

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

BNI Coal, Ltd.
Revision No. 6, Permit BNCR-1101
Approval

Case No. RC-19-15

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

May 15, 2019

Based on the application for **Revision Number 6 to Permit Number BNCR-1101 received December 14, 2018**, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The revision application submitted on December 14, 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; and
2. Threatened and endangered species findings were reviewed in consultation with the USFWS North Dakota Field Office and it was determined that surface coal mining and reclamation activities planned during the next term of the permit will have no effect on the continued existence of any listed threatened or endangered species or any designated critical habitat.
3. The applicant has received Federal coal lease NDM 102083 covering 160 acres of federal coal within the permit area. As required by Special Condition No. 1 attached to the initial permit issuance, no coal removal on this tract may occur until the U.S. Department of the Interior approves the federal mine plan pursuant to 30 CFR 746.11. Until that mine plan is approved, surface disturbances on the federal coal tract must be limited to those activities that are needed for carrying out mining on the adjoining tracts where the coal interests are privately owned.
4. A performance bond in the amount of \$31,251,165. is sufficient for the proposed mining and reclamation operations in the bond area of Permit BNCR-1101.
5. The Commission's other findings that were made when the permit was issued and updated with subsequent permit revisions, remain applicable to the revised operation and reclamation plans.


Revision Number 6 to Permit Number BNCR-1101 is hereby granted to BNI Coal, Ltd. to identify the next five-year coal removal subarea, update the legal and ownership information, and to update the mining and reclamation plans for the next five-year permit term as described in the permit revision application.

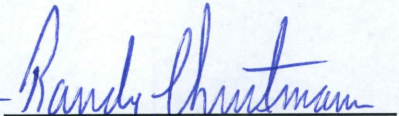
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Revision of Permit to Engage in Surface Coal Mining
and Reclamation Operations

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 a significant alteration to the previously approved permit.

PUBLIC SERVICE COMMISSION


Julie Fedorchak
Commissioner


Brian Kroshus
Chairman


Randy Christmann
Commissioner