

**PUBLIC SERVICE COMMISSION**  
**Reclamation Division**  
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**MEMORANDUM**

TO: Commissioners Christmann, Haugen-Hoffart, and Kringstad  
Steven Kahl, Executive Director  
Brian Johnson, Special Assistant Attorney General  
*JE* *MT* *BM*

FROM: Jonathan Emmer, Monty Johnson, and Brandon Myran

DATE: July 7, 2025

SUBJECT: Application for Renewal 6 to Permit BNCR-9401 held by BNI Coal, Ltd., for the Center Mine, Case No. RC-25-81

On February 26, 2025, the Reclamation Division received BNI Coal, Ltd.'s (BNI) application for Renewal 6 to Permit BNCR-9401 to continue to conduct mining operations within the existing permit area until August 16, 2030. Permit BNCR-9401 covers portions of Sections 5 and 8 of T141N, R83W; and Section 32 of T142N, R83W, Oliver County, totaling approximately 338.28 acres as depicted in attached Figure 1. The Reclamation Division has completed its review of this five-year permit renewal and respectfully recommends that it be approved.

BNI has applied for this five-year renewal to continue coal mining and reclamation operations in the permit area. Mining has been conducted in Permit BNCR-9401 solely to remove lignite prior to the construction of disposal cells for flue gas desulfurization sludge from Minnkota Power Cooperative Inc.'s Milton R. Young Station. Coal removal is projected for the next permit term when construction of disposal cell 6 begins in 2030. A portion of Permit BNCR-9401 is also used to support mining in Permit BNCR-1101.

At the time BNI filed this permit renewal application, they also filed the application for Revision 19 to Permit BNCR-9401 to identify the next five-year coal removal areas and update mining and reclamation plans and other sections of the permit for the next five-year permit term.

Renewal 6 was subject to the notice, hearing, and procedural requirements. BNI has submitted the affidavits of publication for the newspaper notice indicating that it was published in the Center Republican and the Bismarck Tribune for four consecutive weeks. Surface owners within the permit area, the appropriate agencies, and the state's advisory committee members were notified of the renewal application and given the opportunity to submit comments or objections, or to request an informal conference. No comments, objections, or requests for an informal conference were received on the renewal application.

Evidence of adequate performance bond and liability insurance are on file. The surety bond in the amount of \$1,404,271 covers this permit at the Center Mine.

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Attached for your consideration at the July 16, 2025 Commission meeting are the proposed motion and renewal approval form.

Attachments

**Figure 1: General Location Map - Permit BNCR-9401**

