

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 modification for Federal Coal Lease NDM-105513 at the Center Mine, Permit No. BNCR-1101, Revision 8. 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 that are now or hereafter in force; and all such laws and regulations are made part hereof. The operator must 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 mining plan modification for State Permit No. BNCR-1101, 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 84 West, 5th P.M.
Section 14: E½NE¼, SE¼, and S½SW¼

This land in Federal Coal Lease NDM-105513 encompasses 320 acres and is found on the map as shown in appended attachments hereto referred as Attachment A and Attachment B. There are approximately 2.45 million tons of recoverable Federal coal.

3. The operator must 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 must comply with the terms and conditions of the lease, this mining plan approval, and the requirements of North Dakota Permit BNCR-1101 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.). The Secretary retains the authority and jurisdiction

to modify or cancel this approval for failure to comply with any of these items or other applicable laws and regulations.

5. This mining plan approval is binding on any person conducting coal development or mining operations under the approved mining plan and will remain in effect until superseded, canceled, or withdrawn.
6. If, during mining operations, unidentified prehistoric resources are discovered, the operator must ensure that the resources are not disturbed and must notify the North Dakota Public Service Commission and the Office of Surface Mining Reclamation and Enforcement. The operator must 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.

Steven H. Feldgus
Principal Deputy Assistant Secretary,
Land and Minerals Management

Attachments: A and B

Attachment A

T 142 N
T 141 N

SEC 4

SEC 3

SEC 2

SEC 1

5 MILES
CITY of CENTER

County Road
37th Avenue SW

BNCR-1101
PERMIT BOUNDARY

R 84 W
R 83 W

SEC 9

Hagel Creek
SEC 10

SEC 11

SEC 12

MINNKOTA POWER PLANT
3 MILES

BNCR-1101
PERMIT BOUNDARY

SEC 16

SEC 15

SEC 14

FEDERAL LEASE 105513 BOUNDARY

SEC 13

County Road
27th Street SW

SEC 21

SEC 22

SEC 23

SEC 24

BNCR-1101
PERMIT BOUNDARY

County Road
37th Avenue SW

SEC 28

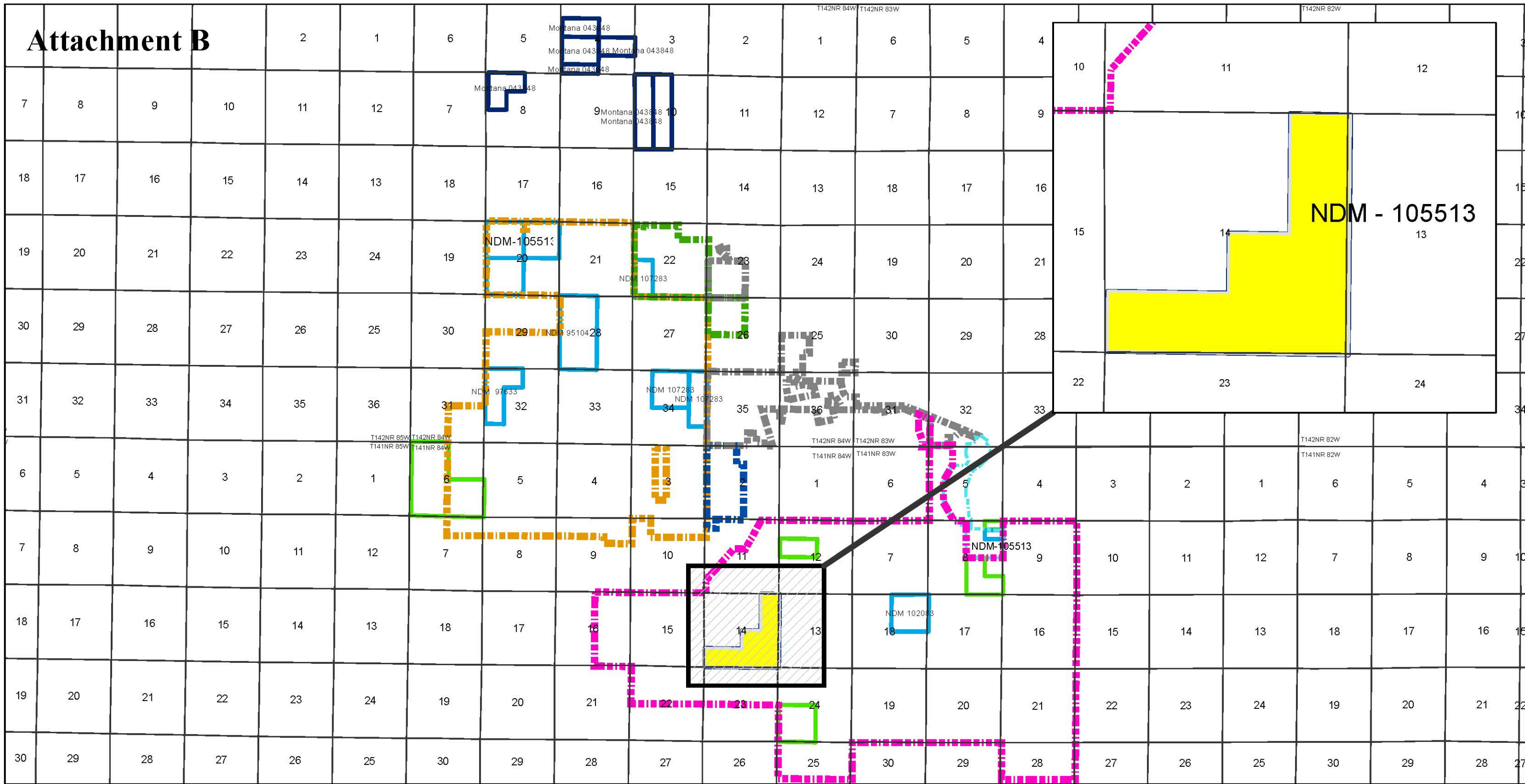
SEC 27

SEC 26

SEC 25



Attachment B



Legend

State Permits

- Permit BNCR 1101
- Permit BNCR 8106
- Permit BNCR 8202
- Permit BNCR 8602
- Permit BNCR 9401
- Permit BNCR 9702

Current Federal Coal Tracts Status

- Proposed Federal Mine Plan Area
- Leased
- Currently Approved Mine Plan Areas
- Unleased

BNI Coal Center Mine Revision 8 Federal Lease NDM - 105513 Permit Map

