

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

BNI Coal, Ltd.
Revision 11, Permit BNCR-1101
Renewal 2, Permit BNCR-1101
Applications

Case No. RC-23-349
Case No. RC-23-350

AFFIDAVIT OF SERVICE CERTIFIED AND REGULAR MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Jill Miller deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **2nd** day of **February 2024**, she deposited in the United States Mail, at Bismarck, North Dakota, **45** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

NOTICE OF RECEIPT OF RENEWAL AND REVISION APPLICATIONS

The certified mail envelopes were addressed as follows:

See attached certified mail list.

Jill Miller further deposes and says that on the **2nd** day of **February 2024**, she deposited in the United States Mail, Bismarck, North Dakota, **20** envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

US EPA, REGION 8
1595 WYNKOOP STREET
DENVER, CO 80202-1129

JEB WILLIAMS
ND GAME & FISH DEPT
100 NORTH BISMARCK EXPRESSWAY
BISMARCK, ND 58505

RICHARD WEBB, STATE
CONSERVATIONIST
NATURAL RESORCE CONSERVATIVE
SERVICE
PO BOX 1458
BISMARCK, ND 58501-1458

DAVID GLATT
DEPT OF ENVIRONMENTAL QUALITY
(DEQ)
4201 NORMANDY STREET
BISMARCK, ND 58503-1324

US ARMY CORPS OF ENGINEERS
ND REGULATORY OFFICE
3319 UNIVERSITY DR.
BISMARCK, ND 58504-7656

JOHN PACZKOWSKI
NORTH DAKOTA DWR
1200 MEMORIAL HWY, DEPT 770
BISMARCK, ND 58504

MARK WATNE, PRESIDENT
ND FARMERS UNION
PO BOX 2136
JAMESTOWN, ND 58402-2136

BILL PETERSON
STATE HISTORICAL SOCIETY OF ND
612 EAST BLVD AVE
ND HERITAGE CENTER
BISMARCK, ND 58505

MINING HEALTH & SAFETY ADMN
CMSHA - US DEPT OF LABOR
PO BOX 25367, DFC
DENVER, CO 80225-5367

TOM CLAEYS
STATE FORESTER
N.D. FOREST SERVICE
307 1ST ST E
BOTTINEAU, ND 58318

BUREAU OF LAND MANAGEMENT
TNT STATE OFFICE
5001 SOUTHGATE DR
BILLINGS, MT 59101-4669

AARON FIELD
STATE SOIL CONSERVATION SPECIALIST
2718 GATEWAY AVE, SUITE #104
BISMARCK, ND 58503

LUKE TOSO
US FISH & WILDLIFE SERVICE
ECOLOGICAL SERVICES
3425 MIRIAM AVENUE
BISMARCK, ND 58501-7925

CODY SCHULZ
NORTH DAKOTA PARK & RECREATION
604 E BLVD AVE, DEPT 750
BISMARCK, ND 58505-0605

5-BW JA
475 SUMMIT DRIVE
SUITE 211
MINOT AIR FORCE BASE
MINOT, ND 58705

ED MURPHY
ND GEOLOGICAL SURVEY
600 E. BLVD. AVE.
BISMARCK, ND 58505-0840

DAKOTA RESOURCE COUNCIL
1720 BURNT BOAD DR STE 104
BISMARCK, ND 58503-0801

MR. PETE HANE BUTT
NORTH DAKOTA FARM BUREAU
4900 OTTAWA STREET
BISMARCK, ND 58503

SCOTT BLACKBURN, ENVIRONMENTAL
COORDINATOR
PLANNING & COMPLIANCE OFFICE
NATIONAL PARK SERVICE, MIDWEST
REGION
601 RIVERFRONT DR
OMAHA, NE 68102

JADEN SCHMIDT
OLIVER COUNTY AUDITOR
COUNTY COURTHOUSE
115 MAIN STREET
CENTER, ND 58530

Mailing list for affected surface owners by CERTIFIED MAIL:

