

PUBLIC SERVICE COMMISSION
Reclamation Division

MEMORANDUM

TO: Commissioners Christmann, Haugen-Hoffart, and Kringstad
Steve Kahl, Executive Director
Brian Johnson, Special Assistant Attorney General

FROM: ^{JE} Jonathan Emmer, ^{MT} Monty Johnson, ^{JR} Jeff Roerick, and ^{AC} Alexis Craig

DATE: July 2, 2025

SUBJECT: Application for Renewal 5 to Permit BNCR-9702 held by BNI Coal, Ltd., for the Center Mine, Case No. RC-25-150

On March 25, 2025, the Reclamation Division received BNI Coal, Ltd.'s (BNI) application for Renewal 5 to Permit BNCR-9702 to continue to conduct mining operations within the existing permit area until August 2, 2030. Permit BNCR-9702 covers all or portions of Sections 3, 4, 5, 6, 7, 8, 9, and 10, T141N, R84W; and Sections 20, 21, 27, 28, 29, 31, 32, 33, and 34, T142N, R84W, Oliver County, totaling approximately 7,655.11 acres as depicted in attached Figure 1. The Reclamation Division has completed its review of this five-year permit renewal and respectfully recommends its approval.

BNI Coal has applied for this five-year renewal to continue coal mining and reclamation operations in the permit area. Coal removal is planned to be completed in Permit BNCR-9702 during the next permit term. At the time BNI filed this permit renewal application, they also filed the application for Revision 45 to Permit BNCR-9702 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 5 was subject to the notice, hearing, and procedural requirements. BNI 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, appropriate agencies, and members of the state's advisory committee 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. Permit BNCR-9702 and three other permits at the Center Mine are covered by a surety bond in the amount of \$49,472,113.

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

Center Mine\Permits\BNCR - 9702\Revisions\Rev45_Ren5\Ren5_apprvl_memo_7-2-25

Figure 1: General Location Map – Permit BNCR-9702

