

Dear Mr. Alexander:

This is to inform you that on March 5, 2024, the Commission conditionally approved Revision No. 8 to Permit BNCR-1101 held by BNI Coal, Ltd. for the Center Mine. The revision adds 2,661.04 acres to the existing permit area and updates the environmental resource information and the mining and reclamation plans for the acreage added to the permit. The revision also modifies the postmining topography for 1,211 acres of the existing permit area. Revision No. 8 also adds Federal Coal Lease No. NDM 105513 to the permit and plans to mine federal coal tracts 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. Two special conditions were attached to the approval of this permit revision. The existing surety bond for Permit BNCR-1101 totals \$42,449,183.00 and is sufficient to cover the worst-case reclamation cost estimate for the permit at this time. This revision was a significant alteration to Permit BNCR-1101 and was subject to the public notice requirements.

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Jonathan Emmer
Director
Reclamation Division

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March 8, 2024

Mr. Edward Kraft
Field Office Manager
Bureau of Land Management
ND Field Office
99 23rd Avenue West, Suite A
Dickinson, ND 58601
ekraft@blm.gov

Dear Mr. Kraft:

This is to inform you that on March 5, 2024, the Commission conditionally approved Revision No. 8 to Permit BNCR-1101 held by BNI Coal, Ltd. for the Center Mine. The revision adds 2,661.04 acres to the existing permit area and updates the environmental resource information and the mining and reclamation plans for the acreage added to the permit. The revision also modifies the postmining topography for 1,211 acres of the existing permit area. Revision No. 8 also adds Federal Coal Lease No. NDM 105513 to the permit and plans to mine federal coal tracts 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. Two special conditions were attached to the approval of this permit revision. The existing surety bond for Permit BNCR-1101 totals \$42,449,183.00 and is sufficient to cover the worst-case reclamation cost estimate for the permit at this time. This revision was a significant alteration to Permit BNCR-1101 and was subject to the public notice requirements.

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March 8, 2024

North Dakota Department of Water Resources
C/O Project Review
1200 Memorial Highway, Dept 770
Bismarck, ND 58504
dwrprojectreview@nd.gov

Dear Project Review Team:

This is to inform you that on March 5, 2024, the Commission conditionally approved Revision No. 8 to Permit BNCR-1101 held by BNI Coal, Ltd. for the Center Mine. The revision adds 2,661.04 acres to the existing permit area and updates the environmental resource information and the mining and reclamation plans for the acreage added to the permit. The revision also modifies the postmining topography for 1,211 acres of the existing permit area. Revision No. 8 also adds Federal Coal Lease No. NDM 105513 to the permit and plans to mine federal coal tracts 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. Two special conditions were attached to the approval of this permit revision. This revision was a significant alteration to Permit BNCR-1101 and was subject to the public notice requirements.

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Jonathan Emmer
Director
Reclamation Division

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March 8, 2024

David Glatt, P.E.
Director
North Dakota Department of Environmental Quality
4201 Normandy Street
Bismarck, ND 58503
dglatt@nd.gov

Dear Mr. Glatt:

This is to inform you that on March 5, 2024, the Commission conditionally approved Revision No. 8 to Permit BNCR-1101 held by BNI Coal, Ltd. for the Center Mine. The revision adds 2,661.04 acres to the existing permit area and updates the environmental resource information and the mining and reclamation plans for the acreage added to the permit. The revision also modifies the postmining topography for 1,211 acres of the existing permit area. Revision No. 8 also adds Federal Coal Lease No. NDM 105513 to the permit and plans to mine federal coal tracts 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. Two special conditions were attached to the approval of this permit revision. This revision was a significant alteration to Permit BNCR-1101 and was subject to the public notice requirements.

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Jonathan Emmer
Director
Reclamation Division

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March 8, 2024

Edward C. Murphy
State Geologist
North Dakota Geological Survey
600 East Boulevard Avenue
Bismarck, ND 58505-0480
emurphy@nd.gov

Dear Mr. Murphy:

This is to inform you that on March 5, 2024, the Commission conditionally approved Revision No. 8 to Permit BNCR-1101 held by BNI Coal, Ltd. for the Center Mine. The revision adds 2,661.04 acres to the existing permit area and updates the environmental resource information and the mining and reclamation plans for the acreage added to the permit. The revision also modifies the postmining topography for 1,211 acres of the existing permit area. Revision No. 8 also adds Federal Coal Lease No. NDM 105513 to the permit and plans to mine federal coal tracts 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. Two special conditions were attached to the approval of this permit revision. This revision was a significant alteration to Permit BNCR-1101 and was subject to the public notice requirements.

