



# Public Service Commission

Sheri Haugen-Hoffart

Randy Christmann

Jill Kringstad

*sent via email only*

600 East Boulevard Ave  
Dept. 408  
Bismarck, ND 58505-0480  
701-328-2400  
ndpsc@nd.gov

July 28, 2026

Mr. Jeffrey Fleischman, Chief  
Denver Field Division  
Office of Surface Mining  
PO Box 11018  
150 East B Street  
Casper, WY 82601-7032  
jfleischman@osmre.gov

Dear Mr. Fleischman:

BNI Coal, Ltd. (BNI) has filed an application for Revision 13 to Surface Coal Mining Permit BNCR-1101 for the Center Mine. This revision updates the transportation, surface water management, and reclamation plans in response to the Oliver County Commission's approval of BNI's overpass design plans for 37<sup>th</sup> Ave SW between Sections 13 and 14, T141N, R84W. This overpass allows mine access west of 37<sup>th</sup> Avenue SW; therefore, further clarifications have been made regarding haul road alignments, drainage features, and surface water control structures associated with access routes and road crossings. Furthermore, updates have been made to the legal and financial, other licenses and permits, surface water, operations plan, existing county road infrastructure, and reclamation schedule sections of the permit. The updated reclamation schedule includes the addition of two reclamation variance areas in portions of the W $\frac{1}{2}$  of Section 17 and Section 21, T141N, R83W, respectively.

BNI is currently mining federal coal in the NE $\frac{1}{4}$  of Section 18, T141N, R83W in the existing permit area under federal coal lease NDM 102083 for which federal mine plan approval was granted on October 27, 2020. Furthermore, BNI obtained federal mine plan approval on June 25, 2024, to mine the federal coal in the E $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , and the SE $\frac{1}{4}$  of Section 14, T141N, R84W under federal coal lease NDM 105513, and Revision 13 does not propose any changes to the approved mining plan for Section 14 for which mining is scheduled to commence in 2028. OSMRE must make the determination if this revision constitutes a mine plan modification with the changes being proposed. The most recent submittal of Revision 13 will be shared with you via a Microsoft OneDrive link emailed with this letter. All updates to the permit are listed in Section 1, Appendix 1-1 (Revision Summary and List of Changes).

We would appreciate any comments on the revision application by September 11, 2026. If you have any questions, please contact this office.

Sincerely,

A handwritten signature in blue ink, reading "Jonathan Emmer", is positioned above the printed name and title.

Jonathan Emmer  
Director  
Reclamation Division

cc via email only: John Sieving (jsieving@osmre.gov)

Center Mine\Permits\BNCR - 1101\Revisions & Renewals\No. 13\Rev13\_Advsry\_rvw\_rqst\_ltr\_7-28-26



# Public Service Commission

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ndpsc@nd.gov

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July 28, 2026

Ms. Erica Trent  
Natural Resource Specialist  
Office of Surface Mining  
PO Box 25065  
Lakewood, CO 80225  
etrent@osmre.gov

Dear Ms. Trent:

BNI Coal, Ltd. (BNI) has filed an application for Revision 13 to Surface Coal Mining Permit BNCR-1101 for the Center Mine. This revision updates the transportation, surface water management, and reclamation plans in response to the Oliver County Commission's approval of BNI's overpass design plans for 37<sup>th</sup> Ave SW between Sections 13 and 14, T141N, R84W. This overpass allows mine access west of 37<sup>th</sup> Avenue SW; therefore, further clarifications have been made regarding haul road alignments, drainage features, and surface water control structures associated with access routes and road crossings. Furthermore, updates have been made to the legal and financial, other licenses and permits, surface water, operations plan, existing county road infrastructure, and reclamation schedule sections of the permit. The updated reclamation schedule includes the addition of two reclamation variance areas in portions of the W½ of Section 17 and Section 21, T141N, R83W, respectively.

