

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

BNI Coal, Ltd.  
Renewal No. 8 for Permit BNCR-8106  
Application

Case No. RC-22-420

AFFIDAVIT OF SERVICE BY  
REGULAR MAIL  
AND CERTIFIED MAIL

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

John G. Hamre deposes and says that he is over the age of 18 years and not a party to this action and on, the **11th day of April 2023**, he deposited in the United States Mail, Bismarck, North Dakota, **20** envelopes by standard first-class mail, postage prepaid, and **11** certified mail envelopes, postage prepaid, all securely sealed and each containing:

NOTICE OF RECEIPT OF RENEWAL APPLICATION

The envelopes were addressed as follows.

See Attached Lists

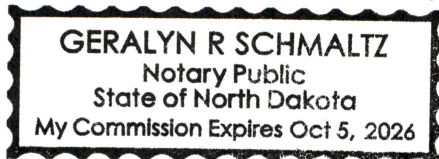
To the best of affiant's knowledge each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this 11<sup>th</sup> day of April 2023

John G. Hamre

Geralyn R Schmalz  
Notary Public

SEAL



**Regular mail list:**

US EPA, Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

Richard Webb, State Conservationist  
Natural Resource Conservative  
Service  
PO Box 1458  
Bismarck, ND 58502-1458

US Army Corps of Engineers  
ND Regulatory Office  
3319 University Dr.  
Bismarck, ND 58504-7565

Mark Watne, President  
ND Farmers Union  
PO Box 2136  
Jamestown, ND 58402-2136

Mining Health & Safety Administration  
CMSHA - US Dept of Labor  
PO Box 25367, DFC  
Denver, CO 80225-5367

Bureau Of Land Management  
TNT State Office  
5001 Southgate DR  
Billings, MT 59101-4669

Jessica Johnson  
US Fish & Wildlife Service  
3425 Miriam Avenue  
Bismarck, ND 58501-7926

5-BW JA  
475 Summit Drive  
Suite 211  
Minot Air Force Base  
Minot, ND 58705

Dakota Resource Council  
1720 Burnt Boat Dr. Ste 104  
Bismarck, ND 58503-0801

Jeb Williams  
ND Game & Fish Dept  
100 North Bismarck Expressway  
Bismarck, ND 58505

David Glatt  
Dept. of Environmental Quality (DEQ)  
4201 Normandy Street  
Bismarck, ND 58503-1324

John Paczkowski  
North Dakota DWR  
1200 Memorial Hwy  
Dept. 770  
Bismarck, ND 58504

Bill Peterson  
State Historical Society of ND  
612 East Blvd Ave  
ND Heritage Center  
Bismarck, ND 58505

Tom Claeys  
State Forester  
N.D. Forest Service  
307 1st St. E  
Bottineau, ND 58318

Mr. Aaron Field  
State Soil Conservation Specialist  
2718 Gateway Ave.  
Suite #104  
Bismarck, ND 58503

Cody Schulz  
North Dakota Park and Recreation  
604 E Blvd Ave  
Dept. 750  
Bismarck, ND 58505-0605

Ed Murphy  
ND Geological Survey  
600 E. Blvd. Ave.  
Bismarck, ND 58505-0840

Mr. Pete Hanebutt  
North Dakota Farm Bureau  
4900 Ottawa Street  
Bismarck, ND 58503

Jaden Schmidt  
Oliver County Auditor  
County Courthouse  
115 Main Street  
Center, ND 58530

Scott Blackburn, Environmental  
Coordinator  
Planning & Compliance Office  
National Park Service, Midwest  
Region  
601 Riverfront Dr.  
Omaha, NE 68102-4226

**Certified Mail List:**

Ruby Meyhoff  
2114 38<sup>th</sup> Avenue SW  
Center, ND 58530

Michelle Ternes  
3627 East Regent Drive  
Bismarck, ND 58504

Elizabeth Wagendorf  
948 Stryker Avenue  
West St. Paul, MN 55118

Kenneth J. Schmidt  
2205 36<sup>th</sup> Ave SW  
Center, ND 58530

Mike Dresser  
2435 Concho Loop  
New Braunfels, TX 78130

ND Department of Trust Lands  
1707 N 9<sup>th</sup> Street  
PO Box 5523  
Bismarck, ND 58506-5523

Minnkota Power Cooperative  
PO Box 13200  
Grand Forks, ND 58208

Benjamin Reinke  
1215 Columbia Drive  
Bismarck, ND 58504

Wayne Windhorst  
1060 Hwy 200A  
Stanton, ND 58571

Darlene Voegele  
112 3<sup>rd</sup> St NW  
Beulah, ND 58523

Brian Reinke  
1106 East Highland Acres Rd  
Bismarck, ND 58501

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

**BNI Coal, Ltd.**  
**Renewal No. 8 for Permit BNCR-8106**  
**Application**

**Case No. RC-22-420**

**NOTICE OF RECEIPT OF RENEWAL APPLICATION**

**April 11, 2023**

BNI Coal, Ltd. has filed an application to renew Surface Coal Mining Permit No. BNCR-8106 covering lands located in:

**Portions of Sections 23, 25, 35, and 36, T142N, R84W, and portions of Sections 31 and 32, T142N, R83W, Oliver County, totaling 1,169.71 acres.**

This five-year permit renewal will allow the company to continue to operate under approved operation and reclamation plans until July 18, 2028. All coal has been removed from within the permit area, but some areas of the permit are currently being used to support mining activities in other permits. The renewal application and surface coal mining and reclamation permit may be inspected at:

Public Service Commission  
State Capitol, 13<sup>th</sup> Floor  
Bismarck, ND 58505-0480

Oliver County Auditor  
County Courthouse  
Center, ND 58530

You may submit written comments or objections on the proposed permit renewal application and its effects on the environment and on surface owners of the land in the permit area. You may request an informal conference with the Commission and the applicant on the renewal application. The reasons for requesting an informal conference must be stated in the request. Written comments, objections, or requests for informal conference must be made by May 11, 2023.

If there is an informal conference, you may request a formal administrative hearing on the Commission 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 E Boulevard Ave. Dept. 408, Bismarck, North Dakota 58505-0480. For more information you may contact the Public Service Commission at 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY.

Signed on this 11 day of April 2023.

By:   
Steve Kahl  
Executive Director