

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**BNI Coal, Ltd.**  
**Bond Release No. 5, Permit BNCR-9401**  
**Application**

**Case No. RC-20-78**

**RELEASE OF BOND**  
**FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS**

**August 18, 2021**

Based on the application for **Bond Release Number 5 for Surface Coal Mining Permit BNCR-9401**, received February 11, 2020 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 been filed and have been made part of the Application for Release of Bond. The last date of publication was April 15, 2020.
2. On May 12<sup>th</sup>, 2020, the Commission conducted an inspection and evaluation of the reclamation work involved in this bond release as required by NDCC §38.14.1-17(3). The surface owners, agents, or lessees were given notice of the bond release inspection and had the opportunity to participate with the Commission in conducting the inspection of the bond release areas at the Center Mine.

In accordance with NDCC §38.14.1-17, Bond Release No. 5 for Surface Coal Mining Permit No. BNCR-9401 is hereby granted to BNI Coal effective September 17, 2021, unless a formal hearing is requested. No monetary release was requested by the permittee. The area is described by a metes and bounds description and as follows:

**Portions of Sections 5 and 8, T141N, R83W, Oliver County,**  
**releasing all reclamation liabilities on 43.60 acres.**

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

The post-mining land use of industrial/commercial has been implemented as approved in the reclamation plan and all other requirements of the applicable laws and rules have been satisfied. This area will be used by Minnkota Power Cooperative for the long term disposal of Flue Gas Desulfurization (FGD) sludge under a

waste disposal permit issued by the North Dakota Department of Environmental Quality.

**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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**Randy Christmann**  
Commissioner

  
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**Julie Fedorchak**  
Chair

  
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**Brian Kroshus**  
Commissioner

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