

Emmer, Jonathan W.

From: Myran, Brandon S.
Sent: Wednesday, January 24, 2024 3:51 PM
To: Emmer, Jonathan W.
Cc: Johnson, Monty L.
Subject: FW: Updated Notice of Publication and map BNCR-1101 R11Rnwl 2
Attachments: Appendix 1.5-1 Notice of Publication_R11Rnwl2_01242024.pdf; Publication Map 01-24-24.pdf

Jon,

Please file this email in Mine Data for our records.

Thanks,

Brandon Myran
Environmental Engineer
NDPSC - Reclamation Division
Email: bmyran@nd.gov
Phone: 701-328-4072
600 E Boulevard Ave, Dept. 408
Bismarck, ND 58505

From: Karene Hall (BNI Coal) <khall@bnicoal.com>
Sent: Wednesday, January 24, 2024 12:22 PM
To: Myran, Brandon S. <bmyran@nd.gov>; Welch, Guy A. <gwelch@nd.gov>
Subject: Updated Notice of Publication and map BNCR-1101 R11Rnwl 2

******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *********

Brandon,

Attached are the updates done to the Notice of Publication and the map as per our phone conversation.

Sincerely,

Karene

Karene M Hall
Permit Coordinator
BNI Coal, Ltd.
701-355-5538

An opinion without 3.14 is an onion!

Remember, remember September 11th! One of the greatest atrocities in human history was committed against America.

No, do more than remember. NEVER forget!

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NOTICE OF APPLICATION FOR A PERMIT RENEWAL AND REVISION TO ENGAGE IN
SURFACE COAL MINING AND RECLAMATION ACTIVITIES

Please take notice that BNI Coal Ltd., 2360 35th Avenue SW, Center, North Dakota 58530-9499 has submitted applications to the North Dakota Public Service Commission for Permit Renewal No. 2 and Revision No. 11 to Permit BNCR-1101, which was approved on May 28, 2014, to engage in surface coal mining and reclamation operations. The permit includes 11,023.76 acres in parts of Sections 5, 7, 8, 9, 16, 17, 18, 19, 20, 21 and 28 T141N R83W, parts of Sections 12, 13, 24 and 25 T141N R84W and parts of Sections 31 and 32 T142N R83W. Pending Revision 8 will add acres in all or portions of Sections 11, 14, 15, 16, 22 and 23 T141N R84W. This permit area is located southeast of Center, south of the BNI Coal Offices and Minnkota Power Cooperative power plant in Oliver County, North Dakota and is shown on the accompanying map. Renewal No. 2 will extend the permit term another five years. The next five-year permit term will be from May 28, 2024 to May 28, 2029. The permit revision will identify new coal removal subareas that will be mined in the next permit term and will also update the Legal and Financial Section including ownership and control, surface and coal ownerships, areas unsuitable for mining, licenses and other permit expiration dates, will update the extended mine plan, will update the mining operations plan including the pit layout and facilities map, will update the blasting section, will update the surface water management sections, will update the transportation plan, will update the reclamation schedule, the backfilling and regrading plan and the SPGM removal and replacement plan, will update the post mining land use, will update the wildlife monitoring plan and will update the worst case bond estimate. A variance from the contemporaneous reclamation requirements is being proposed for areas mined in portions of Section 13 T141N R84W and the W½ of Section 18 T141N R83W.

During the next permit term, BNI will be crossing the north and east county roads along Section 19, namely 35th Ave SW and 27th St SW. This crossing requires the temporary closure and relocation of these roads. BNI is proposing to relocate the roads to 29th Street SW which is the east-west section line between Sections 25 and 36 T141N R84W and Sections 30 and 31 T141N R83W. Approval from Oliver County Board of Commissioners will be obtained by BNI before closure and relocation.

The renewal application and the application for revision of the surface coal mining permit is available for public inspection at the offices of the North Dakota Public Service Commission, 600 East Boulevard Avenue, Bismarck, ND, 58505-0480, and the County Auditor, Oliver County Courthouse, Center, ND, 58530.

