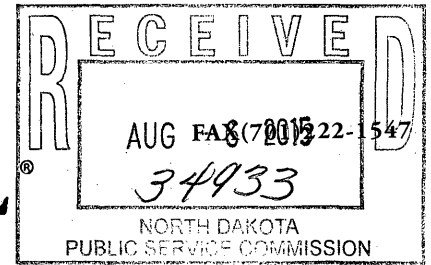


PHONE (701) 222-8828



File/bonds/psc/BNCR 9401

August 6, 2015

Mr. Jim Deutsch
Reclamation Division
Public Service Commission
600 E. Boulevard Ave. Dept. 408
Bismarck, ND 58505-0480

RE: Stipulation to Increase Surety Bond
Surety Bond Number: 400 JR 3522

Dear Mr. Deutsch:

BNI is submitting a Stipulation to Increase Surety Bond, 400 JR 3522 to a new total of \$1,404,271 an increase of \$386,849. There is no change to the acreage or the federal acres in BNCR 9401. Please find attached the following:

Stipulation to Increase Surety Bond 400 JR 3522
Metes and Bounds (Attachment I 384.17 acres)
Map of Permit 9401 (Attachment II)

Please advise if you need additional information.

Best regards

Patricia E. Clement

Enclosures

14 RC-15-146 Filed 08/06/2015 Pages: 5
Stipulations of surety bond increase filed by the applicant
BNI Coal, Ltd.
Pat Clement

BNI COAL, LTD.
1637 BURNT BOAT DRIVE • P.O. BOX 897 • BISMARCK, ND 58502



STIPULATION TO INCREASE SURETY BOND
PUBLIC SERVICE COMMISSION
SURFACE COAL MINING AND RECLAMATION OPERATIONS
RECLAMATION DIVISION
 SFN 14500 (Rev. 08-2001)

Bond No.: **400JR3522**
 Permit No.: **BNCR 9401**

This stipulation shall be attached to form part of surety bond number 400JR 3522 issued on behalf of

BNI Coal, Ltd.

(Principal)

The undersigned agree that the penal sum of the bond shall: remain the same, be increased by \$386,849.00 dollars to the new penal sum of \$1,404,271.00 dollars.

The undersigned agree that the bond area shall: remain the same, be increased by 0 acres to a new total area of 384.17 acres of land, particularly described on the attached sheet as Attachment 1, and shown on the attached map as Attachment 2. The new bond area contains -0- acres of Federal lands containing leased Federal coal that are particularly described on the attached sheet as Attachment 3, and shown on the attached map as Attachment 4.

Under this obligation, the bond covers all performance requirements within the total bond area beginning on August 16, year, 1995 (Date of original permit approval.)

Effective August 12, Year 2015

PRINCIPAL'S REQUEST FOR BOND INCREASE

REQUEST OF PRINCIPAL

We, BNI Coal, Ltd. (Principal)

request St. Paul Fire and Marine Insurance Company (Surety)

to execute this stipulation to increase the penal sum and/or the total described acreage of the bond.

(Seal) BNI Coal, Ltd. (Principal)
 By Patricia E. Clement (Signature)

Patricia E. Clement, Ass't Secretary & Treasurer (Name and Title)

ACKNOWLEDGE BY PRINCIPAL

STATE OF North Dakota) ss
 COUNTY OF Burleigh)

On July 16, year 2015, before me personally appeared Patricia E. Clement

known to me to be the Ass't Secretary & Treasurer of the corporation that is described in and that executed the within instrument, and acknowledged to me that the corporation executed the same.

Chris Blowers (Notary Public)

(Seal) **CHRIS BLOWERS**
 Notary Public
 State of North Dakota
 My Commission Expires December 13, 2018

County of Burleigh

CONSENT OF SURETY

We St. Paul Fire and Marine Insurance Company

(Surety*) agree that the above stated increase in penal sum and/or the total described acreage of the bond shall become effective on the effective date of this stipulation.

