



Outlook

BNCR-1101 Notice of Publication

From Gregory Petrick (BNI Coal) <gpetrick@bnicoal.com>

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To Emmer, Jonathan W. <jemmer@nd.gov>; Johnson, Monty L. <moljohnson@nd.gov>

Cc Welch, Guy A. <gwelch@nd.gov>; Jon Rudnick (BNI Coal) <jrudnick@bnicoal.com>; Courtney Harstad (BNI Coal) <charstad@bnicoal.com>

 1 attachment (768 KB)

BNCR-1101 Notice of Publication 7-13-26.pdf;

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Hi Jonathan

Attached is the clean copy of the Publication Notice. Please let me know if you have any extra comments or concerns. We will get this inserted into the permit once I hear back from you. We plan to start publication on July 23rd.

Thanks

Greg

Gregory Petrick

Manager Environmental and Technology Services

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NOTICE OF APPLICATION FOR A PERMIT REVISION TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION ACTIVITIES

Please take notice that BNI Coal Ltd., 2360 35th Avenue SW, Center, North Dakota 58530-9499 has submitted an application to the North Dakota Public Service Commission for Revision No. 13 to Permit BNCR-1101, to engage in surface coal mining and reclamation operations. The approved permit encompasses 11,023.76 acres in parts of Sections 5, 7, 8, 9, 16, 17, 18, 19, 20, 21 and 28, T141N, R83W, parts of Sections 11, 12, 13, 14, 15, 16, 22, 23, 24 and 25, T141N, R84W, and parts of Sections 31 and 32, T142N, R83W in Oliver County ND. The most recent permit revision was approved on July 16, 2025. Proposed permit Revision No. 13 includes updates to the approved mining, access, surface water management, and reclamation plans within portions of the existing permit area. The proposed revision does not request the addition of new acreage to the permit. The revision proposes updates to the Transportation Plan and Surface Water Management Plan within portions of Section 13 and Section 14, Township 141 North, Range 84 West, to further describe mine access west of 37th Avenue SW, including haul road alignments, drainage features, and surface water control structures associated with access routes and road crossings. Additional information is included related to haul road infrastructure and surface water management where a haul road crosses an intermittent drainage within the north one-half of Section 13, Township 141 North, Range 84 West. Revision No. 13 also includes information supporting the request for two reclamation variance areas that would allow delayed reclamation activities within portions of the west one-half of Section 17, Township 141 North, Range 83 West, and portions of Section 21, Township 141 North, Range 83 West, consistent with approved mining sequences and overall reclamation objectives. In addition, Revision No. 13 includes information describing improvements to enable mine access across 37th Avenue SW. The revision describes the temporary closure of 37th Avenue SW, as approved by the Oliver County Board of Commissioners, for installation of an overpass to accommodate mine access across the county road. Prior to this closure, a temporary road bypass would be constructed to relocate public traffic during overpass construction.

Following completion of the overpass and restoration traffic on 37th Avenue SW, the revision also describes construction of a temporary dragline bypass road to allow relocation of a dragline across the county road at a location south of the overpass. The dragline bypass road would connect to approved haul roads within the permit area and would be constructed and operated using best management practices to minimize disturbance. Portions of the dragline bypass road would be reclaimed following completion of the dragline relocation, as described in the updated transportation and reclamation plans. To support these proposed changes, BNI Coal, Ltd. has updated relevant permit components, including the Legal and Financial, Other Licenses and Permits, Operations Plan, Existing County Road Infrastructure, Transportation Plan, Surface Water Management Plan, and Reclamation Schedule sections of the permit.

The Oliver County Board of Commissioners has approved closures, relocations, and work within or adjacent to certain section lines and county road rights-of-way within the permit area, as described in the permit revision application and supporting documentation.

The Oliver County Board of Commissioners approved on November 7, 2024 and made written findings on April 14, 2026 closing of the following Section lines and County Road:

1. 28th St. SW (unimproved Section line), between Section 24 and Section 25 T141N R84W & Section 19 and Section 30 T141N R83W.
2. 36th Ave SW (unimproved Section Line), between Section 19 T141N R83W and Section 24 T141N R84W.
3. 27th St. SW (unimproved Section Line), between Section 14 and Section 23 T141N R84W & Section 15 and Section 22 T141N R84W.
4. 26th St. SW (unimproved Section Line), between Section 14 and Section 11 T141N R84W.
5. 38th Ave SW (unimproved Section Line), between Section 14 and Section 15 T141N R84W & N1/2 of Section 22 and N1/2 Section 23 T141N R84W.

