

*** Proof of Publication ***

Center Mine\Permits\BNCR - 1101\Revisions & Renewals\No. 13
Rev13_Affdvt_Publ_Bis_Tribune_8-20-26 (41251)

State of Indiana)
County of Lake) SS:

I, Kami Terrell, being
duly sworn says that I am the Legal Clerk of Bismarck Tribune Co., a
division of Lee Publications, Inc. A newspaper published in the
County of Burleigh and State of North Dakota. Who declares that the
attached Notice was published in said newspaper on the following
dates:

7/23, 7/30, 8/6, 8/13

BNI COAL LTD

2360 NW 35TH AV
CENTER, ND 58530

ORDER NUMBER 82374

Kami Terrell
SIGNATURE

Sworn and subscribed to before me this 20 day of

August 20 26

Sallie Gucwa
Notary Public in and for the State of Indiana



Section: Legals

Category: 5380 Public Notices

PUBLISHED ON: 07/23/2026, 07/30/2026, 08/06/2026, 08/13/2026

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

Please take notice that BNI Coal Ltd., 236035th Avenue SW, Center, North Dakota 58530-9499 has submitted an application to the North Dakota Public Service Commission for Revision No. 13 to Permit BN21-1-101, 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 26, T14N, R83W, parts of Sections 11, 12, 13, 14, 15, 16, 22, 23, 24 and 25, T14N, R84W, and parts of Sections 31 and 32, T14N, R85W 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, surfacewater 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. 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/cross-section 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 corridor. Prior to the 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 describes the 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 road 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 the proposed changes, BNI Coal Ltd. has updated the environmental 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 the adjacent township section (linear) 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 concerning the following Section 13 and Section 14 County Road:

- 28th St. SW (unimproved Section Line), between Section 24 and Section 25 T14N, R84W & Section 18 and Section 30 T14N, R83W.
- 36th Ave SW (unimproved Section Line), between Section 19 T14N, R83W and Section 24 T14N, R84W.
- 27th St. SW (unimproved Section Line), between Section 14 and Section 23 T14N, R84W & Section 15 and Section 22 T14N, R84W.
- 26th St. SW (unimproved Section Line), between Section 14 and Section 11 T14N, R84W.
- 38th Ave SW (unimproved Section Line), between Section 14 and Section 15 T14N, R84W & N1/2 of Section 22 and N1/2 Section 23 T14N, R84W.
- 34th Ave SW (unimproved Section Line), between N1/2 Section 28 and N1/2 Section 20 T14N, R83W.
- 35th Ave SW (County Road), between Section 18 and Section 20, T14N, R83W.
- 27th St. SW (County Road), between Section 18 and Section 19, T14N, 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:

- 37th Ave SW, between Section 11 and Section 12, T14N, R84W.
- 37th Ave SW, between Section 13 and 14, T14N, R84W.
- 37th Ave SW, between Section 23 and 24, T14N, R84W.
- Southside of Section Line between Section 18 and 15, T14N, R84W.
- Eastside of Section Line between Section 10 and 11, T14N, 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 58503.

Any person within 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 § 39-14-1, 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 owner's follow for the permit area:

LEGAL DESCRIPTION **SURFACE OWNER (S)** **COAL OWNERS**

SECTION 18 T14N R83W
NW1/4, SW1/4 Minnesota Power Cooperative Great Northern Properties

SECTION 7 T14N R83W
W1/2 Janet K & L.J. Dohman BNI Coal, Ltd.

SECTION 8 T14N R83W
NW1/4 Gary Linsky BNI Coal, Ltd.

SECTION 9 T14N R83W
NW1/4 BNI Coal, Ltd. Larry & Virginia Schmidt

SECTION 10 T14N R83W
NW1/4 BNI Coal, Ltd. Dary & Lorella Taber

SECTION 11 T14N R83W
NW1/4 BNI Coal, Ltd. Donna Barnhardt

SECTION 12 T14N R83W
NW1/4 BNI Coal, Ltd. Randy Titzworth

SECTION 13 T14N R83W
NW1/4 BNI Coal, Ltd. Marla Bishop

SECTION 14 T14N R83W
NW1/4 BNI Coal, Ltd. Lucile Gardner

SECTION 15 T14N R83W
NW1/4 BNI Coal, Ltd. PEC Minerals, LP

SECTION 16 T14N R83W
NW1/4 BNI Coal, Ltd. Clay Hedrick, Jr.

