

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**BNI Coal, Ltd.**  
**Revision 44, BNCR-9702**  
**Application**

**Case No. RC-24-350**

**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 **8th** day of **January 2025**, she deposited in the United States Mail, at Bismarck, North Dakota, **20** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

**NOTICE OF RECEIPT OF REVISION APPLICATION**

The certified mail envelopes were addressed as follows:

See attached certified mail list

**Jill Miller** further deposes and says that on the **8th** day of **January 2025**, she deposited in the United States Mail, Bismarck, North Dakota, **22** 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 1<sup>ST</sup> ST E  
BOTTINEAU, ND 58318

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

CARRIE JOHNSON  
NDSU DEPT 7390, PO BOX 6050  
MORRILL HALL, 307C  
FARGO, ND 58108

LUKE TOSO  
US FISH & WILDLIFE SERVICE  
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  
1902 E DIVIDE AVENUE  
BISMARCK, ND 58501

MR. PETE HANEBUTT  
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

MAYOR OF CENTER  
PO BOX 76  
CENTER, ND 58530

LEWIS & CLARK REGIONAL  
DEVELOPMENT COUNCIL  
200 1<sup>ST</sup> AVE NW, STE B  
MANDAN, ND 58554

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

**Mailing list for affected surface owners by CERTIFIED MAIL:**

PFLIGER LLP  
2116 41<sup>ST</sup> AVENUE SW  
CENTER, ND 58530  
Cert. No. 9589 0710 5270 0129 6565 98

BRENDA SCHWALBE  
3106 25<sup>TH</sup> STREET  
CENTER, ND 58530  
Cert. No. 9589 0710 5270 0129 6566 04

EUGENE YANTZER  
2745 18<sup>TH</sup> STREET SW  
CENTER, ND 58530  
Cert. No. 9589 0710 5270 0129 6566 11

ASHLEY TORGERSON  
10203 E JONES AVENUE  
MESA, AZ 85208  
Cert. No. 9589 0710 5270 0129 6566 28

ARLYCE MUTH  
110 2<sup>ND</sup> STREET NE  
DILWORTH, MN 56529  
Cert. No. 9589 0710 5270 0129 6566 35

ILA VANDENBURG  
7005 47<sup>TH</sup> AVENUE  
FLASHER, ND 58535-9604  
Cert. No. 9589 0710 5270 0129 6566 42

ELDON VANDENBURG  
7005 47<sup>TH</sup> AVENUE  
FLASHER, ND 58535-9604  
Cert. No. 9589 0710 5270 0129 6566 59

WAYNE VANDENBURG  
7005 47<sup>TH</sup> AVENUE  
FLASHER, ND 58535-9604  
Cert. No. 9589 0710 5270 0129 6566 66

DONNA VANDENBURG  
315 MORTON STREET  
CARSON, ND 58527  
Cert. No. 9589 0710 5270 0129 6566 73

WILLETTA BARTZ  
110 4<sup>TH</sup> AVE NE  
ELGIN, ND 58533  
Cert. No. 9589 0710 5270 0129 6566 80

MYRON YANTZER  
28 N MESILLA LANE  
CASA GRANDE, AZ 85194  
Cert. No. 9589 0710 5270 0129 6566 97

DARYL YANTZER  
716 14<sup>TH</sup> STREET SE  
MANDAN, ND 58554  
Cert. No. 9589 0710 5270 0129 6567 03

CAROL YANTZER  
215 W TURNPIKE AVE #3  
BISMARCK, ND 58501  
Cert. No. 9589 0710 5270 0129 6567 10

DAVID YANTZER  
PO BOX 252  
CENTER, ND 58530  
Cert. No. 9589 0710 5270 0129 6567 27

TIM YANTZER  
7321 ALPINE LANE  
BISMARCK, ND 58503  
Cert. No. 9589 0710 5270 0129 6567 34

JARDENE MOSS  
858 LYNCH DRIVE  
BILLINGS, MT 59105  
Cert. No. 9589 0710 5270 0129 6567 41

CLAUDINE PICKETT  
24 MAIER ROAD  
BILLINGS, MT 59101  
Cert. No. 9589 0710 5270 0129 6567 58

HOWARD SKAGER  
19664 W 36<sup>TH</sup> AVE #1212  
GULF SHORES, AL 36542  
Cert. No. 9589 0710 5270 0129 6567 65

NATHAN SKAGER  
120 BUNDY ROAD  
LAVINA, MT 59046-7126  
Cert. No. 9589 0710 5270 1582 7574 88

KARLA WALTER  
PO BOX 661  
PARK CITY, MT 59063  
Cert. No. 9589 0710 5270 1582 7574 95

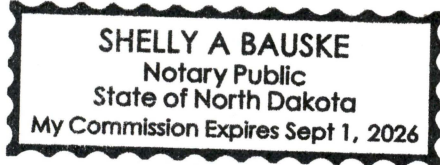
Each address shown is the respective addressee's last reasonably ascertainable mailing address.

  
\_\_\_\_\_

Subscribed and sworn to before me  
this **8th** day of **January 2025**.

