

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. RC-15-138

SURFACE COAL MINING AND RECLAMATION PERMIT CONDITION

July 29, 2015

Revision No. 38 to Surface Coal Mining Permit No. BNCR-9702 has been issued to **BNI Coal, Ltd.** subject to Chapter 38-14.1 of the North Dakota Century Code, all the rules promulgated thereunder, and the following condition:

1. No overburden or coal removal may occur in the S½ of Section 29, T142N, R84W where 50 percent of the coal interest is owned by the North Dakota Department of Trust Lands until BNI Coal, Ltd. submits a certified copy of the coal lease with the Department of Trust Lands, or other documents showing it has the necessary rights to mine the coal on this tract as required by NDAC 69-05.2-06-03(1). Surface disturbances on this tract are limited to activities deemed necessary by the Commission for mining on adjoining tracts where BNI Coal, Ltd. has rights to mine the coal until certified copies of documents are submitted demonstrating the right to mine the coal in this tract.

PUBLIC SERVICE COMMISSION



Randy Christmann
Commissioner



Julie Fedorchak
Chairman



Brian P. Kalk
Commissioner