



Public Service Commission

State of North Dakota

COMMISSIONERS

Randy Christmann
Sheri Haugen-Hoffart
Julie Fedorchak

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
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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

sent via regular mail

June 28, 2023

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

Dear Ms. Hall:

This is to inform you of the June 28th approval of Revision No. 59 and Renewal No. 8 to Surface Coal Mining Permit No. BNCR-8106 for the Center Mine. Revision No. 59 was deemed an insignificant permit alteration and it was therefore not subject to the public notice requirements. Revision 59 updates 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. Renewal No. 8 extends the permit term through July 18, 2028 and was subject to the public notice requirements. No bond adjustment for the revision was required.

Enclosed are the original award forms for the revision and permit renewal. If you have any questions, please contact this office.

Sincerely,

Zanna Brinkman
Director
Reclamation Division

Enclosures

cc via email only w/o enclosures:

BNI Regulatory & Compliance (BNIfiling@bnicoal.com)
Doug Scheetz (dscheetz@bnicoal.com)

Center Mine\Permits\BNCR - 8106\Revisions & Renewals\No. 59 & Ren 8\Rev59_Ren8_AL_6-28-23.docx

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**BNI Coal, Ltd.
Revision No. 59, Permit BNCR-8106
Application**

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

June 28, 2023

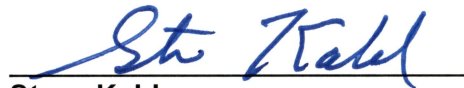
Based on the application for **Revision Number 59 to Permit Number BNCR-8106 submitted December 8, 2022**, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The permit revision application is accurate and complete, and all the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code have been complied with; and,
2. The Commission findings that were made when the permit was issued remain applicable to the revised operation and reclamation plans.

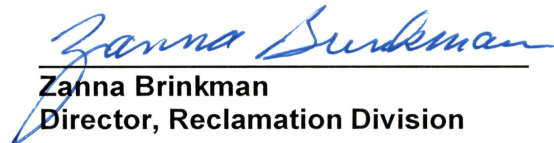
Revision Number 59 to Permit Number BNCR-8106 held by BNI Coal, Ltd. is hereby approved. The revision updates the legal and financial sections, extended mine plan, coal removal and operations plan, surface water management plan, reclamation schedule, and the fish and wildlife monitoring plan for the next five-year permit term as described in the 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 an insignificant alteration to the previously approved permit.

PUBLIC SERVICE COMMISSION



**Steve Kahl
Executive Secretary**



**Zanna Brinkman
Director, Reclamation Division**

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. RC-22-420

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

June 28, 2023

Based on the renewal application received December 8, 2022, Renewal No. 8 for Surface Coal Mining Permit No. BNCR-8106 is hereby granted to BNI Coal, Ltd. to renew this surface coal mining permit subject to the requirements of Chapter 38-14.1 of the North Dakota Century Code, and the rules promulgated there under, on the following described areas:

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.

This five-year permit renewal will allow BNI Coal, Ltd. to continue operating under approved mining and reclamation plans until July 18, 2028. Permit No. BNCR-8106 and three other permits at the Center Mine are currently covered by Surety Bond No. 800043883 that totals \$38,534,432.

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Commissioner


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Chair


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June 28, 2023

Mr. Jeffrey Fleischman, Chief
Denver Field Division
Office of Surface Mining
PO Box 11018
150 East B Street
Casper, WY 82602-5004
jfleischman@osmre.gov

Dear Mr. Fleischman:

This is to inform you of the June 28th approval of Revision No. 59 and Renewal No. 8 to Surface Coal Mining Permit No. BNCR-8106 for the Center Mine. Revision No. 59 was deemed an insignificant permit alteration and it was therefore not subject to the public notice requirements. Revision 59 updates 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. Renewal No. 8 extends the permit term through July 18, 2028 and was subject to the public notice requirements. No bond adjustment for the revision was required. There is no leased coal in Permit BNCR-8106.

Enclosed are copies of the award forms for the revision and permit renewal. Also enclosed is a copy of the permit changes approved with Revision No. 59. Please contact this office if you have any questions.

Sincerely,

Zanna Brinkman
Director
Reclamation Division

Enclosures

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

Center Mine\Permits\BNCR - 8106\Revisions & Renewals\No. 59 & Ren 8\Rev59_Ren8_AL_6-28-23.docx



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June 28, 2023

Jaden Schmidt
Oliver County Auditor
PO Box 188
Center, ND 58530-0188
jadschmidt@nd.gov

Dear Ms. Schmidt:

This is to inform you of the June 28th approval of Revision No. 59 and Renewal No. 8 to Surface Coal Mining Permit No. BNCR-8106 for the Center Mine. Revision No. 59 was deemed an insignificant permit alteration and it was therefore not subject to the public notice requirements. Revision 59 updates 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. Renewal No. 8 extends the permit term through July 18, 2028, and was subject to the public notice requirements.

Enclosed are copies of the award forms for the revision and permit renewal. Please contact this office if you have any questions.

