



Public Service Commission
State of North Dakota

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May 20, 2009

Mr. Jeffrey Fleischman
Director
OSM Casper Field Office
PO Box 11018
150 East B Street - Room 1018
Casper, WY 82602-5004

Dear Mr. Fleischman:

The Reclamation Division has completed its review of Final Bond Release Application No. 1 for Surface Coal Mining Permit BNCR-8006 and Final Bond Release Application No. 1 for Surface Coal Mining Permit BNCR-8202 at the BNI Coal, Ltd., Center Mine. The bond release applications for the E½ and SW¼ of Section 26, T142N, R84W in Oliver County involves 475.7 acres of land reclaimed as cropland, shelterbelts, and roads (section line rights-of-way and a rebuilt county road). The applications for the bond releases are now ready to be approved by the North Dakota Public Service Commission. All deficiencies in the applications have been corrected and no repair work is necessary in the field.

These bond release applications contain federal coal tracts that were mined in the NE¼ and SW¼ (see attached map); therefore, OSM concurrence will be needed for each application prior to bond release approval. These tracts were field inspected by Mr. Gene Robinson from your staff and Dr. Steve Schroeder and Mr. Bruce Johnson from our staff on June 5, 2008. We are requesting your concurrence for approving Bond Release No. 1 for Permit BNCR-8006 and Bond Release No. 1 for Permit BNCR-8202. Copies of the applications were previously sent to your office.

If you have any questions, please contact this office.

Sincerely,

James R. Deutsch
Director
Reclamation Division

Enclosure

cc: Jay Volk, BNI Coal