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Sincerely,

Jonathan Emmer
Director
Reclamation Division

Enclosures



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March 8, 2024

Mr. Bill Peterson
State Historical Society of North Dakota
612 East Boulevard Avenue
Bismarck, ND 58505
billpeterson@nd.gov

Dear Mr. Peterson:

This is to inform you that on March 5, 2024, the Commission conditionally approved Revision No. 8 to Permit BNCR-1101 held by BNI Coal, Ltd. for the Center Mine. The revision adds 2,661.04 acres to the existing permit area and updates the environmental resource information and the mining and reclamation plans for the acreage added to the permit. The revision also modifies the postmining topography for 1,211 acres of the existing permit area. Revision No. 8 also adds Federal Coal Lease No. NDM 105513 to the permit and plans to mine federal coal tracts 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. Two special conditions were attached to the approval of this permit revision. This revision was a significant alteration to Permit BNCR-1101 and was subject to the public notice requirements.

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Sincerely,

Jonathan Emmer
Director
Reclamation Division

Enclosures

Center Mine\Permits\BNCR - 1101\Revisions & Renewals\No. 8\Rev8_Cond_AL_3-8-24



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State of North Dakota

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March 8, 2024

Mr. Tom Claeys
State Forester
North Dakota Forest Service
307 1st Street East
Bottineau, ND 58318-1100
thomas.claeys@ndsu.edu

Dear Mr. Claeys:

This is to inform you that on March 5, 2024, the Commission conditionally approved Revision No. 8 to Permit BNCR-1101 held by BNI Coal, Ltd. for the Center Mine. The revision adds 2,661.04 acres to the existing permit area and updates the environmental resource information and the mining and reclamation plans for the acreage added to the permit. The revision also modifies the postmining topography for 1,211 acres of the existing permit area. Revision No. 8 also adds Federal Coal Lease No. NDM 105513 to the permit and plans to mine federal coal tracts 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. Two special conditions were attached to the approval of this permit revision. This revision was a significant alteration to Permit BNCR-1101 and was subject to the public notice requirements.

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Sincerely,

Jonathan Emmer
Director
Reclamation Division

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sent via email only

March 8, 2024

Carrie Johnson
State Soil Conservation
2718 Gateway Ave.
Suite 304
Bismarck, ND 58503
carrie.johnson.1@ndsu.edu

Dear Ms. Johnson:

This is to inform you that on March 5, 2024, the Commission conditionally approved Revision No. 8 to Permit BNCR-1101 held by BNI Coal, Ltd. for the Center Mine. The revision adds 2,661.04 acres to the existing permit area and updates the environmental resource information and the mining and reclamation plans for the acreage added to the permit. The revision also modifies the postmining topography for 1,211 acres of the existing permit area. Revision No. 8 also adds Federal Coal Lease No. NDM 105513 to the permit and plans to mine federal coal tracts 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. Two special conditions were attached to the approval of this permit revision. This revision was a significant alteration to Permit BNCR-1101 and was subject to the public notice requirements.

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Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan Emmer".

Jonathan Emmer
Director
Reclamation Division

Enclosures

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Public Service Commission

State of North Dakota

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Randy Christmann
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March 8, 2024

Jeb Williams, Director
North Dakota Game and Fish Department
100 North Bismarck Expressway
Bismarck, ND 58501-5095
jwilliam@nd.gov

Dear Mr. Williams:

This is to inform you that on March 5, 2024, the Commission conditionally approved Revision No. 8 to Permit BNCR-1101 held by BNI Coal, Ltd. for the Center Mine. The revision adds 2,661.04 acres to the existing permit area and updates the environmental resource information and the mining and reclamation plans for the acreage added to the permit. The revision also modifies the postmining topography for 1,211 acres of the existing permit area. Revision No. 8 also adds Federal Coal Lease No. NDM 105513 to the permit and plans to mine federal coal tracts 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. Two special conditions were attached to the approval of this permit revision. This revision was a significant alteration to Permit BNCR-1101 and was subject to the public notice requirements.

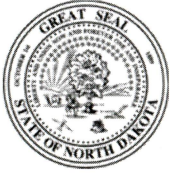
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Sincerely,

Jonathan Emmer
Director
Reclamation Division

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Randy Christmann
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March 8, 2024

Richard Webb
State Resource Conservationist
Natural Resources Conservation Service
PO Box 1458
Bismarck, ND 58502-1458
richard.webb@usda.com

Dear Mr. Webb:

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Director
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March 8, 2024

Mr. Luke Toso
U.S. Fish and Wildlife Service
3425 Miriam Avenue
Bismarck, North Dakota 58501-7926
luke_toso@fws.gov

Dear Mr. Toso:

This is to inform you that on March 5, 2024, the Commission conditionally approved Revision No. 8 to Permit BNCR-1101 held by BNI Coal, Ltd. for the Center Mine. The revision adds 2,661.04 acres to the existing permit area and updates the environmental resource information and the mining and reclamation plans for the acreage added to the permit. The revision also modifies the postmining topography for 1,211 acres of the existing permit area. Revision No. 8 also adds Federal Coal Lease No. NDM 105513 to the permit and plans to mine federal coal tracts 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. Two special conditions were attached to the approval of this permit revision. This revision was a significant alteration to Permit BNCR-1101 and was subject to the public notice requirements.