(Seal) St. Paul Fire and Marine Insurance Company (Surety)

By Jacqueline L. Walls

Jacqueline L. Walls (Name and Title)

Attorney-in-Fact
 (*attach power of attorney)

ACKNOWLEDGE OF SURETY

STATE OF North Dakota) ss
 COUNTY OF Burleigh)

On July 30th, year 2015 before me personally appeared Jacqueline L. Walls known to

me to be the Attorney-in-Fact of the corporation that is described in and that executed the within instrument, and acknowledged to me that the corporation executed the same.

Becky Freidt (Notary Public)

(Seal) My commission expires _____
 State of North Dakota

County of Burleigh

(Seal) **BECKY FREIDT**
 Notary Public
 State of North Dakota
 My Commission Expires July 3, 2021

ACKNOWLEDGEMENT OF PRINCIPAL

State of North Dakota

:SS

County of _____

On this _____ day of _____, _____ before me a notary public in and for the State of North Dakota personally appeared _____

known to me to be _____ (title) of the principal

described in the within instrument and who executed the same and acknowledged to me that the same was executed for and on behalf of said principal.

(Notary Seal)

NOTARY PUBLIC MUST LEGIBLY STAMP, TYPE OR PRINT NAME IN ADDITION TO SIGNATURE

Notary Public, State of North Dakota

My Commission Expires _____

ACKNOWLEDGEMENT OF SURETY

State of North Dakota

:SS

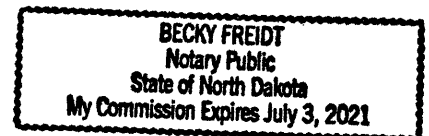
County of Burleigh

On this day, July 30, 2015 before me a notary public in and for the State of North Dakota personally appeared Jacqueline L. Walls, known to me to be Attorney-in-Fact of the surety described in the within instrument and who executed the same and acknowledged to me that the same was executed for and on behalf of said surety.

(Notary Seal)

Becky Freidt

NOTARY PUBLIC MUST LEGIBLY STAMP, TYPE OR PRINT NAME IN ADDITION TO SIGNATURE



Notary Public, State of North Dakota



POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety Company
St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No. 215771

Certificate No. 000342439

KNOW ALL MEN BY THESE PRESENTS: That Seaboard Surety Company is a corporation duly organized under the laws of the State of New York, that St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Jacqueline L. Walls, and Rollin C. Mehlhoff

of the City of Bismarck, State of North Dakota, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 1st day of May, 2006.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety Company
St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company



State of Connecticut
City of Hartford ss.

By: [Signature]
George W. Thompson, Senior Vice President

On this the 1st day of May, 2006, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.
My Commission expires the 30th day of June, 2006.



[Signature]
Marie C. Tetreault, Notary Public

RIDER

St. Paul Fire and Marine Insurance Company
385 Washington St.
Saint Paul, MN 55102

To be attached to and form a part of:

Bond No. 400.JR3522

Type of Bond: Reclamation Bond

Executed by BNI Coal, LTD., as Principal, and by St. Paul Fire and Marine Insurance Company, as Surety, in favor of ND Public Service Com. and dated 8/12/15

In consideration of the premium charged for the attached bond, it is hereby agreed to change:

From:

\$1,017,422

To:

\$1,404,271

This rider is effective 8/12/15

This rider is executed upon the express condition that the surety's liability under said bond shall not be cumulative and shall in no event exceed the amount specifically set forth in said bond or any existing certificate changing the amount of said bond. The referenced bond shall be subject to all its agreements, limitations and conditions except as herein expressly modified.

SIGNED, SEALED AND DATED this 30th day of July, 2015

BNI Coal, LTD.
Principal

Principal

*RIDER ACCEPTED BY:

(Obligee)

St. Paul Fire and Marine Insurance Company

Date

By: Jacqueline L. Walls
Attorney-in-Fact, Jacqueline L. Walls

*If Obligee signature required, please sign duplicate and return to Surety.

