

UNITED STATES
DEPARTMENT OF THE INTERIOR

This mining plan approval document is issued by the United States of America to:

BNI Coal, Ltd.
2360 35th Street. SW
Center, ND 58530

for a mining plan for Federal Coal Lease NDM 105513 at the Center Mine, Permit No. BNCR-9401, Revision 17. BNI Coal, Ltd is hereinafter referred to as the operator. This approval is subject to the following conditions.

1. Statutes and Regulations: This mining plan approval is issued pursuant to Federal Coal Lease NDM 105513; the Mineral Leasing Act of 1920, as amended (30 U.S.C. § 181 et seq.); and in the case of acquired lands, the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. § 351 et seq.). This mining plan approval is subject to all applicable laws and regulations of the Secretary of the Interior which are now or hereafter in force; and all such laws and regulations are made part hereof. The operator shall comply with the provisions of the Federal Water Pollution and Control Act (33 U.S.C. § 1251 et seq.), the Clean Air Act (42 U.S.C. § 7401 et seq.), and other applicable Federal laws.
2. This document approves a new mining plan for Federal Coal Lease NDM 105513 at the Center Mine and authorizes coal development or mining operations on the Federal lease within the area of mining approval. This authorization is for adding Federal coal lands into an approved mining plan area:

Lease NDM 105513:
Township 141 North, Range 83 West, 5th P.M.
Sec. 8: S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$

This land in Federal Coal Lease NDM 105513 encompasses 20 acres and is found on the map as shown in appended attachments hereto referred as Attachment A and Attachment B.
3. The operator shall conduct coal development or mining operations only as described in the complete permit application package and approved by the North Dakota Public Service Commission, except as otherwise directed in the conditions of this mining plan approval.
4. The operator shall comply with the terms and conditions of the lease, this mining plan approval, and the requirements of North Dakota Permit BNCR-9401 issued under the North Dakota State Program, approved pursuant to the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. § 1201 et seq.).

5. This mining plan approval shall be binding on any person conducting coal development or mining operations under the approved mining plan and shall remain in effect until superseded, canceled, or withdrawn.
6. If, during mining operations, unidentified prehistoric resources are discovered, the operator shall ensure that the resources are not disturbed and shall notify the North Dakota Public Service Commission and the Office of Surface Mining Reclamation and Enforcement. The operator shall take such actions as are required by the North Dakota Public Service Commission in coordination with the Office of Surface Mining Reclamation and Enforcement.
7. The Secretary retains jurisdiction to modify or cancel this approval, as required, on the basis of further consultation with the U.S. Fish and Wildlife Service pursuant to section 7 of the Endangered Species Act, as amended, 16 U.S.C. § 1531 et seq.

Laura Daniel-Davis
Principal Deputy Assistant Secretary,
Land and Minerals Management

