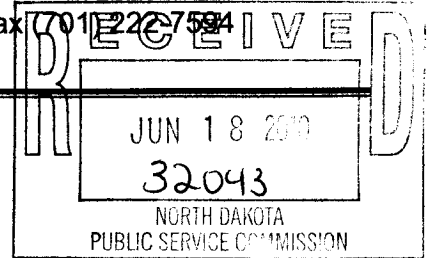


NORTH AMERICAN
COAL
CORPORATION
OTTER CREEK MINE

OTTER CREEK
MINING COMPANY, L.L.C.

2000 Schafer St. Suite D
Bismarck, ND 58501-1204
(701) 258-2200 - Fax (701) 220-7584



June 17, 2010

Mr. James R. Deutsch
Reclamation Director
ND State Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505

FROM DIRECTOR - RECLAMATION DIV.

Date: _____

Action: _____

Info. Only: _____

RE: Affidavit of Publication for Otter Creek Permit NAOC-0802 Info & File: _____

Dear Mr. Deutsch:

Please find enclosed copies of the Affidavit of Publication for Otter Creek Permit NAOC-0802. This Legal Notice was published on April 14, April 21, April 28, and May 5, 2010 in The Bismarck Tribune, and on April 15, April 22, April 29, and May 6, 2010 in the Center Republican.

If you have any questions or comments, please contact me at 250-2403.

Sincerely,

THE FALKIRK MINING COMPANY

D. Randall Crooke
Permit Manager

DRC/dge
Attachments

RECEIVED MAY 11 2010



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PO BOX 1087
UNDERWOOD ND 58576

Customer: 60018525
Phone: (701) 250-2472
Date: 05/05/2010

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Amount Paid: _____ CK # _____

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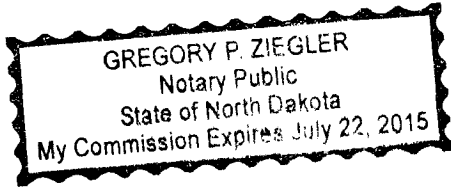
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Affidavit of Publication
State of North Dakota) SS County of Burleigh
Before me, a Notary Public for the State of North Dakota
personally appeared CK who being duly sworn, deposes
and says that he (she) is the Clerk of Bismarck Tribune Co.,
and that the publication(s) were made through the
Bismarck Tribune on the following dates:
4/14, 21, 28, 5/5 Signed Cameron Hunt
sworn and subscribed to before me this 10th
day of MAY 20 2010
Notary Public in and for the State of North Dakota



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**NOTICE OF FILING FOR A PERMIT TO CONDUCT
SURFACE COAL MINING OPERATIONS**

Otter Creek Mining Company, LLC., 2000 Schafer St., Suite D, Bismarck, ND 58501-1201, as applicant, has filed an application for Surface Coal Mining Permit NAOC-0802, covering portions of Sections 20, 29, 31, and 32, T143N, R84W, portions of Sections 5 and 6, T142N, R84W, portions of Sections 1 and 2, T142N, R85W, and Sections 35 and 36, T143N, R85W in Oliver County, North Dakota, which contains 5,490.1 acres. The permit area is located northwest of Center, North Dakota. The map shows the location of the City of Center, North Dakota and the boundaries of the permit area. The names of the United States Geological Survey Quadrangle Maps, which contain the area described and shown on the map, are Hannover NE and Hannover NW. The owners of the surface and coal in the permit area are as follows:

TRACT 1

T142N-R84W-Section 5:
SURFACE OWNERSHIP:

Lots 1, 2, S1/2NE1/4, N1/2SE1/4, less Lot A
Howard T. Bubel
John D. Bubel
Howard T. Bubel
John D. Bubel

COAL OWNERSHIP:

TRACT 2

T142N-R84W-Section 5:

Lot A, a parcel of land in the NE1/4SE1/4, commencing at the SE corner of said Section 5, thence N 0d 00' 00" W along the east line of said Section 5, a distance of 1,470.00', to the true point of beginning; thence N 90d 00' 00" W, a distance of 545.00'; thence N 0d 00' 00" E, a distance of 400.00'; thence S 90d 00' 00" E, a distance of 545.00', to the east line of said Section 5; thence S 00d 00' 00" W, a distance of 400.00' back to the true point of beginning, containing 5.00 acres, more or less.

