

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. RC-21-298

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

March 30, 2022

Based on the application for **Revision Number 9 to Permit Number BNCR-1101 received June 25, 2021**, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The revision application submitted on June 25, 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; and
2. Mining within 100 feet of the cemetery in Section 18, T141N, R83W, is prohibited until the cemetery is relocated as required by NDAC 69-05.2-04-01.1(5).
3. The Commission's other findings that were made when the permit was issued and updated with subsequent permit revisions, remain applicable to the revised operation and reclamation plans.

Revision Number 9 to Permit Number BNCR-1101 is hereby granted to BNI Coal, Ltd. to revise the mining sequence for 345 acres in Section 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; add two acres to the permit in Section 18, T141N, R83W; update the worst-case bond estimate; and update the legal and financial section and mining, reclamation, and fish and wildlife monitoring plans as described in the permit revision application.

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


Sheri Haugen-Hoffart
Commissioner

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