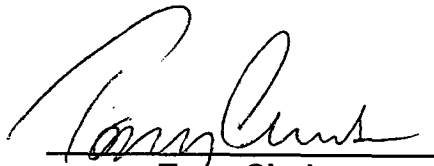

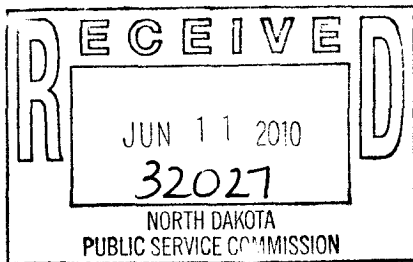


PUBLIC SERVICE COMMISSION


Tony Clark
Commissioner


Kevin Cramer
Chairman

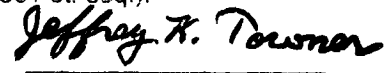

Brian P. Kalk
Commissioner



**U.S. FISH AND WILDLIFE SERVICE
ECOLOGICAL SERVICES**

NO ACTION. The Fish and Wildlife Service is unable to comment on this project due to funding or staff constraints. This does not constitute a report of the Department of the Interior in accordance with the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.).

6-9-10
Date


Jeffrey K. Towner
Field Supervisor

FROM DIRECTOR - RECLAMATION DIV.

Date: _____

Action: _____

Info. Only: _____

Info & File: _____

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Creek Mining Company, L.L.C.
Permit NAOC-0802
Application

Case No. RC-08-940

NOTICE OF RECEIPT OF PERMIT APPLICATION

April 19, 2010

The Otter Creek Mining Company, L.L.C. has filed an application for Surface Coal Mining Permit NAOC-0802 to conduct surface coal mining and reclamation operations at its proposed Otter Creek Mine on lands located in:

All or portions of Sections 5 and 6, T142N, R84W; and Sections 1 and 2, T142N, R85W; and Sections 20, 29, 31, and 32, T143N, R84W; and Sections 35 and 36, T143N, R85W of Oliver County, North Dakota, containing 5,490.1 acres.

The surface coal mining and reclamation permit application may be inspected at:

Public Service Commission
State Capitol, 13th Floor
Bismarck, North Dakota 58505-0480

Oliver County Auditor
County Courthouse
Center, North Dakota 58530

You may submit written comments or objections on the proposed permit application and its effects on the environment and on surface owners of the land in the permit area. You may request an informal conference with the Commission and the applicant on the permit application. The reasons for requesting an informal conference must be stated in the request. Written comments, objections, or requests for informal conference must be made by June 7, 2010.

If there is an informal conference, you may request a formal administrative hearing on the Commission ruling on the application. Your request for a formal hearing must be made within thirty days of the Commission ruling on the application.

Written comments, objections, or requests for informal conferences should be addressed to the Public Service Commission, 600 E Boulevard Ave. Dept. 408, Bismarck, North Dakota 58505-0480. For more information you may contact the Public Service Commission at 701-328-2400.