

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

BNI Coal, Ltd.
Revision No. 22, Permit BNCR-9702
Approval

Case No. RC-07-461

**REVISION OF PERMIT TO ENGAGE IN
SURFACE COAL MINING AND RECLAMATION OPERATIONS**

March 26, 2008

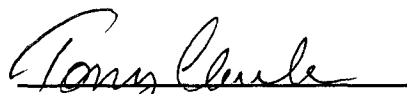
Based on the application for **Revision Number 22 to Permit Number BNCR-9702 received July 12, 2007**, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The revision application submitted on July 12, 2007, and revised through March 6, 2008, is complete and accurate and the applicant has complied with the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code;
2. The additional variance that has been requested from the three-year contemporaneous reclamation requirement under NDCC 38-14.1-24-14 for the final pit that is proposed in parts of Sections 21 and 28 is justified and the Commission is approving the variance;
3. Performance bonds that total at least \$24,954,142 will be sufficient for the proposed mining and reclamation operations in the consolidated bond area that includes this permit; and
4. The Commission's other findings that were made when the permit was issued remain applicable to the revised operation and reclamation plans.



Revision Number 22 to Permit Number BNCR-9702 is hereby conditionally granted to BNI Coal, Ltd. to extend the north-south pit sequence further westward into the W½ of Section 21 and W½ of Section 28, T142N, R84W; and to update the legal and business entity information and mining and reclamation plans, including the worst-case reclamation cost estimate for bonding, as described in the revision application received July 12, 2007.

The approved revision is subject to the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, the conditions of the approved permit, and the additional permit condition that is attached. Pursuant to Section 38-14.1-23 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, this revision was found to be a significant alteration to the previously approved permit.

PUBLIC SERVICE COMMISSION



**Tony Clark
Commissioner**



**Susan E. Wefald
President**

**Kevin Cramer
Commissioner**