Any person with an interest which is, or may be, adversely affected by the renewal and revision applications has the right to file ~~may file a petition to designate an area added to the permit with the revision application as unsuitable for surface coal mining operations. Petitions to designate an area as unsuitable for surface mining, and~~ written comments, objections, or requests for informal conferences ~~on the revision application with the North Dakota Public Service Commission. Written comments, objections, and requests for an informal conference should be filed with~~ may be submitted by any person with an interest which is, or may be, adversely affected by the revision to the North Dakota Public Service Commission, 600 East Boulevard Avenue, Bismarck, ND, 58505-0480, within 30 days after the last publication of this notice. The written request should state the concerns or objections regarding the revision.

The legal description and names of surface and coal owners follow for the existing permit area and the proposed permit addition pending with Revision 8:

LEGAL DESCRIPTION	SURFACE OWNER (S)	COAL OWNERS
<u>SECTION 5 T141N R83W</u> NW1/4, SW1/4	Minnkota Power Cooperative	Great Northern Properties
<u>SECTION 7 T141N R83W</u> W1/2	Janet K & LJ Dohrman Rev. Trust	BNI Coal, Ltd.

E1/2

Gary Leinius

BNI Coal, Ltd.

SECTION 8 T141N R83W
NW1/4

BNI Coal, Ltd.

Larry & Virginia Schmidt
Daryl & Loretta Tabor
Linda Borlaug
John Kautzman
Donna Barnhardt
Randy Titsworth
Ronnie Titsworth
Marita Bishop
Lucille Gardner
PEC Minerals, LP
BNI Coal, Ltd.
Clay Hedrick, Jr.
Charles Hamilton, Jr.
M. Ellen Emley
Barbara Endres
Richard Files
Robert Files
Erika Hilliard
Penelope Files
Carolyn Files
Blackstone Minerals
Walter Duncan, Inc.
Kurt Files
Georgianne Hedrick Mercer
John Hedrick
Barbara Hager
Donald Hager
Joyce Hager Giles
James Hager
Noyce McGarity
Alexis Bochko
Dean Stucky
Jean Clift
Susan Koehn
Julie & Donald Gregory
Patsy McGehee
Jack & Nancy Horn
Donald R. Posey

SW1/4, NE1/4SE1/4

Five D's

Five D's

NW1/4SE1/4, S1/2SE1/4, less Lot A

Five D's

USA

SE1/4 Lot A

BNI Coal, Ltd.

Five D's
USA

SECTION 9 T141N R83W
ALL

Minnkota Power Cooperative

Duane C. Anderson
Corrine L. Dockter
Vi Ann Olson
Sharon Anderson

SECTION 16 T141N R83W
NW1/4

Larry & Virginia Schmidt

ND State Land Dept

SW1/4

Kasper Kraft LE

ND State Land Dept

E1/2

ND State Land Dept

ND State Land Dept

SECTION 17 T141N R83W
NW1/4

Larry & Virginia Schmidt

Larry & Virginia Schmidt
Daryl & Loretta Tabor
Linda Borlaug
John Kautzman
Donna Barnhardt
Randy Titsworth
Ronnie Titsworth
Marita Bishop
Lucille Gardner
PEC Minerals, LP
BNI Coal, Ltd.
Clay Hedrick, Jr.
Charles Hamilton, Jr.
M. Ellen Emley
Barbara Endres
Richard Files
Robert Files
Erika Hilliard
Penelope Files
Carolyn Files
Blackstone Minerals
Walter Duncan, Inc.
Kurt Files
Georgianne Hedrick Mercer
John Hedrick
Barbara Hager
Donald Hager
Joyce Hager Giles
James Hager
Noyce McGarity
Alexis Bochko
Dean Stucky
Jean Clift
Susan Koehn
Julie & Donald Gregory
Patsy McGehee
Jack & Nancy Horn
Donald R. Posey

