

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:

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 publica-

tion 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:

LEGAL DESCRIPTION *Surface Owner (s)*

Coal Owners

SECTION 5 T141N R83W

NW1/4, SW1/4 *Minnkota Power Coopera-*

tive 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

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

SECTION 9 T141N R83W

ALL *Minnkota Power Cooperative* Duane

C. Anderson

Corrine L. Dockter

Vi Ann Olson

Sharon Anderson

SECTION 16 T141N R83W

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

SECTION 17 T141N R83W

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* 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

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* BNI
 Coal, Ltd
Karen Schulz
Jerry Reuther
Kent Reuther
Keith Reuther
 NW1/4 LOT A *Keith Reuther* BNI Coal, Ltd
 NE1/4 *Winfrid Keller* Winfrid 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* Thomas Pfliger
Dale Pfliger Dale Pfliger
 NE1/4 *Douglas D. & Deberra K. Doll* LE
 Douglas D. & Deberra K. Doll LE
James & Bonita Pazdernik 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
 Winfrid Keller
 S1/2SW1/4 *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
 SE1/4 *Doll Farm Enterprises* Helen Pfleger
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
 Pfleger
 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* Clem-
 entine Friesz Life Estate
 Remaindermen: Remaindermen:
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 Pfleger*
 Helen Pfleger

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
 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 Remainder-

man: 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 Remainder-
 man: 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 Schuldt
 Cory Schuldt
 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 CORRI-
 DOR *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)

