STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

BNI Coal, Ltd. **Case No. RC-10-25**
Revision No. 30, Permit BNCR-9702
Application

SURFACE COAL MINING AND RECLAMATION PERMIT CONDITIONS

May 18, 2011

Revision No. 30 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 conditions:

1. No overburden or coal removal may occur in the N½NW¼ and the SW¼NW¼ 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 these tracts as required by 30 CFR 746.11. Until that mining plan is approved, surface disturbances on the federal coal tracts must be limited to those activities that are needed for carrying out mining on the adjoining tracts where the coal interests are privately owned.

2. Before conducting mining related activities within 100 feet of the outside right-of-way of any public roads within or adjacent to areas added to the permit with Revision No. 30, BNI Coal, Ltd. must submit copies of the road authority's approval documents to the Commission. If the road authority's approval process does not provide for public notice, an opportunity for hearing, and written findings, the Commission will do so before allowing any mining related activities to occur within 100 feet of the public road right-of-way as required by NDAC 69-05.2-04-01.3(3).

PUBLIC SERVICE COMMISSION

Kevin Cramer	Tony Clark	Brian P. Kalk
Commissioner	Chairman	Commissioner