

**STATE OF NORTH DAKOTA**

**PUBLIC SERVICE COMMISSION**

**BNI Coal, Ltd.  
Revision No. 38, Permit No. BNCR-9702  
Approval**

**Case No. RC-15-138**

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

**July 29, 2015**

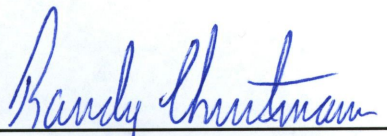
Based on the application for **Revision Number 38 to Permit Number BNCR-9702 received April 2, 2015** and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The revision application received on April 2, 2015 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 38 to Permit Number BNCR-9702 is hereby granted to BNI Coal, Ltd. to identify the next five-year coal removal subareas and to update the legal and financial, operation, and reclamation sections for the next five-year permit term as described in the permit revision application received April 2, 2015.**

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 SFN 10562 (1-2004). Pursuant to Section 38-14.1-23 of the North Dakota Century Code and Section 69-05.2-11-02 of the North Dakota Administrative Code, this revision was found to be a significant alteration to the previously approved permit.

**PUBLIC SERVICE COMMISSION**

  
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**Randy Christmann**  
Commissioner

  
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**Julie Fedorchak**  
Chairman

  
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**Brian P. Kalk**  
Commissioner