

APPROVED

DATE: 6-19-08  
[Signature]

**MOTION**

**June 19, 2008**

**BNI Coal, Ltd.  
Renewal No. 5, Permit BNCR-8106  
Approval**

**Case No. RC-08-82**

I move that the Commission approve Renewal No. 5 to Surface Coal Mining Permit No. BNCR-8106, held by BNI Coal, Ltd. for the Center Mine, to extend the permit term another five years, until July 18, 2013.

SAS & JRD

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**PUBLIC SERVICE COMMISSION  
Reclamation Division**

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**Memorandum**

**TO:** Commissioners Wefald, Cramer and Clark  
Illona Jeffcoat-Sacco and Bill Binek

**FROM:** Dr. Stephan A. Schroeder and Jim Deutsch

**DATE:** June 11, 2008

**SUBJECT:** BNI Coal's application for Renewal No. 5 to Surface Coal Mining Permit No. BNCR-8106, Case No. RC-08-82

BNI Coal, Ltd. applied for Renewal No. 5 to Permit No. BNCR-8106 on February 22, 2008. This renewal will extend the permit term another five years. The Reclamation Division has reviewed this application and all related materials and respectfully recommends that it be approved.

Permit BNCR-8106 contains a total of 1,557.04 acres in Sections 31 and 32, T142N, R83W, and Sections 23, 25, 26, 35, and 36, T142N, R84W, Oliver County, at the Center Mine. Approval of this renewal is necessary in order for BNI to continue mining and reclamation operations within the permit area until July 18, 2013. All coal removal from Permit BNCR-8106 was completed several years ago, but portions of this permit area are used for long-term haulroads and other facilities, including the shop/office area. BNI also filed Revision No. 47, an insignificant revision, to update the legal and financial section, extended mine and operations plans, and the reclamation cost estimate for setting the minimum bond amount. This insignificant revision was approved on June 4<sup>th</sup>.

BNI submitted evidence of continued liability insurance for this permit. Self Bond SB9702-1 in the amount of \$17,347,000 and Surety Bond 400JR4173 in the amount of \$7,661,439 are in effect for the consolidated bond area that includes this and other permits for the Center Mine. The total bond amount is sufficient to cover the updated worst-case reclamation cost estimate for all areas covered by the consolidated bond area.

BNI published notices of this renewal application in the Bismarck Tribune and the Center Republican. Reclamation Division staff also sent notices to the appropriate agencies and landowners as required. No objections to this application were received.

Attached are a proposed motion and the renewal award form for Commission approval at the June 19, 2008 meeting.

Attachments

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

**BNI Coal, Ltd.**  
**Renewal No. 5, Permit BNCR-8106**  
**Approval**

**Case No. RC-08-82**

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

**June 19, 2008**


Based on the renewal application received on February 22, 2008, Renewal No. 5 for Surface Coal Mining Permit Number BNCR-8106 is hereby granted to the BNI Coal, Ltd. to renew this surface coal mining permit subject to the requirements of Chapter 38-14.1 of the North Dakota Century Code, and the rules promulgated there under, on the following described areas:

**Portions of Sections 31 and 32, T142N, R83W, and Sections 23, 25, 26, 35 and 36, T142N, R84W, Oliver County, totaling 1,557.04 acres.**

This five-year permit renewal will allow the BNI Coal, Ltd. to continue to operate under approved mining and reclamation plans until July 18, 2013. Permit No. BNCR-8106 and other permits at the Center Mine are currently covered by Self-Bond SB-9702-1 and Surety Bond 400JR4173 totaling \$25,008,439.

**PUBLIC SERVICE COMMISSION**

  
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**Tony Clark**  
**Commissioner**

  
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**Susan E. Wefald**  
**President**

  
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**Kevin Cramer**  
**Commissioner**