

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Basin Cooperative Services
Bond Release No. 6, Permit BCGH-8204
Approval

Case No. RC-07-678

RELEASE OF BOND
FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS

February 25, 2009

Based on the application for **Bond Release Number 6 for Surface Coal Mining Permit BCGH-8204**, received September 17, 2007 and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. Attached to the Application for Release of Bond were copies of all letters sent by the Permittee as required by NDCC §38.14.1-17(1)(b). Affidavits of publication for the advertisement required by NDCC §38.14.1-17(1)(a) have now been filed and have been made part of the Application for Release of Bond. The last date of publication was October 18, 2007.
2. On October 5th and 8th, 2007, the Commission conducted an inspection and evaluation of the reclamation work involved in this bond release as required by NDCC §38.14.1-17(3). The surface owners, agents, or lessees were given notice of the bond release inspection and had the opportunity to participate with the Commission in conducting the inspection of the bond release areas at the Glenharold Mine.

In accordance with NDCC §38.14.1-17, Bond Release No. 6 for Surface Coal Mining Permit No. BCGH-8204 is hereby granted to Basin Cooperative Services effective March 30, 2009, unless a formal hearing is requested. Release of bond in the amount of \$3,013,900.00 is approved. The area is described by the attached metes and bounds descriptions and as follows:

Portions of Sections 14, 23 and 24, T144N, R85W, Sections 18, 19, 20, 21, 28, 29 and 33, T144N, R84W, in Mercer County, and portions of Sections 3, 4, 6, 8 and 9, T143N, R83W, in Oliver County, releasing all reclamation liabilities on 1,759.81 acres.


The decision to release all of the bond on this acreage is made for the following reasons:

Basin Cooperative Services has met the requirements of applicable reclamation laws and rules administered by the Commission for successfully reclaiming 944.06 acres of land to native grassland (708.4 acres), cropland (28.52 acres), hayland (120.77 acres), woodlands (75.22 acres), developed water resources (9.5 acres), industrial land (1.14 acres), and fish and wildlife habitat (0.55 acres). The bond release area also contains 815.71 acres of undisturbed land. The reclaimed acreage is subject to the reclamation requirements in North Dakota's 1971 (157.12 acres), 1973 (84.84 acres) and 1975 (44.75 acres) reclamation laws, the 1978 interim rules (20.98 acres) and our present reclamation law (1,452.12 acres). Yield data was provided for reclaimed areas disturbed and mined after the effective date of the 1975 reclamation law to demonstrate that the reclaimed lands produce equal to or greater than the pre-mine levels for at least two growing seasons. Other required standards were also met for reclaimed native grasslands, woodlands, fish and wildlife habitat, permanent impoundments, and industrial areas. While no specific revegetation success standards apply to lands mined under the 1971 and 1973 laws, these areas have been reclaimed to the Commission's satisfaction. Since some of the areas were also used in support of mining after the effective date of the 1979 reclamation law, data was provided showing that the ground cover is sufficient to protect these areas from erosion.

IMPORTANT – PLEASE READ

1. If bond release has been approved, actual release of bond shall not occur until the effective date of this decision. If a formal hearing is requested on this bond release decision by a person with a valid legal interest or by the head of any state or local government agency with appropriate jurisdiction, the actual release of bond may not occur until after a final decision is issued following the formal hearing. A request for formal hearing by any such person must be filed with the Public Service Commission within 30 days of this bond release decision.
2. If bond release has been disapproved or if you are unsatisfied with the amount of bond approved for release, you have the right to request a formal hearing regarding this decision by filing an application for a hearing with the Public Service Commission within 30 days of the date of this decision.

