



Public Service Commission

State of North Dakota

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Dear Editor:

RE: Clarification of the AP story on the South Heart Coal mining permit application

A recent Associated Press story gives an inappropriate impression about the South Heart Coal, LLC, mining permit application. South Heart Coal's application for a new coal mine near South Heart has not been rejected by the Public Service Commission and no formal action on this application has been taken by the Commission. At this time the application is being reviewed by staff for completeness as required under North Dakota's reclamation law and rules.

The PSC's Reclamation Division must review all permit applications to ensure that all of the required legal and wide-ranging resource information, and detailed mining and reclamation plans are included in the application. It is very common for the Reclamation Division to send one or more completeness deficiency letters to the applicant before a permit application is deemed complete. As noted in the Associated Press story that ran in your newspaper, staff sent a second completeness deficiency letter last week to South Heart Coal on its pending application. However, the number of completeness deficiencies noted in South Heart Coal's application is not extraordinary and is fairly typical for most mining permit applications.

Once a mining permit application is deemed complete, notice of the application is published in the local newspapers to inform the public, and notices are sent to the surface owners in the proposed permit area and certain local, state and federal government agencies. These notices inform people of the deadline to submit comments and objections or to request an informal conference on the application.

After an application is deemed complete, PSC staff conducts an in-depth technical review and analysis before recommending Commission action on the application. Any concerns or issues noted in the application are sent to the applicant as a technical deficiency letter. Often times multiple letters are sent before all technical concerns are adequately addressed by the applicant before permit approval by the Commission. We expect the same to occur with South Heart Coal's application due to the comprehensive and detailed nature of the coal regulatory program.

Jim Deusch
Director, PSC Reclamation Division