

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

BNI Coal Ltd.
Renewal No. 5, Permit BNCR-8202
Application

Case No. RC-09-142

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

July 29, 2009

Based on the renewal application received on March 31, 2009, Renewal No. 5 for Permit Number BNCR-8202 is hereby granted to BNI Coal, Ltd. to renew the surface coal mining permit subject to the requirements of Chapter 38-14.1 of the North Dakota Century Code, and the rules promulgated thereunder, on the following described areas:

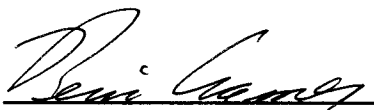
Portions of Sections 22 and 26, T142N, R84W, Oliver County,
containing 886.48 acres.

This five-year permit renewal will allow BNI Coal, Ltd. to continue to operate under approved mining and reclamation plans until July 31, 2014. Surface Mining Permit No. BNCR-8202 is currently covered by Collateral Bond No. CB9702-2 and Surety Bond No. 400JR4173 which also cover several other permits for the Center Mine. The total bond amount of \$26,661,439 is sufficient to cover reclamation costs in the consolidated bond area that includes this permit area.

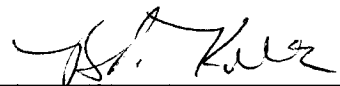
PUBLIC SERVICE COMMISSION



Tony Clark
Commissioner



Kevin Cramer
President



Brian P. Kalk
Commissioner