

**Public Service Commission  
Reclamation Division**

**Memorandum**

To: Commissioners Kalk, Cramer, and Fetch  
Darrell Nitschke, Executive Secretary  
Illona Jeffcoat-Sacco

From: <sup>BG</sup> Bill Gunnerson, <sup>DKM</sup> Dean Moos, and <sup>JL</sup> Jim Deutsch

Date: November 26, 2012

Subject: Application for Revision No. 51 to Permit No. BNCR-8106 held by BNI Coal, Ltd., Case No. RC-12-648

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On July 26, 2012 BNI Coal, Ltd. filed the application for Revision No. 51 to Surface Coal Mining Permit BNCR-8106 to add 55.43 acres to the permit that includes the transfer 49.86 acres from Permit No. 37 and the re-permitting of 5.57 acres that had previously received final bond release. At the same time, BNI also filed the application for Revision No. 26 to Surface Coal Mining Permit No. 37 to delete the 49.86 acres from Permit No. 37. Tracts 1, 2, 3, and 4 as described by metes and bounds attached to the approval form and as depicted on attached Figure 1 comprise the 49.86 acres being transferred from Permit No. 37 in Sections 23, 35, and 36 of T142N, R84W, while Tract 5 similarly described and depicted comprises the 5.57 acres being re-permitted that had previously received final bond release. The bond release acreage is being re-permitted for use as a dragline walkway.

Permit No. BNCR-8106 will contain 1,223.80 acres effective with Revision 51 approval. This revision also updates Section 1 Legal and Financial Information, Section 3.5 Premining Land Use, Section 4.6 Surface Water Management Plan, and Section 4.12 Postmining Land Use. The Reclamation Division has completed its review of this revision application and respectfully recommends its approval.

This revision application was considered an insignificant revision application but requires Commission approval because of the acreage transfer and addition.

Attached for your consideration is the proposed motion for the November 28<sup>th</sup> Commission meeting and the revision approval form.

**Attachments**

Minedata/Center/Permits/BNCR-8106/Revisions/No.51/Rev51\_memo\_11-26-12