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Jonathan Emmer  
Director  
Reclamation Division

cc via email only: Marcelo Calle (mcalle@osmre.gov)



# Public Service Commission

Sheri Haugen-Hoffart

Randy Christmann

Jill Kringstad

600 East Boulevard Ave  
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July 28, 2026

Josh Alexander  
Bureau of Land Management  
Billings Field Office  
Eastern Montana Dakotas District Office  
Department of Interior  
5001 Southgate Dr.  
Billings, MT 59101  
jalexand@blm.gov

Dear Mr. Alexander:

BNI Coal, Ltd. (BNI) has filed an application for Revision 13 to Surface Coal Mining Permit BNCR-1101 for the Center Mine. This revision updates the transportation, surface water management, and reclamation plans in response to the Oliver County Commission's approval of BNI's overpass design plans for 37<sup>th</sup> Ave SW between Sections 13 and 14, T141N, R84W. This overpass allows mine access west of 37<sup>th</sup> Avenue SW; therefore, further clarifications have been made regarding haul road alignments, drainage features, and surface water control structures associated with access routes and road crossings. Furthermore, updates have been made to the legal and financial, other licenses and permits, surface water, operations plan, existing county road infrastructure, and reclamation schedule sections of the permit. The updated reclamation schedule includes the addition of two reclamation variance areas in portions of the W½ of Section 17 and Section 21, T141N, R83W, respectively.

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Jonathan Emmer  
Director  
Reclamation Division



# Public Service Commission

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Randy Christmann

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600 East Boulevard Ave  
Dept. 408  
Bismarck, ND 58505-0480  
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*sent via email only*

July 28, 2026

Mr. Edward Kraft  
Field Office Manager  
Bureau of Land Management  
ND Field Office  
99 23rd Avenue West, Suite A  
Dickinson, ND 58601  
ekraft@blm.gov

Dear Mr. Kraft:

BNI Coal, Ltd. (BNI) has filed an application for Revision 13 to Surface Coal Mining Permit BNCR-1101 for the Center Mine. This revision updates the transportation, surface water management, and reclamation plans in response to the Oliver County Commission's approval of BNI's overpass design plans for 37<sup>th</sup> Ave SW between Sections 13 and 14, T141N, R84W. This overpass allows mine access west of 37<sup>th</sup> Avenue SW; therefore, further clarifications have been made regarding haul road alignments, drainage features, and surface water control structures associated with access routes and road crossings. Furthermore, updates have been made to the legal and financial, other licenses and permits, surface water, operations plan, existing county road infrastructure, and reclamation schedule sections of the permit. The updated reclamation schedule includes the addition of two reclamation variance areas in portions of the W½ of Section 17 and Section 21, T141N, R83W, respectively.

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Jonathan Emmer  
Director  
Reclamation Division



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Dept. 408  
Bismarck, ND 58505-0480  
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*sent via email only*

July 28, 2026

Mr. David Glatt, P.E.  
Director  
North Dakota Department of Environmental Quality  
4201 Normandy Street  
Bismarck, ND 58503-1324  
dglatt@nd.gov

Dear Mr. Glatt:

BNI Coal, Ltd. (BNI) has filed an application for Revision 13 to Surface Coal Mining Permit BNCR-1101 for the Center Mine. This revision updates the transportation, surface water management, and reclamation plans in response to the Oliver County Commission's approval of BNI's overpass design plans for 37<sup>th</sup> Ave SW between Sections 13 and 14, T141N, R84W. This overpass allows mine access west of 37<sup>th</sup> Avenue SW; therefore, further clarifications have been made regarding haul road alignments, drainage features, and surface water control structures associated with access routes and road crossings, specifically where a proposed haul road crosses an intermittent stream in Section 13, T141N, R84W. According to NDAC 69-05.1-16-20, the Commission needs to consult with the DEQ in order to determine that the proposed intermittent stream crossing will not cause or contribute to the violation of applicable state or federal water quality standards and will not adversely affect the water quantity and quality or other environmental resources of the stream.