  
\_\_\_\_\_  
Notary Public

SEAL



**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**BNI Coal, Ltd.**  
**Revision 44, BNCR-9702**  
**Application**

**Case No. RC-24-350**

**NOTICE OF RECEIPT OF REVISION APPLICATION**

**January 7, 2025**

BNI Coal, Ltd. has filed an application for Revision No. 44 to Surface Coal Mining Permit BNCR-9702 at the Center Mine. Revision 44 proposes adding two reclamation variance areas. The first proposed variance area is located within the S½ of Section 29, T142N, R84W, and the SW¼ of Section 28, T142N, R84W. The second proposed variance area is located within Section 20, T142N, R84W. These variance areas are requested to encompass the location of the final pit. Revision 44 also updates the legal and financial sections, ownership and control sections, pre-mine topographic information section, pre-mine and post-mine surface water sections, transportation plan, surface water management plan, reclamation schedule, and the post-mine backfilling and regrading sections of the permit.

The revision application and surface coal mining and reclamation permit may be inspected at:

Public Service Commission  
State Capitol 13<sup>th</sup> Floor  
600 East Boulevard Avenue  
Bismarck, ND 58505-0480

Oliver County Auditor  
Oliver County Courthouse  
115 West Main Street  
Center, ND 58530

You may submit written comments or objections on the proposed permit revision application and 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 revision application. The reasons for requesting an informal conference must be stated in the request. Written comments, objections, petitions, or requests for an informal conference must be filed with the Commission by **February 18, 2025**.

If there is an informal conference, you may request a formal administrative hearing on the Commission's 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, petitions, or requests for an informal conference should be addressed to the Public Service Commission, 600 East Boulevard Avenue, Dept. 408, Bismarck, North Dakota 58505-0480. For more information, and to request a copy of the revision application, you may contact the Public Service Commission by telephone at 701-328-2400; by email at [ndpsc@nd.gov](mailto:ndpsc@nd.gov); and by fax at 701-328-2410.

Signed on this 7 day of January 2025

By:   
Steve Kahl  
Executive Director

**Mailing lists for Revision 44, Permit BNCR-9702 NOTICE OF RECEIPT OF REVISION  
APPLICATION - local (Oliver County), state and federal agencies, and Advisory Committee  
members**

**Use standard lists**

**Regular First Class mail, and prepare affidavit of mailing**

**Mailing list for affected surface owners by CERTIFIED MAIL provided below:**

Pfliger LLP  
2116 41st Avenue SW  
Center, ND 58530  
Cert No. 9589 0710 5270 0129 6565 98

Brenda Schwalbe  
3160 25<sup>th</sup> Street  
Center, ND 58530  
Cert No. 9589 0710 5270 0129 6566 04

Eugene Yantzer  
2745 18<sup>th</sup> Street SW  
Center, ND 58530  
Cert No. 9589 0710 5270 0129 6566 11

Ashley Torgerson  
10203 E Jones Avenue  
Mesa, AZ 85208  
Cert No. 9589 0710 5270 0129 6566 28

Arlyce Muth  
110 2<sup>nd</sup> Street NE  
Dilworth, MN 56529  
Cert No. 9589 0710 5270 0129 6566 35

Ila Vandenburg  
7005 47<sup>th</sup> Avenue  
Flasher, ND 58535-9604  
Cert No. 9589 0710 5270 0129 6566 42

Eldon Vandenburg  
7005 47<sup>th</sup> Avenue  
Flasher, ND 58535-9604  
Cert No. 9589 0710 5270 0129 6566 59

Wayne Vandenburg  
7005 47<sup>th</sup> Avenue  
Flasher, ND 58535-9604  
Cert No. 9589 0710 5270 0129 6566 66

Donna Vandenburg  
315 Morton Street  
Carson, ND 58527  
Cert No. 9589 0710 5270 0129 6566 73

Willetta Bartz  
110 4<sup>th</sup> Avenue NE  
Elgin, ND 58533  
Cert No. 9589 0710 5270 0129 6566 80

Myron Yantzer  
28 N Mesilla Lane  
Casa Grande, AZ 85194  
Cert No. 9589 0710 5270 0129 6566 97

Daryl Yantzer LE  
716 14<sup>th</sup> Street SE  
Mandan, ND 58554  
Cert No. 9589 0710 5270 0129 6567 03

Carol Yantzer  
215 W Turnpike Avenue #3  
Bismarck, ND 58501  
Cert No. 9589 0710 5270 0129 6567 10

David Yantzer  
PO Box 252  
Center, ND 58530  
Cert No. 9589 0710 5270 0129 6567 27

Tim Yantzer  
7321 Alpine Lane  
Bismarck, ND 58503  
Cert No. 9589 0710 5270 0129 6567 34

Jardene Moss  
858 Lynch Drive  
Billings, MT 59105  
Cert No. 9589 0710 5270 0129 6567 41

Claudene Pickett  
24 Maier Road  
Billings, MT 59101  
Cert No. 9589 0710 5270 0129 6567 58

Howard Skager  
19664 W 36<sup>th</sup> Ave #1212  
Gulf Shores, AL 36542  
Cert No. 9589 0710 5270 0129 6567 65

Nathan Skager  
120 Bundy Road  
Lavina, MT 59046-7126  
Cert No. 9589 0710 5270 1582 7574 88

Karla Walter  
PO Box 661  
Park City, MT 59063  
Cert No. 9589 0710 5270 1582 7574 95