

**Public Service Commission
Reclamation Division**

Memorandum

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

From: ^{BG} Bill Gunnerson, ^{DKM} Dean Moos, and ^{JH} Jim Deutsch

Date: November 26, 2012

Subject: Application for Revision No. 26 to Permit No. 37 held by BNI Coal, Ltd., Case No. RC-12-649

On July 26, 2012 BNI Coal, Ltd. filed the application for Revision No. 26 to Surface Coal Mining Permit No. 37 to delete 49.86 acres from the permit. At the same time, BNI also filed the application for Revision No. 51 to Surface Coal Mining Permit No. BNCR-8106 to transfer the 49.86 acres to Permit No. BNCR-8106. 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 deleted from Permit No. 37 in Sections 23, 35, and 36 of T142N, R84W. Following the approval of Revision No. 26, only 1.78 acres will remain in Permit 37 as depicted on Figure 1. 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 deletion.

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

Attachments

Minedata/Center/Permits/No.37/Revisions/No.26/Rev26_memo_11-26-12