SECTION 17 T14N R83W
NW1/4 BNI Coal, Ltd. Charles Hamilton, Jr.

SECTION 18 T14N R83W
NW1/4 BNI Coal, Ltd. Ellen M. Emley

SECTION 19 T14N R83W
NW1/4 BNI Coal, Ltd. Barbara Endres

SECTION 20 T14N R83W
NW1/4 BNI Coal, Ltd. Richard Files

SECTION 21 T14N R83W
NW1/4 BNI Coal, Ltd. Erika Hillard

SECTION 22 T14N R83W
NW1/4 BNI Coal, Ltd. Penelope Files

SECTION 23 T14N R83W
NW1/4 BNI Coal, Ltd. Carolyn Files

SECTION 24 T14N R83W
NW1/4 BNI Coal, Ltd. Blackstone Minerals

SECTION 25 T14N R83W
NW1/4 BNI Coal, Ltd. Walter Duncan, Inc.

SECTION 26 T14N R83W
NW1/4 BNI Coal, Ltd. Kurt Files

SECTION 27 T14N R83W
NW1/4 BNI Coal, Ltd. Georgianne Hedrick Mercer

SECTION 28 T14N R83W
NW1/4 BNI Coal, Ltd. John Hedrick

SECTION 29 T14N R83W
NW1/4 BNI Coal, Ltd. Barbara Hager

SECTION 30 T14N R83W
NW1/4 BNI Coal, Ltd. Joyce Hager Giles

SECTION 31 T14N R83W
NW1/4 BNI Coal, Ltd. James Hager

SECTION 32 T14N R83W
NW1/4 BNI Coal, Ltd. Joyce Hager

SECTION 33 T14N R83W
NW1/4 BNI Coal, Ltd. Joyce Hager

SECTION 34 T14N R83W
NW1/4 BNI Coal, Ltd. Joyce Hager

SECTION 35 T14N R83W
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SECTION 36 T14N R83W
NW1/4 BNI Coal, Ltd. Joyce Hager

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NW1/4 BNI Coal, Ltd. Joyce Hager

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NW1/4 BNI Coal, Ltd. Joyce Hager

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NW1/4 BNI Coal, Ltd. Joyce Hager

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NW1/4 BNI Coal, Ltd. Joyce Hager

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NW1/4 BNI Coal, Ltd. Joyce Hager

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NW1/4 BNI Coal, Ltd. Joyce Hager