SURFACE OWNERSHIP:

John D. Bubel
John D. Bubel

COAL OWNERSHIP:

TRACT 3

T142N-R84W-Section 5:

SURFACE OWNERSHIP:

Lots 3, 4, S1/2NW1/4, N1/2SW1/4
Otter Creek Mining Company, LLC.
Karen Boehm
Kevin Grindahl
Kyle Grindahl
Kelly Grindahl

COAL OWNERSHIP:

TRACT 4

T142N-R84W-Section 5:

SURFACE OWNERSHIP:

S1/2SW1/4
Lyle Albers and Claudia Albers
Lyle Albers and Claudia Albers

COAL OWNERSHIP:

TRACT 5

T142N-R84W-Section 6:

SURFACE OWNERSHIP:

Lots 1, 2, 3, 4, 5, SE1/4NW1/4, S1/2NE1/4,
Dennis Beckman and Lucinda Beckman
H. Huffman & Co.
Preston Beckman and Norma Beckman
Richard Bargmann
Otter Creek Mining Company, LLC.
Bonnie Thompson
Katherine W. Glover
North Central Oil Corporation

COAL OWNERSHIP:

TRACT 6

T142N-R85W-Section 1:

SURFACE OWNERSHIP:

Lots 1, 2, 3, 4, S1/2N1/2, SE1/4
Larry Bornemann and Dawn R. Bornemann
Larry Bornemann and Dawn R. Bornemann

COAL OWNERSHIP:

TRACT 7

T142N-R85W-Section 1:

SURFACE OWNERSHIP:

SW1/4
Larry Bornemann and Dawn R. Bornemann
Great Northern Properties Limited Partnership

COAL OWNERSHIP:

TRACT 8

T142N-R85W-Section 2:

SURFACE OWNERSHIP:

N1/2 of Lots 1 and 2
Randy Henke and Susan Henke
Inez Arman
Randy Henke and Susan Henke

COAL OWNERSHIP:

TRACT 9

T142N-R85W-Section 2:

SURFACE OWNERSHIP:

N1/2 of Lots 3 and 4
Dale M. Berg and Cynthia K. Berg
Inez Arman
Dale M. Berg and Cynthia K. Berg

COAL OWNERSHIP:

TRACT 10

T142N-R85W-Section 2:

SURFACE OWNERSHIP:

SW1/4NW1/4, S1/2 of Lots 1-4
Lyle Albers and Claudia Albers
Lyle Albers and Claudia Albers
Bernice Bauer
Denise Barchenger
Rene J. Barchenger
William D. Keuther
Medora Nunez
Vila Regalia
Renotta Scherr

COAL OWNERSHIP:

TRACT 11

T142N-R85W-Section 2:

SURFACE OWNERSHIP:

S1/2NE1/4, SE1/4NW1/4
Lyle Albers and Claudia Albers
United States of America -
Bureau of Land Management

COAL OWNERSHIP:

TRACT 12

T142N-R85W-Section 2:

SURFACE OWNERSHIP:

SE1/4
Larry Bornemann and Dawn R. Bornemann
Larry Bornemann and Dawn R. Bornemann

COAL OWNERSHIP:

TRACT 13

T143N-R84W-Section 20:

SURFACE OWNERSHIP:

SW1/4NE1/4, W1/2NW1/4, SE1/4NW1/4
Carter J. Berg and Barbara J. Berg
United States of America -
Bureau of Land Management

COAL OWNERSHIP:

TRACT 14

T143N-R84W-Section 20:

SURFACE OWNERSHIP:

SW1/4
Carter J. Berg and Barbara J. Berg
Carter J. Berg and Barbara J. Berg
Lavonne Cleveland
Lee Husfloen
Michele Roberson
Lenore Sack

COAL OWNERSHIP:

TRACT 15

T143N-R84W-Section 29:

SURFACE OWNERSHIP:

COAL OWNERSHIP:

E1/2

Carter J. Berg and Barbara J. Berg

John D. Albers, Life Estate

Remaindermen:

Claudia A. Albers

Jack D. Albers

Geraldine L. Albers

Carter J. Berg and Barbara J. Berg

Earl H. Bornemann and Marilyn A. Bornemann

Claudia A. Albers

Jack D. Albers

TRACT 16

T143N-R84W-Section 29:

SURFACE OWNERSHIP:

COAL OWNERSHIP:

W1/2

Carter J. Berg and Barbara J. Berg

Carter J. Berg and Barbara J. Berg

Earl H. Bornemann and Marilyn A. Bornemann

TRACT 17

T143N-R84W-Section 31:

SURFACE OWNERSHIP:

COAL OWNERSHIP:

NE1/4

Kent L. Albers and Deborah Albers

Kent L. Albers and Deborah Albers

Tina Krakow

Howard Yeager - Protective Lease

Donald Yeager - Protective Lease

Norman Yeager - Protective Lease

The State of North Dakota -

State Land Department

TRACT 18

T143N-R84W-Section 31:

SURFACE OWNERSHIP:

COAL OWNERSHIP:

W1/2

Dennis Beckman and Lucinda Beckman

Preston Beckman and Norma Beckman

Howard Yeager - Protective Lease

Donald Yeager - Protective Lease

Norman Yeager - Protective Lease

The State of North Dakota -

State Land Department

TRACT 19

T143N-R84W-Section 31:

SURFACE OWNERSHIP:

COAL OWNERSHIP:

SE1/4

Kent L. Albers and Deborah Albers

Isabel Werner

Cleo S. Albers

Kent L. Albers and Deborah Albers

TRACT 20

T143N-R84W-Section 32:

SURFACE OWNERSHIP:

COAL OWNERSHIP:

E1/2NE1/4, SW1/4NE1/4, SW1/4, SE1/4

less 1 acre

Kent L. Albers and Deborah Albers

Kent L. Albers and Deborah Albers

TRACT 21

T143N-R84W-Section 32:

SURFACE OWNERSHIP:

COAL OWNERSHIP:

1 acre in the NE1/4SE1/4, described as follows: Beginning at the Southeast corner of the SE4 of said Section 32; thence North along the east boundary line of said SE4 of Section 32 a distance of 1,805'; thence due West a distance of 818' to the true point of beginning; thence due North a distance of 252'; thence due West a distance of 177'; thence due South a distance of 252'; and thence due East a distance of 177' to the true point of beginning, containing 1 acre, more or less.

SURFACE OWNERSHIP:

Chris Albers and Nicole A. Albers

COAL OWNERSHIP:

Chris Albers and Nicole A. Albers

TRACT 22

T143N-R84W-Section 32:

SURFACE OWNERSHIP:

COAL OWNERSHIP:

SE1/4NW1/4

Kent L. Albers and Deborah Albers

John D. Albers, Life Estate

Remaindermen:

Claudia A. Albers

Jack D. Albers

Geraldine L. Albers

Kent L. Albers and Deborah Albers

Tina Krakow

Claudia A. Albers

Jack D. Albers

TRACT 23

T143N-R84W-Section 32:

SURFACE OWNERSHIP:

COAL OWNERSHIP:

NW1/4NE1/4, NE1/4NW1/4, W1/2NW1/4

Kent L. Albers and Deborah Albers

United States of America -

Bureau of Land Management

TRACT 24

T143N-R85W-Section 35:

SURFACE OWNERSHIP:

COAL OWNERSHIP:

NE1/4

Loren Henke and Kristen Henke

Loren Henke and Kristen Henke

Jeannette Christensen

Adrene Graf

Kevin K. Hintz

Beverly Schatz

TRACT 25**T143N-R85W-Section 35:**
SURFACE OWNERSHIP:

COAL OWNERSHIP:

NW1/4Wayne Beckman
Loretta Beckman
Wayne Beckman
Loretta Beckman
Elizabeth A. Lang
Kristen R. Pulford
Susan R. Kramer
Judith L. Moritz
Lisa M. Job
Jeffrey J. Kirby and Sylvia Kirby
Virginia J. Kirby and Jeffrey J. Kirby, as Co-Trustees of Trust B Created by the Last Will and Testament of Ward M. Kirby
James M. Williams, as Trustee of the Ruth A Williams Family Trust; and Ruth A. Williams and James M. Williams, as Trustees of the Trust Agreement Restating the James M. Williams and Ruth A. Williams Trust Dated 7-2-92, Restated 12-15-99
Peter Williams
Todd Williams
Areline Alderin
Florence I. Watson**TRACT 26****T143N-R85W-Section 35:**
SURFACE OWNERSHIP:
COAL OWNERSHIP:**SE1/4**Randy Henke and Susan Henke
Inez Arman
State of North Dakota - State Land Department**TRACT 27****T143N-R85W-Section 35:**
SURFACE OWNERSHIP:
COAL OWNERSHIP:**SW1/4 less Lots A and B**Randy Henke and Susan Henke
Great Northern Properties Limited Partnership**TRACT 28****T143N-R85W-Section 35:****Lot A** - commencing at the SW corner of Section 35, thence S 89d 55' 10" E along the south line of Section 35, a distance of 110.0' to the east right-of-way line of North Dakota State Highway #31 and the true point of beginning; thence N 00d 07' 50" E, along said right-of-way, a distance of 961.86'; thence S 89d 55' 10" E, a distance of 1,556.68'; thence S 23d 39' 20" E, a distance of 311.92'; thence S 62d 51' 39" E, a distance of 202.63'; thence S 06d 24' 51" E, a distance of 587.91' to the south line of Section 35; thence N 89d 55' 10" W, along the south line of Section 35, a distance of 1,930.03', back to the point of beginning. Contains 39.80 acres, more or less.**Lot B** - commencing at the SW corner of Section 35; thence S 89d 55' 10" E, along the South line of Section 35, a distance of 110.0', to the east right-of-way line of North Dakota State Highway #31; thence S 00d 07' 50" E along said right-of-way, a distance of 961.86' to the true point of beginning; thence N 00d 07' 50" E along said right-of-way, a distance of 66.94'; thence N 89d 52' 10" W, along said right-of-way, a distance of 10.00'; thence N 00d 07' 50" E, along right-of-way, a distance of 1,019.86'; thence S 89d 52' 10" E, along said right-of-way, a distance 330.00'; thence N 00d 07' 50" E, along said right-of-way, a distance of 104.11'; thence S 75d 21' 11" E, a distance of 76.68'; thence S 44d 31' 23" E, a distance of 203.89'; thence S 01d 37' 53" E, a distance of 385.36'; thence S 82d 45' 51" E, a distance of 354.74'; thence S 44d 28' 59" E, a distance of 559.50'; thence S 89d 40' 12" E, a distance of 175.40'; thence S 23d 39' 20" E, a distance of 215.55'; thence N 89d 55' 10" W, a distance of 1,556.68' back to the point beginning. Contains 23.65 acres, more or less.

