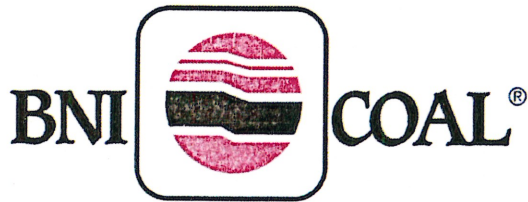


PHONE (701) 794-8734



35263
JAN 28 2016
FAX (701) 794-3125

AN ALLETE COMPANY

January 28, 2016

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

REFERENCE: Variance Request to Ten-Year Performance Bond Liability Period

Mr. Deutsch,

Please see the enclosed request for variance to the ten-year performance bond liability period for a tract in Section 25-142-84. We have enclosed 3 CD copies for your review.

If you have any questions or concerns regarding this request, please contact Jay Volk or myself at the Center office.

Sincerely,

A handwritten signature in blue ink that reads "Stephanie Paavola".

Stephanie Paavola
Environmental/GIS Specialist

Enclosures: (3)

1 **RC-16-60** Filed: 1/28/2016 Pages: 2
Request for a variance from the 10-year revegetation liability period on 2.4 acres filed by BNI Coal

BNI Coal, Ltd.

Stephanie Paavola

BNI COAL, LTD.
2360 35TH AVENUE SW, CENTER, ND 58530-9499

PHONE (701) 794-8734



FAX (701) 794-3125

AN ALLETE COMPANY

January 27, 2016

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

REFERENCE: Variance Request to Ten-Year Performance Bond Liability Period

Mr. Deutsch,

BNI is requesting a variance to the ten-year performance bond liability period on a tract located in Section 25-142-84. This tract consisted of approximately 2.38 acres of a stockpile area (S25S08). The stockpile was removed in 2008 and seeded in 2009 to tame pastureland. These acres will be submitted for bond release with approximately 2.21 pond acres, 11.01 acres of additional tame pastureland, and 1.29 acres of right of way in Section 25 for a total proposed bond release tract size of 16.89 acres. These acres were reclaimed in 1981-1982 (tame pastureland) and 1993 (pond). The proposed variance area makes up approximately 14.1% of the total proposed bond release tract. If this area were not to be included in the larger tract, it would essentially seclude this piece and leave it disconnected any other permitted area.

A map depicting the proposed variance area as well as the surrounding area can be found on Attachment 1. The post mine topography of this area is depicted on Attachment 2. Data for this tract can be found in Attachment 3.

A small rill that had formed on the northeast side of the proposed variance area running from north to south was filled with topsoil and re-seeded and stabilized on April 15th, 2015. In accordance with Policy Memorandum No. 20 to Mine Operators this area was approximately 0.01 acres in size, which is less than 0.01 % of the total tract. This area is shown on Attachment 1.

If you have any questions or concerns regarding this request, please contact Jay Volk or myself at the Center office.

Sincerely,

Stephanie Paavola
Environmental/GIS Specialist

Enclosures: (2)