

PHONE (701) 794-8734



2360 35TH AVENUE SW CENTER, ND 58530-9499
MINING LIGNITE AT THE CENTER MINE SINCE 1970

FAX (701) 794-3125
RECEIVED

FEB 11 2009
31295
PUBLIC SERVICE COMMISSION

February 9, 2009

FROM DIRECTOR - RECLAMATION DIV.

Date: _____

Action: _____

Info. Only: _____

Info & File: _____

Mr. Jim Deutsch, Director
Reclamation Division, NDPSC
Department 408
600 East Boulevard Avenue
Bismarck, ND 58505-0480

RE: Bond Release to Permit BNCR-8106

Dear Mr. Deutsch,

Enclosed with this letter is a copy of the "Affidavit for Publication" notice from the Center Republican for Bond Release 6 to Permit BNCR-8106.

If you have any questions, please contact me at the Center office.

Sincerely,

Karene M. Hall
Permit Coordinator

AFFIDAVIT OF PUBLICATION

STATE OF NORTH DAKOTA)
) SS
 COUNTY OF Oliver)

I SHELLEY CHASE, being first duly sworn, on my own oath, say, that I am the bookkeeper of the Center Republican, a weekly newspaper of general circulation, published in the city of Center, that the advertisement headed:

BNI COAL CR-NOTICE OF APPLICATION W/MAP/LEGAL/PO#083402

a printed copy of which is here annexed, was published in the regular and entire issue of said newspaper during the period and time of publication, and that the notice was published in the newspaper proper, and not in a supplement,

for 4 consecutive week 01/22/2009 to wit:

Column Inches 23.25	\$5.25	\$122.06	01/01/2009
Column Inches 23.25	\$5.25	\$122.06	01/08/2009
Column Inches 23.25	\$5.25	\$122.06	01/15/2009
Column Inches 23.25	\$5.25	\$122.06	01/22/2009

Notary Fee \$1.00 Total Cost of Legal \$489.24

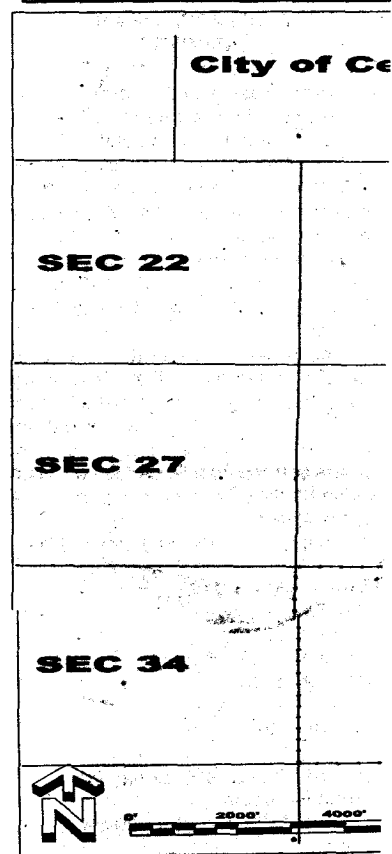
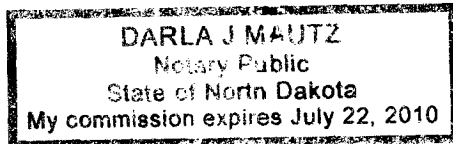
Shelley Chase