SURFACE OWNERSHIP:

Mike Ginther and Tanya Ginther
Great Northern Properties Limited Partnership

COAL OWNERSHIP:

TRACT 29**T143N-R85W-Section 36:**

SURFACE OWNERSHIP:

COAL OWNERSHIP:

E1/2NE1/4Loren Henke and Kristen Henke
Lorraine Bauer
Leland Wolf
William Wolf
State of North Dakota - State Land Department**TRACT 30****T143N-R85W-Section 36:**

SURFACE OWNERSHIP:

COAL OWNERSHIP:

W1/2NE1/4Burton Beckman
Burton Beckman
State of North Dakota - State Land Department**TRACT 31****T143N-R85W-Section 36:**

SURFACE OWNERSHIP:

COAL OWNERSHIP:

NW1/4Wayne Beckman
Loretta Beckman
Wayne Beckman
Loretta Beckman
State of North Dakota - State Land Department**TRACT 32****T143N-R85W-Section 36:**

SURFACE OWNERSHIP:

COAL OWNERSHIP:

SE1/4Kevin M. Hoesel and Penny Hoesel
Kevin M. Hoesel and Laurence Hoesel
State of North Dakota - State Land Department**TRACT 33****T143N-R85W-Section 36:**

SURFACE OWNERSHIP:

COAL OWNERSHIP:

SW1/4Alice E. Hoesel and Laurence Hoesel
Alice E. Hoesel and Laurence Hoesel
State of North Dakota - State Land Department

Operations within 100 feet of the outside rights-of-way of the following section lines will be necessary during the planned mining for this permit area. Prior to operations being conducted in this 100-foot area, Otter Creek will obtain the approval of the Oliver County Board of Commissioners, the road authority, subject to public notice and hearing.

The west side of the following north-south section lines:

1. Between Sections 32 and 33, T143N, R84W.
2. The north 3/4 mile between Sections 4 and 5, T142N, R84W.
3. Between Sections 28 and 29, T143N, R84W.
4. The south 1/2 between Section 1, T142N, R85W and Section 6, T142N, R84W.

The south side of the following east-west section lines:

1. Between Sections 30 and 31, T143N, R84W prior to closure.
2. Between Section 25, T143N, R85W and Section 36, T143N, R85W prior to closure.
3. Between Sections 26 and 35, T143N, R85W.
4. The west 1/4 between Sections 20 and 17, T143N, R84W.
5. The east 1/2 between Sections 20 and 29, T143N, R84W.

The east side of the following north-south section lines:

1. The south 1/2 between Sections 5 and 6, T142N, R84W.
2. Between Sections 29 and 30, T143N, R84W prior to closure.
3. Between Sections 19 and 20, T143N, R84W.

Both sides of the north-south section line between Sections 1 and 2, T142N, R85W.

Both sides of the east section line between Sections 29 and 32, T143N, R84W.

