



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
3319 UNIVERSITY DRIVE
BISMARCK, NORTH DAKOTA 58504-7565

July 14, 2025

NWO-2025-831-BIS

BNI Coal
Attn: Mr. Greg Petrick
2360 35th Ave SW
Center, North Dakota 58530

Dear Mr. Petrick:

We are responding to your June 3, 2025, request for a Department of the Army permit for the BNI Coal Mining Temporary Road project. The project site is located at Latitude 47.0359597° North, Longitude -101.2729069° West, in Section 13, Township 141 North, Range 84 West, Oliver County, North Dakota.

Based on the information you provided to this office, work includes construction of an approximately 1-mile mining temporary dirt road with the width ranging from approximately 350-feet to 125-feet. The road will be used to transport lignite coal to the Minnkota Power Young Station and estimated to be in use until approximately 2043. As a result of the proposed project temporary impacts to approximately 0.63-acres of wetlands will occur.

We have determined activities in waters of the U.S. associated with the project are authorized by Nationwide Permit Number (NWP) NWP 14 Linear Transportation Projects, found in the December 27, 2021, Federal Register (86 FR 73522) and January 13, 2021, Federal Register (86 FR 2744), Reissuance and Modification of Nationwide Permits. Enclosed is a fact sheet that fully describes this Nationwide Permit and lists the General and Regional Conditions that must be adhered to for this authorization to remain valid. **Please note that deviations from the original plans and specifications of your project could require additional authorization from this office**

This determination is applicable only to the permit program administered by the Corps of Engineers. It does not eliminate the need to obtain other Federal, state, tribal and local approvals before beginning work.

You are responsible for all work accomplished in accordance with the terms and conditions of the Nationwide Permit, **including the Regional Conditions specific to projects undertaken in North Dakota**. Information about the NWP and regional conditions are available at <http://www.nwo.usace.army.mil/Missions/Regulatory-Program/North-Dakota/>. If a contractor or other authorized representative will be accomplishing the work authorized by the Nationwide Permit on your behalf, it is strongly recommended that they be provided a copy of this letter and the attached conditions so that they are aware of the limitations of the applicable Nationwide Permit.

Any activity that fails to comply with all of the terms and conditions of the Nationwide Permit will be considered unauthorized and subject to appropriate enforcement action.

In addition, your work must comply with the following Special Conditions:

1. To compensate for the temporal loss of 0.63 acres of wetlands, you shall construct or restore 0.63-acre of wetlands onsite, or a Corps approved location. No work shall take place until the temporal mitigation site is approved by the Corps.

Within 30 days after completion of the authorized work, you must sign the enclosed Compliance Certification and return it to this office.

This verification will be valid until **March 14, 2026**. If the nationwide permit is modified, suspended, or revoked prior to this date, but is reissued without modification or the activity complies with any subsequent modification, this authorization remains valid until the expiration date. If the nationwide permit is modified, suspended, or revoked, and construction has commenced or is under contract to commence before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation to complete the activity under the present terms and conditions.

The Omaha District, North Dakota Regulatory Office is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at <https://regulatory.ops.usace.army.mil/customer-service-survey/>. If you do not have Internet access, you may call and request a paper copy of the survey that you can complete and return to us by mail or fax.

Please refer to identification number NWO-2025-831-BIS in any correspondence concerning this project. If you have any questions, please contact Benjamin Reile at the North Dakota Regulatory Office, 3319 University Drive, Bismarck, North Dakota 58504, by email at Benjamin.D.Reile@usace.army.mil, or telephone at (701) 989-6539.

Sincerely,

Benjamin D. Reile

Benjamin D. Reile
Senior Project Manager
North Dakota

Cf:
Jeremy Cooper, Bio-Tech Consulting

COMPLIANCE CERTIFICATION

Permit File Name: BNI Coal – Mining Road Project

Action ID: NWO-2025-831-BIS

Nationwide Permit Number: NWP 14 Linear Transportation Projects

Permittee: BNI Coal
Attn: Mr. Greg Petrick
2360 35th Ave SW
Center, North Dakota 58530

County: Oliver County

Date of Verification: July 14, 2025

Within 30 days after completion of the activity authorized by this permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers, Omaha District
North Dakota Regulatory Office
3319 University Drive
Bismarck, North Dakota 58504
CENWO-OD-RND@usace.army.mil

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the terms and conditions of the permit your authorization may be suspended, modified, or revoked. If you have any questions about this certification, please contact the U.S. Army Corps of Engineers.

* * * * *

I hereby certify that the work authorized by the above-referenced permit, including all the required mitigation, was completed in accordance with the terms and conditions of the permit verification.

Permittee Signature

Date