

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

BNI Coal, Ltd.
Revision No. 14, Permit BNCR-9401
Approval

Case No. RC-17-323

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

September 20, 2017

Based on the application for **Revision Number 14 to Permit Number BNCR-9401** filed **May 31, 2017**, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The revision application submitted on May 31, 2017, 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 15.24 acres being deleted from the permit have not been affected by the applicant. Inspections of this area were conducted by Commission staff to verify that these lands were not disturbed by mining related activities 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 14 to Permit Number BNCR-9401 is hereby granted to BNI Coal, Ltd. to delete 15.24 acres located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T141N, R83W, that were not affected by surface coal mining and reclamation operations as described in the permit revision application.

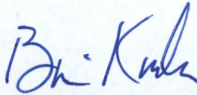
The approved revision is subject to the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, the conditions of the approved permit, and any additional or revised permit conditions listed on attached PSC Reclamation Form - 3. Pursuant to Section 38-14.1-23 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, this revision was found to be an insignificant alteration to the previously approved permit. (Attached is a copy of the metes and bounds description of land being deleted in the permit area.)

LOCATION

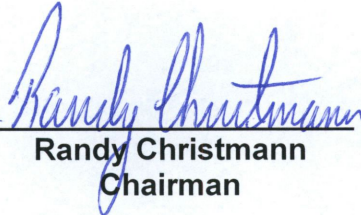
MINE	ADDRESS	ACRES	Sec.	Twp.	Range	County
Center	Center, ND	-15.24	8	141N	83W	Oliver

-15.24 acres - Total Area Deleted

PUBLIC SERVICE COMMISSION



Brian Kroshus
Commissioner



Randy Christmann
Chairman



Julie Fedorchak
Commissioner

Permit BNCR-9401 Revision No. 14 Metes & Bounds of Deleted Acres:

A Tract of Land Lying In Section 8, Township 141 North, Range 83 West of The Fifth Principal Meridian, Oliver County, North Dakota, Described as Follows:

Beginning at the Northeast Corner of Section 8, Township 141 North, Range 83 West;
(NAD 27-ND State Plane South Zone- US Foot- N: 506,603.4, E: 1,822,015.8);
Thence South 00°05'21" West, along the East line of Said Section 8, a distance of 655.54 feet;
Thence North 89°38'45" West, a distance of 1011.50 feet;
Thence North 00°00'00" East, a distance of 656.39 feet to the North line of Said Section 8;
Thence South 89°35'53" East, along said North line, a distance of 1012.53 feet to the Point of Beginning.

The Above Described Tract of Land Contains 15.24 Acres, More Or Less.