

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

BNI Coal, Ltd.
Revision No. 15, Permit BNCR-9401
Approval

Case No. RC-17-470

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

May 15, 2019

Based on the application for **Revision Number 15 to Permit Number BNCR-9401** received **September 20, 2018**, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The revision application submitted on September 20, 2018, 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 Commission's findings that were made when the permit was issued remain applicable to the revised operation and reclamation plans.

Revision Number 15 to Permit Number BNCR-9401 is hereby granted to BNI Coal, Ltd. to add 12.95 acres to the existing permit to modify the coal stockpile area in Section 5, T141N, R83W and Section 32, T142N, R83W and to change the postmine land use from cropland and grassland to industrial and commercial land use in the NE1/4 of Section 8, T141N, R83W for Minnkota Power Cooperative's Solid Waste Disposal Facility. The introductory, legal and financial information, environmental, operations and reclamation sections have been revised.

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 added in the permit area.)

LOCATION

MINE	ADDRESS	ACRES	Sec.	Twp.	Range	County
Center	Center, ND	12.95	5 32	141N 142N	83W 83W	Oliver

12.95 acres - Total Area Added

PUBLIC SERVICE COMMISSION


Julie Fedorchak
Commissioner


Brian Kroshus
Chairman


Randy Christmann
Commissioner

Permit BNCR-9401 Revision No. 15 Metes & Bounds of Added Acres:

A Tract of Land Lying In Section 32, Township 142 North, Range 83 West and Section 5, Township 141 North, Range 83 West of The Fifth Principal Meridian, Oliver County, North Dakota, Described as Follows:

Commencing at the Northeast Corner of Section 5, Township 141 North, Range 83 West;
(NAD 27-ND State Plane South Zone- US Foot- N: 511,901.7, E: 1,822,011.6);
Thence North 79°40'53" West, a distance of 1180.63 feet to the Point of Beginning;
Thence South 41°11'44" West, a distance of 437.56 feet;
Thence South 00°03'02" West, a distance of 897.44 feet;
Thence South 45°03'02" West, a distance of 878.50 feet;
Thence North 67°22'46" East, a distance of 263.21 feet;
Thence North 45°03'02" East, a distance of 676.44 feet;
Thence North 50°50'59" East, a distance of 273.94 feet;
Thence North 50°00'17" East, a distance of 103.01 feet;
Thence North 24°06'45" East, a distance of 114.50 feet;
Thence North 39°32'41" East, a distance of 286.59 feet;
Thence North 26°00'05" West, a distance of 221.47 feet;
Thence North 33°48'11" West, a distance of 229.00 feet;
Thence North 02°03'01" West, a distance of 170.02 feet;
Thence North 34°59'37" West, a distance of 176.12 feet to the Point of Beginning.

The Above Described Tract of Land Contains 12.95 Acres, More Or Less