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March 8, 2024

Oliver County Commissioners
Oliver County Courthouse
PO Box 188
115 Main Street
Center, ND 58530

Dear Commissioners:

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Reclamation Division

Enclosures

Center Mine\Permits\BNCR - 1101\Revisions & Renewals\No. 8\Rev8_Cond_AL_3-8-24



Public Service Commission

State of North Dakota

COMMISSIONERS

Randy Christmann
Sheri Haugen-Hoffart
Julie Fedorchak

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

sent via email and regular mail

March 8, 2024

The Honorable Kevin Hoffman
Mayor of Center
PO Box 76
Center, ND 58530-0076
centerca@westriv.com

Dear Mayor Hoffman:

This is to inform you that on March 5, 2024, the Commission conditionally approved Revision No. 8 to Permit BNCR-1101 held by BNI Coal, Ltd. for the Center Mine. The revision adds 2,661.04 acres to the existing permit area and updates the environmental resource information and the mining and reclamation plans for the acreage added to the permit. The revision also modifies the postmining topography for 1,211 acres of the existing permit area. Revision No. 8 also adds Federal Coal Lease No. NDM 105513 to the permit and plans to mine federal coal tracts 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. Two special conditions were attached to the approval of this permit revision. This revision was a significant alteration to Permit BNCR-1101 and was subject to the public notice requirements.

Copies of the revision award form and special permit conditions are enclosed. Please contact this office if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan Emmer".

Jonathan Emmer
Director
Reclamation Division

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sent via email only

March 8, 2024

Jaden Schmidt
Oliver County Auditor
PO Box 188
Center, ND 58530-0188
jadschmidt@nd.gov

Dear Ms. Schmidt:

This is to inform you that on March 5, 2024, the Commission conditionally approved Revision No. 8 to Permit BNCR-1101 held by BNI Coal, Ltd. for the Center Mine. The revision adds 2,661.04 acres to the existing permit area and updates the environmental resource information and the mining and reclamation plans for the acreage added to the permit. The revision also modifies the postmining topography for 1,211 acres of the existing permit area. Revision No. 8 also adds Federal Coal Lease No. NDM 105513 to the permit and plans to mine federal coal tracts 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. Two special conditions were attached to the approval of this permit revision. This revision was a significant alteration to Permit BNCR-1101 and was subject to the public notice requirements.

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Sincerely,

Jonathan Emmer
Director
Reclamation Division

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sent via email and regular mail

March 8, 2024

Dave and Debra Berger
2531 37th Ave SW
Center, ND 58530
dberger@westriv.com

Dear Mr. & Mrs. Berger:

This is to inform you that on March 5, 2024, the Commission conditionally approved Revision No. 8 to Permit BNCR-1101 held by BNI Coal, Ltd. for the Center Mine. The revision adds 2,661.04 acres to the existing permit area and updates the environmental resource information and the mining and reclamation plans for the acreage added to the permit. The revision also modifies the postmining topography for 1,211 acres of the existing permit area. Revision No. 8 also adds Federal Coal Lease No. NDM 105513 to the permit and plans to mine federal coal tracts 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. Two special conditions were attached to the approval of this permit revision. This revision was a significant alteration to Permit BNCR-1101 and was subject to the public notice requirements.

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Sincerely,

Jonathan Emmer
Director
Reclamation Division

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TDD: 800-366-6888 or 711

sent via email and regular mail

March 8, 2024

Brian Dresser
2574 37th Ave SW
Center, ND 58530
dresser82@hotmail.com

Dear Mr. Dresser:

This is to inform you that on March 5, 2024, the Commission conditionally approved Revision No. 8 to Permit BNCR-1101 held by BNI Coal, Ltd. for the Center Mine. The revision adds 2,661.04 acres to the existing permit area and updates the environmental resource information and the mining and reclamation plans for the acreage added to the permit. The revision also modifies the postmining topography for 1,211 acres of the existing permit area. Revision No. 8 also adds Federal Coal Lease No. NDM 105513 to the permit and plans to mine federal coal tracts 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. Two special conditions were attached to the approval of this permit revision. This revision was a significant alteration to Permit BNCR-1101 and was subject to the public notice requirements.

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Sincerely,

Jonathan Emmer
Director
Reclamation Division

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