

PHONE (701) 355-5588



FAX (701) 794-3125

January 8, 2025

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

RE: Affidavits of Publication

Dear Mr. Emmer,

Enclosed with this letter are copies of the "Affidavit for Publication" notices from the Bismarck Tribune and the Center Republican for Permit BNCR-9702 Revision 44.

If you have any questions, 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: Greg Petrick

Affidavit of Publication

STATE OF NORTH DAKOTA,
COUNTY OF OLIVER, ss.

I, Jenna Cowan, 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 application for revision permit/map

BNI-Center Mine

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: 11/28/2024, 12/5/2024,
12/12/2024, 12/19/2024

That the full amount of the fees for
the publication of the annexed notice is: \$ 1782.51

Jenna Cowan

Subscribed and sworn to before me this 12/19/2024

Arden Pahl

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



NOTICE OF APPLICATION FOR A REVISION OF A PERMIT 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 an application to the North Dakota Public Service Commission for Permit Revision No. 44 to BNCR-9702, approved on August 2, 2000, to engage in surface coal mining and reclamation operations. The area for which a permit revision is sought includes approximately 7,655 acres in parts of Sections 20, 21, 27, 28, 29, 31, 32, 33 and 34 T142N R84W and parts of Sections 3, 4, 5, 6, 7, 8, 9 and 10 T141N R84W. This area is in

Oliver County, North Dakota and is shown on the accompanying map. The permit revision will update the Legal and Financial Section, the ownership and control sections, 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.

Notable changes in this revision include: The reclamation schedule updates

reflect the proposed addition of two reclamation variance areas. A proposed variance area within the S 1/2 of Section 29-142-84 and the SW 1/4 of Section 28-142-84 which will cover the reclamation of a current final pit location. A second variance area is proposed within Section 20-142-84 which will cover the reclamation of a future final pit location. The post-mine backfilling and regrading section updates proposed post-mine topography changes in Section 21-142-84 and Section 28-142-84.

Any person whose interests are or may

be adversely affected by the proposed action has the right to file written comments, objections or request an informal conference with the North Dakota Public Service Commission. Written comments, objections and requests for informal conferences should be sent to the Public Service Commission, Dept. 408, 600 East Boulevard Avenue, Bismarck, ND 58505-0480 within 30 days after the final date of publication of this notice. A copy of the permit renewal application and the approved permit are available

for inspection at the Office of the Auditor, Oliver County Courthouse, Center, ND 58530 and the Office of the Director of the Reclamation Division, Public Service Commission, Dept. 408, 600 East Boulevard Avenue, Bismarck, ND 58505-0480.