Furthermore, updates have been made to the legal and financial, other licenses and permits, surface water, operations plan, existing county road infrastructure, and reclamation schedule sections of the permit. The most recent submittal of Revision 13 will be shared with you via a Microsoft OneDrive link emailed with this letter. All updates to the permit are listed in Section 1, Appendix 1-1 (Revision Summary and List of Changes).

Please review the revision application with regard to your agency's areas of responsibility and technical expertise, and for compliance with NDAC 69-05.2-16-02, and NDAC 69-05.2-16-20. Please provide any review comments by September 11, 2026, in accordance with NDAC 69-05.2-10-01(2). If you have any questions, please contact this office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan Emmer", is positioned above the printed name.

Jonathan Emmer  
Director  
Reclamation Division

cc via email only: Beth Jacobson (bjacobso@nd.gov)

Center Mine\Permits\BNCR - 1101\Revisions & Renewals\No. 13\Rev13\_Advsry\_rvw\_rqst\_ltr\_7-28-26



# Public Service Commission

Sheri Haugen-Hoffart

Randy Christmann

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Dept. 408  
Bismarck, ND 58505-0480  
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ndpsc@nd.gov

*sent via email and inside mail*

July 28, 2026

North Dakota Department of Water Resources  
C/O Project Review  
1200 Memorial Highway, Dept 770  
Bismarck, ND 58504  
dwrprojectreview@nd.gov

Dear Project Review Team:

BNI Coal, Ltd. (BNI) has filed an application for Revision 13 to Surface Coal Mining Permit BNCR-1101 for the Center Mine. This revision updates the transportation, surface water management, and reclamation plans in response to the Oliver County Commission's approval of BNI's overpass design plans for 37<sup>th</sup> Ave SW between Sections 13 and 14, T141N, R84W. This overpass allows mine access west of 37<sup>th</sup> Avenue SW; therefore, further clarifications have been made regarding haul road alignments, drainage features, and surface water control structures associated with access routes and road crossings, specifically where a proposed haul road crosses an intermittent stream in Section 13, T141N, R84W. According to NDAC 69-05.1-16-20, the Commission needs to consult with the state engineer in order to determine that the proposed intermittent stream crossing will not cause or contribute to the violation of applicable state or federal water quality standards and will not adversely affect the water quantity and quality or other environmental resources of the stream.

Furthermore, updates have been made to the legal and financial, other licenses and permits, surface water, operations plan, existing county road infrastructure, and reclamation schedule sections of the permit. Enclosed is a flash drive containing Revision 13 to Permit BNCR-1101. All updates to the permit are listed in Section 1, Appendix 1-1 (Revision Summary and List of Changes).

Updates relevant to your agency include revisions to Section 4.5-1 (Transportation Narrative) and Section 4.6 (Surface Water Management Plan) addressing the 37<sup>th</sup> Avenue SW overpass; Haul Road Section B and its intermittent-stream crossing; updated design plans for sediment ponds P-13-8 (Appendix 4.6-42) and P-13-9 (Appendix 4.6-43); and the addition of diversions D-14-4 (Appendix 4.6-60) and D-14-5 (Appendix 4.6-61). Additional new culvert information and designs associated with the 37<sup>th</sup> Ave SW overpass are also included in Appendices 4.5-2, 4.5-4, 4.5-5, 4.5-10 of the revision application.

According to Article 3 of our April 29, 2026 MOU, DWR needs to determine if a conditional construction permit can be issued for the diversions and sediment ponds proposed with Revision 13. Please review the revision application with regard to your agency's areas of responsibility and technical expertise, and for compliance with NDAC 69-05.2-16-03, and NDAC 69-05.2-16-20 with respect to the proposed intermittent stream crossing. Please provide any review comments by September 11, 2026, in accordance with NDAC 69-05.2-10-01(2). If you have any questions, please contact this office.

Sincerely,



Jonathan Emmer  
Director  
Reclamation Division

cc via email only: DWR Reg Permits (dwrregpermits@nd.gov)

Enclosure

Center Mine\Permits\BNCR - 1101\Revisions & Renewals\No. 13\Rev13\_Advsry\_rvw\_rqst\_ltr\_7-28-26