



Public Service Commission State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Brian Kroshus

Sent via inside mail

October 21, 2021

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

Bill Peterson, Director
State Historical Society of North Dakota
612 East Boulevard Avenue
Bismarck, ND 58505

Dear Mr. Peterson:

BNI Coal, Ltd. has filed an application for Revision No. 9 to Surface Coal Mining Permit No. BNCR-1101 at the Center Mine to change the mining sequence for 345 acres in Sections 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 application also adds 2 acres to the permit boundary, updates the Legal and Financial Section including ownership and control, updates the worst-case bond variable costs, and adds a copy of the Federal Coal Lease NDM 105513 to the permit.

BNI is currently mining federal coal in the NE $\frac{1}{4}$ of Section 18 in Township 141N, Range 83W, in the existing permit area under federal coal lease NDM 102083 for which federal mine plan approval was granted on October 27, 2020. The proposed 2-acre addition to the permit area is a cemetery that contains federal coal in the SE corner of the NE $\frac{1}{4}$ of Section 18, T141N, R83W. It is our understanding that BNI is in the process of purchasing the cemetery and intends to reintern the bodies and mine the federal coal.

A USB flash drive of the permit revision application is enclosed for your agency's evaluation as a state Advisory Committee member as required by NDAC 69-05.2-10-01(2). A permit Table of Contents is accessible from the web browser home page. Please refer to pages 30 through 33 of Appendix 1-1 (Revision Summary and List of Changes) for a list of Revision No. 9 proposed changes. Please review your agency's areas of responsibility and technical expertise for the revision application and reply with any comments by December 11, 2021.

Please contact us with any questions.

Sincerely,

Dean K. Moos
Director
Reclamation Division

Enclosure

Center Mine\Permits\BNCR - 1101\Revisions & Renewals\No. 9\Fed_Agency_and_Advisory_Committee_Notice_Ltrs_10-21-21



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Nathaniel Arave, Chief
Branch of Solid Minerals
Bureau of Land Management
5001 Southgate Drive
Billings, Montana 59101
narave@blm.gov

Dear Mr. Arave:

BNI Coal, Ltd. has filed an application for Revision No. 9 to Surface Coal Mining Permit No. BNCR-1101 at the Center Mine to change the mining sequence for 345 acres in Sections 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 application also adds 2 acres to the permit boundary, updates the Legal and Financial Section including ownership and control, updates the worst-case bond variable costs, and adds a copy of the Federal Coal Lease NDM 105513 to the permit.

BNI is mining federal coal in the NE $\frac{1}{4}$ of Section 18 in Township 141N, Range 83W, in the existing permit area under federal coal lease NDM 102083 for which federal mine plan approval was granted on October 27, 2020. However, the 2-acre addition to the permit contains federal coal in the SE corner of the NE $\frac{1}{4}$ of Section 18, T141N, R83W. Revision No. 9 will be conditionally approved to prohibit overburden or coal removal from the federal coal tract in Section 18 of the permit addition area until the mine plan modification is approved.

A USB flash drive of the permit revision application is enclosed. Please review the revision application and reply with any comments by December 11, 2021.

Please contact us with any questions.

Sincerely,

Dean K. Moos
Director
Reclamation Division

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Loren Wickstrom
Field Office Manager
Bureau of Land Management
99 23rd Avenue West - Suite A
Dickinson, ND 58601
lwickstr@blm.gov

Dear Mr. Wickstrom:

BNI Coal, Ltd. has filed an application for Revision No. 9 to Surface Coal Mining Permit No. BNCR-1101 at the Center Mine to change the mining sequence for 345 acres in Sections 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 application also adds 2 acres to the permit boundary, updates the Legal and Financial Section including ownership and control, updates the worst-case bond variable costs, and adds a copy of the Federal Coal Lease NDM 105513 to the permit.

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Sincerely,

for Dean K. Moos
Director
Reclamation Division

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Marcelo Calle, Manager
Program Support Division
Office of Surface Mining - Western Region
PO Box 25065
Lakewood, CO 80225-0065
mcalle@osmre.gov

Dear Mr. Calle:

BNI Coal, Ltd. has filed an application for Revision No. 9 to Surface Coal Mining Permit No. BNCR-1101 at the Center Mine to change the mining sequence for 345 acres in Sections 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 application also adds 2 acres to the permit boundary, updates the Legal and Financial Section including ownership and control, updates the worst-case bond variable costs, and adds a copy of the Federal Coal Lease NDM 105513 to the permit.

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Sincerely,

Zanna A. Bunbmer
Dean K. Moos
Director
Reclamation Division

Enclosure

cc w/o enclosure via email: cc via email only: Elizabeth Schaeffer (eshaeffer@osmre.gov)
Erica Trent (etrent@osmre.gov)



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

Dear Mr. Fleischman:

BNI Coal, Ltd. has filed an application for Revision No. 9 to Surface Coal Mining Permit No. BNCR-1101 at the Center Mine to change the mining sequence for 345 acres in Sections 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 application also adds 2 acres to the permit boundary, updates the Legal and Financial Section including ownership and control, updates the worst-case bond variable costs, and adds a copy of the Federal Coal Lease NDM 105513 to the permit.

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Sincerely,

Dean K. Moos
Director
Reclamation Division

Enclosure

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