6. 34th Ave W (unimproved Section Line), between N1/2 Section 28 and N1/2 Section 29 T141N R83W.
7. 35th Ave SW (County Road), between Section 19 and Section 20, T141N R83W.
8. 27th St. SW (County Road), between Section 18 and Section 19, T141N R83W.

Supplementally the Oliver County Board of Commissioners approved work within 100' of ROW and within the ROW on August 12, 2025 for the following Section Lines:

1. 37th Ave SW, between Section 11 and Section 12, T141N R84W
2. 37th Ave SW, between Section 13 and 14, T141N R84W
3. 37th Ave SW, between Section 23 and 24, 141N R84W
4. Southside of Section Line between Section 10 and 15, T141N, R84W
5. Eastside of Section Line between Section 10 and 11, T141N, R84W

The application for revision of the surface coal mining permit is available for public inspection at the offices of the North Dakota Public Service Commission, 600 East Boulevard Avenue, Bismarck, North Dakota 58505-0480, and at the Oliver County Auditor's Office, Oliver County Courthouse, Center, North Dakota 58530.

Any person with an interest which is, or may be, adversely affected by the proposed permit revision may submit written comments or objections to the North Dakota Public Service Commission within thirty (30) days after the last publication of this notice.

Any such person may also submit a written request for an informal conference concerning the proposed revision pursuant to North Dakota Century Code § 38-14.1-19, within the same thirty-day period.

Such petitions must be filed with the North Dakota Public Service Commission within thirty (30) days following the last publication of this notice.

Written comments, objections, requests for an informal conference, or petitions should be submitted to:

North Dakota Public Service Commission

Reclamation Division

600 East Boulevard Avenue

Bismarck, North Dakota 58505-0480

The legal description and names of surface and coal owners follow for the permit area:

<u>LEGAL DESCRIPTION</u>	<u>SURFACE OWNER (S)</u>	<u>COAL OWNERS</u>
<u>SECTION 5 T141N R83W</u>		
NW1/4, SW1/4	Minnkota Power Cooperative	Great Northern Properties
<u>SECTION 7 T141N R83W</u>		
W1/2	Janet K & LJ Dohrman Rev. Trust	BNI Coal, Ltd.
E1/2	Gary Leinius	BNI Coal, Ltd.
<u>SECTION 8 T141N R83W</u>		
NW1/4	BNI Coal, Ltd.	Larry & Virginia Schmidt Daryl & Loretta Tabor Linda Borlaug John Kautzman Donna Barnhardt Randy Titsworth Ronnie Titsworth Marita Bishop Lucille Gardner

		PEC Minerals, LP BNI Coal, Ltd. Clay Hedrick, Jr. Charles Hamilton, Jr. Ellen M. Emley Barbara Endres Richard Files Robert Files Erika Hilliard Penelope Files Carolyn Files Blackstone Minerals Walter Duncan, Inc. Kurt Files Georgianne Hedrick Mercer John Hedrick Barbara Hager Donald Hager Joyce Hager Giles James Hager Noyce McGarity Alexis Bochko Dean Stucky Jean Clift Susan Koehn Julie & Donald Gregory Patsy McGehee Jack & Nancy Horn Donald R. Posey
SW1/4, NE1/4SE1/4	Five D's	Five D's
NW1/4SE1/4, S1/2SE1/4, less Lot A	Five D's	USA
SE1/4 Lot A	BNI Coal, Ltd.	Five D's USA
<u>SECTION 9 T141N R83W</u> ALL	Minnkota Power Cooperative	Duane C. Anderson Corrine L. Dockter Vi Ann Olson Sharon Anderson
<u>SECTION 16 T141N R83W</u> NW1/4	Larry & Virginia Schmidt	ND State Land Dept
SW1/4	Kasper Kraft LE	ND State Land Dept
E1/2	ND State Land Dept	ND State Land Dept
<u>SECTION 17 T141N R83W</u> NW1/4	Larry & Virginia Schmidt	Larry & Virginia Schmidt Daryl & Loretta Tabor Linda Borlaug John Kautzman Donna Barnhardt Randy Titsworth Ronnie Titsworth Marita Bishop Lucille Gardner PEC Minerals, LP

