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OPINION

April 30, 2013



Ms. Illona A. Jeffcoat-Sacco  
General Counsel  
Public Service Commission  
600 E Boulevard Ave Dept 408  
Bismarck, ND 58505-0480

Dear Ms. Jeffcoat-Sacco:

The Office of Attorney General has examined the proposed amendments to N.D.A.C. Art. 69-05.2<sup>1</sup> concerning surface coal mining and reclamation operations (Case No. RC-12-166), along with the notice of the proposed rules, the publication of that notice, and the filing of that notice with the Legislative Council. This office has also determined that 1) a written record of the agency's consideration of any comments to the proposed rules was made, 2) a regulatory analysis was issued, 3) a takings assessment was prepared, 4) a small entity regulatory analysis and an economic impact statement were prepared, and 5) the proposed rules are within the agency's statutory authority.

These administrative rules are in compliance with N.D.C.C. ch. 28-32 and are hereby approved as to their legality. Upon final adoption, these rules may be filed with the Legislative Council.

Sincerely,

Wayne Stenehjem  
Attorney General

vkk

cc: John Walstad, Legislative Council

<sup>1</sup> This opinion addresses amendments to these rules, including an additional amendment ordered by the Commission on April 10, 2013, in regard to a further amendment requested by a federal office of Surface Mining Reclamation and Enforcement.