

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

BNI Coal, Ltd.
Bond Release No. 8, Permit BNCR-8106
Approval

Case No. RC-14-681

RELEASE OF BOND
FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS

January 31, 2018

Based on the application for **Bond Release Number 8 to Surface Mining Permit Number BNCR-8106**, received August 12, 2014, 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 June 25, 2015.
2. On June 24, 2015, 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. 8 for Surface Coal Mining Permit No. BNCR-8106 is hereby granted to BNI Coal, Ltd. effective March 2, 2018, unless a formal hearing is requested. No monetary release is being requested since the current bond amount is based on the worst-case reclamation condition in a consolidated bond area that includes this permit and others at BNI Coal, Ltd.'s Center Mine. The area is described by the attached metes and bounds descriptions and as follows:

A portion of the SE¼ of Section 35, T142N, R84W, in Oliver County, releasing all reclamation liabilities on 56.47 acres.

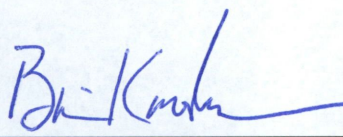
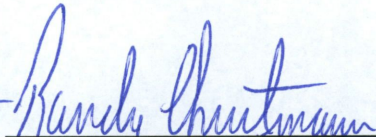

This decision to release all of the bond on this acreage is made for the following reasons:

BNI Coal, Ltd. has met the requirements of applicable reclamation laws and rules administered by the Commission for successfully implementing the post-mine land uses as approved in the reclamation plan. The bond release includes approximately 53.05 acres of reclaimed cropland/hayland and 3.42 acres of reclaimed county road. The bond release area also includes 1.46 acres of land that was not disturbed by mining activities.

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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Brain Kroshus Commissioner	Randy Christmann Chairman	Julie Fedorchak Commissioner

METES AND BOUNDS DESCRIPTION
OF BOND RELEASE #8 FOR PERMIT BNCR-8106

A TRACT OF LAND LYING IN SECTION 35, TOWNSHIP 142 NORTH, RANGE 84 WEST OF THE FIFTH PRINCIPAL MERIDIAN, OLIVER COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 142 NORTH, RANGE 84 WEST; (NAD 27-ND STATE PLANE SOUTH ZONE- US FOOT- N: 511,943.5, E: 1,806,155.1);

THENCE NORTH 89°18'00" WEST, ON AND ALONG THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 563.38 FEET;
THENCE NORTH 16°26'23" WEST, A DISTANCE OF 2756.97 FEET TO THE EAST-WEST QUARTER LINE OF SAID SECTION 35;
THENCE SOUTH 89°18'58" EAST, ON AND ALONG SAID QUARTER LINE, A DISTANCE OF 1235.98 FEET;
THENCE SOUTH 05°20'19" EAST, A DISTANCE OF 507.68 FEET;
THENCE SOUTH 00°20'39" WEST, A DISTANCE OF 346.24 FEET;
THENCE NORTH 90°00'00" EAST, A DISTANCE OF 74.84 FEET TO THE EAST LINE OF SAID SECTION 35;
THENCE SOUTH 00°23'43" WEST, ON AND ALONG SAID EAST LINE OF SECTION 35, A DISTANCE OF 1784.72 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 56.47 ACRES, MORE OR LESS.

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