



# Public Service Commission

## State of North Dakota

---

### COMMISSIONERS

Susan E. Wefald, President  
Kevin Cramer  
Tony Clark

Executive Director  
Illona A. Jeffcoat-Sacco

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
web: [www.nd.gov/psc](http://www.nd.gov/psc)  
e-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
TTY 800-366-6888 or 711  
Fax 701-328-2410  
Phone 701-328-2400

May 5, 2005

Mr. Dave Schouweiler, P.E.  
Manager of Engineering  
BNI Coal, Ltd.  
2360 35<sup>th</sup> Ave SW  
Center, ND 58530-9499

Dear Mr. Schouweiler:

The Reclamation Division has conducted an initial review of the application for Bond Release No. 8 for Permit BNLS-8109 at the Larson Mine. During that review several items were noted that must be corrected before publication of the newspaper notice. Please address the following items:

### **Attachment III - Proposed Advertisement**

1. In the public notice, please clarify that the bond release area includes portions of public roads. Ideally, the advertisement should list the total acreage, the reclaimed acreage by land use, and the undisturbed acreage included in the proposed bond release application. NDCC 38-14.1-17 (GAW)
2. In the public notice, please mention which phases of bond release are being requested. NDCC 38-14.1-17 (GAW)

### **Attachment IV - Notification Letters**

3. Letters must also be sent to Leonard Nordman, Jr. and Verena Aarthun who are contiguous surface owners in the SW $\frac{1}{4}$  of Section 18 and the NW $\frac{1}{4}$  of Section 20 as required by NDCC 38-14.1-17(1)(b) and Policy Memo No. 9. (SAS)
4. Letters must also be sent to the subsurface owners for this bond release tract. This includes Joan Clemens, Neale Spooner, Glen Spooner, Jeffrey Spooner, Robert Spooner, Mark Clemens, Laurel Burner, Wade Spooner, Darrin Spooner, Michael Clemens, Gary

14 RC-05-255 Filed: 10/6/2008 Pages: 2  
May 5, 2005 Deficiency Letter to BNI Coal, Ltd.



Mr. Dave Schouweiler

May 5, 2005

Page 2

# Public Service Commission

## State of North Dakota

Spoooner, and Shayla Durick as required by NDCC 38-14.1-17(1)(b) and Policy Memo

No. 9. (Please note that the legislation approved by the 2005 Legislature to delete the

requirement to send letters to subsurface owners does not become effective until August

1, 2005). (SAS)

COMMISSIONERS

Susan E. Wefald, President

Kevin Cramer

Tony Clark

Executive Director

Illona A. Jeffcoat-Sacco

600 E. Boulevard Ave. Dept 408

Bismarck, North Dakota 58505-0480

web: [www.nd.gov/psc](http://www.nd.gov/psc)

e-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)

TTY 800-366-6888 or 711

Fax 701-328-2410

Phone 701-328-2400

Also, copies of all the letters containing the notice of bond release must be submitted for

inclusion in the bond release application.

If you have any questions, please contact this office.

Sincerely,

James R. Deutsch

Director

Reclamation Division