

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

**BNI Coal, Ltd.**  
**Revision No. 27, Permit BNCR-9702**  
**Application**

**Case No. RC-09-204**

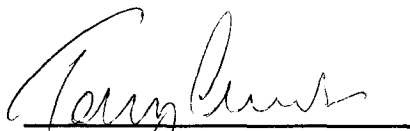
**SURFACE COAL MINING AND RECLAMATION PERMIT CONDITIONS**


**January 27, 2010**

**Revision No. 27 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 thereunder, and the following condition:

1. No overburden or coal removal may occur in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 32, T142N, R84W, where the coal interest is owned by the United States of America, until the U.S. Department of the Interior approves the mining plan for this tract as required by 30 CFR 746.11. Until that mining plan is approved, 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 the coal interests are privately owned.

**PUBLIC SERVICE COMMISSION**

  
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**Tony Clark**  
**Commissioner**

  
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**Kevin Cramer**  
**Chairman**

  
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**Brian P. Kalk**  
**Commissioner**