

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**BNI Coal, Ltd.**  
**Revision No. 40, Permit BNCR-9702**  
**Approval**

**Case No. RC-17-280**

**SURFACE COAL MINING AND RECLAMATION PERMIT CONDITION**

**June 26, 2019**

**Revision No. 40 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 on federal coal tracts located within Section 20, T142N, R84W until BNI Coal, Ltd. submits certified copies of the federal coal lease to the Commission and until the mine plan for the federal coal is approved by the United States Department of the Interior. Until a coal lease is issued and the mine plan is approved by the Department of the Interior, surface disturbances on the federal coal tracts are limited to those activities that the Commission determines are necessary for carrying out mining on the adjoining tracts where BNI Coal, Ltd. has all of the rights necessary to mine the coal.

**PUBLIC SERVICE COMMISSION**

 _____ <b>Julie Fedorchak</b> Commissioner	 _____ <b>Brian Kroshus</b> Chairman	 _____ <b>Randy Christmann</b> Commissioner
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