Operations within 100' of the outside right of way along the east side of ND Highway 31 will be necessary during the term of mining under this permit. Approval from the North Dakota Department of Transportation will be obtained with an opportunity for public hearing for operations adjacent to these section lines:

1. Between Sections 34 and 35, T143N, R85W.
2. The north 1/2 between Sections 2 and 3, T142N, R85W.

During the term of the permit, mining and related construction activities will need to be located across several section lines. Otter Creek will obtain approval from the Oliver County Board of Commissioners to temporarily close the following section lines during the term of mining and reclamation:

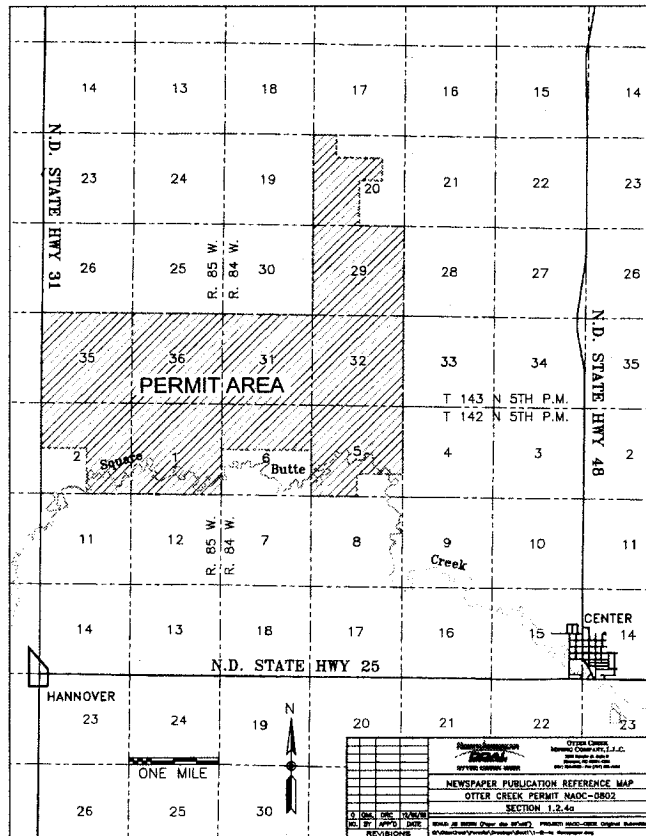
1. The east-west section line between Section 5, T142N, R84W and Section 32, T143N, R84W.
2. The east-west section line between Section 6, T142N, R84W and Section 31, T143N, R84W.
3. The east-west section line between Section 1, T142N, R85W and Section 36, T143N, R85W.
4. The east half of the east-west section line between Section 2, T142N, R84W and Section 35, T143N, R85W.
5. The north-south section line between Section 31 and Section 32, T143N, R84W.
6. The north-south section line between Section 31, T143N, R84W and Section 36, T143N, R85W.
7. The north-south section line between Section 36 and Section 35, T143N, R85W.
8. The north half of the north-south section line between Sections 1 and 2, T142N, R85W.
9. The north half of the north-south section line between Section 1, T142N, R85W and Section 6, T142N, R84W.
10. The north half of the north-south section line between Sections 5 and 6, T142N, R84W.
11. The east-west section line between Sections 29 and 32, T143N, R84W.
12. The west 1/2 of the east-west section line between Sections 20 and 29, T143N, R84W.
13. The north-south section line between Sections 29 and 30, T143N, R84W.
14. The east-west section line between Sections 30 and 31, T143N, R84W.
15. The east 3/4 of the east-west section line between Sections 25 and 36, T143N, R85W.

No surface coal mining operations will be located within 100 feet of the outside rights-of-way of any of these county and section line roads until they are closed by the Oliver County Board of Commissioners. Before the rights-of-way and associated setback corridors are disturbed, approval from the Oliver County Board of Commissioners will be obtained. Notice and opportunity for a hearing will be provided as required in several sections of ND Century Code.

A copy of the application for a surface coal mining permit is available for public inspection at the offices of the North Dakota Public Service Commission, Capitol Building, Bismarck, North Dakota and at the offices of the County Auditor, Oliver County Courthouse, Center, North Dakota.

Written comments, objections, or requests for informal conferences on the application or a petition to designate the area as unsuitable for surface coal mining operations may be submitted by any person with an interest which is or may be adversely affected to the North Dakota Public Service Commission, Capitol Building, Bismarck, North Dakota, within 30 days after the last publication of this notice.

