

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Notice and Agenda**

**June 08, 2023**

**Time:** 1:00 p.m. – Conclusion

**Location:** Lignite Energy Council  
1016 E Owens Ave  
Bismarck, ND 58501

**Re:** Lignite Energy Council Quarterly Meeting

**Agenda:**

Discussion of status of current projects, permitting activities, etc. at mines and plants.

Permitting

Federal Coal Leasing/Mine Plan Approval

Program Amendments Submitted to OSM in 2022

AML Activities

Bipartisan Infrastructure Law (BIL)

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Date: 08 June 2023

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Items may be deleted from or added to the agenda at any time. The current agenda is available at: [www.psc.nd.gov](http://www.psc.nd.gov).

Anyone requiring auxiliary aids or services, such as readers, signers, or Braille materials, should contact the Executive Secretary, at least one full working day prior to the event.

**Reclamation and AML Topics  
Lignite Energy Council Quarterly Meeting  
June 8, 2023**

**Permitting**

- BNI's permit revision that adds 2661 acres to an existing permit area is near the end of the technical review phase and should be ready for approval soon. The additional acreage includes 480 acres of federal coal.
- Falkirk's permit revision to add 3,359.7 acres to an existing permit area was approved June 6th. The additional acreage includes 320 acres of federal coal.
- We currently have six insignificant and four significant permit revisions and one renewal applications under review.
- American Colloid is planning to add 1175 acres to their existing permit area near Reeder.
- We have six pending bond release applications: three at the Freedom Mine for 162 acres, 343 acres and 198 acres, two at the Center Mine for 17 acres and 197 acres, and one at the Falkirk Mine for 642 acres .
- The Reclamation Cost Estimating Guidelines used for calculating worst-case bond amounts was updated for 2022. Mining companies are in the process of updating reclamation cost estimates for each permit area or consolidated bond area.

**Federal Coal Leasing/Mine Plan Approval**

- Center Mine received Mine Plan Approval for Permit BNCR-9401.
- Mine Plan approval is still pending for Permit NACC-1302 at the Coyote Creek Mine, and Permit BNCR-9702 at the Center Mine.
- We are reviewing BLM's proposed rule on Conservation and Landscape Health. We intend to submit comments.

**Program Amendments submitted to OSM in 2022**

- Program Amendment 42 proposes to change the reclamation rules to allow real property collateral bonding.
- Program Amendment 43 proposes to change references in our rules from the Department of Health and State Water Commission/State Engineer to the Department of Environmental Quality and Department of Water Resources. The amendment also changes the timing for submitting permit renewal application and for scheduling informal conferences.
- **Both Program Amendments were published in the federal register on May 19, 2023 and the public comment period ends June 20<sup>th</sup>.**

## **AML Activities**

### **2023 AML Projects:**

- 2023 Garrison Phase 6 AML Project- drilling and grouting project near Garrison.
- 2023 Exploratory Drilling project along Lehigh Drive and Lehigh Road located about 3 miles southeast of Dickinson ND
- 2023 Beuchler-Velva Phase 3 AML Project is a 60-acre abandoned surface mine reclamation project near Velva.
- Investigate new sinkholes and other AML sites for future projects and conduct sinkhole filling and some maintenance on previous surface projects.
- At the end of May, we filled an emergency sinkhole under Highway 67 south of Scranton. The sinkhole was about 8 feet in diameter and 8 feet deep.

**Bipartisan Infrastructure Law (BIL)** We received the notice of award for \$3,101,700 in January 2023.