



Public Service Commission

State of North Dakota

COMMISSIONERS

Randy Christmann
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TDD: 800-366-6888 or 711

sent via email and regular mail

February 2, 2024

Mr. Jeffrey Fleischman, Chief
Denver Field Division
Office of Surface Mining
PO Box 11018
150 East B Street
Casper, WY 82601-7032
jfleischman@osmre.gov

Dear Mr. Fleischman:

BNI Coal, Ltd. (BNI) has filed an application for Revision No. 11 and Renewal No. 2 to Surface Coal Mining Permit BNCR-1101 for the Center Mine. This revision updates various sections of the permit for the next 5-year permit term including the legal and financial section, operations, reclamation, ground water, surface water management, transportation, post-mining land uses, wildlife monitoring plan, and the worst case bond estimate. The next permit term is from May 28, 2024 through May 28, 2029.

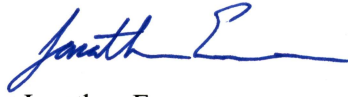
BNI is currently mining federal coal in the NE $\frac{1}{4}$ of Section 18, T141N, R83W in the existing permit area under federal coal lease NDM 102083 for which federal mine plan approval was granted on October 27, 2020. Revision No. 11 is revising the timing of mining the federal coal in the NE $\frac{1}{4}$ of Section 18, T141N, R83W by speeding up mining by approximately 6 months.

BNI Coal, Ltd. also has federal coal lease NDM 105513 for a 320 acre federal coal tract located in the E $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and the SE $\frac{1}{4}$ of Section 14, T141N, R84W, which is included with pending Revision No. 8. Revision No. 8 adds 2,661.04 acres to the existing permit area and adds plans to mine the federal coal in Section 14, T141N, R84W. It is anticipated that Revision No. 8 will be conditionally approved at the end of February 2024 to prohibit overburden or coal removal from the federal coal tract in Section 14 of the addition area until the federal mine plan is approved. Lastly, Revision No. 11 proposes to delay the mining of federal coal in Section 14 by approximately one year.

The Office of Surface Mining must make the determination if this revision constitutes a mine plan modification with the changes being proposed. Enclosed is a flash drive containing the permit application for Revision No. 11. All updates to the permit are listed in Section 1, Appendix 1-1 (Revision Summary and List of Changes). Section 4.1, Plate 4.1-1 (Pit Layout and Facilities Map) has been updated to identify coal removal areas during the next permit term.

We would appreciate any comments on the revision application by March 21, 2024. If you have any questions, please contact this office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan Emmer".

Jonathan Emmer
Director
Reclamation Division

Enclosure

cc via email only: John Sieving (jsieving@osmre.gov)

Center Mine\Permits\BNCR - 1101\Revisions & Renewals\No. 11 Ren 2\Rev11_Advsry_rvw_rqst_ltr_2-2-24



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February 2, 2024

Ms. Elizabeth Shaeffer
Field Operations Manager
P.O. Box 25065
Denver, CO 80225-0065
eshaeffer@osmre.gov

Dear Ms. Shaeffer:

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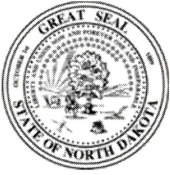
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Jonathan Emmer
Director
Reclamation Division

Enclosure

cc via email only: Erica Trent (etrent@osmre.gov)

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February 2, 2024

Josh Alexander
Bureau of Land Management
Billings Field Office
Eastern Montana Dakotas District Office
Department of Interior
5001 Southgate Dr.
Billings, MT 59101
jalexand@blm.gov

Dear Mr. Alexander:

BNI Coal, Ltd. (BNI) has filed an application for Revision No. 11 and Renewal No. 2 to Surface Coal Mining Permit BNCR-1101 for the Center Mine. This revision updates various sections of the permit for the next 5-year permit term including the legal and financial section, operations, reclamation, ground water, surface water management, transportation, post-mining land uses, wildlife monitoring plan, and the worst case bond estimate. The next permit term is from May 28, 2024 through May 28, 2029.


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February 2, 2024

Mr. Edward Kraft
Field Office Manager
Bureau of Land Management
ND Field Office
99 23rd Avenue West, Suite A
Dickinson, ND 58601
ekraft@blm.gov

Dear Mr. Kraft:

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TDD: 800-366-6888 or 711

Mr. David Glatt, P.E.
Director
North Dakota Department of Environmental Quality
4201 Normandy Street
Bismarck, ND 58503-1324
dglatt@nd.gov

Dear Mr. Glatt:

Enclosed is a flash drive containing the permit application for Revision No. 11 and Renewal No. 2 to Surface Coal Mining Permit BNCR-1101 held by BNI Coal, Ltd. for the Center Mine. This revision updates various sections of the permit for the next 5-year permit term. Section 4.1, Plate 4.1-1 (Pit Layout and Facilities Map) has been updated to identify the coal removal areas during the next permit term. Other relevant updates are ground water and surface water management, which includes design plans for diversions and clean water management. All updates to the permit with Revision No. 11 are listed in the Revision Summary and List of Changes in Section 1, Appendix 1-1.

Please review the revision application with regard to your agency's areas of responsibility and technical expertise and for compliance with NDAC 69-05.2-16-02. Please provide any revision application review comments by March 21, 2024, in accordance with NDAC 69-05.2-10-01(2).

If you have any questions, please contact this office.

Sincerely,

Jonathan Emmer
Director
Reclamation Division

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February 2, 2024

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:

Enclosed is a flash drive containing the permit application for Revision No. 11 and Renewal No. 2 to Surface Coal Mining Permit BNCR-1101 held by BNI Coal, Ltd. for the Center Mine. This revision updates various sections of the permit for the next 5-year permit term. Section 4.1, Plate 4.1-1 (Pit Layout and Facilities Map) has been updated to identify the coal removal areas during the next permit term. Other relevant updates are ground water and surface water management, which includes design plans for diversions and clean water management. All updates to the permit with Revision No. 11 are listed in the Revision Summary and List of Changes in Section 1, Appendix 1-1.

Please review the revision application with regard to your agency's areas of responsibility and technical expertise and for compliance with NDAC 69-05.2-16-03. Please provide any revision application review comments by March 21, 2024, in accordance with NDAC 69-05.2-10-01(2).

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