


PUBLIC SERVICE COMMISSION
Reclamation Division

MEMORANDUM

TO: Commissioners Christmann, Haugen-Hoffart, and Fedorchak
Steven Kahl, Executive Director
John Schuh, General Counsel

FROM: ^{JE} Jonathan Emmer, ^{MJ} Monty Johnson, ^{BM} Brandon Myran, and Preston Ripplinger 

DATE: May 13, 2024

SUBJECT: Application for Renewal No. 2 to Permit No. BNCR-1101 held by BNI Coal, Ltd., Case No. RC-23-350

On November 22, 2023, the Reclamation Division received BNI Coal, Ltd.'s application for Renewal No. 2 to Permit No. BNCR-1101 to continue to conduct mining operations within the existing permit area until May 28, 2029. Permit BNCR-1101 covers all or portions of Sections 5, 7, 8, 9, 16, 17, 18, 19, 20, 21 and 28 of T141N, R83W; Sections 11, 12, 13, 14, 15, 16, 22, 23, 24 and 25 of T141N, R84W; and Sections 31 and 32 of T142N, R83W, Oliver County, totaling approximately 11,023.76 acres. The Reclamation Division has completed its review of this five-year permit renewal and respectfully recommends that it be approved.

BNI Coal has applied for this five-year renewal because coal removal operations will continue for many years in this permit area. Mining and reclamation plans and other information were updated for the next permit term as part of Revision 11 which was submitted with the renewal application.

BNI Coal has submitted the affidavits of publication of the newspaper notice. We notified the appropriate agencies, affected landowners, and the advisory committee members. We received no comments or objections to this renewal application. Evidence of adequate performance bond and liability insurance are currently on file. The surety bond in the amount of \$48,860,773 covers this permit at the Center Mine.

Attached for your consideration at the May 23rd Commission meeting are the proposed motion and renewal approval form. Also attached is a map showing the location of the permit area.

Attachments

Center Mine\Permits\BNCR - 1101\Revisions & Renewals\No. 11 Ren 2\Ren2_apprvl_memo_5-13-24

BNCR-1101 Permit Area Map (from BNI's Newspaper Notice)