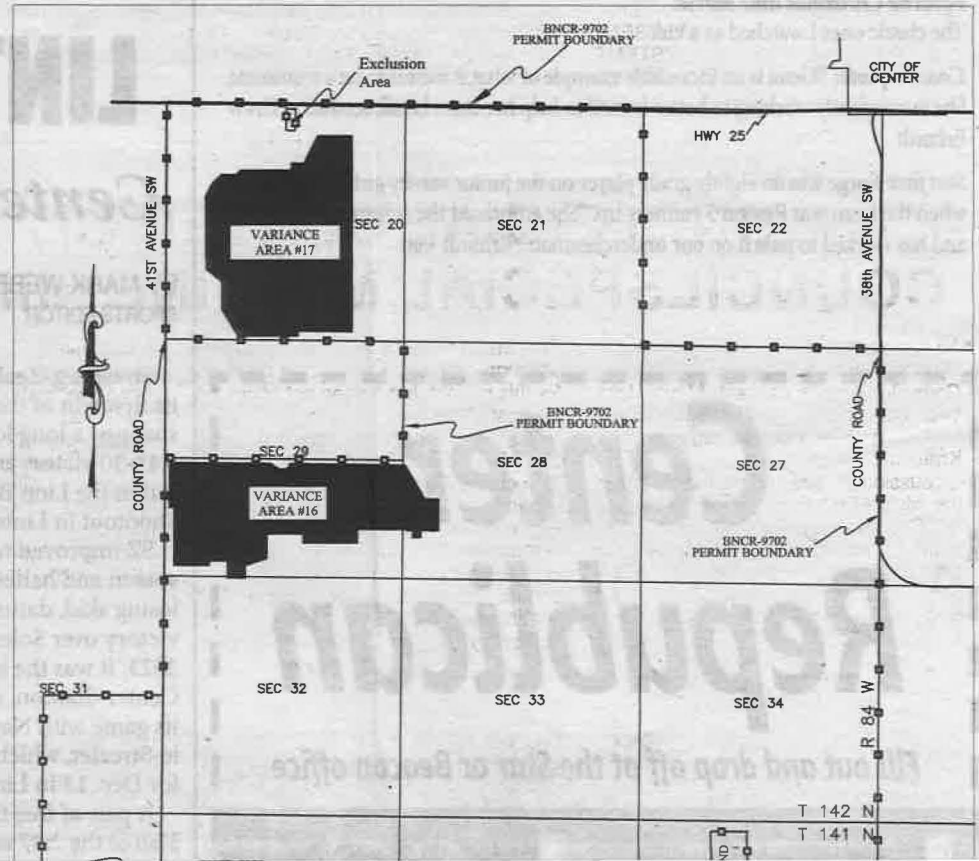
The legal description and names of the apparent surface and mineral (coal) owners of the land in the permit area that will be affected by the revised plans are as follows:

LEGAL DESCRIPTION	SURFACE OWNER (S)	COAL OWNERS
SECTION 20 T142N R84W NE1/4 (less 2.2 ac.-Lot A) and SW1/4	BNI Coal, Ltd	-USA
SE1/4	BNI Coal, Ltd.	Jeanette Lange Virginia Miller Pella Estate Keith Arthur Ross Langseth Wendy Langseth Jacqueline Gullickson BNI Coal, Ltd.
NW1/4	Pflieder LLP	USA
SECTION 21 T142N R84W Entire Section	BNI Coal, Ltd.	Jeanette Lange Virginia Miller Pella Estate Keith Arthur Ross Langseth Wendy Langseth Jacqueline Gullickson BNI Coal, LTD Assembly of God Fin Serv. ND Council-Assembly of God
SECTION 28 T142N R84W W 1/2	BNI Coal, Ltd.	USA
NE 1/4 Less NE1/4NE1/4	BNI Coal, Ltd.	Lucille Bobb BNI Coal, Ltd. ND State Land Department
NE1/4NE1/4	BNI Coal, Ltd.	John Bobb, Jr. BNI Coal, Ltd ND State Land Department
SE1/4 Less NE1/4SE1/4	BNI Coal, Ltd.	Lucille Bobb BNI Coal, Ltd.
NE1/4SE1/4	BNI Coal, Ltd.	John Bobb, Jr. BNI Coal, Ltd.
SECTION 29 T142N R84W SE1/4	Brenda Schwalbe Eugene Yantzer Ashley Torgerson Arlyce Muth	Brenda Schwalbe Ila Vandenburg Eldon Vandenburg Wayne Vandenburg Donna Vandenburg

Daryl Yantzer LE
Carol Yantzer
David Yantzer
Tim Yantzer
Arlyce Muth
Jardene Moss
Claudene Pickett
Howard Skager
Nathan Skager
Karla Walter

Daryl Yantzer LE
Carol Yantzer
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Tim Yantzer
Arlyce Muth
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Claudene Pickett
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ND State Land Department



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SE1/4	BNI Coal, Ltd.	Jeanette Lange Virginia Miller Pella Estate Keith Arthur Ross Langseth Wendy Langseth Jacqueline Gullickson BNI Coal, Ltd.

