

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

BNI Coal, Ltd.
Revision No. 17, Permit BNCR-9401
Application

Case No. RC-21-81

REVISION OF PERMIT TO ENGAGE IN
SURFACE COAL MINING AND RECLAMATION OPERATIONS

September 22, 2021

Based on the application for **Revision No. 17 for Surface Coal Mining Permit BNCR-9401**, received February 5, 2021 and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The revision application submitted on February 2, 2021 is complete and accurate and the applicant has complied with the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code.
2. The applicant has received Federal coal lease NDM 105513 covering 20 acres of federal coal within the permit area. As required by Standard Condition No. 10 to Permit BNCR-9401, no coal removal on this tract may occur until the U.S. Department of the Interior approves the federal mine plan pursuant to 30 CFR 746.11. Until that mine plan is approved, surface disturbances on the federal coal tract must be limited to those activities that are needed for carrying out mining on the adjoining tracts where the coal interests are privately owned.
3. Performance bonds in the total amount of \$1,404,271 are currently sufficient for the proposed mining and reclamation operations in the permit area.
4. The Commission's other findings that were made when the permit was issued remain applicable to the revised operation and reclamation plans.

Revision Number 17 to Permit Number BNCR-9401 is hereby granted to BNI Coal Ltd. to add the federal coal lease for the 20 acre tract in the S1/2NE1/4NE1/4 of Section 8, T141N, R83W, within the existing permit area, modify the operations plan to include the removal of private and federal coal for the construction of Ash Cell 5 that will be used for flue gas desulfurization sludge from Minnkota Power Cooperative's Milton R. Young Station, update the worst case reclamation cost estimate and other information in this permit as described in the revision application received February 5, 2021.

The approved revision is subject to the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, the conditions of the approved permit, and any additional or revised permit conditions listed on attached PSC Reclamation Form - 3. Pursuant to Section 38-14.1-23 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, this revision was found to be a significant alteration to the previously approved permit.

PUBLIC SERVICE COMMISSION



Randy Christmann
Commissioner



Julie Fedorchak
Chair



Brian Kroshus
Commissioner

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