

# Affidavit of Publication

## NOTICE OF APPLICATION FOR A REVISION OF A PERMIT TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION ACTIVITIES

Please take notice that BNI Coal Ltd., 2360 35th Avenue SW, Center, ND 58530-9499 has submitted an application to the North Dakota Public Service Commission for Revision No. 17 to Permit BNCR-9401 to engage in surface coal mining and reclamation operations. BNCR-9401 was originally approved on August 16, 1995. The area for which a permit revision is sought includes 381.88 acres in Sections 5 and 8, T141N, R83W and Section 32, T142N, R83W. This area is in Oliver County, North Dakota and is shown on the accompanying map. The permit revision will add the coal lease for the Federal parcel in the S2NE4NE4 of Section 8 and will update the mine plan to detail the removal of the federal and private coal under the proposed location of Minnkota Power's Ash Cell 5. Revision 17 will also update the Worst Case Bond estimate.

A copy of the application for revision of a surface coal mining permit is available for public inspection at the offices of the North Dakota Public Service Commission, 600 East Boulevard Ave, Bismarck, ND, 58505-0480 and at the offices of the County Auditor, Oliver County Courthouse, Center, ND, 58530. A DVD copy of the application for revision may be requested by contacting the Public Service Commission at (701) 328-2400 or ndpsc@nd.gov or by sending a written request.

Written comments, objections, or requests for informal conferences on the application may be submitted by any person with an interest which is or may be adversely affected to the North Dakota Public Service Commission, 600 East Boulevard Ave, Bismarck, ND, 58505-0480, within 30 days after the last publication of this notice. The written request should state the concerns or objections regarding the revision.

The legal description and names of the apparent surface and mineral (coal) owners of the land in the permit area that will be affected by the revised plans are as follows:

**LEGAL DESCRIPTION**  
Section 5 T141N R83W  
N 1/2 and SW 1/4

percent and 2 percent in the two years of the 2021-2023 budget cycle.

We passed a \$680 million dollar bonding bill that will improve infrastructure for better roads and bridges using legacy fund dollars. The merger of the Health Department into the Department of Human Services was something I have wanted to happen for many years. The merger will produce better collaboration over similar services. I was a co-sponsor of this bill, HB1247. In the Department of Human

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A good mix of fish of varying size have met anglers on the Missouri by Mike Peluso.

STATE OF NORTH DAKOTA,  
COUNTY OF OLIVER, ss.

I, Lori Cox, being first duly sworn, on oath says, that she is the bookkeeper of the CENTER REPUBLICAN, a weekly newspaper published in Center, County of Oliver, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies weekly, and has been published within said county for fifty-two successive weeks next prior to the publication of the notice herein mentioned; that the

Notice of Application for a permit revision

BNI-Center Mine


a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once each week for 4 successive week, on the day of each week on which said newspaper was regularly published to-wit:

12 - Center Republican: 4/15/2021, 4/22/2021, 4/29/2021, 5/6/2021

That the full amount of the fees for the publication of the annexed notice is: \$ 179.44

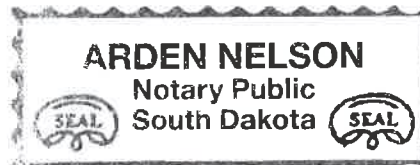
  
\_\_\_\_\_

Subscribed and sworn to before me this 6/2/2021

  
\_\_\_\_\_

Arden Nelson, Notary Public  
State of South Dakota

My commission expires August 1, 2025



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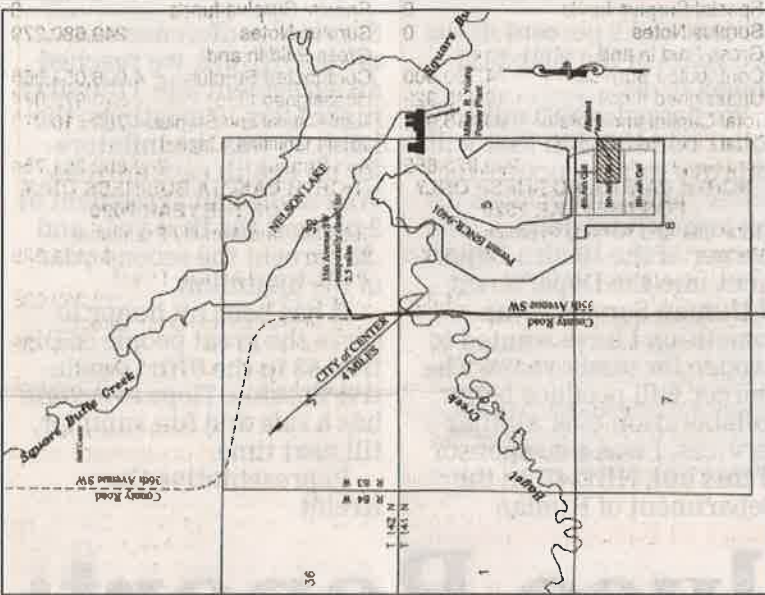
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**LEGAL DESCRIPTION**  
Section 5 T141N R83W  
N 1/2 and SW 1/4