Daryl Yantzer LE Carol Yantzer David Yantzer Tim Yantzer Arlyce Muth Jardene Moss Claudene Pickett Howard Skager Nathan Skager Karla Walter	Daryl Yantzer LE Carol Yantzer David Yantzer Tim Yantzer Arlyce Muth Jardene Moss Claudene Pickett Howard Skager Nathan Skager Karla Walter
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ND State Land Department

NW1/4	Pfliger LLP	USA
SECTION 21 T142N R84W Entire Section	BNI Coal, Ltd.	Jeanette Lange Virginia Miller Pella Estate Keith Arthur Ross Langseth Wendy Langseth Jacqueline Gullickson BNI Coal, LTD Assembly of God Fin Serv. ND Council-Assembly of God

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NE 1/4 Less NE1/4NE1/4	BNI Coal, Ltd.	Lucille Bobb BNI Coal, Ltd. ND State Land Department

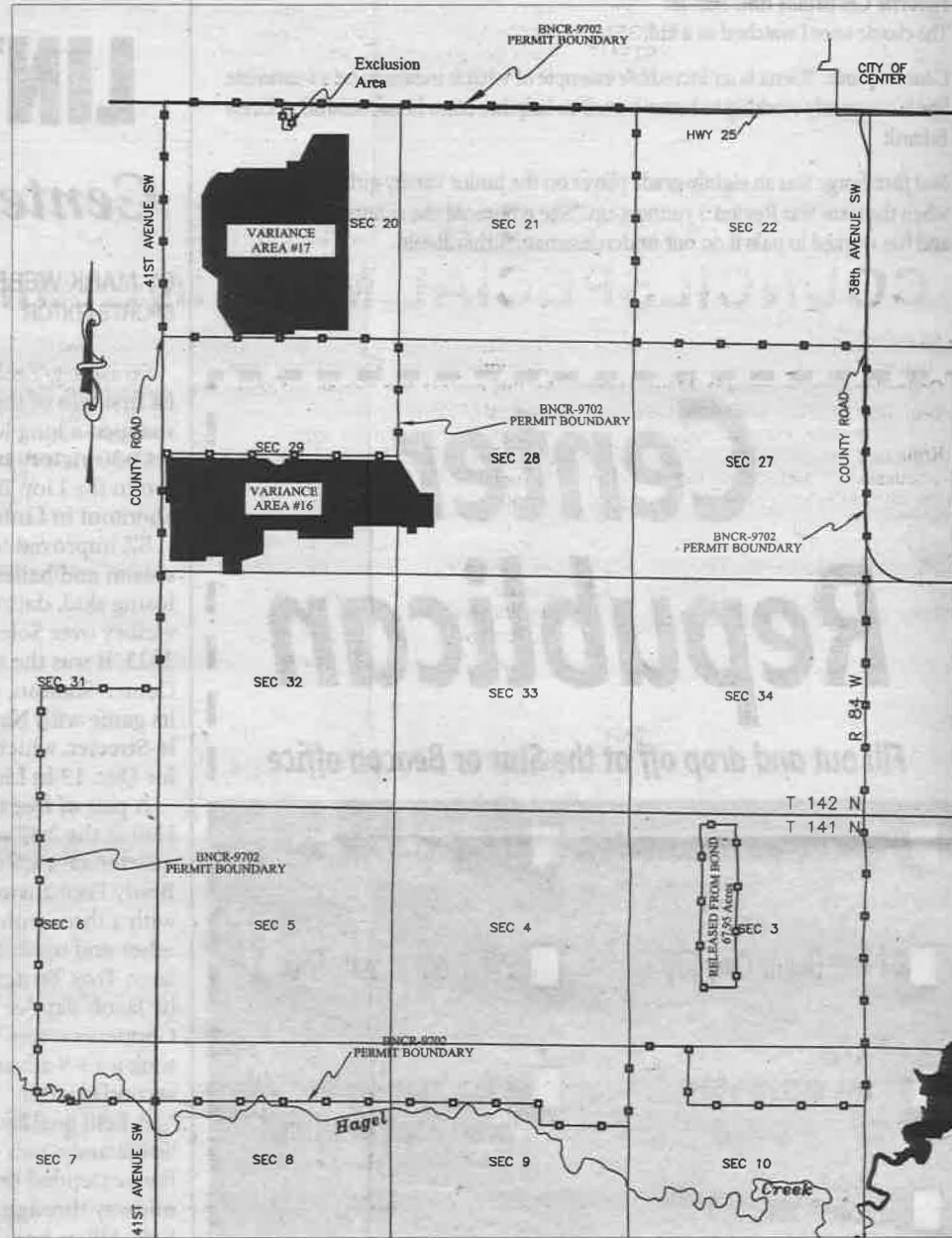
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SW1/4	Brenda Schwalbe Ila Vandenburg Eldon Vandenburg Wayne Vandenburg Donna Vandenburg Willetta Bartz Eugene Yantzer Myron Yantzer	Brenda Schwalbe Ila Vandenburg Eldon Vandenburg Wayne Vandenburg Donna Vandenburg Willetta Bartz Eugene Yantzer Myron Yantzer
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AFFIDAVIT OF PUBLICATION

