

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Basin Cooperative Services
Bond Release No. 1, Permit BCGH-8801
Approval

Case No. RC-08-655

RELEASE OF BOND
FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS

July 8, 2009

Based on the application for **Bond Release Number 1 for Surface Coal Mining Permit BCGH-8801**, received August 12, 2008 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 September 18, 2008.
2. On September 9, 2008, 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. 1 for Surface Coal Mining Permit No. BCGH-8801 is hereby granted to Basin Cooperative Services effective August 10, 2009, unless a formal hearing is requested. Release of bond in the amount of \$2,260,706.00 is approved. The area is described by the attached metes and bounds descriptions and as follows:

**Portions of Sections 15, 16, 17 and 21, T143N, R84W, Oliver
County, releasing all reclamation liabilities on 848.56 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 354.3 acres of native grassland, 11.3 acres of cropland, 35.7 acres of woodlands and 3.8 acres of developed water resources. The bond

release area also contains 443.46 acres of undisturbed land. The reclaimed acreage is subject to the reclamation requirements of North Dakota's present reclamation law. Yield data was provided for reclaimed native grassland and cropland showing that the reclaimed lands produce equal to or greater than the pre-mine levels for at least two growing seasons. Other required applicable standards, such as species diversity and seasonality, permanence, ground cover and stem density were also achieved for the reclaimed native grasslands and the woodlands.

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