

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

BNI Coal, Ltd.
Bond Release No. 12, Permit BNLS-8109
Approval

Case No. RC-09-64

RELEASE OF BOND
FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS

December 10, 2009

Based on the application for **Bond Release Number 12 for Surface Coal Mining Permit Number BNLS-8109**, received February 18, 2009 and as later modified, 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 July 22, 2009.
2. On August 11, 2009, the Commission conducted an inspection and evaluation of the reclamation work involved, as required by NDCC §38.14.1-17(3). The surface owner, agent, or lessee was given notice of the bond release inspection and had the opportunity to participate with the Commission in conducting the inspection.

In accordance with NDCC §38.14.1-17, Bond Release No. 12 for Surface Coal Mining Permit No. BNLS-8109 is hereby granted to the BNI Coal, Ltd. effective January 11, 2010, unless a formal hearing is requested. Release in the amount of \$44,249.00 is approved. The area is described by the attached metes and bounds descriptions and as follows:

Portion of Section 16, T162N, R94W, in Burke County,
releasing all reclamation liabilities on 80.0 acres.

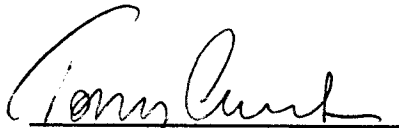
This decision to release all of the bond on this acreage is made for the following reasons:

The post-mining land uses of cropland, grassed waterway and permanent pond have been implemented as approved in the reclamation plan, the applicable revegetation success standards have been met, and all other requirements of the applicable reclamation laws and rules have been satisfied.

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.

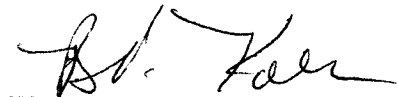
PUBLIC SERVICE COMMISSION



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Commissioner



Kevin Cramer
Chairman



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