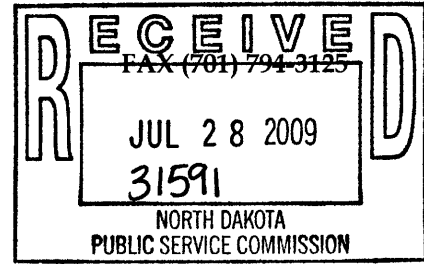


PHONE (701) 794-8734



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



July 27, 2009

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

FROM DIRECTOR - RECLAMATION DIV.

Date: _____

Action: _____

Info. Only: _____

Info & File: _____

RE: Bond Release 11 to Permit BNLS-8109

Dear Mr. Deutsch,

Enclosed with this letter is a copy of the "Affidavit for Publication" from the Burke County Tribune for Bond Release 11 to Permit BNLS-8109 for your records.

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

Sincerely,

Karene M. Hall
Permit Coordinator

**THE BURKE COUNTY TRIBUNE
AFFIDAVIT OF PUBLICATION**

STATE OF NORTH DAKOTA)
COUNTY OF BURKE)

Kristi M. Bohl of said County and State, being first duly sworn, on her oath, says that she is the owner of The Burke County Tribune, a weekly newspaper of general circulation, printed at Bowbells, in said County and State, and that she has been during the time hereinafter mentioned, and that the The Notice of Publication of

Legal Notice of
Application to Release
Performance Bond

a printed copy of which is hereto 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 supplement, once each week for 4 successive weeks, to wit:

7-1 2009 7-8 2009 7-15 2009
7-22 2009 20 20

Kristi M. Bohl
Kristi M. Bohl, Publisher

Subscribed and sworn to before me this 20th day of July, 2009.

Lyann Rick
Notary Public in and for
Burke County, North Dakota

LYANN RICK
Notary Public
State of North Dakota
My commission expires Aug. 6, 2014

| | | | | | |
|----------|----------------------------|----------------------|---------------|---------------|----------------------|
| 1st time | <u>124</u> lines at | <u>.63</u> per line | <u>78.12</u> | } | <u>312.48</u> |
| 2nd time | <u>124</u> lines at | <u>.63</u> per line | <u>78.12</u> | | |
| 3rd time | <u>124</u> lines at | <u>.63</u> per line | <u>78.12</u> | | |
| 4th | <u>124</u> at | <u>.63</u> | <u>78.12</u> | | |
| 1st time | <u>47</u> column inches at | <u>5.41</u> per line | <u>227.22</u> | | |
| 2nd time | <u>42</u> column inches at | <u>5.41</u> per line | <u>227.22</u> | | |
| 3rd | <u>42</u> | <u>5.41</u> | <u>227.22</u> | | |
| 4th | <u>42</u> | <u>5.41</u> | <u>227.22</u> | | |
| | | | <u>TOTAL</u> | <u>227.22</u> | <u>= 908.88</u> |
| | | | | | <u>total 1221.36</u> |

North Dakota and consists of 73.9 acres of cropland and 6.1 acres of pond/grassed waterway. The tract was initially disturbed in 1978 and was mined in 1978 through 1982. Contemporaneous reclamation, backfilling, and grading began in 1978 and continued through 1986. The first seeding dates of the regraded tract occurred in 1979, 1980, 1984, 1985, and 1988. Since 1988 and through the mid 1990's a crop/fallow cropping system involving durum wheat was used, since then management has changed to a continuous cropping rotation. A wildlife pond has been reclaimed on this tract of land.

ND 58505-0480 within thirty (30) days after the last publication of this notice.
July 1, 8, 15 & 22, 2009

A copy of the bond release request and supporting documents are on file at the Burke County Auditors Office, Bowbells, ND 58721, 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, and may request an informal conference or public hearing regarding the proposed release from bond with the North Dakota Public Service Commission,

**LEGAL NOTICE
NOTICE OF
APPLICATION TO
RELEASE
PERFORMANCE BOND**

BNI Coal, Ltd., 2360 35th Avenue SW, Center, ND 58530-9499 has submitted an application for final bond release of 22.49 acres from performance bonds to the North Dakota Public Service Commission for areas at the Larson Mine. The bond release tracts were initially permitted under Permit 24 (approved December of 1973), re-permitted under Permit 48 (Approved May 1978), and then re-permitted in permit BNLS-8109 that was approved on December 13, 1983. The bond amount that includes this permit is \$86,726.00. Bond release is requested in the amount of \$5,287.00. The bond release tract is depicted on the accompanying map.

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

11.01 acres of cropland located in the W 1/2 of the SE 1/4 Section 9, T162N, R94W, Burke County, North Dakota. A small portion of the north east corner of this tract was disturbed and mined in 1973, while the majority of this tract was not mined but disturbed in 1978 and used as a haul road to support mining through 1986. Reclamation of this tract began in 1986 and was seeded in 1987 to annual crops. Seeding to annual crops has continued over the years usually using a crop/fallow cropping system involving durum wheat into the mid 1990's. Operations have since then changed to annual cropping and to a no till or minimum till operation. This tract also includes a portion of the Keller Township road and no water resources were present on this tract prior to mining nor have been reclaimed.

11.48 acres of cropland located in the NW 1/4 of Section 16, T162N, R94W, Burke County, North Dakota. This tract was initially disturbed in 1978 in which mineral was also removed in the south eastern tip of this tract in 1978. The vast majority of this tract was used in support of mining as a haul road and was not mined. Reclamation of this tract occurred in 1983 and 1986 as reclamation of the area progressed and the haul road was removed. The initial seeding dates occurred in 1984 and 1987 which were both to annual crops. A crop/fallow cropping system involving durum wheat was common to this area through the mid 1990's, although fallow systems have not been practiced throughout the last 10 years the area has been seeded annually. No water resources were present on this tract prior to mining nor have been reclaimed.

BNI Coal, Ltd., 2360 35th Avenue SW, Center, ND 58530-9499 has submitted an application for final bond release of 80.00± acres from performance bonds to the North Dakota Public Service Commission for an area near the Larson Mine. The bond release tract was initially permitted in Permit 48 which was approved in May of 1978 and later re-permitted into permit BNLS-8109 that was approved on December 13, 1983. The bond amount that includes this permit is \$86,726.00. Bond release is requested in the amount of \$44,249.00. The bond release tract is depicted on the accompanying map.

The tract was reclaimed in accordance with the North Dakota Public Service Commission approved reclamation plans:

