



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

Karene Hall
Permit Coordinator
BNI Coal, Ltd.
2360 35th Avenue SW
Center, ND 58530-9499
khal@bnicoal.com

sent via email and regular mail

April 21, 2022

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

Dear Ms. Hall:

This is to inform you that on March 30, 2022, the Commission approved Revision No. 9 to Surface Coal Mining Permit No. BNCR-1101 at the Center Mine. Revision No. 9 revises 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. The revision also adds 2 acres to the permit, updates the legal and financial section, updates the worst-case bond estimate, and adds Federal Coal Lease NDM 105513 to the permit. The revision also addressed midterm review items including updates to surface and subsurface ownerships, extended mine plan, ground water information, operations plan, transportation plan, surface water management plan, reclamation plan, and fish and wildlife monitoring plan as described in the permit revision application.

This permit revision was found to be a significant alteration to Permit No. BNCR-1101 and was subject to public notice requirements. Please note that publication of Revision 9 approval was delayed until OSM notified us that a mine plan modification was not required for this revision. The Revision 9 approval notice will be published on April 28th. Any person with an interest which is or may be adversely affected by this revision approval may request a formal hearing with the Commission within thirty days of the publication of the notice.

The Reclamation Division also accepted the rider to increase the bond amount and acreage for Surety Bond Number 800006493, underwritten by Atlantic Specialty Insurance Company, for Permit BNCR-1101 at the Center Mine, and copies of the rider were hand delivered to Ryan Wrolstad. Please forward a copy of the rider and all attachments to your surety company.

Enclosed is the original revision award form. If you have any questions, please contact this office.

Sincerely,

Zanna Brinkman
Director
Reclamation Division

Enclosures

cc via email only: BNI Coal Efiling (BNIfiling@bnicoal.com)
Ryan Wrolstad (rwrolstad@bnicoal.com)
Tyrell Murrey (tmurrey@bnicoal.com)

36 RC-21-298 Filed 04/21/2022 Pages: 21
Approval Letters - electronic only
Public Service Commission
Zanna Brinkman



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Jeffrey W. Fleischman, Chief
Denver Field Division
Office of Surface Mining
PO Box 11018
150 East B Street
Casper, WY 82601
jfleischman@osmre.gov

Dear Mr. Fleischman:

This is to inform you that on March 30, 2022, the Commission approved Revision No. 9 to Surface Coal Mining Permit No. BNCR-1101 at the Center Mine. Revision No. 9 revises 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. The revision also adds 2 acres to the permit, updates the legal and financial section, updates the worst-case bond estimate, and adds Federal Coal Lease NDM 105513 to the permit. The revision also addressed midterm review items including updates to surface and subsurface ownerships, extended mine plan, ground water information, operations plan, transportation plan, surface water management plan, reclamation plan, and fish and wildlife monitoring plan as described in the permit revision application.

This permit revision was found to be a significant alteration to Permit No. BNCR-1101 and was subject to public notice requirements. BNI increased the current surety bond to \$42,449,183 to cover the updated worst-case reclamation cost estimate. This permit contains Federal coal; however, Revision 9 was not considered a mine plan modification.

Enclosed are copies of the revision award form and a flash drive of the revision. Please contact this office if you have any questions.

Sincerely,

Zanna Brinkman
Director
Reclamation Division

Enclosures

cc w/o enclosures: John Sieving (jsieving@osmre.gov)



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

Dear Mr. Calle:

This is to inform you that on March 30, 2022, the Commission approved Revision No. 9 to Surface Coal Mining Permit No. BNCR-1101 at the Center Mine. Revision No. 9 revises 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. The revision also adds 2 acres to the permit, updates the legal and financial section, updates the worst-case bond estimate, and adds Federal Coal Lease NDM 105513 to the permit. The revision also addressed midterm review items including updates to surface and subsurface ownerships, extended mine plan, ground water information, operations plan, transportation plan, surface water management plan, reclamation plan, and fish and wildlife monitoring plan as described in the permit revision application.

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Sincerely,

Zanna Brinkman
Director
Reclamation Division

Enclosures

cc w/o enclosures via email only:

Elizabeth Schaeffer (eshaeffer@osmre.gov)
Erica Trent (etrent@osmre.gov)



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April 21, 2022

Mr. Nate Arave, Chief
Bureau of Land Management
5001 Southgate Dr.
Billings, MT 59101-4669
narave@blm.gov

Dear Mr. Arave:

This is to inform you that on March 30, 2022, the Commission approved Revision No. 9 to Surface Coal Mining Permit No. BNCR-1101 at the Center Mine. Revision No. 9 revises 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. The revision also adds 2 acres to the permit, updates the legal and financial section, updates the worst-case bond estimate, and adds Federal Coal Lease NDM 105513 to the permit. The revision also addressed midterm review items including updates to surface and subsurface ownerships, extended mine plan, ground water information, operations plan, transportation plan, surface water management plan, reclamation plan, and fish and wildlife monitoring plan as described in the permit revision application.