E1/2

Five D's

Five D's

SW1/4

Wayne Reuther
Jerry Reuther

ND State Land Dept
BNI Coal, Ltd.
Florence Porsborg
Wayne Reuther
Jerry Reuther

SECTION 18 T141N R83W
NE1/4NW1/4, Lots 1 and 2

Janet K & LJ Dohrman Rev. Trust

Opp Family Mineral Trust
ND State Land Dept

SW1/4, SE1/4NW1/4

Wayne Reuther
Karen Shulz
Jerry Reuther
Kent Reuther
Keith Reuther

BNI Coal, Ltd

NE1/4, less 2 acres	Larry & Virginia Schmidt	USA
NE1/4, 2 acres	BNI Coal, Ltd	USA
N1/2SE1/4	Larry & Virginia Schmidt	Larry & Virginia Schmidt Daryl & Loretta Tabor Linda Borlaug John Kautzman Donna Barnhardt Randy Titsworth Ronnie Titsworth Marita Bishop Lucille Gardner PEC Minerals, LP BNI Coal, Ltd. Clay Hedrick, Jr. Charles Hamilton, Jr. Ellen M. Emley Barbara Endres Richard Files Robert Files Erika Hilliard Penelope Files Carolyn Files Blackstone Minerals Walter Duncan, Inc. Kurt Files Georgianne Hedrick Mercer John Hedrick Barbara Hager Donald Hager Joyce Hager Giles James Hager Noyce McGarity Alexis Bochko Dean Stucky Jean Clift Susan Koehn Julie & Donald Gregory Patsy McGehee Jack & Nancy Horn Donald R. Posey
S1/2SE1/4	Larry & Virginia Schmidt	Larry & Virginia Schmidt Helen Pflieger Margaret Pflieger Marla Brown LE <u>Remainderman:</u> Holli K. Taylor Myra Buntin LE <u>Remaindermen:</u> Darrell Ray BuntinIII Amanda Marie Minick Duane Siegel Donald Bonogofsky Gary Bonogofsky Lisa Pulse
<u>SECTION 19 T141N R83W</u> NW1/4 less Lot A	Wayne Reuther Karen Shulz	BNI Coal, Ltd

Jerry Reuther
Kent Reuther
Keith Reuther

NW1/4 Lot A

Keith Reuther

BNI Coal, Ltd

NE1/4

Winfred Keller

Winfred Keller
Robert Mosbrucker

E1/2SE1/4

Charles & Doris Kuether

Charles & Doris Kuether
Florence Porsborg
BNI Coal, Ltd.

SW1/4, W1/2SE1/4

Charles & Doris Kuether

Charles & Doris Kuether
Fryhling Family Trust
Lois Hohimer
Madalyn Kraft
Lila Wilson

SECTION 20 T141N R83W

NW1/4

Thomas Pfliger
Dale Pfliger

Thomas Pfliger
Dale Pfliger

NE1/4

Douglas D. & Deberra K. Doll LE
James & Bonita Pazdernik LE

Douglas D. & Deberra K. Doll LE
James & Bonita Pazdernik LE
Beverly R. Buttram
Dorothy Cottrell
Charles Marsters
Sandra Kay Gish
Ronald P. Tuning
L.D. Jenkins
Willow Point Corporation
Gentry, LLC

N1/2SW1/4

Robert Mosbrucker

Robert Mosbrucker
Winfred Keller

S1/2SW1/4

Douglas D. & Deberra K. Doll LE
James & Bonita Pazdernik LE

Ralph & Irene Kautzman
Daniel Landeis
Judy Dick
Roger Landeis
Randy Landeis
Donald Roerich
Douglas D. & Deberra K. Doll LE
James & Bonita Pazdernik LE

SE1/4

Doll Farm Enterprises

Helen Pfliger

SECTION 21 T141N R83W

NE1/4

Delmar Hagerott

Delmar Hagerott

NW1/4

Douglas D. & Deberra K. Doll LE
James & Bonita Pazdernik LE

Ralph & Irene Kautzman
Daniel Landeis
Judy Dick
Roger Landeis
Randy Landeis
Donald Roerich
Douglas D. & Deberra K. Doll LE
James & Bonita Pazdernik LE

