



Public Service Commission

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April 10, 2025

Mr. Greg Petrick
Environmental Supervisor
BNI Coal Ltd.
2360 35th Ave. SW
Center, ND 58530-9499
gpetrick@bnicoal.com

Dear Mr. Petrick:

The Reclamation Division has reviewed BNI Coal, Ltd’s April 7, 2025 response to our April 3, 2025 completeness review letter for the Revision No. 45 and Renewal No. 5 applications to Permit BNCR-9702 at the Center Mine. The following items must be adequately addressed before the applications can be deemed complete and approval is granted for publication of the permit revision and renewal newspaper notice. Please note that follow-up items reference the item number in our April 3, 2025 completeness review letter that were not addressed. **Please respond to these items in a timely manner to secure publication approval at the earliest opportunity.**

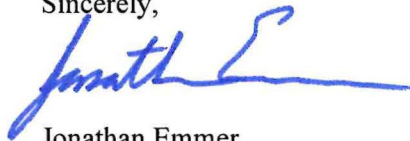
Section 1 – Legal and Financial

1. Please add “post-mine topography” to the list of revision updates in the last sentence of the first paragraph of Appendix 1.5-1 (Notice of Publication). (BSM)
2. Follow-up to Item No. 1: The Table of Contents – BNCR-9702 file path is missing in the internet browser permit application. (JAR/ACC)
3. Follow-up to Item No. 2: Please replace “Renewal No. 4” with “Renewal No. 5” in the fourth sentence of the first paragraph of Appendix 1.5-1 (Notice of Publication). (JAR/WWS/BSM/AAC/PJR)
4. Follow-up to item No. 4: Appendix 1-2 (Certified Copies of Leases and Assignment Documents, Article of Amendment to Articles of Incorporation) lists Laverne Huck as a coal owner for the NE¼ of Section 6 and the N½NE¼ of Section 8, T141N, R84W. The Laverne Huck Life Estate with remaindermen: Rachelle Markel, Raynee Morrell, Rayette Fasching, Raydene Zimmerman, and Raylynn Huck are listed as coal owners in Appendix 1.5-1 (Notice of Publication) and Plate 1.9-1 (Ownership Map). Please review this discrepancy and update Appendix 1.5-1, Appendix 1-2, and/or Plate 1.9-1 as necessary. (AAC)

5. Follow-up to item No. 7: Daryl Yantzer is listed as a surface owner for the N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T142N, R84W in Appendix 1.5-1 (Notice of Publication). However, Appendix 1-2 (Certified Copies of Leases and Assignment Documents, Article of Amendment to Articles of Incorporation) and Plate 1.9-1 (Ownership Map) list the Daryl Yantzer LE as a surface owner of these tracts. Please review this discrepancy and update Appendix 1.5-1, Appendix 1-2, and/or Plate 1.9-1 as necessary. (AAC)
6. Follow-up to item No. 8: Betty Vandenburg is listed as a surface owner for the N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T142N, R84W, and she is listed as a coal owner for the NE $\frac{1}{4}$ of Section 32, T142N, R84W in Appendix 1-2 (Certified Copies of Leases and Assignment Documents, Article of Amendment to Articles of Incorporation). However, she is not listed as a surface and/or coal owner for these Section 32 tracts in Appendix 1.5-1 (Notice of Publication) and Plate 1.9-1 (Ownership Map). Please review this discrepancy and update Appendix 1.5-1, Appendix 1-2, and/or Plate 1.9-1 as necessary. (AAC)
7. Follow-up to item No. 9: Kenneth Barnhardt, Helen Pflieger, Dennis Barnhardt, Joanne Trinkle, and Karen O. Van Amburg are listed as the coal owners for the SE $\frac{1}{4}$ of Section 31, T142N, R84W in Appendix 1.5-1 (Notice of Publication) and Plate 1.9-1 (Ownership Map). Appendix 1-2 (Certified Copies of Leases and Assignment Documents, Article of Amendment to Articles of Incorporation) lists Kenneth Barnhardt, Helen Pflieger, Dennis Barnhardt, Virginia Spurgin Gaines et al, and the State of ND as the coal owners for the SE $\frac{1}{4}$ of Section 31. Please review these discrepancies and update Appendix 1.5-1, Appendix 1-2, and/or Plate 1.9-1 as necessary. (AAC)

Please contact this office if you have any questions.

Sincerely,



Jonathan Emmer
Director
Reclamation Division

cc via email only: Jonathan Rudnick (jrudnick@bnicoal.com)
BNI Regulatory and Compliance (BNIefiling@bnicoal.com)