

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

BNI Coal, Ltd.
Variance, Permit BNCR-8106
Application

Case No. RC-16-60

VARIANCE TO THE PERFORMANCE BOND LIABILITY
PERIOD OF A SURFACE COAL MINING PERMIT

April 5, 2016

Based on the application received on January 28, 2016, a variance to the Ten-Year Performance Bond Liability Period for a portion of Permit Number BNCR-8106 is hereby granted to BNI Coal, Ltd. to combine the performance bond responsibility period for a small stockpile area with that of the surrounding reclamation tracts on the following described areas:

Approximately 2.4 acres of reclaimed hayland within a tract of reclaimed lands located in the SE1/4 of Section 25, T142N, R84W, Oliver County.

Based on the application for the variance to Permit Number BNCR-8106 and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. BNI Coal, Ltd. has affirmatively demonstrated that reclamation of the areas revegetated in 2009 will provide equal or greater protection to the environment and to public health and safety;
2. The Commission has determined that all areas are reclaimed and vegetation is established as required by the approved reclamation plan; and
3. BNI Coal, Ltd. must satisfy all reclamation success standards described in NDAC Chapter 69-05.2-22 when final bond release is requested.

PUBLIC SERVICE COMMISSION



Randy Christmann
Commissioner



Julie Fedorchak
Chairman



Brian P. Kalk
Commissioner