MINNKOTA POWER COOP
5301 32ND AVE SOUTH
GRAND FORKS, ND 58201
Cert. Mail No.
70223330000079933421

JANET K & LJ DORHMANN
REVOCABLE TRUST
9721 31S STREET SW
TAYLOR, ND 58656
Cert. Mail No.
70223330000079933445

GARY LENIUS
4985 HWY 200
HAZEN, ND 58545
Cert. Mail No.
70223330000079933452

DANITA DEICHERT
4609 BORDEN HARBOR DR
MANDAN, ND 58554
Cert. Mail No.
70223330000079933469

DORETTA BORNEMANN
3017 HILLSIDE ROAD NW
MANDAN, ND 58554
Cert. Mail No.
70223330000079933476

TERRENCE ERHARDT
3290 PINTAIL CIRCLE
BLANCHARD, OK 73010
Cert. Mail No.
70223330000079933483

ROBERT ERHARDT
23 MAIN STREET
PO BOX 179
SAN QUENTIN VILLAGE, CA 94964
Cert. Mail No.
70223330000079933490

SHERYL ANN WILLIAMS
15710 VIRGINIA FERN WAY
HOUSTON, TX 77059
Cert. Mail No.
70223330000079933506

DEAN ERHARDT
5439 GUINEVERE DRIVE
WELDON SPRING, MO 63304
Cert. Mail No.
70223330000079933513

DELPHINE VETTER
512 NE 4TH STREET
LINTON, ND 58552
Cert. Mail No.
70223330000079933520

LARRY & VIRGINIA SCHMIDT
4680 42ND ST SW
NEW SALEM, ND 58563
Cert. Mail No.
70223330000079933537

KASPER KRAFT LE
2847 35TH AVENUE
NEW SALEM, ND 58563
Cert. Mail No.
70223330000079933544

DEPT OF TRUST LANDS
1707 N 9TH STREET
PO BOX 5523
BISMARCK, ND 58506-5523
Cert. Mail No.
70223330000079933551

WAYNE REUTHER
4236 CUMBERLAND LP
BISMARCK, ND 58503
Cert. Mail No.
70223330000079933568

JERRY REUTHER
405 EAST DENVER AVENUE
BISMARCK, ND 58504-6525
Cert. Mail No.
70223330000079933575

KAREN SHULZ
4519 EAGLE MOUNTAIN DR
SPARKS, NV 89436
Cert. Mail No.
70223330000079933582

KENT REUTHER
3610 27TH STREET SW
NEW SALEM, ND 58563
Cert. Mail No.
70223330000079933599

KEITH REUTHER
3612 27TH STREET SW
NEW SALEM, ND 58563
Cert. Mail No.
70223330000079933605

WINIFRED KELLER
PO BOX 1141
MANDAN, ND 58554

CHARLES & DORIS KUEHTER
3555 28TH STREET SW
NEW SALEM, ND 58563

THOMAS PFLIGER
200 11TH ST NW
MANDAN, ND 58554

Cert. Mail No.
70223330000079933612

MARFIN PFLEGER
2895 37TH AVENUE SW
NEW SALEM, ND 58563
Cert. Mail No.
70223330000079933797

ELIZABETH WAGENDORF
948 STRYKER AVENUE
WEST ST. PAUL, MN 55118
Cert. Mail No.
70223330000079933827

BURTON & ETHELEEN
ENTERPRISES, LLC
3655 COUNTY RD 139
NEW SALEM, ND 58563
Cert. Mail No.
70223330000079933858

DALE PFLIGER
1732 GOLF DRIVE
BISMARCK, ND 58503
Cert. Mail No.
70223330000079933643

CLEMENTINE FRIESZ
LIFE ESTATE
309 N 2ND STREET APT 7
NEW SALEM, ND 58563
Cert. Mail No.
70223330000079933704

MARK R FUCHS
18671 FAIRWEATHER
CANYON COUNTRY, CA 91351
Cert. Mail No.
70223330000079933735

Cert. Mail No.
70223330000079933629

BRIAN & KIMBERLY REINKE
1106 E HIGHLAND ACRES RD
BISMARCK, ND 58501
Cert. Mail No.
70223330000079933803

DAVID O BERGER & DEBRA A
BERGER
2531 37TH AVE SW
CENTER, ND 58530
Cert. Mail No.
70223330000079933834

JESSE LACKMAN
3647 27TH AVE SW
CENTER, ND 58530
Cert. Mail No.
70223330000079933865

DOUGLAS D & DEBERRA K DOLL
LIFE ESTATE
3901 FAYE AVE NORTH
MANDAN, ND 58554
Cert. Mail No.
70223330000079933650

HELEN PFLEGER
100 1ST ST NW #302
MANDAN, ND 58554
Cert. Mail No.
70223330000079933711

JACK B FUCHS
15409 ROHDODENDRON DR
CANYON COUNTRY, CA 91351
Cert. Mail No.
70223330000079933742

Cert. Mail No.
70223330000079933636

BENJAMIN REINKE
1215 COLUMBIA DRIVE
BISMARCK, ND 58504
Cert. Mail No.
70223330000079933810

LEE DRESSER
PO BOX 683
RIVERDALE, ND 58565
Cert. Mail No.
70223330000079933841

RUSSEL HOESEL
3370 COUNTY ROAD 84
NEW SALEM, ND 58563
Cert. Mail No.
70223330000079933872

JAMES & BONITA PAZDERNIK
LIFE ESTATE
208 NORTH 2ND STREET
NEW SALEM, ND 58563
Cert. Mail No.
70223330000079933667

ROSALIE DINGUS
4512 WHITETAIL LANE
BISMARCK, ND 58504
Cert. Mail No.
