

**Public Service Commission  
Reclamation Division**

**Memorandum**

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

From: <sup>ZAB</sup> Zanna Brinkman, <sup>JWE</sup> Jonathan Emmer, <sup>MJ</sup> Monty Johnson, and <sup>BR</sup> Preston Ripplinger

Date: June 28, 2023

Subject: Application for Renewal No. 8 to Permit No. BNCR-8106 held by BNI Coal, Ltd. for the Center Mine, Case No. RC-22-420

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On December 8, 2022, BNI Coal, Ltd. filed the application for Renewal No. 8 to Surface Coal Mining Permit No. BNCR-8106 to continue mining and reclamation operations within this existing permit area through July 18, 2028. Permit No. BNCR-8106 covers portions of Sections 31 and 32, T142N, R83W, and portions of Sections 23, 25, 35, and 36, T142N, R84W, Oliver County, totaling 1,169.71 acres. The Reclamation Division has completed its review of this five-year permit renewal application and respectfully recommends it be approved.

BNI Coal, Ltd. applied for this permit renewal because the mine office and shop complex, haulroad, topsoil and subsoil stockpiles, and sedimentation ponds in the permit area are used to support mining operations in other Center Mine permits. Active coal mining operations are no longer occurring, but coal removal is currently ongoing from a field coal stockpile. At the time BNI Coal, Ltd. filed this permit renewal application they also filed the application for Revision No. 59 to Permit BNCR-8106 to update the legal and financial sections, extended mine plan, coal removal and operations plan, surface water management plan, reclamation schedule, and the fish and wildlife monitoring plan for the next five-year permit term. The revision application was determined to be insignificant and was approved prior to Commission action on the renewal application.

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 objections to this renewal application. Evidence of adequate performance bond and liability insurance are on file. Permit BNCR-8106 and three other permits at the Center Mine are covered by a surety bond that totals \$38,534,432.

Attached for your consideration are the proposed motion and renewal approval form.

Center Mine\Permits\BNCR - 8106\Revisions & Renewals\No. 59 & Ren 8\Ren8\_apprvl\_memo\_6-28-23