



**APPLICATION FOR REVISION OF PERMIT TO ENGAGE IN  
SURFACE COAL MINING AND RECLAMATION OPERATIONS**  
PUBLIC SERVICE COMMISSION  
RECLAMATION DIVISION  
SFN 10562 (1-2004)

RECEIVED  
33278  
JUL 26 2012

Date	July 24, 2012
Revision Number	26
State	ND
Zip Code	58530

Name of Company, Corporation, Partnership, or Individual BNI Coal, Ltd.	Permit Number 37	Revision Number 26
Address 2360 35th Avenue SW	City Center	State ND
		Zip Code 58530

The above named hereby makes application for the above Revision Number to: (include a brief description of the surface coal mining and reclamation operation being revised.)  
Transfer 49.86 acres from Sections 23, 35 and 36 T142N, R84W to Permit BNCR 8106.

Attached to this Permit Revision Application are a narrative describing the proposed permit revision, reasons for requesting the revision, and appropriate maps, cross-sections, graphs, construction details, revised reclamation plans and other data which demonstrate compliance with Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and the permit conditions of the approved permit. If an incidental boundary revision involving an acreage adjustment is being requested as part of the permit revision application, the following information shall be included (attach a copy of a metes and bounds description):


NAME OF MINE	ACRES	LOCATION			
		SEC.	TWP.	RANGE	COUNTY
Center Mine	12.77	23	142	84	Oliver
ADDRESS					
2360 35th Avenue SW	12.71	35	142	84	Oliver
Center, ND 58530	24.38	36	142	84	Oliver
<b>TOTAL ACRES</b>	<b>49.86</b>				

Based upon the proposed changes and any incidental boundary revisions to the permit as stated herein, a new or adjusted bond, or its equivalent, duly executed in accordance with Section 38-14.1-16 of the North Dakota Century Code and Chapter 69-05.2-12 of the North Dakota Administrative Code will be delivered to the Public Service Commission prior to issuance of the surface coal mining and reclamation operations permit herein requested. A check for filing fees, pursuant to Section 38-14.1-13 of the North Dakota Century Code, in the amount of \$ 0, is included with the revision application.

Name of Official Authorized to Represent the Applicant Karene M. Hall
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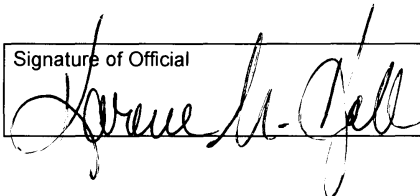
- I, the above named, certify that:
- All information and documents required by Sections 38-14.1-13, 38-14.1-14, and 38-14.1-15 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, are submitted as part of this permit application;
  - Information and documentation contained in the permit application affirmatively demonstrate that:
    - The permit revision application is accurate and complete and all the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code have been complied with;
    - Reclamation as required by Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code can be accomplished under the reclamation plan contained in this permit revision application;

- c. An assessment of the probable cumulative impact of all anticipated mining in the general area on the hydrologic balance as specified in subdivision o of subsection 1 of Section 38-14.1-14 has been made and the proposed operation has been designed to prevent material damage to the hydrologic balance both on and off the mine site;
  - d. The area proposed to be affected is not included within an area designated unsuitable for all or certain types of surface coal mining and is not within an area under study for such designation in an administrative proceeding;
  - e. The proposed surface coal mining operation will not interrupt, discontinue or preclude farming on alluvial valley floors that are irrigated or naturally subirrigated and will not materially damage the quantity or quality of water in surface or underground water systems that supply these alluvial valley floors; and
  - f. The permit revision applicant has the legal right to surface mine the land for which this permit revision application is made and all of the requirements of Chapter 38-18 of the North Dakota Century Code have been complied with.
3. The area proposed to be affected is not included within an area where mining is prohibited pursuant to Section 38-14.1-07 of the North Dakota Century Code; unless specifically allowed in accordance with the provisions of Section 69-05.2-04-01 of the North Dakota Administrative Code; and
4. The surface coal mining and reclamation operations contained in this permit revision application will be carried out at all times in a manner which ensures that all of the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and any permit conditions attached thereto are complied with.

Signature of Official 	Title Permit Coordinator
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**VERIFICATION**

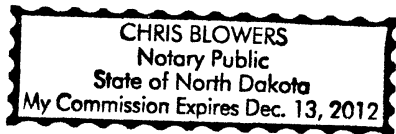
I, Karene M. Hall, being first and duly sworn, verify that the information contained in this Permit Revision Application is true and correct to the best of my knowledge and belief.

Signature of Official 	Title Permit Coordinator
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STATE OF North Dakota )  
 )ss.  
 COUNTY OF Oliver )

Subscribed and Sworn before me, this 24th day of July, 2012.

(SEAL)



  
 Notary Public

My Commission Expires: \_\_\_\_\_

SEC 26

SEC 25

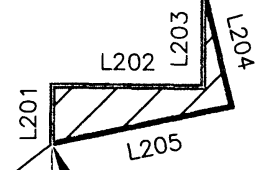
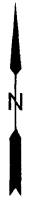
PARCEL 37-25C  
1.78± ACRES

L200	N 51°56'12" E	1939.52'
L201	N 00°21'51" E	179.97'
L202	S 89°27'10" E	469.93'
L203	N 00°21'52" E	299.95'
L204	S 13°39'44" E	369.94'
L205	S 78°18'31" W	572.21'

Point of Beginning 37-25C  
Southwest Corner Sec. 25,  
T. 142 N., R. 84 W.

