

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

BNI Coal, Ltd.
Revision 8, Permit BNCR-1101
Application

Case No. RC-20-438

SURFACE COAL MINING AND RECLAMATION PERMIT CONDITIONS

SPECIAL CONDITION NO. 5 & 6

March 5, 2024

Revision 8 to Surface Coal Mining Permit Number BNCR-1101 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 conditions:

5. BNI Coal, Ltd. shall provide haul road design plans to access the Revision No. 8 addition area and plans for any other roads that may be necessary to transport mining equipment over 37th Ave SW. BNI must also document the condition of the existing county road infrastructure in the addition area during the summer of 2024 and submit a revision to incorporate the information into the Existing County Road Infrastructure sections of the permit and the haul road designs.
6. No disturbance shall occur within the one-hundred-foot stream buffer zone in the NW1/4 of Section 13, T141N, R84W until BNI Coal, Ltd. obtains the appropriate approvals to work within the stream buffer zone and BNI submits, and the Commission approves the design plan for the haul road crossing of the intermittent stream.

PUBLIC SERVICE COMMISSION



Sheri Haugen-Hoffart
Commissioner



Randy Christmann
Chairman



Julie Fedorchak
Commissioner