State of New Jersey, County of Hudson, ss:

Laquansay Nickson Watkins, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC and duly authorized agent of The Bismarck Tribune, and that the publication(s) were made through The Bismarck Tribune on the following dates:

PUBLICATION DATES:

Nov. 29, 2024, Dec. 6, 2024, Dec. 13, 2024, Dec. 20, 2024

NOTICE ID: 6mOHntJD8fZRD1E3pFaW

PUBLISHER ID: COL-ND-0770

NOTICE NAME: Copy PO242498 BNI-Notice of Revision Appl

Publication Fee: \$1887.84

(Signed) Laquansay Nickson Watkins

VERIFICATION

State of New Jersey
County of Hudson

SHANNEA H HOLMES
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires August 1, 2026

Subscribed in my presence and sworn to before me on this: 12/23/2024

Shanea H. Holmes

Notary Public

Notarized remotely online using communication technology via Proof.

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Notable changes in this revision include: The reclamation schedule updates reflect the proposed addition of two reclamation variance areas. A proposed variance area within the S 1/2 of Section 28-142-84 and the SW 1/4 of Section 28-142-84 which will cover the reclamation of a current final pit location. A second variance area is proposed within Section 20-142-84 which will cover the reclamation of a future final pit location. The post-mine backfilling and regrading section updates proposed post-mine topography changes in Section 21-142-84 and Section 28-142-84.

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BNI Coal, Ltd
COAL OWNER
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SE1/4
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Keith Arthur
Ross Langseth
Wendy Langseth
Jacqueline Gullickson
BNI Coal, Ltd.

NW1/4
SURFACE OWNER
Pfliger LLP

COAL OWNER
USA
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COAL OWNERS
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Pella Estate
Keith Arthur
Ross Langseth
Wendy Langseth
Jacqueline Gullickson
BNI Coal, LTD
Assembly of God Fin. Serv.
ND Council-Assembly of God

SECTION 28 T142N R84W W1/2
SURFACE OWNER
BNI Coal, Ltd.

COAL OWNER
USA
NE1/4-Less NE1/4NE1/4

SURFACE OWNER
BNI Coal, Ltd.
COAL OWNERS
Lucille Bobb
BNI Coal, Ltd.
ND State Land Department

NE1/4NE1/4
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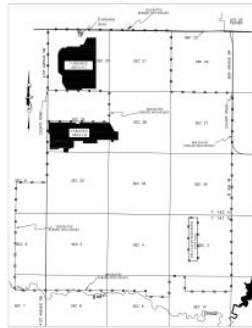
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11/29, 12/6, 12/13, 12/20 - COL-ND-0770