70223330000079933728

JOLENE BERGER
3004 MANCHESTER STREET
BISMARCK, ND 58504
Cert. Mail No.
70223330000079933759

BRIAN DRESSER
2574 37TH AVE SW
CENTER, ND 58530
Cert. Mail No.
70223330000079933766

MARK ERHARDT
PO BOX 132
CENTER, ND 58530
Cert. Mail No.
70223330000079933773

DAVID & KAREN PORSBORG
2722 37TH AVENUE SW
NEW SALEM, ND 58563
Cert. Mail No.
70223330000079933780

ROBERT MOSBRUCKER
12620 WAGNER RD
MONROE, WA 98272
Cert. Mail No.
70223330000079933674

DOLL FARM ENTERPRISES
3997 36TH STREET SW
NEW SALEM, ND 58563
Cert. Mail No.
70223330000079933681

DELMAR HAGEROTT
3170 27TH STREET
CENTER, ND 58530
Cert. Mail No.
70223330000079933698

Each address shown is the respective addressee's last reasonably ascertainable mailing address.

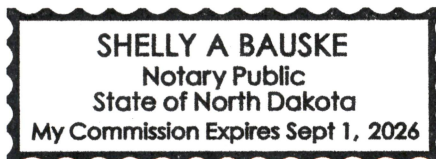
Julie Miller

Subscribed and sworn to before me
this **2nd** day of **February 2024**.

Shelly A Bauske

Notary Public

SEAL



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

BNI Coal, Ltd.
Revision 11, Permit BNCR-1101
Renewal 2, Permit BNCR-1101
Applications

Case No. RC-23-349
Case No. RC-23-350

NOTICE OF RECEIPT OF RENEWAL AND REVISION APPLICATIONS

February 2, 2024

BNI Coal, Ltd. has filed applications to renew and revise Surface Coal Mining Permit No. BNCR-1101 covering lands located in:

All or portions of Sections 5, 7, 8, 9, 16, 17, 18, 19, 20, 21 and 28 of T141N, R83W; Sections 12, 13, 24 and 25 of T141N, R84W; Sections 31 and 32 of T142N, R83W; and Sections 11, 14, 15, 16, 22 and 23 of T141N, R84W, which are included in pending Revision No. 8, Oliver County, North Dakota, containing 11,023.76 acres.

The five-year permit renewal will allow BNI Coal, Ltd. to continue to operate within the existing permit area until May 28, 2029. The revision application identifies the next five-year coal removal areas. The revision also updates other information in the permit 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. A variance from the contemporaneous requirements is being proposed for areas mined in portions of Sections 12 and 13, T141N, R84W, and a portion of Section 18, T141N, R83W. The renewal and revision applications and surface coal mining and reclamation permit may be inspected at:

Public Service Commission
State Capitol
600 East Boulevard Ave, Dept. 408
Bismarck, North Dakota 58505-0480

Oliver County Auditor
County Courthouse
PO Box 188
Center, North Dakota 58530

You may submit written comments or objections on the proposed permit renewal, its effects on the environment and on surface owners of the land in the permit area. You may request an informal conference with the Commission and the applicant on the renewal and revision applications. The reasons for requesting an informal conference must be stated in the request. Written comments, objections, or requests for informal conference must be made by **March 25, 2024**.

If there is an informal conference, you may request a formal administrative hearing on the Commission ruling on the application. Your request for a formal hearing must be made within thirty days of the Commission ruling on the application.

Written comments, objections, or requests for informal conferences should be addressed to the Public Service Commission, 600 East Boulevard Ave, Dept. 408, Bismarck, North Dakota 58505-0480. For more information you may contact the Public Service Commission at 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY.

Signed on this 2 day of February 2024.

By: 

Steve Kahl
Executive Director

Center Mine\Permits\BNCR - 1101\Revisions & Renewals\No. 11 Ren 2\Rev11_Ren2_ntc_of_rcpt_2-2-24