		BNI Coal, Ltd. Clay Hedrick, Jr. Charles Hamilton, Jr. M. Ellen Emley Barbara Endres Richard Files Robert Files Erika Hilliard Penelope Files Carolyn Files Blackstone Minerals Walter Duncan, Inc. Kurt Files Georgianne Hedrick Mercer John Hedrick Barbara Hager Donald Hager Joyce Hager Giles James Hager Noyce McGarity Alexis Bochko Dean Stucky Jean Clift Susan Koehn Julie & Donald Gregory Patsy McGehee Jack & Nancy Horn Donald R. Posey
E1/2	Five D's	Five D's
SW1/4	Wayne Reuther Jerry Reuther	ND State Land Dept BNI Coal, Ltd. Florence Porsborg Wayne Reuther Jerry Reuther
<u>SECTION 18 T141N R83W</u> NE1/4NW1/4, Lots 1 and 2	Janet K & LJ Dohrman Rev. Trust	Opp Family Mineral Trust ND State Land Dept
SW1/4, SE1/4NW1/4	Wayne Reuther Karen Shulz Jerry Reuther Kent Reuther Keith Reuther	BNI Coal, Ltd
NE1/4, less 2 acres	Larry & Virginia Schmidt	USA
NE1/4, 2 acres	BNI Coal, Ltd	USA
N1/2SE1/4	Larry & Virginia Schmidt	Larry & Virginia Schmidt Daryl & Loretta Tabor Linda Borlaug John Kautzman Donna Barnhardt Randy Titsworth Ronnie Titsworth Marita Bishop Lucille Gardner

PEC Minerals, LP
BNI Coal, Ltd.
Clay Hedrick, Jr.
Charles Hamilton, Jr.
Ellen M. Emley
Barbara Endres
Richard Files
Robert Files
Erika Hilliard
Penelope Files
Carolyn Files
Blackstone Minerals
Walter Duncan, Inc.
Kurt Files
Georgianne Hedrick Mercer
John Hedrick
Barbara Hager
Donald Hager
Joyce Hager Giles
James Hager
Noyce McGarity
Alexis Bochko
Dean Stucky
Jean Clift
Susan Koehn
Julie & Donald Gregory
Patsy McGehee
Jack & Nancy Horn
Donald R. Posey

S1/2SE1/4

Larry & Virginia Schmidt

Larry & Virginia Schmidt
Helen Pfleger
Margaret Pfleger
Marla Brown LE
Remainderman:
Holli K. Taylor
Myra Buntin LE
Remaindermen:
Darrell Ray Buntin III
Amanda Marie Minick
Duane Siegel
Donald Bonogofsky
Gary Bonogofsky
Lisa Pulse

SECTION 19 T141N R83W
NW1/4 less Lot A

Wayne Reuther
Karen Schulz
Jerry Reuther
Kent Reuther
Keith Reuther

BNI Coal, Ltd

NW1/4 Lot A

Keith Reuther

BNI Coal, Ltd

NE1/4

Winfried Keller

Winfried Keller
Robert Mosbrucker

E1/2SE1/4

Charles & Doris Kuether

Charles & Doris Kuether
Florence Porsborg
BNI Coal, Ltd.

SW1/4, W1/2SE1/4

Charles & Doris Kuether

Charles & Doris Kuether
Fryhling Family Trust
Lois Hohimer
Madalyn Kraft
Lila Wilson

SECTION 20 T141N R83W
NW1/4

Thomas Pfliger
Dale Pfliger

Thomas Pfliger
Dale Pfliger

NE1/4

Douglas D. & Deberra K. Doll LE
James & Bonita Pazdernik LE

Douglas D. & Deberra K. Doll LE
James & Bonita Pazdernik LE
Beverly R. Buttram
Dorothy Cottrell
Charles Marsters
Sandra Kay Gish
Ronald P. Tuning
L.D. Jenkins
Willow Point Corporation
Gentry, LLC

N1/2SW1/4

Robert Mosbrucker

Robert Mosbrucker
Winfried Keller

S1/2SW1/4

Douglas D. & Deberra K. Doll LE
James & Bonita Pazdernik LE

Ralph & Irene Kautzman
Daniel Landeis
Judy Dick
Roger Landeis
Randy Landeis
Donald Roerich
Douglas D. & Deberra K. Doll LE
James & Bonita Pazdernik LE

