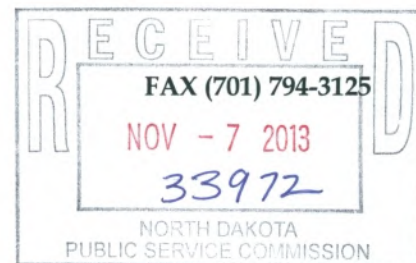


PHONE (701) 794-8734



AN ALLETE COMPANY

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



November 5, 2013

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

RE: Affidavit of Publication

Dear Mr. Deutsch,

Enclosed with this letter is a copy of the "Affidavit of Publication" notice from the Center Republican for Bond Release #4 to Permit BNCR-9401 and Bond Release #9 to Permit 37.

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

Sincerely,

A handwritten signature in blue ink that reads "Karene M. Hall".

Karene M. Hall
Permit Coordinator

AFFIDAVIT OF PUBLICATION

STATE OF NORTH DAKOTA)
) SS
 COUNTY OF Oliver)

I SHELLEY CHASE, being first duly sworn, on my own oath, say, that I am the bookkeeper of the Center Republican, a weekly newspaper of general circulation, published in the city of Center, that the advertisement headed:

BNI-CENTER MINE CR-BOND RELEASE 4 BNCR-9401 BOND RELEASE 9/LEGAL

a printed copy of which is here 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 a supplement,

for 4 consecutive week 10/17/2013 to wit:

Column Inches 27	\$5.94	\$160.38	09/26/2013
Column Inches 27	\$5.94	\$160.38	10/03/2013
Column Inches 27	\$5.94	\$160.38	10/10/2013
Column Inches 27	\$5.94	\$160.38	10/17/2013

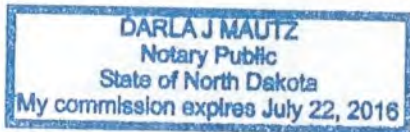
Notary Fee \$1.00 Total Cost of Legal \$642.52

Shelley Chase

Subscribed and sworn to before me this 17th day of October A.D. 2013.

(Seal) *Darla J. Mautz*
 Notary Public, State of North Dakota

My Commission Expires



pansions, grant programs for infrastructure improvements and various housing programs and services available in your area. Everyone is welcomed and encouraged to attend. Should anyone require auxiliary aids or services, please contact Lyle Hogue at 701-667-7623 or lhogue@lewisandclarkrdc.org prior to the public meeting.

(10-17-13)

AGRICULTURAL LAND ON BIDS

84 WEST, OLIVER CO., ND
 42NW4, less a parcel of approximately 15.2 property acreage being sold is approximately

cel of agricultural land close to Center, Oliver 103 acres of hay land with attributes of both ravel road as well as a section line trail.

and the property is subject to a reclamation erty was reclaimed prior the current mining ed.

oderately sloping with some hilly areas. At

er, drive 38th Ave. SW approximately 4 miles ght and drive about 1/2 mile. When you pass County Gun Club), the land is on your left.

with current abstract of title. No minerals are existing leases, easements, severances, or

he bid opening; the three highest bidders will at time. All bids should be for the full price for ould be sealed in an envelope labeled "Hagel

y and all bids, and to waive any irregularities

t money equal to 10% of the bid on the date within 60 days.

ge & Donovan, PLLP at 206 Central Ave. N, 2013, at 1:30 o'clock p.m. CT and all bids erson or addressed to P.O. Box 488, Hazon.

AL TECHNOLOGIST B TECHNICIAN

ur MT/MLT position at Spearfish Regional vice, not-for-profit hospital is located in ng focal point for tourism. The Black Hills anyon and Mt. Rushmore are within a short our passion and commitment for excellence, lhealth.com for more info & apply online. ay. It's a great place to work and beautiful



MINNOKOTA)
) SS
)

I, being first duly sworn, on my own o
 keeper of the Center Republican
 of general circulation,
 Center, that the advertisement

CR-BOND RELEASE 4 BNCR-9.

is here annexed, was published in
 issue of said newspaper during the
 ication, and that the notice was
 aper proper, and not in a supplement

week 10/17/2013 to wit:

