

PUBLIC SERVICE COMMISSION
Reclamation Division

Memorandum

TO: Commissioners Fedorchak, Christmann, and Haugen-Hoffart
Steve Kahl, Executive Director
John Schuh, General Counsel

FROM: ^{ZAB} Zanna Brinkman and ^{JWE} Jonathan Emmer

DATE: March 30, 2022

SUBJECT: Application for Revision No. 9 to Permit No. BNCR-1101 held by BNI Coal, Ltd. for the Center Mine, Case No. RC-21-298

On June 25, 2021, BNI Coal, Ltd. filed the application for Revision No. 9 to Surface Coal Mining Permit No. BNCR-1101. Revision No. 9 revises the mining sequence for 345 acres in Sections 20 and 21 planned for mining in 2031 through 2037, by advancing mining in the area to 2021 through 2032, adds two acres to the permit in Section 18, T141N, R83W, updates the worst-case bond estimate, and adds a copy of Federal Coal Lease NDM 105513. BNI also added updates to the business entity and ownership information and mining, reclamation, and fish and wildlife monitoring plan in response to our January 10, 2022 midterm permit review. Revision 9 proposes to add a cemetery located on 2 acres in Section 18. Mining within 100 feet of the cemetery is prohibited until the cemetery is relocated as required by NDAC 69-05.2-04-01.1(5). The Reclamation Division has completed its review of the permit revision application and respectfully recommends its approval.

The performance bond was increased to cover the projected worst case mining disturbance. Permit BNCR-1101 is covered by a surety bond totaling \$42,449,183.

Revision No. 9 was considered a significant revision application and was therefore subject to the public notice requirements. BNI Coal, Ltd. submitted the affidavits of publication for the newspaper notices. We notified the appropriate agencies, affected landowners, and the advisory committee members. We received no comments or objections to this revision application.

Attached for your consideration are the proposed motion, revision approval form, and revision approval notice that will be published in the appropriate newspapers.

Attachments

Center Mine\Permits\BNCR - 1101\Revisions & Renewals\No. 9\Rev9_apprvl_memo_3-30-22

Figure 1. The area affected by the mining sequence change in Section 20 and 21, T141N, R83W and the 2-acre parcel being added to the permit boundary with Revision No. 9 to BNCR-1101.