SE1/4

Doll Farm Enterprises

Helen Pflieger

SECTION 21 T141N R83W
NE1/4

Delmar Hagerott

Delmar Hagerott

NW1/4

Douglas D. & Deberra K. Doll LE
James & Bonita Pazdernik LE

Ralph & Irene Kautzman
Daniel Landeis
Judy Dick
Roger Landeis
Randy Landeis
Donald Roerich
Douglas D. & Deberra K. Doll LE
James & Bonita Pazdernik LE

SW1/4

Doll Farm Enterprises

Helen Pflieger
Marla Brown LE
Remainderman:
Holli K. Taylor
Myra Buntin LE
Remainderman:
Darrell Ray Buntin III
Amanda Marie Minick

SE1/4

Douglas D. & Deberra K. Doll LE
James & Bonita Pazdernik LE

Ralph & Irene Kautzman
Daniel Landeis
Judy Dick
Roger Landeis

SECTION 28 T141N R83W
NE1/4

Clementine Friesz Life Estate
Remaindermen:
Sandra K. Orgaard
Roger A. Friesz
Duane M. Friesz
Karen M. Porsborg
Michael J. Friesz
Audrey A. Peterson

Randy Landeis
Donald Roerich
Douglas D. & Deberra K. Doll LE
James & Bonita Pazdernik LE

Clementine Friesz Life Estate
Remaindermen:
Sandra K. Orgaard
Roger A. Friesz
Duane M. Friesz
Karen M. Porsborg
Michael J. Friesz
Audrey A. Peterson
Marshall & Winston, Inc.
Fortin Enterprises, Inc.
Hancock Enterprises

West 528' of NW1/4

Thomas Pfliger
Dale Pfliger

Thomas Pfliger
Dale Pfliger
Marla Brown LE
Remainderman:
Holli K. Taylor
Myra Buntin LE
Remaindermen:
Darrell Ray Buntin III
Amanda Marie Minick

NW1/4 less West 528'

Helen Pflieger

Helen Pflieger
Marla Brown LE
Remainderman:
Holli K. Taylor
Myra Buntin LE
Remaindermen:
Darrell Ray Buntin III
Amanda Marie Minick

SECTION 11 T141N R84W
N1/2

David O. & Debra A. Berger

Great Northern Properties

S1/2

Lee Dresser

Lee Dresser
Yvonne Schmidt LE
Remaindermen:
Terrence Schmidt
Randall Schmidt
Raymond Schmidt
Marsha Krance
JoAnne Stromme
Jeffrey Schmidt

SECTION 12 T141N R84W
N1/2NW1/4

Rosalie Dingus
Mark R. Fuchs
Jack B. Fuchs

Rosalie Dingus
Mark R. Fuchs
Jack B. Fuchs
Dennis Hagel
Gary Hagel
Judith McNulty
Regina Husfloen
Scott Hagel
Katherine Kautzman

S1/2NW1/4	Rosalie Dingus Mark R. Fuchs Jack B. Fuchs	USA
N1/2NE1/4	Jolene Berger	Jolene Berger
S1/2NE1/4	Jolene Berger	USA
S1/2	Brian Dresser	Brian Dresser Yvonne Schmidt LE <u>Remaindermen:</u> Terrence Schmidt Randall Schmidt Raymond Schmidt Marsha Krance JoAnne Stromme Jeffrey Schmidt

SECTION 13 T141N R84W

N1/2N1/2 (less 2 acres NW corner of NW1/4)

BNI Coal, Ltd.

Margaret Erhardt
Kathryn Erhardt
Evangeline Bolton
Lorraine Bosch
Marcus C. Erhardt LE
Remainderman:
Perry Erhardt
Rosemarie Erhardt LE
Remaindermen:
Scott Erhardt
Laura Kordonowy
Gregory Forster
George & Judith Pavlicek LE
Remainderman:
Lori Bloom
Stephen Forster
Dorothy Wurm
Edward Forster
Alice Christianson
Ann Pasley
Agnes Phagan

2 acre tract NW corner of NW1/4

Mark Erhardt

Margaret Erhardt
Kathryn Erhardt
Evangeline Bolton
Lorraine Bosch
Marcus C. Erhardt LE
Remainderman:
Perry Erhardt
Rosemarie Erhardt LE
Remaindermen:
Scott Erhardt
Laura Kordonowy
Gregory Forster
George & Judith Pavlicek LE
Remainderman:
Lori Bloom
Stephen Forster
Dorothy Wurm
Edward Forster