SW1/4

Doll Farm Enterprises

Helen Pflieger
Marla Brown LE
Remainderman:
Holli K. Taylor
Myra Buntin LE
Remainderman:
Darrell Ray Buntin III
Amanda Marie Minick

SE1/4

Douglas D. & Deberra K. Doll LE
James & Bonita Pazdernik LE

Ralph & Irene Kautzman
Daniel Landeis
Judy Dick
Roger Landeis
Randy Landeis
Donald Roerich
Douglas D. & Deberra K. Doll LE
James & Bonita Pazdernik LE

SECTION 28 T141N R83W

NE1/4

Clementine Friesz Life Estate
Remaindermen:
Sandra K. Orgaard
Roger A. Friesz
Duane M. Friesz
Karen M. Porsborg
Michael J. Friesz
Audrey A. Peterson

Clementine Friesz Life Estate
Remaindermen:
Sandra K. Orgaard
Roger A. Friesz
Duane M. Friesz
Karen M. Porsborg
Michael J. Friesz
Audrey A. Peterson
Marshall & Winston, Inc.
Fortin Enterprises, Inc.
Hancock Enterprises

West 528' of NW1/4

Thomas Pfliger
Dale Pfliger

Thomas Pfliger
Dale Pfliger
Marla Brown LE
Remainderman:
Holli K. Taylor
Myra Buntin LE
Remaindermen:
Darrell Ray Buntin III
Amanda Marie Minick

NW1/4 less West 528'

Helen Pflieger

Helen Pflieger
Marla Brown LE
Remainderman:
Holli K. Taylor
Myra Buntin LE
Remaindermen:
Darrell Ray Buntin III
Amanda Marie Minick

SECTION 11 T141N R84W

N1/2

David O. & Debra A. Berger

Great Northern Properties

S1/2

Lee Dresser

Lee Dresser
Yvonne Schmidt LE
Remaindermen:
Terrence Schmidt
Randall Schmidt
Raymond Schmidt
Marsha Krance
JoAnne Stromme

Jeffrey Schmidt

SECTION 12 T141N R84W

N1/2NW1/4

Rosalie Dingus
Mark R. Fuchs
Jack B. Fuchs

Rosalie Dingus
Mark R. Fuchs
Jack B. Fuchs
Dennis Hagel
Gary Hagel
Judith McNulty
Regina Husfloen
Scott Hagel
Katherine Kautzman

S1/2NW1/4

Rosalie Dingus
Mark R. Fuchs
Jack B. Fuchs

USA

N1/2NE1/4

Jolene Berger

Jolene Berger

S1/2NE1/4

Jolene Berger

USA

S1/2

Brian Dresser

Brian Dresser
Yvonne Schmidt LE
Remaindermen:
Terrence Schmidt
Randall Schmidt
Raymond Schmidt
Marsha Krance
JoAnne Stromme
Jeffrey Schmidt

SECTION 13 T141N R84W

N1/2N1/2 (less 2 acres NW corner of NW1/4)

BNI Coal, Ltd.

Margaret Erhardt
Kathryn Erhardt
Evangeline Bolton
Lorraine Bosch
Marcus C. Erhardt LE
Remainderman:
Perry Erhardt
Rosemarie Erhardt LE
Remaindermen:
Scott Erhardt
Laura Kordonowy
Gregory Forster
George & Judith Pavlicek LE
Remainderman:
Lori Bloom
Stephen Forster
Dorothy Wurm
Edward Forster
Alice Christianson
Ann Pasley
Agnes Phagan

2 acre tract NW corner of NW1/4

Mark Erhardt

Margaret Erhardt
Kathryn Erhardt
Evangeline Bolton
Lorraine Bosch

Marcus C. Erhardt LE
Remainderman:
Perry Erhardt
Rosemarie Erhardt LE
Remaindermen:
Scott Erhardt
Laura Kordonowy
Gregory Forster
George & Judith Pavlicek LE
Remainderman:
Lori Bloom
Stephen Forster
Dorothy Wurm
Edward Forster
Alice Christianson
Ann Pasley
Agnes Phagan

S1/2N1/2 BNI Coal, Ltd.

