

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Public Service Commission
Reclamation
Rulemaking**

Case No. RC-21-329

PUBLIC SERVICE COMMISSION STAFF TESTIMONY

January 4, 2022

I am Zanna Brinkman, Director with the Reclamation Division of the Public Service Commission.

The Commission is proposing some rule changes to North Dakota Administrative Code Article 69-05.2 covering surface coal mining and reclamation operations. The proposed rule changes are needed as the result of statutory changes made by Senate Bill No. 2317 during the 2021 Legislative Session. Chapter 15-72 of the North Dakota Century Code was created and enacted to establish a coal mine reclamation trust through the board of university and school lands. The trust was established to reclaim coal mines at the direction of the public service commission by utilizing private assets pledged as collateral which may be used to fulfill the performance bond obligations under section 38-14.1-16 and North Dakota Administrative Code chapter 69-05.2-12. The proposed rule changes consist of adding real property to the definition of a collateral bond North Dakota Administrative Code chapter 69-05.2-01-02 and adding conditions that must be met for the commission to accept real property as a collateral bond in North Dakota Administrative Code chapter 69-05.2-12-04.

The mining and reclamation rule changes adopted by the Commission must be as effective as the counterpart federal rules issued by the federal Office of Surface Mining (OSM) within the Department of the Interior. Reclamation Division staff does not believe OSM will have any concerns with these rule changes based on their informal review of the proposed changes.

This concludes my testimony.