Otter Creek Mining Company, L.L.C.
 2000 Schafer St., Suite D
 Bismarck, ND, 58501-1201



4/14, 21, 28 & 5/5 - 605275

AFFIDAVIT OF PUBLICATION

STATE OF NORTH DAKOTA)
)
COUNTY OF Oliver)

I SHELLEY CHASE, being first duly sworn, on my own oath, say, that I am the bookkeeper of the Center Republican, a weekly newspaper of general circulation, published in the city of Center, that the advertisement headed:

OTTER CREEK MINING COMPANY CR-FILING PERMIT/SURFACE MINING/LEGAL

a printed copy of which is here annexed, was published in the regular and entire issue of said newspaper during the period and time of publication, and that the notice was published in the newspaper proper, and not in a supplement,

for 4 consecutive week 05/06/2010 to wit:

Column Inches 128.25	\$5.41	\$693.83	04/15/2010
Column Inches 128.25	\$5.41	\$693.83	04/22/2010
Column Inches 128.25	\$5.41	\$693.83	04/29/2010 ✓
Column Inches 128.25	\$5.41	\$693.83	05/06/2010 ✓

Notary Fee \$1.00 Total Cost of Legal \$2,776.32

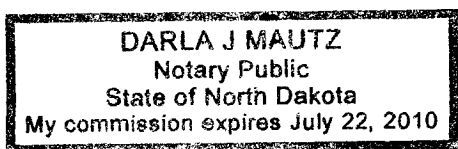
Shelley Chase

Subscribed and sworn to before me this 11th day of May A.D. 2010.

(Seal) *Darla J. Mautz*

Notary Public, State of North Dakota

My Commission Expires



**NOTICE OF FILING FOR A PERMIT TO CONDUCT
SURFACE COAL MINING OPERATIONS**

Otter Creek Mining Company, L.L.C., 2000 Schafer St., Suite D, Bismarck, ND 58501-1201, as applicant, has filed an application for Surface Coal Mining Permit NAOC-0802, covering portions of Sections 20, 29, 31, and 32, T143N, R84W, portions of Sections 5 and 6, T142N, R84W, portions of Sections 1 and 2, T142N, R85W, and Sections 35 and 36, T143N, R85W in Oliver County, North Dakota which contains 5,490.1 acres.

The permit area is located northwest of Center, North Dakota. The map shows the location of the City of Center, North Dakota and the boundaries of the permit area. The names of the United States Geological Survey Quadrangle Maps, which contain the area described and shown on the map, are Hannover NE and Hannover NW.

The owners of the surface and coal in the permit area are as follows:

TRACT 1

T142N-R84W- Section 5: Lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, less Lot A
SURFACE OWNERSHIP: Howard T. Bubel
John D. Bubel
COAL OWNERSHIP: Howard T. Bubel
John D. Bubel

TRACT 2

T142N-R84W-Section 5: Lot A, a parcel of land in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, commencing at the SE corner of said Section 5, thence N 0d 00' 00" W along the east line of said Section 5, a distance of 1,470.00', to the true point of beginning; thence N 90d 00' 00" W, a distance of 545.00'; thence N 0d 00' 00" E, a distance of 400.00'; thence S 90d 00' 00" E, a distance of 545.00', to the east line of said Section 5; thence S 00d 00' 00" W, a distance of 400.00' back to the true point of beginning, containing 5.00 acres, more or less.
SURFACE OWNERSHIP: John D. Bubel
COAL OWNERSHIP: John D. Bubel

TRACT 3

T142N-R84W-Section 5: Lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$
SURFACE OWNERSHIP: Otter Creek Mining Company, L.L.C.
COAL OWNERSHIP: Karen Boehm
Kevin Grindahl
Kyle Grindahl
Kelly Grindahl

TRACT 4

T142N-R84W-Section 5: S $\frac{1}{2}$ SW $\frac{1}{4}$
SURFACE OWNERSHIP: Lyle Albers and Claudia Albers
COAL OWNERSHIP: Lyle Albers and Claudia Albers

TRACT 5

T142N-R84W-Section 6: Lots 1, 2, 3, 4, 5, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$,
SURFACE OWNERSHIP: Dennis Beckman and Lucinda Beckman
COAL OWNERSHIP: H. Huffman & Co.
Preston Beckman and Norma Beckman
Richard Bargmann
Otter Creek Mining Company, L.L.C.
Bonnie Thompson
Katherine W. Glover
North Central Oil Corporation

TRACT 6

T142N-R85W-Section 1: Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$
SURFACE OWNERSHIP: Larry Bornemann and Dawn R. Bornemann
COAL OWNERSHIP: Larry Bornemann and Dawn R. Bornemann

TRACT 7

T142N-R85W-Section 1: SW $\frac{1}{4}$
SURFACE OWNERSHIP: Larry Bornemann and Dawn R. Bornemann
COAL OWNERSHIP: Great Northern Properties Limited Partnership

