

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. RC-07-461

SURFACE COAL MINING AND RECLAMATION PERMIT CONDITIONS

March 26, 2008

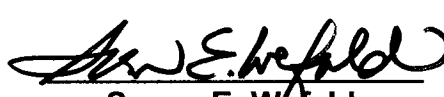
Revision No. 22 to Surface Coal Mining Permit Number BNCR-9702 has been issued to **BNI Coal, Ltd.** subject to Chapter 38-14.1 of the North Dakota Century Code, all the rules promulgated there under, and the following condition:

1. No overburden or coal removal may occur in the W½ of Section 28, T142N, R84W, where the coal interest is owned by the United States of America until the mining plan is approved by the United States Department of the Interior. Until the U.S. Department of the Interior approves the mining plan, surface disturbances on the federal coal tract must be limited to those activities that are needed for carrying out mining on the adjoining tracts where BNI Coal, Ltd. has all of the rights and approvals necessary for mining the coal.

PUBLIC SERVICE COMMISSION



Tony Clark
Commissioner



Susan E. Wefald
President



Kevin Cramer
Commissioner