SECTION 139 T14N R83W
NW1/4 BNI Coal, Ltd. Joyce Hager

SECTION 140 T14N R83W
NW1/4 BNI Coal, Ltd. Joyce Hager

SECTION 141 T14N R83W
NW1/4 BNI

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

Please take notice that BNI Coal Ltd., 2360 37th Avenue SW, Corning, North Dakota 58530-0489 has submitted an application to the North Dakota Public Service Commission for Reclamation No. 13, 13.30 Permit BNCR-191, to engage in surface coal mining and reclamation activities. The approved permit encompasses 1,023.23 acres in parts of Sections 5, 7, 8, 9, 16, 17, 18, 19, 20, 21 and 28, 1141N, R63W, parts of Sections 1, 12, 13, 14, 15, 16, 22, 23, 24 and 25, 1141N, R64W, and parts of Sections 31 and 32, 1142N, R63W, Oliver County, ND. The reclamation permit was approved on July 16, 2023. 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 require the addition of new acreage to the permit. The revision proposes to update the Transportation Plan and Surface Water Management Plan within portions of Section 13 and Section 14, Township 141 North, Range 64 West, to further describe mine access west of 37th Avenue SW, including haul elements, 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 abutment/drainage intersects within the northern half of Section 13, Township 141 North, Range 64 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 half of Section 17, Township 141 North, Range 63 West, and portions of Section 21, Township 141 North, Range 63 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 roadway. Prior to this closure, a temporary road bridge would be constructed to relocate public traffic during overpass construction. Following completion of the overpass and reclamation traffic on 37th Avenue SW, the revision also describes construction of a temporary drainage bypass road to allow relocation of a drainage across the county road at a location south of the overpass. The drainage bypass road would correct approved haul roads within the permit area and would be constructed and operated using best management practices to minimize disturbance. Portions of the drainage bypass road would be reclaimed following completion of the drainage 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 variances, relocations, and artwork without adjacent to certain section lines and outcrop/road rights-of-way within the permit area, as described in the permit revisions and supporting documentation. The Oliver County Board of Commissioners approved on November 7, 2024 and made findings on April 14, 2025 regarding the following Section lines and County Road: 1. 26P St SW (unimproved Section line), between Section 24 and Section 25 1141N R64W & Section 13 and Section 14 1141N R63W. 2. 30P Ave SW (unimproved Section line), between Section 19 1141N R63W and Section 24 1141N R64W. 3. 27P St SW (unimproved Section line), between Section 14 and Section 23 1141N R64W & Section 15 and Section 22 1141N R64W. 4. 26P St SW (unimproved Section line, between Section 14 and Section 1 1141N R63W. 5. 33P Ave SW (unimproved Section line), between Section 14 and Section 15 1141N R64W & Section 22 and Section 23 1141N R63W. 6. 34P Ave SW (unimproved Section line), between Section 19 1141N R63W and Section 24 1141N R64W. 7. 30P Ave SW (unimproved Section line), between Section 19 1141N R63W. 8. 27P St SW (County road), between Section 19 1141N R63W. 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. 37P Ave SW, between Section 13 and 24, 1141N R64W. 2. 37P Ave SW, between Section 23 and 24, 1141N R64W. 3. Southside of Section Line between Section 10 and 11, 1141N R64W. 4. Eastside of Section Line between Section 10 and 11, 1141N R64W. The application for review of the surface coal mining permit is available for public inspection at the office 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 58505-0480. Any person with an interest(holding), 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

LOCAL SECTION

SURFACE OWNERS

COAL OWNERS

SECTION 13 1141N R63W

SW1/4, SW1/4

Minkota Power Cooperative

Great Northern Properties

SW1/4, NE1/4SW1/4, NE1/4SE1/4, less Lot A

SW1/4, SW1/4

Janet & L J Dohman
Wayne Reuther
Karen Shutz
Gary Lintus

BNI Coal, Ltd.
BNI Coal, Ltd.

SW1/4, NE1/4SW1/4, NE1/4SE1/4, less Lot A

SW1/4, SW1/4

Janet & L J Dohman
Wayne Reuther
Karen Shutz
Gary Lintus

BNI Coal, Ltd.
BNI Coal, Ltd.

SW1/4, NE1/4SW1/4, NE1/4SE1/4, less Lot A

SW1/4, SW1/4

Janet & L J Dohman
Wayne Reuther
Karen Shutz
Gary Lintus

BNI Coal, Ltd.
BNI Coal, Ltd.

SW1/4, NE1/4SW1/4, NE1/4SE1/4, less Lot A

SW1/4, SW1/4

Janet & L J Dohman
Wayne Reuther
Karen Shutz
Gary Lintus

BNI Coal, Ltd.
BNI Coal, Ltd.

SW1/4, NE1/4SW1/4, NE1/4SE1/4, less Lot A

SW1/4, SW1/4

Janet & L J Dohman
Wayne Reuther
Karen Shutz
Gary Lintus

BNI Coal, Ltd.
BNI Coal, Ltd.

SW1/4, NE1/4SW1/4, NE1/4SE1/4, less Lot A

SW1/4, SW1/4

Janet & L J Dohman
Wayne Reuther
Karen Shutz
Gary Lintus

BNI Coal, Ltd.
BNI Coal, Ltd.

