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A BNI ENERGY COMPANY

October 4, 2024

RECEIVED

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NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

RE: Revision 44 to Permit BNCR-9702

Dear Mr. Emmer,

This submittal contains the information necessary for your review and approval of Revision 44 to Permit BNCR-9702. This revision will update the legal and financial section, the ownership and control sections, the pre-mine topographic information section, the pre-mine and post-mine surface water section, the transportation plan, the surface water management plan, the reclamation schedule and variance areas, and the post-mine backfilling and regrading section. The pre-mine topographic information section will include small map updates for mining disturbance boundaries. The surface water section includes an update to the post-mine watershed map to include proposed topographic changes. There are no watershed boundary changes proposed with this revision. The transportation plan is being updated to reflect proposed changes to BNI's haul road network. The water management plan was updated to reflect current construction dates. The reclamation schedule was updated to reflect the proposed addition of a reclamation variance area within the S ½ of Section 29-142-84 and the SW ¼ of Section 28-142-84 which will cover the reclamation of a current final pit location. The post-mine backfilling and regrading section was updated to reflect proposed post-mine topography changes in Section 21-142-84 and Section 28-142-84. BNI continues to evaluate the soil balance for final pit reclamation as mining moves closer to mine plan completion within this permit. These topography changes reflect modifications necessary to ensure we can achieve final reclamation within Section 29-142-84 and Section 20-142-84.

Thank you for your consideration of this matter. If you have any questions regarding this submittal, please contact me at the Center office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Karene M. Hall".

Karene M. Hall
Sr. Regulatory Compliance Specialist

cc: Jonathan Rudnick, Rylan Sundsbak

1 RC-24-350 Filed 10/04/2024 Pages: 3

Revision Application Filed to Update the Mining and Reclamation Plans and to Add Variance Area No.16 and No. 17 in Sections 20, 28 and 29, T142N, R84W

BNI Coal, Ltd.
Karene M. Hall

BNI COAL, LTD.

2360 35TH AVENUE SW, CENTER, ND 58530-9499



APPLICATION FOR REVISION OF PERMIT TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION OPERATIONS
 PUBLIC SERVICE COMMISSION
 RECLAMATION DIVISION
 SFN 10562 (1-2004)

NORTH DAKOTA
 PUBLIC SERVICE COMMISSION
 Date: October 2, 2024

Name of Company, Corporation, Partnership, or Individual BNI Coal, Ltd.	Permit Number BNCR-9702	Revision Number 44	
Address 2360 35th Avenue SW	City Center	State ND	Zip Code 58530

The above named hereby makes application for the above Revision Number to: (include a brief description of the surface coal mining and reclamation operation being revised.)

update the legal and financial section, the ownership and control sections, the pre-mine topographic information section, the pre-mine and post-mine surface water section, the transportation plan, the surface water management plan, the reclamation schedule and variance areas, and the post-mine backfilling and regrading section.

Attached to this Permit Revision Application are a narrative describing the proposed permit revision, reasons for requesting the revision, and appropriate maps, cross-sections, graphs, construction details, revised reclamation plans and other data which demonstrate compliance with Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and the permit conditions of the approved permit. If an incidental boundary revision involving an acreage adjustment is being requested as part of the permit revision application, the following information shall be included (attach a copy of a metes and bounds description):


NAME OF MINE	ACRES	LOCATION			
		SEC.	TWP.	RANGE	COUNTY
ADDRESS					
TOTAL ACRES					

Based upon the proposed changes and any incidental boundary revisions to the permit as stated herein, a new or adjusted bond, or its equivalent, duly executed in accordance with Section 38-14.1-16 of the North Dakota Century Code and Chapter 69-05.2-12 of the North Dakota Administrative Code will be delivered to the Public Service Commission prior to issuance of the surface coal mining and reclamation operations permit herein requested. A check for filing fees, pursuant to Section 38-14.1-13 of the North Dakota Century Code, in the amount of \$ 0, is included with the revision application.

Name of Official Authorized to Represent the Applicant
 Karene M. Hall

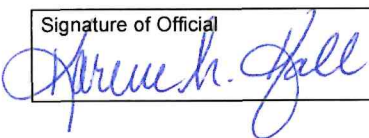
- I, the above named, certify that:
1. All information and documents required by Sections 38-14.1-13, 38-14.1-14, and 38-14.1-15 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, are submitted as part of this permit application;
 2. Information and documentation contained in the permit application affirmatively demonstrate that:
 - a. The permit revision application is accurate and complete and all the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code have been complied with;
 - b. Reclamation as required by Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code can be accomplished under the reclamation plan contained in this permit revision application;

- c. An assessment of the probable cumulative impact of all anticipated mining in the general area on the hydrologic balance as specified in subdivision o of subsection 1 of Section 38-14.1-14 has been made and the proposed operation has been designed to prevent material damage to the hydrologic balance both on and off the mine site;
 - d. The area proposed to be affected is not included within an area designated unsuitable for all or certain types of surface coal mining and is not within an area under study for such designation in an administrative proceeding;
 - e. The proposed surface coal mining operation will not interrupt, discontinue or preclude farming on alluvial valley floors that are irrigated or naturally subirrigated and will not materially damage the quantity or quality of water in surface or underground water systems that supply these alluvial valley floors; and
 - f. The permit revision applicant has the legal right to surface mine the land for which this permit revision application is made and all of the requirements of Chapter 38-18 of the North Dakota Century Code have been complied with.
3. The area proposed to be affected is not included within an area where mining is prohibited pursuant to Section 38-14.1-07 of the North Dakota Century Code; unless specifically allowed in accordance with the provisions of Section 69-05.2-04-01 of the North Dakota Administrative Code; and
4. The surface coal mining and reclamation operations contained in this permit revision application will be carried out at all times in a manner which ensures that all of the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and any permit conditions attached thereto are complied with.

Signature of Official 	Title Sr. Regulatory Compliance Specialist
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VERIFICATION

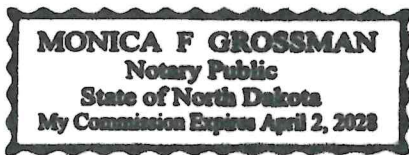
I, Karene M. Hall, being first and duly sworn, verify that the information contained in this Permit Revision Application is true and correct to the best of my knowledge and belief.

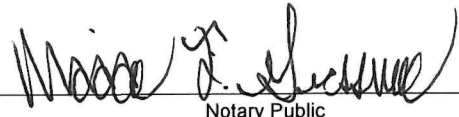
Signature of Official 	Title Sr. Regulatory Compliance Specialist
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STATE OF North Dakota)
)ss.
 COUNTY OF Oliver)

Subscribed and Sworn before me, this 2nd day of October, 2024.

(SEAL)




 Notary Public
 My Commission Expires: 4-2-2028