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Sincerely,

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Zanna Brinkman
Director
Reclamation Division

Enclosure



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April 21, 2022

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

Dear Mr. Wickstrom:

This is to inform you that on March 30, 2022, the Commission approved Revision No. 9 to Surface Coal Mining Permit No. BNCR-1101 at the Center Mine. Revision No. 9 revises 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. The revision also adds 2 acres to the permit, updates the legal and financial section, updates the worst-case bond estimate, and adds Federal Coal Lease NDM 105513 to the permit. The revision also addressed midterm review items including updates to surface and subsurface ownerships, extended mine plan, ground water information, operations plan, transportation plan, surface water management plan, reclamation plan, and fish and wildlife monitoring plan as described in the permit revision application.

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Bill Peterson, Director
State Historical Society of North Dakota
612 East Boulevard Avenue
Bismarck, ND 58505
billpeterson@nd.gov

Dear Mr. Peterson:

This is to inform you that on March 30, 2022, the Commission approved Revision No. 9 to Surface Coal Mining Permit No. BNCR-1101 at the Center Mine. Revision No. 9 revises 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. The revision also adds 2 acres to the permit, updates the legal and financial section, updates the worst-case bond estimate, and adds Federal Coal Lease NDM 105513 to the permit. The revision also addressed midterm review items including updates to surface and subsurface ownerships, extended mine plan, ground water information, operations plan, transportation plan, surface water management plan, reclamation plan, and fish and wildlife monitoring plan as described in the permit revision application.

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Director
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Tim Zachmeier
Bismarck Ecological Service
1717 37th Street East
Dickinson, ND 58601
NDfieldoffice@fws.gov

Dear Mr. Zachmeier:

This is to inform you that on March 30, 2022, the Commission approved Revision No. 9 to Surface Coal Mining Permit No. BNCR-1101 at the Center Mine. Revision No. 9 revises 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. The revision also adds 2 acres to the permit, updates the legal and financial section, updates the worst-case bond estimate, and adds Federal Coal Lease NDM 105513 to the permit. The revision also addressed midterm review items including updates to surface and subsurface ownerships, extended mine plan, ground water information, operations plan, transportation plan, surface water management plan, reclamation plan, and fish and wildlife monitoring plan as described in the permit revision application.

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Director
Reclamation Division

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Mr. John Paczkowski
North Dakota Department of Water Resources
900 East Boulevard, Dept. 770
Bismarck, ND 58505-0850
[jpaczowski@nd.gov](mailto:jpaczkowski@nd.gov)

Dear Mr. Paczkowski:

This is to inform you that on March 30, 2022, the Commission approved Revision No. 9 to Surface Coal Mining Permit No. BNCR-1101 at the Center Mine. Revision No. 9 revises 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. The revision also adds 2 acres to the permit, updates the legal and financial section, updates the worst-case bond estimate, and adds Federal Coal Lease NDM 105513 to the permit. The revision also addressed midterm review items including updates to surface and subsurface ownerships, extended mine plan, ground water information, operations plan, transportation plan, surface water management plan, reclamation plan, and fish and wildlife monitoring plan as described in the permit revision application.

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April 21, 2022

David Glatt, P.E., Director
North Dakota Department of Environmental Quality
4201 Normandy Street
Bismarck, ND 58503
dglatt@nd.gov

Dear Mr. Glatt:

This is to inform you that on March 30, 2022, the Commission approved Revision No. 9 to Surface Coal Mining Permit No. BNCR-1101 at the Center Mine. Revision No. 9 revises 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. The revision also adds 2 acres to the permit, updates the legal and financial section, updates the worst-case bond estimate, and adds Federal Coal Lease NDM 105513 to the permit. The revision also addressed midterm review items including updates to surface and subsurface ownerships, extended mine plan, ground water information, operations plan, transportation plan, surface water management plan, reclamation plan, and fish and wildlife monitoring plan as described in the permit revision application.

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Sincerely,

Zanna Brinkman
Director
Reclamation Division

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April 21, 2022

Edward C. Murphy
State Geologist
North Dakota Geological Survey
600 East Boulevard
Bismarck, ND 58505-0480
emurphy@nd.gov

Dear Mr. Murphy:

This is to inform you that on March 30, 2022, the Commission approved Revision No. 9 to Surface Coal Mining Permit No. BNCR-1101 at the Center Mine. Revision No. 9 revises 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. The revision also adds 2 acres to the permit, updates the legal and financial section, updates the worst-case bond estimate, and adds Federal Coal Lease NDM 105513 to the permit. The revision also addressed midterm review items including updates to surface and subsurface ownerships, extended mine plan, ground water information, operations plan, transportation plan, surface water management plan, reclamation plan, and fish and wildlife monitoring plan as described in the permit revision application.

