



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

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*sent via email only*

December 30, 2022

Karene Hall  
Permit Coordinator  
BNI Coal, Ltd.  
2360 35th Ave. SW  
Center, ND 58530-9499  
[khall@bnicoal.com](mailto:khall@bnicoal.com)

Dear Ms. Hall:

The Reclamation Division has conducted a completeness review of the applications for Renewal No. 8 and Revision No. 59 to Surface Coal Mining Permit BNCR-8106 at the Center Mine. The following items must be adequately addressed before the applications can be deemed complete and approval granted to begin publication of the newspaper notice for the permit renewal.

### Newspaper Notice

1. The last sentence of the second paragraph in the public notice states that a copy of the renewal application may be requested by contacting the PSC. Please delete this sentence from the public notice since this was an accommodation for Covid. (GAW)
2. The third paragraph of the public notice states that a petition may be filed to designate an area being added to the permit with the renewal application unsuitable for surface coal mining operations. Land is not added to a permit with a renewal application and no land is being added to the permit with Revision 59. Petitions to designate an area unsuitable for surface coal mining do not apply to lands that have already been permitted for surface coal mining activities. Please revise the paragraph accordingly. (GAW)
3. The newspaper notice appears to include several surface owners outside of the permit area. The notice requirements specified in NDCC 38-14.1-18(1) do not require the advertisement to include adjacent landowners. Please remove the adjacent landowners from the newspaper publication. (JAR/MLJ)
4. There are discrepancies between the surface owners listed in the newspaper notice and those listed in Section 1.9 - Surface and Coal Ownership. Please review/revise the surface owner list in the newspaper notice to ensure that the list is accurate. (MLJ)
5. The map included with the public notice does not include an accurate distance measurement as required by NDAC 69-05.2-10-01(1)(b). Please update the map to include an accurate distance measurement. (MLJ/PRJ).

6. The map included with the public notice identifies Square Butte Creek as Butte Creek. Please revise. (GAW)

**Section 1.12 Other Licenses and Permits**

7. Please update the address of the ND Department of Water Resources to: 1200 Memorial Highway, Dept 770, Bismarck, ND 58504. (BSM)

**Plate 9A – Ownership Map**

8. Coal ownership in the SW¼ of Section 23 was updated to remove Arnold from co-ownership with Ruby Meyhoff in Section 1.9 – Surface and Coal Ownership. However, Plate 9A – Ownership Map identifies coal ownership in the SW¼ of Section 23 as Arnold and Ruby Meyhoff. Arnold was also removed for the adjacent land in the NW¼ of Section 23 but remains on Plate 9A. Please revise accordingly. (JAR/BSM)

Please respond to these items in a timely manner so the revision and renewal can be processed prior to the July 18, 2023 expiration of the current permit term. If you have any questions, please contact this office.

Sincerely,



Zanna Brinkman  
Director  
Reclamation Division

cc via email only: Doug Scheetz (dscheetz@bnicoal)  
BNI Coal Efiling (BNIfiling@bnicoal.com)  
Gregory Petrick (gpetrick@bnicoal.com)  
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