SW1/4, NE1/4SW1/4, NE1/4SE1/4, less Lot A

SW1/4, SW1/4

Janet & L J Dohman
Wayne Reuther
Karen Shutz
Gary Lintus

BNI Coal, Ltd.
BNI Coal, Ltd.

SW1/4, NE1/4SW1/4, NE1/4SE1/4, less Lot A

SW1/4, SW1/4

Janet & L J Dohman
Wayne Reuther
Karen Shutz
Gary Lintus

BNI Coal, Ltd.
BNI Coal, Ltd.

SW1/4, NE1/4SW1/4, NE1/4SE1/4, less Lot A

SW1/4, SW1/4

Janet & L J Dohman
Wayne Reuther
Karen Shutz
Gary Lintus

BNI Coal, Ltd.
BNI Coal, Ltd.

SW1/4, NE1/4SW1/4, NE1/4SE1/4, less Lot A

SW1/4, SW1/4

Janet & L J Dohman
Wayne Reuther
Karen Shutz
Gary Lintus

BNI Coal, Ltd.
BNI Coal, Ltd.

SW1/4, NE1/4SW1/4, NE1/4SE1/4, less Lot A

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Wayne Reuther
Karen Shutz
Gary Lintus

BNI Coal, Ltd.
BNI Coal, Ltd.

SW1/4, NE1/4SW1/4, NE1/4SE1/4, less Lot A

SW1/4, SW1/4

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Wayne Reuther
Karen Shutz
Gary Lintus

BNI Coal, Ltd.
BNI Coal, Ltd.

SW1/4, NE1/4SW1/4, NE1/4SE1/4, less Lot A

SW1/4, SW1/4

Janet & L J Dohman
Wayne Reuther
Karen Shutz
Gary Lintus

BNI Coal, Ltd.
BNI Coal, Ltd.

SW1/4, NE1/4SW1/4, NE1/4SE1/4, less Lot A

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Janet & L J Dohman
Wayne Reuther
Karen Shutz
Gary Lintus

BNI Coal, Ltd.
BNI Coal, Ltd.

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Janet & L J Dohman
Wayne Reuther
Karen Shutz
Gary Lintus

BNI Coal, Ltd.
BNI Coal, Ltd.

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Janet & L J Dohman
Wayne Reuther
Karen Shutz
Gary Lintus

BNI Coal, Ltd.
BNI Coal, Ltd.

SW1/4, NE1/4SW1/4, NE1/4SE1/4, less Lot A

SW1/4, SW1/4

Janet & L J Dohman
Wayne Reuther
Karen Shutz
Gary Lintus

BNI Coal, Ltd.
BNI Coal, Ltd.

SW1/4, NE1/4SW1/4, NE1/4SE1/4, less Lot A

SW1/4, SW1/4

Janet & L J Dohman
Wayne Reuther
Karen Shutz
Gary Lintus

BNI Coal, Ltd.
BNI Coal, Ltd.

SW1/4, NE1/4SW1/4, NE1/4SE1/4, less Lot A

SW1/4, SW1/4

Janet & L J Dohman
Wayne Reuther
Karen Shutz
Gary Lintus

BNI Coal, Ltd.
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SW1/4, NE1/4SW1/4, NE1/4SE1/4, less Lot A

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SW1/4, SW1/4

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SW1/4, SW1/4

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BNI Coal, Ltd.
BNI Coal, Ltd.

SW1/4, NE1/4SW1/4, NE1/4SE1/4, less Lot A

SW1/4, SW1/4

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Gary Lintus

BNI Coal, Ltd.
BNI Coal, Ltd.

SW1/4, NE1/4SW1/4, NE1/4SE1/4, less Lot A

SW1/4, SW1/4

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BNI Coal, Ltd.
BNI Coal, Ltd.

SW1/4, NE1/4SW1/4, NE1/4SE1/4, less Lot A

SW1/4, SW1/4

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BNI Coal, Ltd.
BNI Coal, Ltd.

SW1/4, NE1/4SW1/4, NE1/4SE1/4, less Lot A

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