

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

**BNI Coal, Ltd.
Revision No. 39, Permit No. BNCR-9702
Approval**

Case No. RC-16-256

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

November 2, 2016

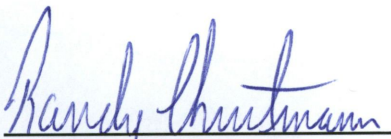
Based on the application for **Revision Number 39 to Permit Number BNCR-9702 received June 3, 2016** and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

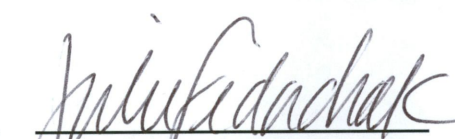
1. The revision application received on June 3, 2016 is complete and accurate and the applicant has complied with the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code;
2. The re-disturbance of reclaimed areas as proposed by the applicant is justified; and,
3. The Commission's findings that were made when the permit was issued remain applicable to the revised operation and reclamation plans.

Revision Number 39 to Permit Number BNCR-9702 is hereby granted to BNI Coal, Ltd. to revise the postmine topography around Minnkota Power Cooperative's bottom ash inert waste landfill in Section 3, T141N, R84W, and to make some minor updates as described in the permit revision application received June 3, 2016.

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


**Randy Christmann
Commissioner**


**Julie Fedorchak
Chairman**


**Brian P. Kalk
Commissioner**