



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

Kevin Cramer  
Tony Clark  
Brian P. Kalk

Executive Secretary  
Darrell Nitschke

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
Web: [www.nd.gov/psc](http://www.nd.gov/psc)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone 701-328-2400  
Toll Free 1-877-245-6685  
Fax 701-328-2410  
TDD 800-366-6888 or 711

April 19, 2010

Mr. Allen D. Klein, Regional Director  
Western Regional Coordinating Center  
Office of Surface Mining  
1999 Broadway, Suite 3320  
Denver, CO 80202-3050

Dear Mr. Klein:

The Otter Creek Mining Company, LLC, a wholly owned subsidiary of the North American Coal Corporation, has filed the application for Surface Coal Mining Permit No. NAOC-0802 covering 5,490.1 acres for the proposed Otter Creek Mine in Oliver County. Included in the proposed permit area are several tracts that contain unleased federal coal. The surface of these tracts is privately owned and Otter Creek has surface leases that allow mining related disturbances on these lands. Mining of federal coal is not proposed, only surface disturbances are proposed on these tracts at this time.

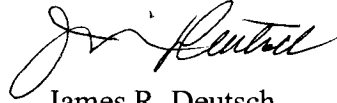
Our Cooperative Agreement (Article V, Section B.7) gives the Commission the authority to issue permits allowing surface disturbances on land containing unleased federal coal after consultation with BLM through OSM. This consultation is to insure that actions taken by the Commission do not result in substantial and adverse effects to the federal mineral estate. We are requesting a determination from BLM whether or not the disturbances proposed by Otter Creek will have such an effect.

Enclosed is a compact disk (DVD) that contains the application in an electronic format. The surface and subsurface ownership listings are shown on Surface and Coal Ownership Map, Section 1.5.3. The Pit Layout and Facilities Map, Section 3.1.5, shows the proposed surface disturbances over the federal coal tracts.

Mr. Allen D. Klein  
April 19, 2010  
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If you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Deutsch". The signature is fluid and cursive, with a large initial "J" and "D".

James R. Deutsch  
Director  
Reclamation Division

Enclosure

cc: Phillip Perlewitz, BLM/with enclosure  
Gene Hay, OSM/without enclosure  
Jeff Fleischman, OSM-Casper/without enclosure  
Randy Crooke, Otter Creek Mining Co./without enclosure

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