



United States Department of the Interior



In Reply To:

BUREAU OF LAND MANAGEMENT
Montana State Office
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<http://www.blm.gov/mt>

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PUBLIC SERVICE COMMISSION

NDM95104
3482 (921)

January 23, 2009

FROM DIRECTOR - RECLAMATION DIV.

Date: _____

Action: _____

Info. Only: _____

Info & File: _____

Mr. Jay Volk
Environmental Supervisor
BNI, Coal Inc.
2360 35th Ave SW
Center, ND
58530

Re: Modification of Resource Recovery and Protection Plan (R2P2) Center Mine

Dear Mr. Volk

This office has reviewed the proposed Resource Recovery and Protection Plan (R2P2) modification for the Center Mine submitted by your E-Mail dated December 11, 2008. This proposed revision adds and extends mine cuts within the W^{1/2} of Section 28 of T.142 N., R. 84 W. thereby allowing recovery of leased federal coal beyond previously approved mining limits. This plan revision will increase federal coal recovery thus advancing Maximum Economic Recovery.

The proposed R2P2 modification has been found to meet the requirements of the Mineral Leasing Act of 1920, as amended, the regulations at 43 CFR 3480, the lease terms, and Maximum Economic Recovery. Therefore this office has no objection to this revision and hereby grants approval pursuant to 43 CFR 3482.2(c). It is understood by this office that the North Dakota Public Service Commission (PSC) has been contacted and will take its own action in regard to this matter.

Any questions concerning this approval may be addressed to Bob Giovanini at (406) 896-5084.

Sincerely,

/s/ Phillip C. Perlewitz

Phillip C. Perlewitz, Chief
Branch of Solid Minerals

CC Gene Hay, OSM, Denver, CO
James Deutsch, ND PSC, Bismarck, ND ✓