# APPLICATION FOR REVISION OF PERMIT TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION OPERATIONS

PUBLIC SERVICE COMMISSION
RECLAMATION DIVISION
SFN 10562 (1-2004)

| Date |
|---|
| March 25, 2025 |

| Name of Company, Corporation, Partnership, or Individual | Permit Number | Revision Number | |
|---|---|---|---|
| BNI Coal, Ltd. | BNCR-9702 | 45 | |
| **Address** | **City** | **State** | **Zip Code** |
| 2360 35th Avenue SW | Center | ND | 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 extended mine plan, the operations, reclamation, ground water, surface water management, wildlife monitoring, post mining land use sections and the worst case bond estimate, all in response to a permit renewal.

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 |
|---|---|
| Karene M. Hall | Sr. Regulatory Compliance Specialist |

**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 |
|---|---|
| Karene M. Hall | Sr. Regulatory Compliance Specialist |

STATE OF North Dakota )
)ss.
COUNTY OF Oliver )

Subscribed and Sworn before me, this 25th day of March, 2025.

(SEAL)

MONICA F GROSSMAN
Notary Public
State of North Dakota
My Commission Expires April 2, 2028

Monica F. Grossman
Notary Public
My Commission Expires: 4-2-28