Subscribed and sworn to before me this 25th day of January A.D. 2009

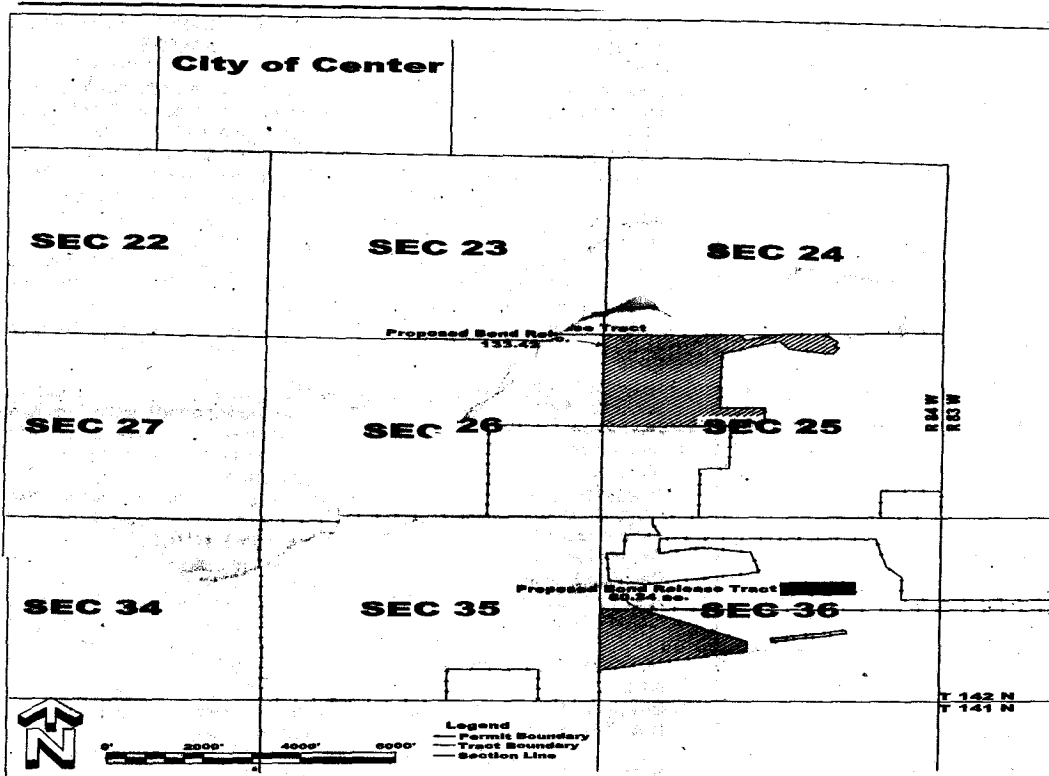
(Seal) Darla J. Mautz

Notary Public, State of North Dakota

My Commission Expires



LEGAL NOTICE
NOTICE OF APPLICATION TO RELEASE PERFORMANCE BOND
 BNI Coal, Ltd., 2360 35TH Avenue SW, Center, ND 58530-9499 has submitted an application to release two tracts consisting of 193.66 acres for all remaining reclamation liabilities to the North Dakota Public Service Commission. The bond release tracts are currently in permit BNCR 8106 that was approved on July 19, 1983, although they were initially permitted under Permit 24 which was granted on December 5, 1973. No monetary release is requested since the bond amount is based on the worst-case reclamation condition that occurs in the consolidated bond area that covers this permit and others at the Center Mine. The total consolidated bond amount is \$24,954,142.00. The bond release tracts are depicted on the attached map.



conference or public hearing regarding the proposed release from bond with the North Dakota Public Service Commission, 600 East Boulevard Avenue, Bismarck, ND 58505-0480 within thirty (30) days after the last publication of this notice.
 (01-01-09-01-08-09-01-15-09-01-22-09)

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The tracts were reclaimed in accordance with the North Dakota Public Service Commission approved reclamation plans:

133.42 acres of hayland, located in the NW 1/4 of Section 25, T142N, R84W, Oliver County, North Dakota. This tract was initially disturbed prior to July 1, 1975 and was mined in 1975 through 1980. Contemporaneous reclamation, backfilling, and grading began in 1976 and continued through 1981. Seeding of the reclaimed area was performed in 1982, 1983, and 1985. In 2001 and 2003 stockpiles and ponds were removed, reclaimed, and then seeded. A variance for these areas has been approved by the PSC. At the request of the landowner two developed water resources remain on this tract. Management of this tract includes annual haying.

60.24 acres of native grassland, located in the SW 1/4 of Section 36,

T142N, R84W, Oliver County, North Dakota. This tract was initially disturbed prior to July 1, 1975 and mining then progressed to the north through July 1, 1979. Backfilling and grading was approved in August, 1984. Seeding of the reclaimed area was performed in 1977, 1978, 1985, and 1986. Management of this tract includes annual haying or grazing. A portion of the county road is included in this tract.

A copy of the bond release request and supporting documents are on file at the Oliver County Auditors Office, Center, ND 58530, and the Office of the Director of the Reclamation Division, ND Public Service Commission, 600 East Boulevard Avenue, Bismarck, ND 58505-0480. Any person having a valid legal interest which is or may be adversely affected by release of the bond has the right to file written comments or objections, may request an informal