TRACT 8

T142N-R85W-Section 2: N $\frac{1}{2}$ of Lots 1 and 2
SURFACE OWNERSHIP: Randy Henke and Susan Henke
COAL OWNERSHIP: Inez Arman
Randy Henke and Susan Henke

TRACT 9

T142N-R85W-Section 2: N $\frac{1}{2}$ of Lots 3 and 4
SURFACE OWNERSHIP: Dale M. Berg and Cynthia K. Berg
COAL OWNERSHIP: Inez Arman
Dale M. Berg and Cynthia K. Berg

TRACT 10

T142N-R85W-Section 2: SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ of Lots 1-4
SURFACE OWNERSHIP: Lyle Albers and Claudia Albers
COAL OWNERSHIP: Lyle Albers and Claudia Albers

Bernice Bauer
Denise Barchenger
Rene J. Barchenger
William D. Keuther
Medora Nunez
Vila Regalia
Renotta Scherr

TRACT 11

T142N-R85W-Section 2: S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$
SURFACE OWNERSHIP: Lyle Albers and Claudia Albers
COAL OWNERSHIP: United States of America – Bureau of Land Management

TRACT 12

T142N-R85W-Section 2: SE $\frac{1}{4}$
SURFACE OWNERSHIP: Larry Bornemann and Dawn R. Bornemann
COAL OWNERSHIP: Larry Bornemann and Dawn R. Bornemann

TRACT 13

T143N-R84W-Section 20: SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$
SURFACE OWNERSHIP: Carter J. Berg and Barbara J. Berg
COAL OWNERSHIP: United States of America – Bureau of Land Management

TRACT 14

T143N-R84W-Section 20: SW $\frac{1}{4}$
SURFACE OWNERSHIP: Carter J. Berg and Barbara J. Berg
COAL OWNERSHIP: Carter J. Berg and Barbara J. Berg
Lavonne Cleveland
Lee Husfloen
Michele Roberson
Lenore Sack

TRACT 15

T143N-R84W-Section 29: E $\frac{1}{2}$
SURFACE OWNERSHIP: Carter J. Berg and Barbara J. Berg
COAL OWNERSHIP: John D. Albers, Life Estate

Remaindermen:

Claudia A. Albers
Jack D. Albers
Geraldine L. Albers
Carter J. Berg and Barbara J. Berg
Earl H. Bornemann and Marlyn A. Bornemann
Claudia A. Albers
Jack D. Albers

TRACT 16

T143N-R84W-Section 29: W $\frac{1}{2}$
SURFACE OWNERSHIP: Carter J. Berg and Barbara J. Berg
COAL OWNERSHIP: Carter J. Berg and Barbara J. Berg
Earl H. Bornemann and Marlyn A. Bornemann

TRACT 17

T143N-R84W-Section 31: NE $\frac{1}{4}$
SURFACE OWNERSHIP: Kent L. Albers and Deborah Albers
COAL OWNERSHIP: Kent L. Albers and Deborah Albers

Tina Krakow
Howard Yeager – Protective Lease
Donald Yeager – Protective Lease
Norman Yeager – Protective Lease
The State of North Dakota – State Land Department

TRACT 18

T143N-R84W-Section 31: W $\frac{1}{2}$
SURFACE OWNERSHIP: Dennis Beckman and Lucinda Beckman
COAL OWNERSHIP: Preston Beckman and Norma Beckman

Howard Yeager – Protective Lease
Donald Yeager – Protective Lease
Norman Yeager – Protective Lease
The State of North Dakota – State Land Department

TRACT 19

T143N-R84W-Section 31: SE $\frac{1}{4}$
SURFACE OWNERSHIP: Kent L. Albers and Deborah Albers
COAL OWNERSHIP: Isabel Werner
Cleo S. Albers
Kent L. Albers and Deborah Albers

TRACT 20

T143N-R84W-Section 32: E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$ less 1 acre
SURFACE OWNERSHIP: Kent L. Albers and Deborah Albers
COAL OWNERSHIP: Kent L. Albers and Deborah Albers

TRACT 21

T143N-R84W-Section 32: 1 acre in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, described as follows: Beginning at the Southeast corner of the SE4 of said Section 32; thence North along the east boundary line of said SE4 of Section 32 a distance of 1,805'; thence due West a distance of 818' to the true point of beginning; thence due North a distance of 252'; thence due West a distance of 177'; thence due South a distance of 252'; and thence due East a distance of 177' to the true point of beginning, containing 1 acre, more or less.

