

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

BNI Coal, Ltd.
Revision No. 25, Permit BNCR-9702
Approval

Case No. RC-08-889

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

June 3, 2009

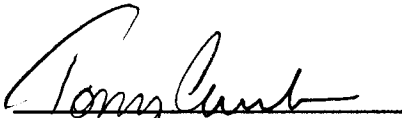
Based on the application for **Revision Number 25 to Permit Number BNCR-9702 received November 20, 2008**, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The revision application submitted on November 20, 2008, and revised through May 20, 2009, 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 sump areas that are proposed in Section 28 is justified and the Commission is approving the variance;
3. Performance bonds that total at least \$26,661,439 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 25 to Permit Number BNCR-9702 is hereby granted to BNI Coal, Ltd. to extend the north-south pit sequence further westward into the W $\frac{1}{2}$ of Sections 21 and 28 and to extend the east-west pit sequence further northward in the S $\frac{1}{2}$ of Section 32, T142N, R84W; and to update other information and operations and reclamation plans as described in the revision application received November 20, 2008.

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 and the conditions of the approved permit. 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



Kevin Cramer
President



Brian P. Kalk
Commissioner