

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

BNI Coal, Ltd.
Revision No. 26, Permit No. 37
Approval

Case No. RC-12-649

**REVISION OF PERMIT TO ENGAGE IN
SURFACE COAL MINING AND RECLAMATION OPERATIONS**

November 28, 2012

Based on the application for **Revision Number 26 to Permit Number 37** received **July 26, 2012**, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The revision application submitted on July 26, 2012, is complete and accurate and the applicant has complied with the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code; and
2. The Commission's findings that were made when the permit was issued remain applicable to the revised operation and reclamation plans.

Revision Number 26 to Permit Number 37 is hereby granted to BNI Coal, Ltd. to delete 49.86 acres from Permit No. 37.

The approved revision is subject to the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, the conditions of the approved permit, and any additional or revised permit conditions listed on attached PSC Reclamation Form - 3. (Attached is a copy of the metes and bounds description of lands being deleted the permit area.)

LOCATION

MINE	ADDRESS	ACRES	Sections	Township	Range	County
Center	Center, ND -	49.86	23, 35, 36	142N	84W	Oliver

49.86 acres - Total Area Deleted

PUBLIC SERVICE COMMISSION

Absent

Kevin Cramer
Commissioner

Brian P. Kalk

Brian P. Kalk
Chairman

Bonny M. Fetch

Bonny M. Fetch

Permit Number 37 Revision No. 26 Metes & Bounds of Deleted Acres:

Four tracts of land lying in Sections 23, 35, and 36 of Township 142 North, Range 84 West of the Fifth Principal Meridian, Oliver County, North Dakota, more fully described as follows:

Tract 1 (Previous Parcel 37-23)

Commencing at the West Quarter Corner of Section 23:
(NAD 27-ND State Plane South Zone- US Foot- N: 525,170.5, E: 1,800,996.7);

Thence South 89°17'03" East, a Distance of 1938.07 Feet to the True Point of Beginning;
Thence South 89°17'03" East, a Distance of 681.25 Feet;
Thence South 00°13'28" West, a Distance of 885.89 Feet;
Thence North 62°44'52" West, a Distance of 1049.50 Feet;
Thence North 31°40'08" East, a Distance of 486.22 Feet to the Point of Beginning.

The Above Described Tract of Land Contains 12.77 Acres, More Or Less.

Tract 2 (Previous Parcel 37-36 E)

Commencing at the West Quarter Corner of Section 36:
(NAD 27-ND State Plane South Zone- US Foot- N: 514,578.4, E: 1,806,173.3);

Thence North 73°49'21" East, a Distance of 1039.34 Feet to the True Point of Beginning;
Thence North 00°35'48" East, a Distance of 158.64 Feet;
Thence North 78°40'01" East, a Distance of 2410.27 Feet;
Thence South 01°45'44" West, a Distance of 656.99 Feet;
Thence North 89°24'12" West, a Distance of 2344.85 Feet to the Point of Beginning.

The Above Described Tract of Land Contains 21.97 Acres, More Or Less.

Tract 3 (Previous Parcel 37-36 H)

Commencing at the East Quarter Corner of Section 36:
(NAD 27-ND State Plane South Zone- US Foot- N: 514,523.5, E: 1,811,441.8);

Thence North 89°24'12" West, a Distance of 1799.74 Feet to the True Point of Beginning;
Thence South 77°26'17" West, a Distance of 950.01 Feet;
Thence North 11°20'47" West, a Distance of 221.05 Feet;
Thence South 89°24'12" East, a Distance of 970.81 Feet to the Point of Beginning.

The Above Described Tract of Land Contains 2.41 Acres, More Or Less.

Tract 4 (Previous Parcel 37-35)

Commencing at the Southeast Corner of Section 35:

(NAD 27-ND State Plane South Zone- US Foot- N: 511,943.5, E: 1,806,155.1);

Thence North 77°59'24" West, a Distance of 968.66 Feet to the True Point of Beginning;

Thence North 89°18'00" West, a Distance of 779.88 Feet;

Thence North 00°42'00" East, a Distance of 709.89 Feet;

Thence South 89°18'00" East, a Distance of 779.88 Feet;

Thence South 00°42'00" West, a Distance of 709.89 Feet to the Point of Beginning.

The Above Described Tract of Land Contains 12.71 Acres, More Or Less.

Total Area Of The Four Parcels = 49.86 Acres, More Or Less.

