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A BNI ENERGY COMPANY

March 8, 2024

Mr. Jonathan Emmer, Director  
Reclamation Division, NDPSC  
Department 408  
600 East Boulevard Avenue  
Bismarck, ND 58505-0480

RE: Revision 11/Renewal 2 BNCR-1101 Affidavits of Publication

Dear Mr. Emmer,

Enclosed with this letter are copies of the "Affidavit of Publication" notices from the Bismarck Tribune and the Center Republican for Permit BNCR-1101 Revision 11/Renewal 2.

If you have any questions, please contact me at the Center office.

Sincerely,

A handwritten signature in blue ink that reads "Karene M. Hall".

Karene M. Hall  
Permit Coordinator

cc: Doug Scheetz, Jonathan Rudnick

**BNI COAL, LTD.**  
**2360 35<sup>TH</sup> AVENUE SW, CENTER, ND 58530-9499**

\*\*\* Proof of Publication \*\*\*

State of Indiana )  
                          ) SS:  
County of Lake )

I, Robin Nelson, being  
duly sworn says that I am the Legal Clerk of Bismarck Tribune Co., a  
division of Lee Publications, Inc. A newspaper published in the  
County of Burleigh and State of North Dakota. Who declares that the  
attached Notice was published in said newspaper on the following  
dates:

2/1, 2/8, 2/15, 2/22/24

BNI COAL LTD

2360 NW 35TH AV  
CENTER, ND 58530

ORDER NUMBER 68756

[Signature]  
SIGNATURE

Sworn and subscribed to before me this 22 day of

February 2024

Christina Palma  
Notary Public in and for the State of Indiana



Section: Legals

Category: 5380 Public Notices

PUBLISHED ON: 02/01/2024, 02/08/2024, 02/15/2024, 02/22/2024

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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 B00R-1101 which was approved on May 28, 2014, to engage in surface coal mining and reclamation operations. The permit includes 1,028.76 acres in parts of Sections 5, 7, 8, 9, 16, 17, 18, 20, 21 and 28 T14N R83W, parts of Sections 12, 13, 24 and 25 T14N 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 T14N R83W. This permit area is located southeast of Center, south of the BNI Coal Offices and Minnesota 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 subsurface 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 coverings, 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 grading plan and the SPM renewal 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 Sections 13 T14N R84W and the W1/4 of Section 13 T14N 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 T14N R84W and Sections 30 and 31 T14N R83W. Approval from Oliver County Board of Commissioners will be obtained by BNI before closure and relocation. The 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 written comments, objections, or requests for informal conferences with the North Dakota Public Service Commission. Written comments, objections, and requests for an informal conference should be filed with 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

SECTION 5 T14N R83W NW1/4, SW1/4 MINNKOTA Power Cooperative Great Northern Properties

SECTION 7 T14N R83W W1/2 Janet K. L.J. Dohmann Rev. Trust BNI Coal, Ltd. GNY Coal, Ltd.

SECTION 8 T14N R83W NW1/4 BNI Coal, Ltd. Larry & Virginia Schmidt, Daryl & Loretta Tabor

SECTION 9 T14N R83W ALL Minnkota Power Cooperative

SECTION 16 T14N R83W NW1/4 Larry & Virginia Schmidt, ND State Land Dept

SECTION 17 T14N R83W NW1/4 Larry & Virginia Schmidt Larry & Virginia Schmidt, Daryl & Loretta Tabor

SECTION 19 T14N R83W NE1/4NW1/4, Lots 1 and 2 SW1/4, SE1/4NW1/4 Janet K. L.J. Dohmann Rev. Trust Wayne Reuther

NE1/4, less 2 acres NE1/4, 2 acres NW1/2SE1/4 USA BNI Coal, Ltd. Larry & Virginia Schmidt

SECTION 19 T14N R83W NW1/4 less Lot A Wayne Reuther BNI Coal, Ltd.

NW1/4 Lot A NE1/4 WI/2SE1/4 Charles & Doris Kuehler BNI Coal, Ltd.

SECTION 20 T14N R83W NW1/4 Thomas Pfleger Douglas D. & Debera K. Doli LE James & Bonita Pazdernik LE

NW1/4 Lot A NE1/4 WI/2SE1/4 Charles & Doris Kuehler BNI Coal, Ltd.

SECTION 21 T14N R83W NW1/4 Dol Farm Enterprises Delmar Hagerott Douglas D. & Debera K. Doli LE James & Bonita Pazdernik LE

SECTION 21 T14N R83W SW1/4 Dol Farm Enterprises Dol Farm Enterprises

SECTION 21 T14N R83W SE1/4 Dol Farm Enterprises Dol Farm Enterprises

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# Affidavit of Publication

STATE OF NORTH DAKOTA,  
COUNTY OF OLIVER, ss.

I, Lori Cox, being first duly sworn, on oath says, that she is the bookkeeper of the CENTER REPUBLICAN, a weekly newspaper published in Center, County of Oliver, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies weekly, and has been published within said county for fifty-two successive weeks next prior to the publication of the notice herein mentioned; that the

Notice of Publication for permit Renewal

BNI COAL

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once each week for 4 successive week, on the day of each week on which said newspaper was regularly published to-wit:

3 - Center Republican: 2/1/2024, 2/8/2024, 2/15/2024,  
2/22/2024

That the full amount of the fees for  
the publication of the annexed notice is: \$ 2135.00

Lori Cox

Subscribed and sworn to before me this 2/22/2024

Arden Pahl

Arden Pahl, Notary Public  
State of South Dakota  
My commission expires August 1, 2025



