

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

BNI Coal, Ltd.
Revision 11, Permit BNCR-1101
Application

Case No. RC-23-349

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

May 23, 2024

Based on the application for **Revision Number 11 to Permit Number BNCR-1101 received November 22, 2023**, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The revision application received on November 22, 2023, is complete and accurate and the applicant has complied with the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69 05.2 of the North Dakota Administrative Code.
2. Threatened and endangered species findings were reviewed in consultation with the USFWS North Dakota Field Office and it was determined surface coal mining and reclamation activities planned during the next term of the permit will have no effect on the continued existence of any listed threatened or endangered species or any designated critical habitat.
3. A performance bond in the amount of \$48,860,773 is sufficient for the proposed mining and reclamation operations in the bond area of Permit BNCR-1101.
4. The Commission's other findings made when the permit was issued and updated with subsequent permit revisions remain applicable to the revised operation and reclamation plans.

Revision Number 11 to Permit Number BNCR-1101 is hereby granted to BNI Coal, Ltd. to identify the next five-year coal removal subarea, update the legal and ownership information, and to update the mining and reclamation plans for the next five-year permit term as described in the permit 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 a significant alteration to the previously approved permit.

PUBLIC SERVICE COMMISSION


Sheri Haugen-Hoffart
Commissioner


Randy Christmann
Chair


Julie Fedorchak
Commissioner

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