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Director
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April 21, 2022

Jeb Williams, Director
ND Game & Fish Dept
100 North Bismarck Expressway
Bismarck, ND 58505
jwilliam@nd.gov

Dear Mr. Williams:

This is to inform you that on March 30, 2022, the Commission approved Revision No. 9 to Surface Coal Mining Permit No. BNCR-1101 at the Center Mine. Revision No. 9 revises 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. The revision also adds 2 acres to the permit, updates the legal and financial section, updates the worst-case bond estimate, and adds Federal Coal Lease NDM 105513 to the permit. The revision also addressed midterm review items including updates to surface and subsurface ownerships, extended mine plan, ground water information, operations plan, transportation plan, surface water management plan, reclamation plan, and fish and wildlife monitoring plan as described in the permit revision application.

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Director
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April 21, 2022

Thomas Claeys
State Forester
N.D. Forest Service
307 1st St. E
Bottineau, ND 58318
Thomas.Claeys@ndsu.edu

Dear Mr. Claeys:

This is to inform you that on March 30, 2022, the Commission approved Revision No. 9 to Surface Coal Mining Permit No. BNCR-1101 at the Center Mine. Revision No. 9 revises 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. The revision also adds 2 acres to the permit, updates the legal and financial section, updates the worst-case bond estimate, and adds Federal Coal Lease NDM 105513 to the permit. The revision also addressed midterm review items including updates to surface and subsurface ownerships, extended mine plan, ground water information, operations plan, transportation plan, surface water management plan, reclamation plan, and fish and wildlife monitoring plan as described in the permit revision application.

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Mr. Bruce Schmidt
State Soil Conservation Specialist
2718 Gateway Ave.
Suite #104
Bismarck, ND 58503
Bruce.Schmidt@ndsu.edu

Dear Mr. Schmidt:

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Zanna Brinkman
Director
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April 21, 2022

Oliver County Commissioners
Oliver County Courthouse
PO Box 188
115 Main Street
Center, ND 58530

Dear Commissioners:

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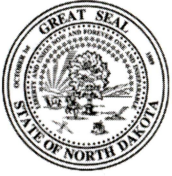
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April 21, 2022

The Honorable Kevin Hoffman
Mayor of Center
PO Box 76
Center, ND 58530-0076
centerca@westriv.com

Dear Mayor Hoffman:

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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

Judith Hintz
Oliver County Auditor
PO Box 188
Center, ND 58530-0188
jhintz@nd.gov

Dear Ms. Hintz:

This is to inform you that on March 30, 2022, the Commission approved Revision No. 9 to Surface Coal Mining Permit No. BNCR-1101 at the Center Mine. Revision No. 9 revises 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. The revision also adds 2 acres to the permit, updates the legal and financial section, updates the worst-case bond estimate, and adds Federal Coal Lease NDM 105513 to the permit. The revision also addressed midterm review items including updates to surface and subsurface ownerships, extended mine plan, ground water information, operations plan, transportation plan, surface water management plan, reclamation plan, and fish and wildlife monitoring plan as described in the permit revision application.

This permit revision was found to be a significant alteration to Permit No. BNCR-1101 and was subject to public notice requirements. BNI increased the current surety bond to \$42,449,183 to cover the updated worst-case reclamation cost estimate. This permit contains Federal coal; however, Revision 9 was not considered a mine plan modification.

Enclosed is a copy of the revision award form. If you have any questions, please contact this office.

Sincerely,

Zanna Brinkman
Director
Reclamation Division

Enclosure

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

RC-21-298

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1. Article Addressed to:

Oliver County Commissioners
 Oliver County Courthouse
 PO Box 188
 115 Main Street
 Center, ND 58530



9590 9402 6880 1104 0496 27

2. Article Number (Transfer from service label)

7021 2720 0003 0053 5649

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A. Signature

Linda Nelson

- Agent
- Addressee

B. Received by (Printed Name)

Linda Nelson

C. Date of Delivery

D. Is delivery address different from item 1?
If YES, enter delivery address below:

- Yes
- No

3. Service Type

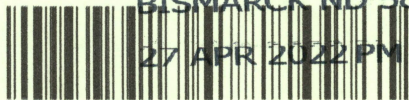
- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
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- Collect on Delivery
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- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Restricted Delivery

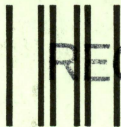
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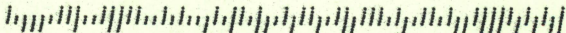
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~~NORTH DAKOTA~~
PUBLIC SERVICE COMMISSION

North Dakota Public Service Commission
600 E Blvd Ave Dept. 408
Bismarck, ND 58505-0480



Re-21-298

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1. Article Addressed to:

The Honorable Kevin Hoffman
 Mayor of Center
 PO Box 76
 Center, ND 58530-0076



9590 9402 6880 1104 0496 34

2. Article Number (Transfer from service label)

7021 2720 0003 0053 5632

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A. Signature

X *Mark A. Eckhardt*

- Agent
- Addressee

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- D. Is delivery address different from item 1? Yes
- If YES, enter delivery address below: No

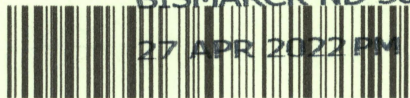
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NORTH DAKOTA
PUBLIC SERVICE COMMISSION

North Dakota Public Service Commission
600 E Blvd Ave Dept. 408
Bismarck, ND 58505-0480