**SURFACE OWNER**  
Minnkota Power Cooperative

**COAL OWNER**  
Great Northern Properties

**LEGAL DESCRIPTION**  
SE 1/4

**SURFACE OWNER**  
Minnkota Power Cooperative

**COAL OWNER**  
Minnkota Power Cooperative

**LEGAL DESCRIPTION**  
Section 8 T141N R83W  
NW 1/4

**SURFACE OWNER**

BNI Coal, LTD

**COAL OWNER**

Larry & Virginia Schmidt

Daryl & Loretta Tabor

Linda Borlaug

John Kautzman

Donna Barnhardt

Randy Titsworth

Ronnie Titsworth

Marita Bishop

Lucille Gardner

PEC Minerals, LP

BNI Coal, Ltd.

Clay Hedrick, Jr.

Charles Hamilton, Jr.

M. Ellen Emley

Barbara Endres

Richard Files

Robert Files

Erika Hilliard

Penelope Files

Carolyn Files

Blackstone Minerals

Walter Duncan, Inc.

Kurt Files

Georgianne Hedrick Mercer

John Hedrick

Barbara Hager

Donald Hager

Joyce Hager Giles

James Hager

Mary McGarity

Alexis Bochko

Dean Stucky

Jean Clift

Susan Koehn

Julia & Donald Gregory

Patsy McGehee

Jack Horn

Donald R. Posey

**LEGAL DESCRIPTION**

Section 8 T141N R83W

NE1/4NE1/4

**SURFACE OWNER**

Minnkota Power Cooperative

**COAL OWNER**

USA

**LEGAL DESCRIPTION**

NW1/4NE1/4, S1/2NE1/4

**SURFACE OWNER**

Minnkota Power Cooperative

**COAL OWNER**

Minnkota Power Cooperative

**LEGAL DESCRIPTION**

Section 32 T142N R83W

SE1/4

**SURFACE OWNER**

Minnkota Power Cooperative

**COAL OWNER**

Minnkota Power Cooperative

(4-15-21)(4-22-21)(4-29-21)(5-6-21)

on oath  
the CENTER  
per published in  
full and personal  
dated; that said  
id has a bona fide  
copies weekly, and  
mty for fifty-two  
publication of the

revision

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to this sheet, and is  
published in said  
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this 6/2/2021

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\*\*\* Proof of Publication \*\*\*

State of North Dakota )  
  ) SS:  
County of Burleigh     )

Before me, a Notary Public for the State of North Dakota personally  
appeared Jill Lindsay who being duly sworn, deposes and  
says that he (she) is the Clerk of Bismarck Tribune Co., and that the  
publication(s) were made through the

Bismarck Tribune on the following dates:

4/15, 22, 29 + 5/6/2021

Signed Jill Lindsay

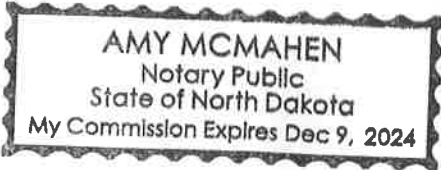
BNI COAL LTD

2360 NW 35TH AV  
CENTER, ND 58530

ORDER NUMBER    25792

Sworn and subscribed to before me this 6<sup>th</sup> day of  
May 2021

Amy McMahon  
Notary Public in/and for the State of North Dakota



Section: Legals  
Category: 5380 Public Notices  
PUBLISHED ON: 04/15/2021, 04/22/2021, 04/29/2021, 05/06/2021

TOTAL AD COST:                    2523.76  
FILED ON:                            5/6/2021

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SE 1/4	Minnkota Power Cooperative	Minnkota Power Cooperative
<b>Section 8 T141N R83W</b> NW 1/4	BNI Coal, LTD	Larry & Virginia Schmidt Daryl & Loretta Tabor Linda Borlaug John Kautzman Donna Barnhardt Randy Titsworth Ronnie Titsworth Marita Bishop Lucille Gardner PEC Minerals, LP BNI Coal, Ltd. Clay Hedrick, Jr. Charles Hamilton, Jr. M. Ellen Emley Barbara Endres Richard Files Robert Files Erika Hilliard Penelope Files Carolyn Files Blackstone Minerals Walter Duncan, Inc. Kurt Files Georgianne Hedrick Mercer John Hedrick Barbara Hager Donald Hager Joyce Hager Giles James Hager Mary McGarity Alexis Bochko Dean Stucky Jean Clift Susan Koehn Julia & Donald Gregory Patsy McGehee Jack Horn Donald R. Posey
<b>Section 8 T141N R83W</b> NE1/4NE1/4	Minnkota Power Cooperative	USA
NW1/4NE1/4, S1/2NE1/4	Minnkota Power Cooperative	Minnkota Power Cooperative
<b>Section 32 T142N R83W</b> SE1/4	Minnkota Power Cooperative	Minnkota Power Cooperative

