

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**American Colloid Company
Variance Request, Permit BDSU-8011
Approval**

Case No. RC-08-81

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

July 16, 2008

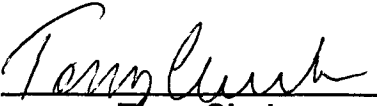
Based on the application received on February 22, 2008, a variance to the Ten Year Performance Bond Liability Period for a portion of Permit Number BDSU-8011 is hereby granted to the American Colloid Company to combine the performance bond revegetation responsibility period of a reclaimed haulroad corridor and access trail with that of the surrounding reclamation tracts. The area is further described as follows:

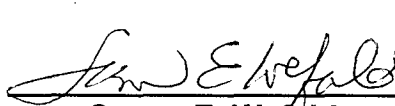
Approximately 1.44 acres of reclaimed grassland located in Section 8, T129N, R94W, Adams County.

Based on the application for the variance to Permit Number BDSU-8011 and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The American Colloid Company has affirmatively demonstrated that reclamation of the areas reseeded in 2004 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. The Coteau Properties Company must satisfy all reclamation success standards described in NDAC Chapter 69-05.2-22 when final bond release is requested.

PUBLIC SERVICE COMMISSION


Tony Clark
Commissioner


Susan E. Wefald
President


Kevin Cramer
Commissioner