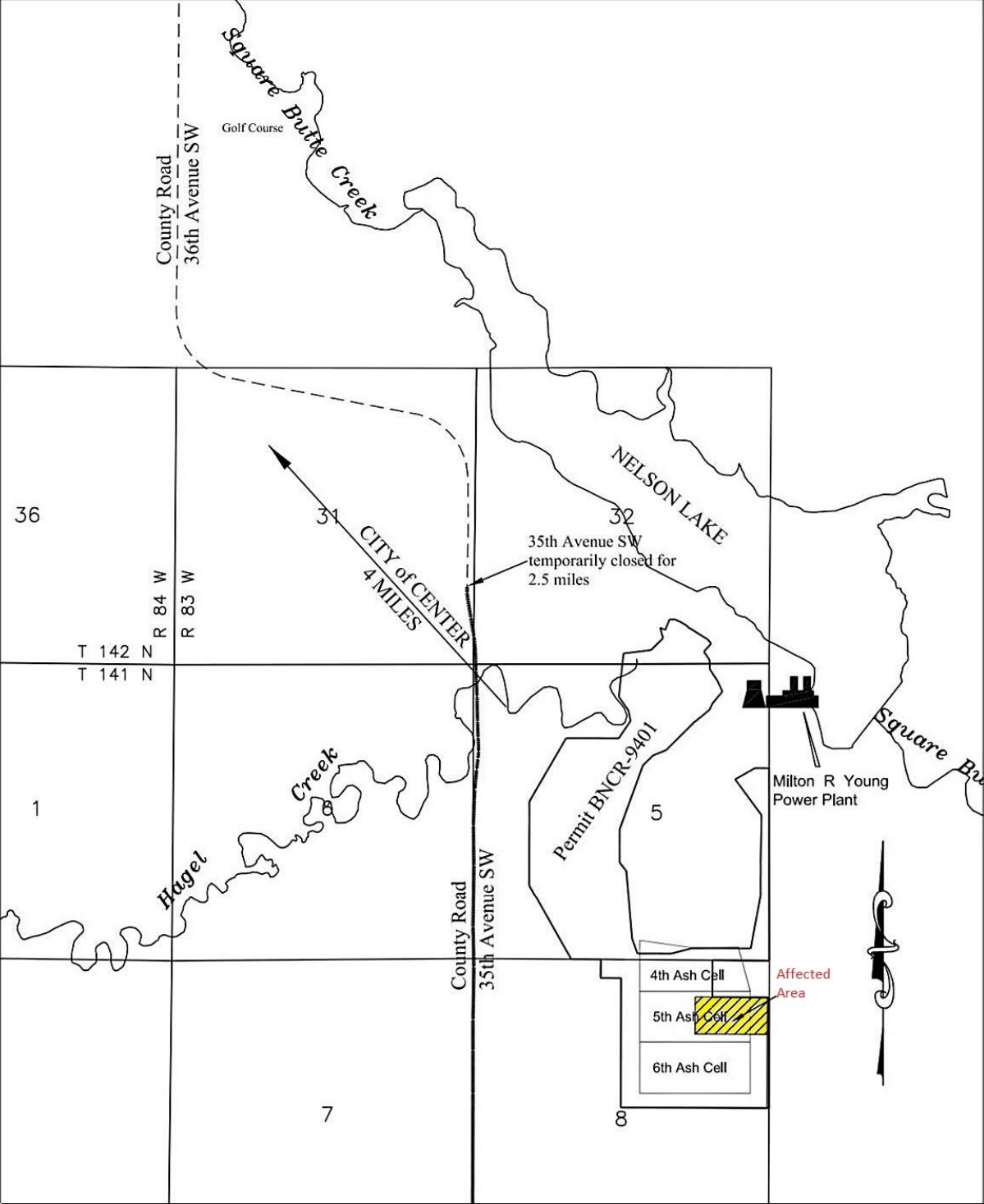
Date

The action taken herein is pursuant to an existing delegation of authority.

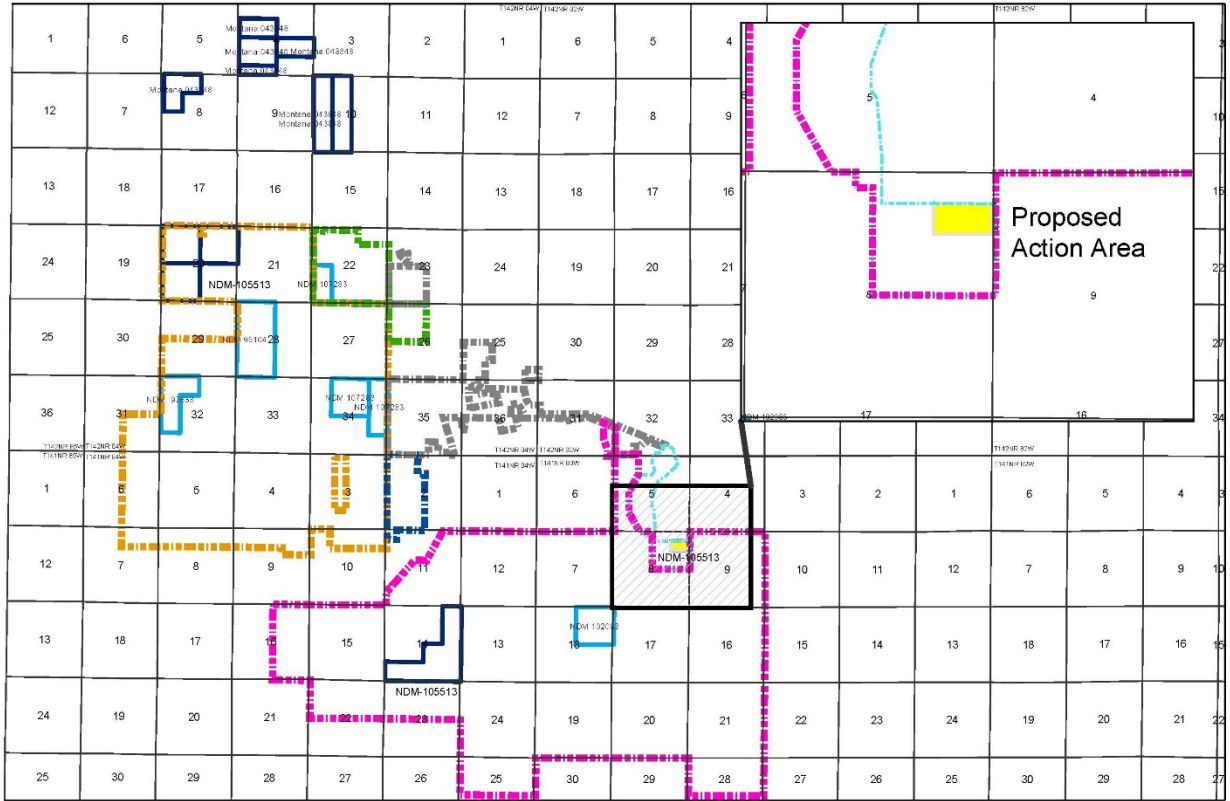
Attachments: A and B

Attachment A

Map of Permit BNCR-9401 (the Federal coal tract is labeled Affected Area)



Attachment B



Legend

- | | |
|--|------------------------------------|
| | Proposed Federal Mine Plan Area |
| | Permit BNCR 1101 |
| | Permit BNCR 8106 |
| | Permit BNCR 8202 |
| | Permit BNCR 8602 |
| | Permit BNCR 9401 |
| | Permit BNCR 9702 |
| | Leased |
| | Currently Approved Mine Plan Areas |

BNI Center Mine Revision 17 BNCR 9401

1 inch equals 1.24 miles

