

PHONE (701) 794-8734



FAX (701) 794-3125

February 16, 2009

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

RE: Application for Bond Release #12 to Permit BNLS-8109

Dear Mr. Deutsch:

BNI Coal, Ltd. is requesting final bond release for Tract 16-ND-Crop which is located within Permit BNLS-8109 at the Larson Mine. The Tract is located within Section 16 T.162 N., R.94 W., in Burke County.

All necessary materials are enclosed for your completeness review. Please let us know after you have completed your review of the public notice. Following your review, we will submit the notice to the newspapers to begin publication. In addition, letters to people, agencies, and governmental bodies that require notification will be sent following your review of the draft letter. Furthermore, copies of those letters will be supplied to you for incorporation into the bond release file.

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

Sincerely,

A handwritten signature in black ink that reads "Jay M. Volk".

Jay M. Volk, Ph.D
Environmental Supervisor

1 RC-09-64 Filed: 2/18/2009 Pages: 4
Application for Final Bond Release on 80 Acres Filed

BNI Coal, Ltd.

Jay Volk

BNI COAL, LTD.
2360 35th Ave SW
Center, ND 58530-9499



**APPLICATION FOR FINAL RELEASE OF BOND FOR SURFACE COAL MINING
AND RECLAMATION OPERATIONS**
PUBLIC SERVICE COMMISSION
RECLAMATION DIVISION
SFN 19813 (1-2004)

Name of Permittee BNI Coal		Bond Release Number Bond Release #12		Date 16-February-2009	
Post Office Address 2360 35th Ave. SW		City Center		Permit Number BNLS-8109	
				State ND	Zip Code 58530

Pursuant to the provisions of NDCC 38-14.1-17, the above named Permittee hereby makes Application for Final Release of Bond for Surface Coal Mining and Reclamation Operations for the above Bond Release Number and Permit Number.

Final release of bond is requested for the tracts clearly delineated on the attached map, **Attachment I**, which are particularly described by the attached metes and bounds descriptions, **Attachment II**, and as follows:

TRACT NUMBER	ACRES	LOCATION			COUNTY
		SEC.	TWP.	RANGE	
16-ND-Crop	80.00	16	162	94	Burke
TOTAL ACRES	80.00				

Final release of bond for the completion of all reclamation requirements set forth by NDCC Chapter 38-14.1 and NDAC Article 69-06.2 in the amount of \$ 44,249.00 for the above-described tracts is requested for the following reasons (identify each tract number and provide separate reasons and the amount for each tract):

Attached to this final bond release application is the following information:

- Attachment III** is a copy of the proposed advertisement required by NDCC 38-14.1-17(1)(a). (The affidavit of publication must be submitted within 30 days of this request.)
- Attachment IV** consists of copies of all letters sent pursuant to NDCC 38-14.1-17(1)(b).
- Attachment V** is an aerial photo based map (or other pre-approved map) that delineates and identifies each tract contained in the bond release application.
- Attachments VI through IX** _____, which contain the detailed information for each tract as listed on the Addendum to this application form. (Include separate attachments for each tract contained in the bond release application.)

VERIFICATION

Name of Official J. M. Volk

I, the above named official, am authorized to represent the Permittee for the foregoing bond release application, have read the complete application and certify that all applicable reclamation activities have been accomplished in accordance with North Dakota Administrative Code Article 69-05.2, North Dakota Century Code Chapter 38-14.1, and the approved reclamation plan. All statements contained in the bond release application and attachments are true and correct to the best of my knowledge and belief.

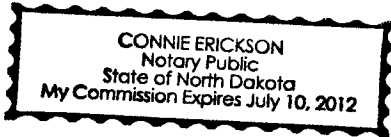
Dated and signed this 16 day of February, 20 09.

By <u>Jay M. Volk, Ph.D</u>	Title <u>Environmental Supervisor</u>
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STATE OF ND)
) ss.
 COUNTY OF Oliver)

The foregoing instrument was acknowledged before me this 2-16-09 (date) by Jay Volk
 known to me to be the Environmental Supervisor of BNI Coal
 _____ a corporation, on behalf of the corporation.

(SEAL)



Connie Erickson
 Notary Public
 My Commission Expires July 10 2012

ADDENDUM TO FINAL BOND RELEASE APPLICATION

ATTACHMENT _____

Bond Release Number 12	Permit Number BNLS-8109	Tract Number 16-ND-Crop
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Attached is the following information for the above Bond Release Tract Number (check applicable types of information that is attached):

- A brief history of the approximate dates of: a) initial mining related disturbance, b) coal removal, c) grading within the tract, and d) law liability period. If more than one law liability period occurs in a tract, delineate the different reclamation law liability lines on a map and refer to the attachment.
- A postmining topographic map of the tract (**attach a separate map or refer to the attachment containing this information**).
- An aerial photo based map (or other pre-approved map) that delineates the tract, ownership boundaries, reclamation site types, topsoil and subsoil respread thicknesses, sampling locations for data collection, and any reference areas with soil mapping units identified (**attach a separate map or refer to the attachment containing this information**).
- Dates of all seedings within the tract, including identification of the date of the last augmented seeding.
- Species seeded and rates.
- Complete history of all management on the tract, including:
 - a) Fertilizer use - types, rates and date of application.
 - b) Herbicide and other pesticide use - types, rates and date of application.
 - c) Grazing history - number of head and dates grazed.
 - d) Breaking of pre-cropland grass/legume stand - date and type of equipment used.
 - e) Crops harvested - types of crops, dates harvested and yields.
- Soil test results from the reclaimed tract and any reference areas.
- Details of the procedures used to develop the revegetation success standards for the tract, including:
 - a) Soils map of the permine area used to derive the standard that also includes permine land use and property ownership boundaries.
 - b) Acreages of soil mapping units or range sites and calculations used to derive the standard.
- Establishment and management history of any reference areas.
- Methods (sampling or entire tract harvest) used to obtain vegetation data for the tract and any reference areas, including the following if sampling was done:
 - a) Location of samples and delineation of sample units (site types).
 - b) Method used for sampling (e.g., first hit, ten-point frame).
 - c) Number of samples taken.
 - d) Calculation of sample adequacy with supporting raw data.
- Required vegetation data (as appropriate for the postmining land use, yield, cover, seasonality, diversity, woody species density, etc.) and evaluations (statistical calculations) for demonstrating reclamation success for the postmining land use of the tract.
- For recreational, residential, and institutional and commercial land uses, a discussion that shows the land use has been implemented (refer to county land use zoning approvals, any other required permits, current construction and use, written commitments by the landowner, etc. that are included in the permit). If these documents have not been incorporated into the permit, copies must be included in the bond release application.
- If bond release for vegetation establishment (Stage 3) has not been previously obtained for a tract containing a permanent impoundment, a discussion of how plans for sound future management of the impoundment have been implemented by the landowner or permittee as required by NDAC 69-05.2-12-12(7)(c). Include a written commitment from the landowner to follow a sound management plan for the impoundment.
- If bond release for vegetation establishment (Stage 3) has not been previously obtained, documentation that suspended solids are not being contributed to stream flow or runoff outside the permit area in excess of that allowed by NDAC 69-05.2-16-04.
- If any permine developed water supplies (surface or ground water) existed on the tract, describe the permine water supply and provide evidence that the water supply has been replaced on this tract or on another, or refer to plans that show where it will be replaced in the future.
- If any permanent impoundments are located within the tract, a demonstration that the water quality is suitable for the intended use of the impoundment.