PUBLIC SERVICE COMMISSION


Tony Clark
Commissioner


Kevin Cramer
President


Brian P. Kalk
Commissioner

ATTACHMENT II
Bond Release No. 6
Metes and Bounds Description

TRACT #1

P.I. Station	Northing	Easting	Distance	Direction
P.O.B.	593102.00	1770275.00		
2	593109.00	1770447.00	172.14	N 86-37-52 E
3	593082.03	1772070.71	1623.93	S 89-02-54 E
4	591440.77	1773988.47	2524.19	S 49-26-33 E
5	591498.18	1770371.50	3617.43	N 89-05-27 W
6	592146.00	1770260.00	657.35	N 09-45-57 W
			956.12	N 00-53-56 E
P.O.B.	593102.00	1770275.00		
Total Area =	101.43	Acres		

TRACT #2

P.I. Station	Northing	Easting	Distance	Direction
P.O.B.	591498.18	1770371.50		
2	591440.77	1773988.47	3617.43	S 89-05-27 E
3	590526.92	1775056.28	1405.46	S 49-26-33 E
4	589760.82	1775048.81	766.14	S 00-33-30 W
5	589758.23	1775300.67	251.87	S 89-24-41 E
6	588796.33	1775291.79	961.94	S 00-31-44 W
7	587631.18	1775281.03	1165.20	S 00-31-45 W
8	587639.09	1775111.00	170.21	N 87-21-56 W
9	586209.00	1774447.00	1576.64	S 24-54-26 W
10	586275.00	1770079.00	4368.50	N 89-08-04 W
11	587523.00	1770096.00	1248.12	N 00-46-50 E
12	588332.00	1770185.00	813.88	N 06-16-41 E
13	589218.00	1770353.00	901.79	N 10-44-12 E
14	590262.00	1770492.00	1053.21	N 07-35-02 E
15	590984.00	1770460.00	722.71	N 02-32-16 W
			521.74	N 09-45-57 W
P.O.B.	591498.18	1770371.50		
Total Area =	564.28	Acres		

ATTACHMENT II
Bond Release No. 6
Metes and Bounds Description

TRACT #5

P.I. Station	Northing	Easting	Distance	Direction
P.O.B.	591388.52	1780559.81		
2	591372.25	1781746.00	1186.31	S 89-12-51 E
3	591372.36	1781854.20	108.20	N 89-56-33 E
4	590400.82	1780549.50	1626.69	S 53-19-37 W
			987.75	N 00-35-52 E
P.O.B	591388.52	1780559.81		
Total Area = 14.66 Acres				

TRACT #6

P.I. Station	Northing	Easting	Distance	Direction
P.O.B.	591440.77	1773988.47		
2	591427.11	1775316.07	1327.67	S 89-24-38 E
3	589758.23	1775300.67	1668.95	S 00-31-44 W
4	589760.82	1775048.81	251.87	N 89-24-41 W
5	590526.92	1775056.28	766.14	N 00-33-30 E
			1405.46	N 49-26-33 W
P.O.B	591440.77	1773988.47		
Total Area = 20.79 Acres				

TRACT #7

P.I. Station	Northing	Easting	Distance	Direction
P.O.B.	591388.52	1780559.81		
2	591565.17	1780561.51	176.66	N 00-33-05 E
3	591814.33	1781094.88	588.71	N 64-57-39 E
4	591967.29	1781297.40	253.79	N 52-30-27 E
5	592167.70	1781510.96	292.86	N 47-14-00 E
6	592312.00	1782045.00	553.20	N 74-52-47 E
7	592400.00	1782266.00	237.88	N 68-17-17 E
8	591375.00	1783066.00	1300.24	S 37-58-18 E
9	591372.36	1781854.20	1211.80	S 89-52-30 W
10	591372.25	1781746.00	108.20	N 90-00-00 W
			1186.31	N 89-13-10 W
P.O.B	591388.52	1780559.81		
Total Area = 34.54 Acres				

ATTACHMENT II
Bond Release No. 6
Metes and Bounds Description

TRACT #10

P.I. Station	Northing	Easting	Distance	Direction
P.O.B.	578141.75	1794040.33		
2	577109.00	1796006.00	2220.46	S 62-16-59 E
3	575344.00	1796061.00	1765.86	S 01-47-05 E
4	575345.39	1796097.17	36.20	N 87-47-51 E
5	572737.34	1796072.71	2608.17	S 00-32-15 W
6	570085.19	1796047.72	2652.27	S 00-32-24 W
7	570090.76	1795359.93	687.81	N 89-32-10 W
8	575347.00	1795387.00	5256.31	N 00-17-42 E
9	575346.00	1795643.00	256.00	S 89-46-34 E
10	575727.00	1795585.00	385.39	N 08-39-21 W
11	576476.00	1795194.00	844.92	N 27-33-57 W
12	577291.00	1794028.00	1422.60	N 55-02-51 W
P.O.B.	578141.75	1794040.33	850.84	N 00-49-49 E
Total Area =	140.83	Acres		

TRACT #11

P.I. Station	Northing	Easting	Distance	Direction
P.O.B.	575345.39	1796097.17		
2	575348.00	1796165.00	67.88	N 87-47-51 E
3	572736.70	1796141.04	2611.41	S 00-31-33 W
4	572737.34	1796072.71	68.33	N 89-27-45 W
P.O.B.	575345.39	1796097.17	2608.17	N 00-32-15 E
Total Area =	4.09	Acres		

ATTACHMENT II
Bond Release No. 6
Metes and Bounds Description

TRACT #15

P.I. Station	Northing	Easting	Distance	Direction
P.O.B.	570217.00	1785507.00		
			2668.85	S 89-19-35 E
2	570185.63	1788175.66	1308.88	S 01-07-24 W
3	568877.00	1788150.00	2654.18	N 89-19-51 W
4	568908.00	1785496.00	1309.05	N 00-28-53 E
P.O.B.	570217.00	1785507.00		
Total Area =	79.98	Acres		

TRACT #16

P.I. Station	Northing	Easting	Distance	Direction
P.O.B.	575559.38	1781779.92		
			2777.91	S 89-14-20 E
2	575522.47	1784557.59	1003.82	S 89-14-02 E
3	575509.05	1785561.32	667.38	S 00-38-56 W
4	574841.71	1785553.76	1947.20	S 00-38-56 W
5	572894.64	1785531.71	1282.78	N 89-24-11 W
6	572908.00	1784249.00	1316.00	N 00-07-50 E
7	574224.00	1784252.00	2490.32	N 89-04-47 W
8	574264.00	1781762.00	1295.50	N 00-47-34 E
P.O.B.	575559.38	1781779.92		
Total Area =	151.81	Acres		

TRACT #17

P.I. Station	Northing	Easting	Distance	Direction
P.O.B.	587986.63	1795425.14		
			151.58	N 45-53-37 E
2	588092.13	1795533.99	790.15	S 52-23-53 E
3	587610.00	1796160.00	188.22	S 00-26-26 W
4	587421.78	1796158.55	925.71	N 52-23-53 W
P.O.B.	587986.63	1795425.14		
Total Area =	2.95	Acres		

ATTACHMENT II
Bond Release No. 6
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			2156.79	S 85-27-09 W
20	585269.00	1791590.00		
			2319.10	N 60-31-40 W
21	586410.00	1789571.00		
			320.00	S 00-10-45 W
22	586090.00	1789570.00		
			681.00	S 89-54-57 W
23	586089.00	1788889.00		
			700.00	N 00-04-55 W
24	586789.00	1788888.00		
			717.81	N 53-29-50 W
25	587216.00	1788311.00		
			23.02	N 33-42-48 W
26	587235.15	1788298.22		
			1078.45	N 00-31-13 E
P.O.B	588313.55	1788308.01		
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Total Area =	84.84	Acres		

TRACT #20

P.I. Station	Northing	Easting	Distance	Direction
P.O.B.	581523.07	1792073.85		
			200.00	N 83-54-03 E
2	581544.32	1792272.72		
			189.97	S 00-10-41 E
3	581354.35	1792273.31		
			299.26	S 70-15-04 E
4	581253.23	1792554.97		
			486.16	N 81-44-26 W
5	581323.07	1792073.85		
			200.00	N 00-00-00 E
P.O.B	581523.07	1792073.85		
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Total Area =	1.22	Acres		

Total area in Bond Release No. 6 = 1759.81 Acres