NAD 27 NORTH DAKOTA STATE PLANE  
SOUTH ZONE US FOOT  
NORTH 517,214.0  
EAST 1,806,191.9

BNCR 8106 Boundary



True Point of Beginning

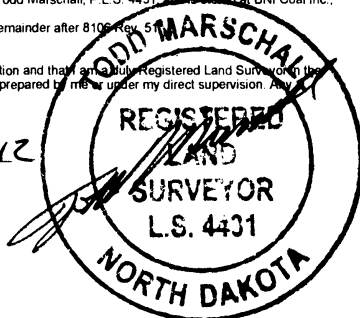


- Notes:
1. The basis of this survey is the 1927 North Dakota State Plane System, South Zone, US Survey Feet, 1993 MSI control. Details are available upon request @ 701-794-8735 ext. 260.
  2. Survey control was re-established in 1993 by Measurement Sciences, Inc. using Trimble 4000 GPS receivers and Trimble software.
  3. Additional survey control was established in 1994 by Ulteig Engineers using Sokkia 3BII total station (laser). Corrected coordinates for existing Land Corners and additional Land Corners were also established in 1995 and 1996 by Ulteig Engineers.
  4. These calculations were done with Carlson Survey 2012 & AutoCAD Map 3D 2012. An electronic copy is available upon request. Checking closure & acreages with AutoCAD is encouraged. A current digital ortho photo of the land is available for use in AutoCAD.
  5. For electronic drawings, this drawing was originally issued and sealed by Todd Marschall, P.L.S. 4431, and is stored at BNI Coal Inc., 2360 35th Ave. SW, Center, ND 58530-9499.
  6. Electronic version saved as: Legal-Description\_V2012-Center\_BNCR-37 Remainder after 8106 Rev. 51

Certification:  
I, Todd Marschall, hereby certify that this drawing is a reasonable representation and that I am a duly registered Land Surveyor in the State of North Dakota. I hereby certify that the plan shown on this sheet was prepared by me or under my direct supervision. Any alterations to this drawing will void my Certification.

*Todd Marschall*  
Todd Marschall, P.L.S. 4431

7-26-12  
Date



Dwg Rev #	Date	By	Description
			2360 35TH AVE SW CENTER, ND 58530-9499
<b>Legal-Description (Map)</b> <b>Permit 37</b> <b>(Remainder After BNCR 8106 Rev. 51)</b>			
By: Todd Marschall		Date: 07-26-12	
Checked by:			

**BNCR-37**  
**Remainder After BNCR 8106 Revision 51**  
**METES & BOUNDS DESCRIPTION**

A tract of land lying in Section 25 of Township 142 North, Range 84 West of the Fifth Principal Meridian, Oliver County, North Dakota, more fully described as follows:

**Tract 37-25C**

Commencing at the Southwest Corner of Said Section 25  
(NAD 27-ND State Plane South Zone- US Foot- N: 517,214.0, E: 1,806,191.9);  
Thence North 51°56'12" East, a distance of 1939.52 feet, to a point on BNI Coal Permit BNCR 8106 Boundary, which is the Point Of Beginning;

Thence **North 00°21'51" East**, along said Permit Boundary, **a distance of 179.97 feet**;  
Thence **South 89°27'10" East**, continuing along said Permit Boundary, **a distance of 469.93 feet**;  
Thence **North 00°21'52" East**, continuing along said Permit Boundary, **a distance of 299.95 feet**;  
Thence **South 13°39'44" East**, **a distance of 369.94 feet**;  
Thence **South 78°18'31" West**, **a distance of 572.21 feet** to the Point of Beginning.

The above described tract of land contains **1.78 Acres**, More Or Less.

**General Notes:**

1. The basis of this survey is the 1927 North Dakota State Plane System, South Zone, US Survey Feet, 1993 MSI control. Details are available upon request @ 701-794-8735 ext. 260.
2. Survey control was re-established in 1993 by Measurement Sciences, Inc. using Trimble 4000 GPS receivers and Trimble software.
3. Additional survey control was established in 1994 by Ulteig Engineers using Sokkia 3BII total station (laser). Corrected coordinates for existing Land Corners and additional Land Corners were also established in 1995 and 1996 by Ulteig Engineers.
4. Calculations were done with Carlson Survey 2012 & AutoCAD 3D Map 2012. An electronic copy is available upon request. Checking closure & acreages with autoCad is encouraged. A current digital ortho photo of the land is available for use in autoCad.
5. For electronic drawings, this drawing was originally issued and sealed by Todd Marschall, R.L.S. 4431, and is stored at BNI Coal Inc., 2360 35th Ave. SW, Center, ND 58530-9499.
6. Please realize that measurements are never exact and that acreages are not a count.
7. Electronic version saved as shown in the footer.
8. This document is not expected to perfectly match other documents with a different basis of survey. Round off error should be expected.

**Certification:**

I, Todd Marschall, hereby certify that this document is a reasonable representation and that I am a Registered Land Surveyor in the State of North Dakota. I hereby certify that the items shown on this document were prepared by me or under my direct supervision. Any alterations to this document will void my Certification.

  
Todd Marschall R.L.S. 4431

7-26-12  
Date

