



Public Service Commission

State of North Dakota

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November 25, 2013

Mr. Allen D. Klein, Director
Office of Surface Mining and Enforcement
Western Region
Office of Surface Mining
1999 Broadway, Suite 3320
Denver, CO 80202-3050

Dear Mr. Klein:

BNI Coal, Ltd. has filed the application for Revision No. 12 to Surface Mining Permit BNCR-9401 to add an additional 180.54 acres of land to this permit for the Center Mine in Oliver County. The Reclamation Division deemed this revision application complete earlier this year and will soon be completing its technical review of the application. The additional area being permitted includes most of a 40-acre tract of unleased federal coal, the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 8, T141N, R83W. The surface of this tract is privately owned. The existing permit area and the additional areas being permitted are shown on the attached figure. While BNI plans to lease the federal coal tract and mine a small portion of it around 2020, no mining of the federal coal is proposed at this time. The Pit Layout and Facilities Map included in Revision No. 12 does not show any mining or other surface disturbances on this tract. Enclosed is a DVD that contains the entire permit document with many of the pending revision changes highlighted.

Our Cooperative Agreement (Article V, Section B.7) gives the Commission the authority to issue permit revisions allowing surface disturbances on land containing unleased federal coal after consultation with BLM through OSM. This consultation is to ensure that actions taken by the Commission do not result in substantial or adverse effects to the federal mineral estate. I am requesting a determination from BLM that the proposed permitting of the 40-acre tract will not adversely affect the federal mineral estate. A response before the end of this year will be appreciated.

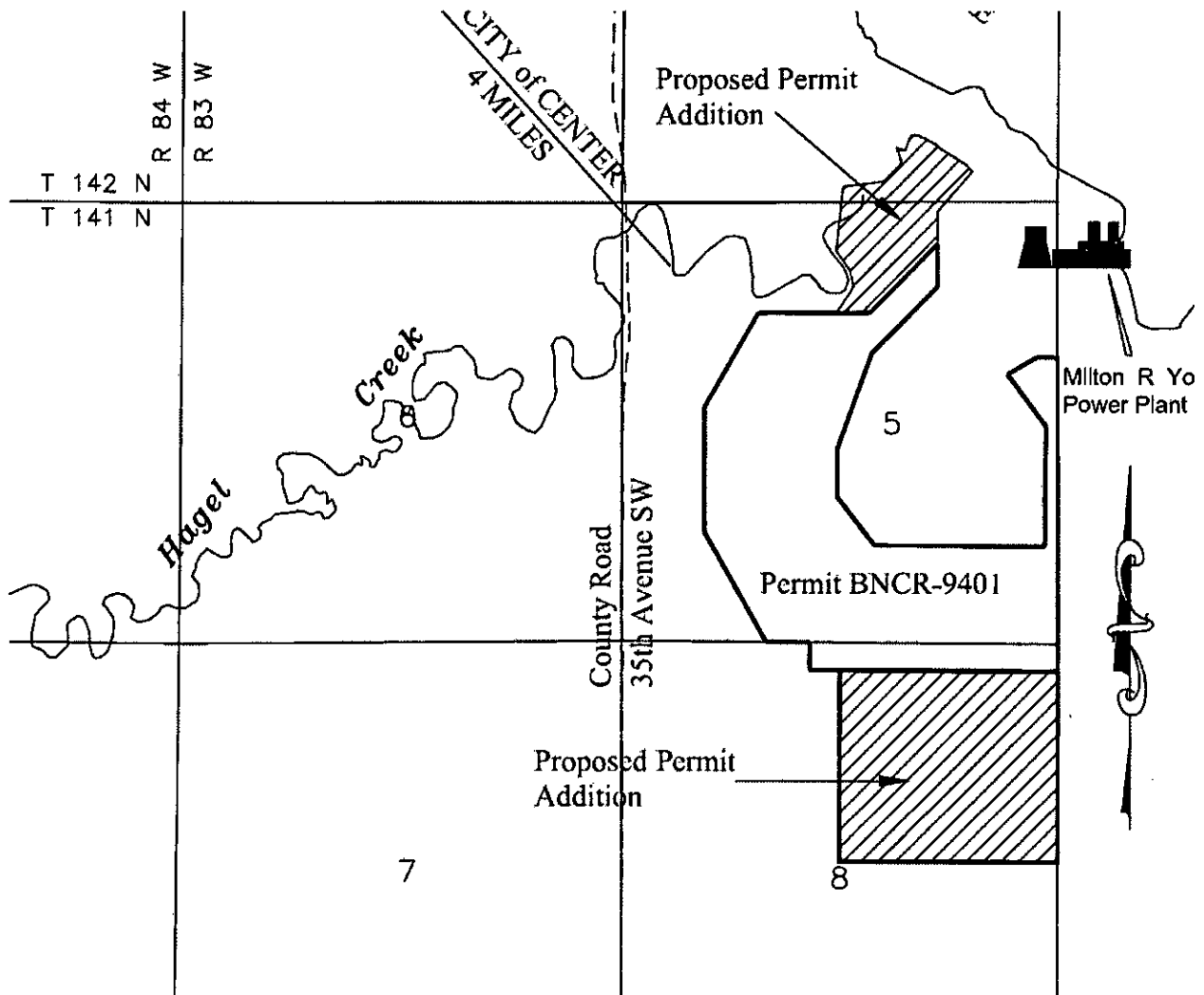
If you or BLM have any questions, please contact me.

Sincerely,

James R. Deutsch
Director – Reclamation Division

cc: Phillip Perlewitz, BLM w/enclosure
Jeff Fleischman, OSM w/enclosure
Gene Hay, OSM
Jay Volk, BNI Coal, Ltd.

Map of Permit BNCR-9401 and Areas being added with Revision No. 12



Enclosure