

## Emmer, Jonathan W.

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**From:** Brinkman, Zanna A.  
**Sent:** Monday, November 29, 2021 1:29 PM  
**To:** Emmer, Jonathan W.  
**Cc:** Welch, Guy A.; Gunnerson, Bill T.; Roerick, Jeffrey A.; Ripplinger, Preston  
**Subject:** FW: USFWS response. BNI Coal  
**Attachments:** 2479\_001\_stamped1\_signed.pdf

USFWS response to Revision 9 to Permit BNCR-1101.

### **Zanna Brinkman**

*Director Reclamation & AML Divisions  
ND Public Service Commission  
600 E Blvd. Ave Dept. 408  
Bismarck, ND 58505-0408*

(701) 328-3403

[zbrinkman@nd.gov](mailto:zbrinkman@nd.gov)

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**From:** -Info-Public Service Commission <ndpsc@nd.gov>  
**Sent:** Monday, November 29, 2021 12:43 PM  
**To:** Brinkman, Zanna A. <zbrinkman@nd.gov>  
**Subject:** FW: USFWS response. BNI Coal

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**From:** Zachmeier, Timothy P <[timothy\\_zachmeier@fws.gov](mailto:timothy_zachmeier@fws.gov)>  
**Sent:** Monday, November 29, 2021 12:31 PM  
**To:** -Info-Public Service Commission <[ndpsc@nd.gov](mailto:ndpsc@nd.gov)>  
**Subject:** Fw: USFWS response. BNI Coal

**\*\*\*\*\* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. \*\*\*\*\*

Please see the attached digitally signed document indicating the USFWS does not have any objection to the proposed BNI Coal Revision number 9 for Permit No. BNCR-1101.

The USFWS does recommend that BNI Coal continues to complete habitat surveys for Dakota skipper butterfly habitat and if warranted completes occupancy surveys for the butterfly on suitable habitats. The survey protocol can be found at the following website:

[https://www.fws.gov/mountain-prairie/es/protocols/2018\\_FINAL%20Dakota%20Skipper%20Survey%20Protocol\\_4202018.pdf](https://www.fws.gov/mountain-prairie/es/protocols/2018_FINAL%20Dakota%20Skipper%20Survey%20Protocol_4202018.pdf)

## Dakota Skipper Occupancy Survey Protocol for North Dakota

Dakota Skipper Site Occupancy Survey Protocol 2018 3 U. S. Fish and Wildlife Service, Ecological Services, ND Field Office, Bismarck, North Dakota Table 1. North Dakota counties in which Dakota skipper is currently and/or possibly present.

[www.fws.gov](http://www.fws.gov)

The Service appreciates the opportunity to provide comments. If you have any questions or need any additional information, please do not hesitate to reach out and contact me.

Respectfully,

Tim Zachmeier  
Fish and Wildlife Service Biologist  
Bismarck Ecological Service

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**From:** Zachmeier, Timothy P  
**Sent:** Tuesday, November 16, 2021 3:09 PM  
**To:** [NDPSC@nd.gov](mailto:NDPSC@nd.gov) <[NDPSC@nd.gov](mailto:NDPSC@nd.gov)>  
**Subject:** USB Flashdrive Request

Please send a USB flash drive concerning Case No. RC-21-298 Revision No. 9, BNCR-1101 for the BNI Coal Center coal mine to the address listed below. Thank you for the opportunity to review and provide comment if warranted.

Respectfully,

Tim Zachmeier  
Fish and Wildlife Service Biologist  
Bismarck Ecological Service

Tim Zachmeier  
1717 37th St. E  
Dickinson, ND 58601

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**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**BNI Coal, Ltd.**  
**Revision No. 9, Permit BNCR-1101**  
**Application**

**Case No. RC-21-298**

**NOTICE OF RECEIPT OF REVISION APPLICATION**

**October 20, 2021**

This Constitutes a report of the Department of the Interior prepared in accordance with the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq). We have reviewed and have NO OBJECTION to this proposed project.

**DREW BECKER** Digitally signed by DREW BECKER  
Date: 2021.11.29 06:47:24 -06'00'

Field Supervisor

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, updates the Legal and Financial Section including ownership and control, updates the worst case bond variable costs, and adds a copy of Federal Coal Lease NDM 105513 to the permit.

The revision application and surface coal mining and reclamation permit may be inspected at:

Public Service Commission  
State Capitol 13<sup>th</sup> Floor  
600 East Boulevard Avenue  
Bismarck, North Dakota

Oliver County Auditor  
Oliver County Courthouse  
115 West Main Street  
Center, North Dakota

A USB flash drive copy of the revision application may be requested by contacting the Public Service Commission using the contact information that follows.


You may submit written comments or objections on the proposed permit revision application and its effects on the environment and on landowners in the permit area. You may request an informal conference with the Commission and the applicant on the application. The reasons for requesting an informal conference must be stated in the request. Written comments, objections, petitions, or requests for an informal conference must be filed with the Commission by **December 13, 2021**.

If there is an informal conference, you may request a formal administrative hearing on the Commission's ruling on the application. Your request for a formal hearing must be made within thirty days of the Commission ruling on the application.

Written comments, objections, petitions, or requests for an informal conference should be addressed to the Public Service Commission, 600 East Boulevard Avenue, Dept. 408, Bismarck, North Dakota 58505-0480. For more information, and to request a copy of the revision application, you may contact the Public Service Commission by

telephone at 701-328-2400, 877-245-6685 toll free, or 800-366-6888 TTY; by email at ndpsc@nd.gov; and by fax at 701-328-2410.

**PUBLIC SERVICE COMMISSION**

  
Randy Christmann  
Commissioner

  
Julie Fedorchak  
Chair

  
Brian Kroshus  
Commissioner

Center Mine\Permits\BNCR - 1101\Revisions & Renewals\No. 9\Rev9\_ntc\_of\_rcpt\_10-20-21