\$5.94	\$160.38
\$5.94	\$160.38
\$5.94	\$160.38
\$5.94	\$160.38

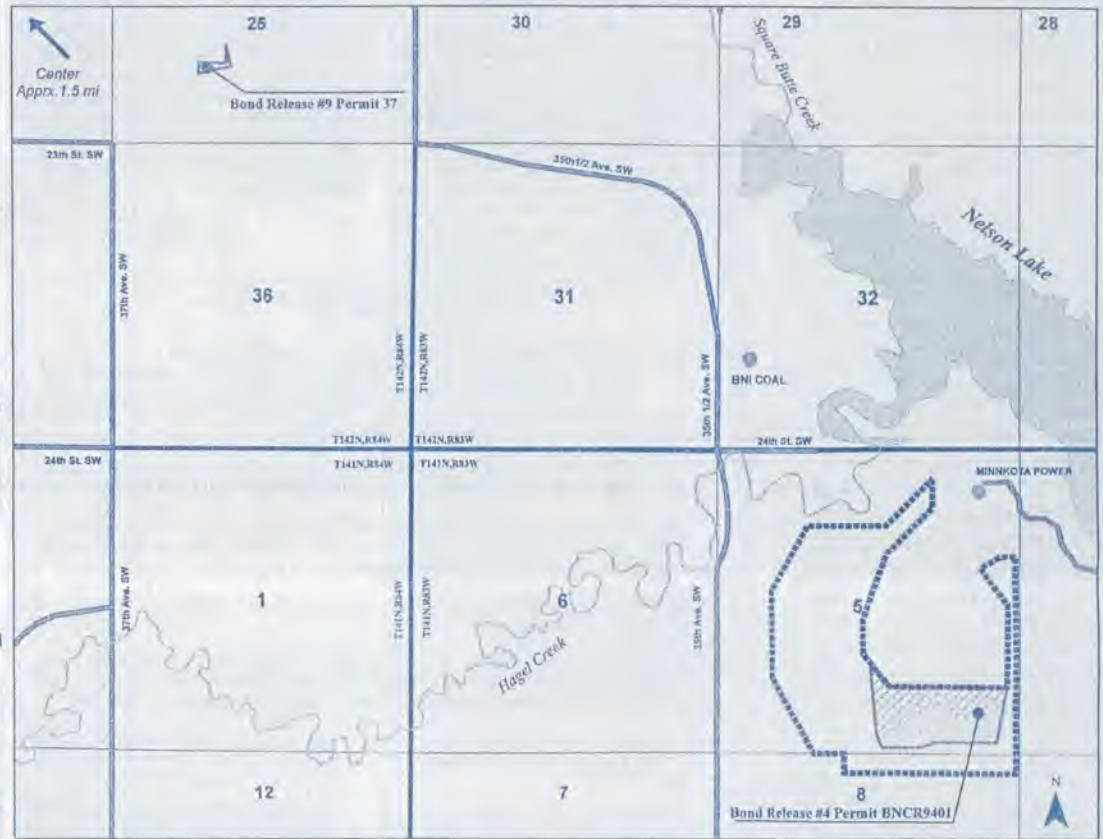
Total Cost of Legal \$642.52

to before me this 17th day of
). 2013.

my auty

North Dakota

pires



**LEGAL NOTICE
 NOTICE OF APPLICATIONS TO RE-
 LEASE PERFORMANCE BOND**

BNI Coal, Ltd., 2360 35th Avenue SW, Center, ND 58530-9499 has submitted applications to the North Dakota Public Service Commission to release the following two tracts of land from all phases (I-IV) of bond release and all remaining reclamation liabilities: 52.09 acres in Permit BNCR-9401 in the SE ¼ of Section 5, T141N, R83W and 1.78 acres in Permit 37 in the SW ¼ of Section 25 T 142N, R84W, both in Oliver County. Permit BNCR-9401 was approved on August 19, 1995 and Permit 37 was approved on September 20, 1976. No monetary release is requested for Permit BNCR-9401 since the bond amount is based on the worst-case reclamation condition that covers this permit at the Center Mine. The total bond amount for Permit BNCR-9401 is \$814,197. The current bond amount for Permit 37 is \$3,560. BNI is requesting a bond reduction in the amount of \$3,560 for final bond release of all remaining acreage in Permit 37. The bond release tracts are described below and depicted on the attached map.

Bond Release 4 to Permit BNCR-9401 is being requested in accordance with the North Dakota Public Service Commission policy memorandum No. 15, which establishes the total bond

release requirements for waste disposal sites on mined lands. The bond release tract contains Cell Number 3 of Minnkota Power Cooperative's FGD Sludge Disposal Facility. The disposal facility has been constructed in accordance with Minnkota's Permit SP-159 issued by the North Dakota State Department of Health. The bond release area has been zoned industrial by the Oliver County Commission. Small portions of topsoil removal occurred in 2004 in preparation for coal removal. In 2007 a large portion of the remaining topsoil and subsoil was removed and stockpiled to be used in the final closure of the disposal site. In 2011 the remaining topsoil and subsoil was removed from this area and was stockpiled. The coal was removed in 2011 and 2012. Following the removal of lignite, preparation of this tract was completed by Minnkota Power Cooperative to be used as Ash Cell #3 for their Milton R. Young Power Plant. None of the usual operations associated with reclamation of a pit have been performed due to the intended use of disposal of power plant wastes. Cell 3 was put into use by Minnkota in November 2012.

For Bond Release 9 to Permit 37, initial disturbance of the bond release area took place in late 1976 in preparation for coal removal. Mining of lignite began in 1976 and concluded in 1977. In 1981, the southern portion of the tract

was spoil graded, respread with SPGM and seeded. In 1982,

Pond 25-5 was constructed on regraded spoil, with the embankment being built on the northern edge of this tract. A portion of the pond's southern embankment was built within the southern part of the tract. The pond was removed in 2002 and respread with SPGM. In 2003, the reclaimed pond area was seeded to hayland, with the permission of the landowner. The post mine land use for this tract is cropland.

Copies of the bond release requests and supporting documents are on file at the Oliver County Auditors Office, Center, ND 58530, 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, may request an informal conference or public hearing regarding the proposed releases from bond with the North Dakota Public Service Commission, 600 East Boulevard Avenue, Bismarck, ND 58505-0480 within thirty (30) days after the last publication of this notice.

(09-26-13-10-03-13-10-10-13-10-17-13)