

Affidavit of Publication

STATE OF NORTH DAKOTA,
COUNTY OF OLIVER, ss.

James Brown being first duly sworn, on oath says, that he is the bookkeeper of the CENTER REPUBLICAN, a weekly newspaper published in Center, County of Oliver, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies weekly, and has been published within said county for fifty-two successive weeks next prior to the publication of the notice herein mentioned; that the

notice of application for a permit revision to engage in surface coal mining

BNI COAL

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once each week for 4 successive week, on the day of each week on which said newspaper was regularly published to-wit:

3 - Center Republican: 7/23/2026, 7/30/2026,
8/6/2026, 8/13/2026

That the full amount of the fees for
the publication of the annexed notice is: \$ 2778.36

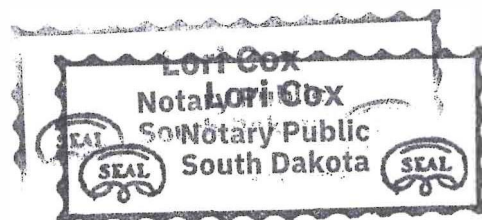
James Brown

Subscribed and sworn to before me this 8/18/2026

Lori Cox

Lori Cox, Notary Public
State of South Dakota

My commission expires January 2, 2031



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

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:

- 28th St. SW (unimproved Section line), between Section 24 and Section 25 T141N R84W & Section 19 and Section 30 T141N R83W.
- 36th Ave SW (unimproved Section Line), between Section 19 T141N R83W and Section 24 T141N R84W.
- 27th St. SW (unimproved Section Line), between Section 14 and Section 23 T141N R84W & Section 15 and Section 22 T141N R84W.
- 26th St. SW (unimproved Section Line), between Section 14 and Section 11 T141N R84W.
- 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.

- 34th Ave W (unimproved Section Line), between N1/2 Section 28 and N1/2 Section 29 T141N R83W.
- 35th Ave SW (County Road), between Section 19 and Section 20, T141N R83W.
- 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:

- 37th Ave SW, between Section 11 and Section 12, T141N R84W
- 37th Ave SW, between Section 13 and 14, T141N R84W
- 37th Ave SW, between Section 23 and 24, 141N R84W
- Southside of Section Line between Section 10 and 15, T141N, R84W
- 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:

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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:

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SECTION 5 T141N R83W

NW1/4, SW1/4 *Minnkota Power Cooperative* Great Northern Properties

SECTION 7 T141N R83W

W1/2 *Janet K & LJ Dohrman Rev. Trust* BNI Coal, Ltd.

E1/2 *Gary Leinius* BNI Coal, Ltd.

SECTION 8 T141N R83W

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

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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

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Linda Borlaug

John Kautzman

Donna Barnhardt

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Alexis Bochko

Dean Stucky

Jean Clift

Susan Koehn

Julie & Donald Gregory

Patsy McGehee

Jack & Nancy Horn

Donald R. Posey

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Helen Pflieger

Margaret Pflieger

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*

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* Rosalie Dingus

Mark R. Fuchs

Mark R. Fuchs

Jack B. Fuchs

Jack B. Fuchs

Dennis Hagel

Gary Hagel

Judith McNulty

Regina Husfloen

LE Ralph & Irene Kautzman

James & Bonita Pazdernik LE 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

Ralph & Irene Kautzman

James & Bonita Pazdernik LE 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

Ralph & Irene Kautzman

James & Bonita Pazdernik LE Daniel

Landeis Judy Dick Roger Landeis Randy Landeis Donald Roerich Douglas D. & Deberra K. Doll LE

James & Bonita Pazdernik LE

SECTION 28 T141N R83W

NE1/4 *Clementine Friesz Life Estate* Clementine Friesz Life Estate

Remaindermen: Sandra K. Orgaard

Sandra K. Orgaard

Sandra K. Orgaard

Roger A. Friesz

Roger A. Friesz

Duane M. Friesz

Duane M. Friesz

Karen M. Porsborg

Karen M. Porsborg

Michael J. Friesz

Michael J. Friesz

Audrey A. Peterson

Audrey A. Peterson

Marshall & Winston, Inc.

Fortin Enterprises, Inc.

Hancock Enterprises

WEST 528' OF NW1/4 *Thomas Pfliger*

Thomas Pfliger

Dale 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

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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* Rosalie Dingus

Mark R. Fuchs

Mark R. Fuchs

Jack B. Fuchs

Jack B. Fuchs

Dennis Hagel

Gary Hagel

Judith McNulty

Regina Husfloen

Scott Hagel

Katherine Kautzman

S1/2NW1/4 *Rosalie Dingus* USA

Mark R. Fuchs

Jack B. Fuchs

N1/2NE1/4 *Jolene Berger* Jolene Berger

S1/2NE1/4 *Jolene Berger* USA

S1/2 *Brian Dresser* Brian Dresser

Yvonne Schmidt LE

Remaindermen: 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

SECTION 14 T141N R84W

NW1/4NE1/4, N1/2NW1/4, SW1/4NW1/4

Lee Dresser Lee Dresser

Yvonne Schmidt LE

Remaindermen: 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

SECTION 15 T141N R84W

N1/2 *Russel Hoesel* Jean Holmgren

J. Marie Smith Living Trust

Patricia Samson

Anne F. Cerulli LE Remaindermen: Anthony Cerulli

Nathan Cerulli

Karen Van Amburg LE Remaindermen: 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 Scholdt

Cory Scholdt

Arlen Wright

Terry Wright

Doran Horsley

David Horsley

Darrel Horsley

Darla Parks

Bradley Dykes

Brenda Dykes

Dennis Dykes

Kelly Dykes

SECTION 16 T141N R84W

E1/2 *ND State Land Dept* ND State Land Dept

SECTION 22 T141N R84W

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

SECTION 23 T141N R84W

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

SECTION 24 T141N R84W

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* BNI Coal, Ltd

Karen Shulz

Jerry Reuther

Kent Reuther

Keith Reuther

NE1/4 Lot A *BNI Coal, Ltd* BNI Coal, Ltd

SE1/4 *Wayne Reuther* Wayne Reuther

Karen Shulz Karen Shulz

Jerry Reuther Jerry Reuther

Kent Reuther Kent Reuther

Keith Reuther Keith Reuther

SECTION 25 T141N R84W

NW1/4 *Marvin Pflieger* Marvin Pflieger

NE1/4 *David & Karen Porsborg* David & Karen Porsborg

Jeanette Bonnet

Robert Porsborg

Darlene Sorge

Dorothy Willems

SECTION 31 T142N R83W

ES1/2SE1/4, LESS HAUL ROAD CORRIDOR *Brian Reinke* Brian Reinke

Benjamin Reinke Benjamin Reinke

Elizabeth Wagendorf 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

(07-23-2026)(07-30-2026)(08-06-2026)

(08-13-2026)

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Randall Schmidt

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JoAnne Stromme

Jeffrey Schmidt

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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* ND State Land Dept

Jerry Reuther BNI Coal, Ltd.

Florence Porsborg

Wayne Reuther

Jerry Reuther

SECTION 18 T141N R83W

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* BNI Coal, Ltd

Karen Shulz

Jerry Reuther

Kent Reuther

Keith Reuther

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

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Linda Borlaug

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