Sincerely,

Zanna Brinkman
Director
Reclamation Division

Enclosures

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June 28, 2023

Kathy Duttonhefner
North Dakota Parks and Recreation Department (NDPRD)
604 E Boulevard Ave, Dept 750
Bismarck, ND 58505
kgduttonhefner@nd.gov

Dear Ms. Duttonhefner:

This is to inform you of the June 28th approval of Revision No. 59 and Renewal No. 8 to Surface Coal Mining Permit No. BNCR-8106 for the Center Mine. Revision No. 59 was deemed an insignificant permit alteration and it was therefore not subject to the public notice requirements. Revision 59 updates 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. Renewal No. 8 extends the permit term through July 18, 2028, and was subject to the public notice requirements.

Enclosed are copies of the award forms for the revision and permit renewal. Please contact this office if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Zanna Brinkman".

Zanna Brinkman
Director
Reclamation Division

Enclosures

Center Mine\Permits\BNCR - 8106\Revisions & Renewals\No. 59 & Ren 8\ Rev59_Ren8_AL_6-28-23.docx



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sent via email only

June 28, 2023

North Dakota Department of Water Resources
C/O Project Review
1200 Memorial Highway, Dept 770
Bismarck, ND 58504
dwrprojectreview@nd.gov

Dear Project Review Team:

This is to inform you of the June 28th approval of Revision No. 59 and Renewal No. 8 to Surface Coal Mining Permit No. BNCR-8106 for the Center Mine. Revision No. 59 was deemed an insignificant permit alteration and it was therefore not subject to the public notice requirements. Revision 59 updates 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. Renewal No. 8 extends the permit term through July 18, 2028, and was subject to the public notice requirements.

Enclosed are copies of the award forms for the revision and permit renewal. Please contact this office if you have any questions.

Sincerely,

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Zanna Brinkman
Director
Reclamation Division

Enclosures

Center Mine\Permits\BNCR - 8106\Revisions & Renewals\No. 59 & Ren 8\Rev59_Ren8_AL_6-28-23.docx

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**BNI Coal, Ltd.
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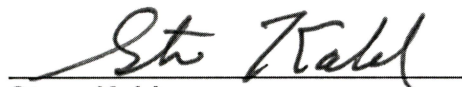
Based on the application for **Revision Number 59 to Permit Number BNCR-8106 submitted December 8, 2022**, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The permit revision application is accurate and complete, and all the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code have been complied with; and,
2. The Commission findings that were made when the permit was issued remain applicable to the revised operation and reclamation plans.


Revision Number 59 to Permit Number BNCR-8106 held by BNI Coal, Ltd. is hereby approved. The revision updates 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 as described in the 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 an insignificant alteration to the previously approved permit.

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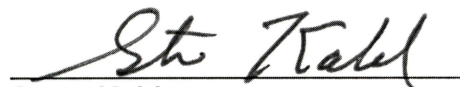
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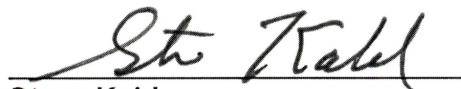
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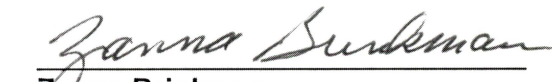
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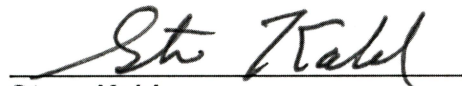
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BNI Coal, Ltd.
Renewal No. 8 for Permit BNCR-8106
Application

Case No. RC-22-420

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

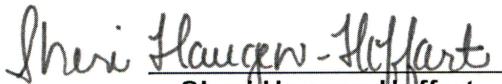
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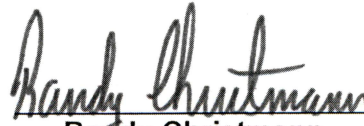
Based on the renewal application received December 8, 2022, Renewal No. 8 for Surface Coal Mining Permit No. BNCR-8106 is hereby granted to BNI Coal, Ltd. to renew this surface coal mining permit subject to the requirements of Chapter 38-14.1 of the North Dakota Century Code, and the rules promulgated there under, on the following described areas:

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.

This five-year permit renewal will allow BNI Coal, Ltd. to continue operating under approved mining and reclamation plans until July 18, 2028. Permit No. BNCR-8106 and three other permits at the Center Mine are currently covered by Surety Bond No. 800043883 that totals \$38,534,432.

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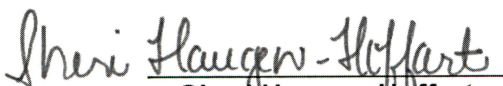
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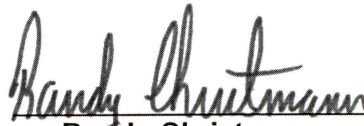
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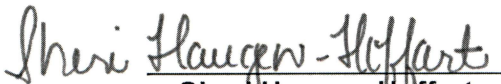
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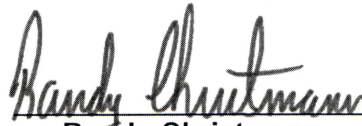
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