		Alice Christianson Ann Pasley Agnes Phagan
S1/2N1/2	BNI Coal, Ltd.	Margaret Erhardt Kathryn Erhardt Gloria Ciavarella Wallace Erhardt
N1/2S1/2	BNI Coal, Ltd.	Margaret Erhardt Kathryn Erhardt
S1/2S1/2	BNI Coal, Ltd.	Margaret Erhardt Kathryn Erhardt Rhoda P. Erhardt Anita Erhardt Dorothy Erhardt
<u>SECTION 14 T141N R84W</u> NW1/4NE1/4, N1/2NW1/4, SW1/4NW1/4	Lee Dresser	Lee Dresser Yvonne Schmidt LE <u>Remaindermen:</u> Terrence Schmidt Randall Schmidt Raymond Schmidt Marsha Krance JoAnne Stromme Jeffrey Schmidt
SW1/4NE1/4, SE1/4NW1/4, N1/2SW1/4	Old 10, LLP	Donald Erhardt
E1/2NE1/4, SE1/4, S1/2SW1/4	Jesse Lackman	USA
<u>SECTION 15 T141N R84W</u> N1/2	Russel Hoesel	Jean Holmgren J. Marie Smith Living Trust Patricia Samson Anne F. Cerulli LE <u>Remaindermen:</u> Anthony Cerulli Nathan Cerulli Karen Van Amburg LE <u>Remaindermen:</u> Jana Van Amburg Matthew Van Amburg H. Huffman & Co. Blackstone Minerals Co. L.P.
SW1/4	Old 10, LLP	Old 10, LLP Paul Senger
SE1/4	Old 10, LLP	Old 10, LLP Bobby Jo Schuldt Cory Schuldt Arlen Wright Terry Wright Doran Horsley

		David Horsley Darrel Horsley Darla Parks Bradley Dykes Brenda Dykes Dennis Dykes Kelly Dykes
<u>SECTION 16 T141N R84W</u> E1/2	ND State Land Dept	ND State Land Dept
<u>SECTION 22 T141N R84W</u> NE1/4	Old 10, LLP	Old 10, LLP Ronald Mosbrucker Kathleen Geiger Eugene Doll Sharon Bullinger Debra Erhardt
NW1/4	Old 10, LLP	Old 10, LLP Paul Senger
<u>SECTION 23 T141N R84W</u> NW1/4	Old 10, LLP	Old 10, LLP Ronald Mosbrucker Kathleen Geiger Eugene Doll Sharon Bullinger Debra Erhardt Central Dakota Humane Society
NE1/4	David & Karen Porsborg	USA
<u>SECTION 24 T141N R84W</u> NW1/4	David & Karen Porsborg	David & Karen Porsborg Jeanette Bonnet Robert Porsborg Darlene Sorge Dorothy Willems
SW1/4	David & Karen Porsborg	USA
NE1/4 less Lot A	Wayne Reuther Karen Schulz Jerry Reuther Kent Reuther Keith Reuther	BNI Coal, Ltd
NE1/4 Lot A	BNI Coal, Ltd	BNI Coal, Ltd
SE1/4	Wayne Reuther Karen Schulz Jerry Reuther Kent Reuther Keith Reuther	Wayne Reuther Karen Schulz Jerry Reuther Kent Reuther Keith Reuther
<u>SECTION 25 T141N R84W</u> NW1/4	Marvin Pfleger	Marvin Pfleger
NE1/4	David & Karen Porsborg	David & Karen Porsborg Jeanette Bonnet

Robert Porsborg
Darlene Sorge
Dorothy Willems

SECTION 31 T142N R83W

E~~S~~1/2SE1/4, less Haul Road Corridor

Brian Reinke
Benjamin Reinke
Elizabeth Wagendorf

Brian Reinke
Benjamin Reinke
Elizabeth Wagendorf

SECTION 32 T142N R83W

S1/2SW1/4 ~4.5 acres

Minnkota Power Cooperative

Minnkota Power Cooperative

S1/2SW1/4 ~1.5 acres

BNI Coal, Ltd.

Minnkota Power Cooperative