Margaret Erhardt
Kathryn Erhardt
Gloria Ciavarella
Wallace Erhardt

N1/2S1/2 BNI Coal, Ltd.

Margaret Erhardt
Kathryn Erhardt

S1/2S1/2 BNI Coal, Ltd.

Margaret Erhardt
Kathryn Erhardt
Rhoda P. Erhardt
Anita Erhardt
Dorothy Erhardt

SECTION 14 T141N R84W
NW1/4NE1/4, N1/2NW1/4,
SW1/4NW1/4

Lee Dresser

Lee Dresser
Yvonne Schmidt LE
Remaindermen:
Terrence Schmidt
Randall Schmidt
Raymond Schmidt
Marsha Krance
JoAnne Stromme
Jeffrey Schmidt

SW1/4NE1/4, SE1/4NW1/4,
N1/2SW1/4

Burton & Etheleen Ent. LLC

Donald Erhardt

E1/2NE1/4, SE1/4,
S1/2SW1/4

Jesse Lackman

USA

SECTION 15 T141N R84W
N1/2

Russel Hoesel

Jean Holmgren
J. Marie Smith Living Trust
Patricia Samson
Anne F. Cerulli LE
Remaindermen:
Anthony Cerulli
Nathan Cerulli
Karen Van Amburg LE
Remaindermen:
Jana Van Amburg

	Keith Reuther	
NE1/4 Lot A	BNI Coal, Ltd	BNI Coal, Ltd
SE1/4	Wayne Reuther Karen Shulz Jerry Reuther Kent Reuther Keith Reuther	Wayne Reuther Karen Shulz Jerry Reuther Kent Reuther Keith Reuther
<u>SECTION 25 T141N R84W</u>		
NW1/4	Marvin Pflieger	Marvin Pflieger
NE1/4	David & Karen Porsborg	David & Karen Porsborg Jeanette Bonnet Robert Porsborg Darlene Sorge Dorothy Willems
<u>SECTION 31 T142N R83W</u>		
ES1/2SE1/4, less Haul Road Corridor	Brian Reinke Benjamin Reinke Elizabeth Wagendorf	Brian Reinke Benjamin Reinke Elizabeth Wagendorf
<u>SECTION 32 T142N R83W</u>		
S1/2SW1/4 ~4.5 acres	Minnkota Power Cooperative	Minnkota Power Cooperative
W S1/2SW1/4 ~1.5 acres	BNI Coal, Ltd.	Minnkota Power Cooperative

Operations within 100 feet of the outside rights-of way for the following public roads of sections line will be necessary for this permit area. Prior to any operations being conducted, BNI will obtain approval from the Oliver County Board of Commissioners subject to public notice and hearing.

1. The east side of ~~the NW ¼ of Section 24,~~ on the section line between Section 23 and Section 24, T141N R84W, AKA 37th Ave SW, along the NW ¼ of Section 24.

During the term of the permit, mining and related construction activities will need to be located across some section lines. BNI will obtain approval from the Oliver County Board of Commissioners to temporarily close and relocate the following county roads during the term of mining and reclamation.

1. The east-west section line between Section 19, T141N, R83W and Section 18 T141N R83W. AKA 27th ST SW between 35th AVE SW and 37th AVE SW.
2. The north-south line between Section 19 T141N R83W and Section 20 T141N R83W, AKA 35th AVE SW between 27th ST SW and 28th ST SW.

The temporary relocation of the county roads will be as follows:

1. The east-west section line between Section 25 T141N R84W and Section 36 T141N R84W; Section 30 T141N R83W and Section 31 T141N R83W, AKA 29th ST SW.