SURFACE OWNERSHIP: Chris Albers and Nicole A. Albers

COAL OWNERSHIP: Chris Albers and Nicole A. Albers

TRACT 22

T143N-R84W-Section 32: SE $\frac{1}{4}$ NW $\frac{1}{4}$

SURFACE OWNERSHIP: Kent L. Albers and Deborah Albers

COAL OWNERSHIP: John D. Albers, Life Estate

Remaindermen:

Claudia A. Albers
Jack D. Albers
Geraldine L. Albers
Kent L. Albers and Deborah Albers
Tina Krakow
Claudia A. Albers
Jack D. Albers

TRACT 23

T143N-R84W-Section 32: NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$

SURFACE OWNERSHIP: Kent L. Albers and Deborah Albers

COAL OWNERSHIP: United States of American - Bureau of Land Management

TRACT 24

T143N-R85W-Section 35: NE $\frac{1}{4}$

SURFACE OWNERSHIP: Loren Henke and Kristen Henke

COAL OWNERSHIP: Loren Henke and Kristen Henke

Jeannette Christensen
Adrene Graf
Kevin K. Hintz
Beverly Schatz

TRACT 25

T143N-R85W-Section 35: NW $\frac{1}{4}$

SURFACE OWNERSHIP: Wayne Beckman

COAL OWNERSHIP: Wayne Beckman

Loretta Beckman
Loretta Beckman
Elizabeth A. Lang
Kristen R. Pulford
Susan R. Kramer
Judith L. Moritz
Lisa M. Job
Jeffrey J. Kirby and Sylvia Kirby
Virginia J. Kirby and Jeffrey J. Kirby, as Co-Trustees of Trust B Created by the Last Will and Testament of Ward M. Kirby

James M. Williams, as Trustee of the Ruth A. Williams Family Trust; and Ruth A. Williams and James M. Williams, as Trustees of the Trust Agreement Restating the James M. Williams and Ruth A. Williams Trust Dated 7-2-92, Restated 12-15-95

Peter Williams
Todd Williams
Arelene Alderin
Florence I. Watson

TRACT 26

T143N-R85W-Section 35: SE $\frac{1}{4}$

SURFACE OWNERSHIP: Randy Henke and Susan Henke

COAL OWNERSHIP: Inez Arman
State of North Dakota - State Land Department

TRACT 27

T143N-R85W-Section 35: SW $\frac{1}{4}$ less Lots A and B

SURFACE OWNERSHIP: Randy Henke and Susan Henke

COAL OWNERSHIP: Great Northern Properties Limited Partnership

TRACT 28

T143N-R85W-Section 35: Lots A and B, both within the SW $\frac{1}{4}$:

Lot A - commencing at the SW corner of Section 35, thence S 89d 55' 10" along the south line of Section 35, a distance of 110.0' to the east right-of-way line of North Dakota State Highway #31 and the true point of beginning; thence N 00 07' 50" E, along said right-of-way, a distance of 961.86'; thence S 89d 55' 10" E, distance of 1,556.68'; thence S 23d 39' 20" E, a distance of 311.92'; thence S 62 51' 39" E, a distance of 202.63'; thence S 06d 24' 51" E, a distance of 587.91' to the south line of Section 35; thence N 89d 55' 10" W, along the south line of Section 35, a distance of 1,930.03', back to the point of beginning. Contains 39.80 acres more or less.

Lot B - commencing at the SW corner of Section 35; thence S 89d 55' 10" E along the South line of Section 35, a distance of 110.0', to the east right-of-way line of North Dakota State Highway #31; thence S 00d 07' 50" E along said right-of-way a distance of 961.86' to the true point of beginning; thence N 00d 07' 50" E along said right-of-way, a distance of 66.94'; thence N 89d 52' 10" W, along said right-of-way, a distance of 10.00'; thence N 00d 07' 50" E, along right-of-way, a distance of 1,019.86' thence S 89d 52' 10" E, along said right-of-way, a distance 330.00'; thence N 00d 07' 50" E, along said right-of-way, a distance of 104.11'; thence S 75d 21' 11" E, a distance of 76.68'; thence S 44d 31' 23" E, a distance of 203.89'; thence S 01d 37' 53" E, a distance of 385.36'; thence S 82d 45' 51" E, a distance of 354.74'; thence S 44d 28' 59" E, a distance of 559.50'; thence S 89d 40' 12" E, a distance of 175.40' thence S 23d 39' 20" E, a distance of 215.55'; thence N 89d 55' 10" W, a distance of 1,556.68' back to the point beginning. Contains 23.65 acres, more or less.

SURFACE OWNERSHIP: Mike Ginther and Tanya Ginther
COAL OWNERSHIP: Great Northern Properties Limited Partnership

TRACT 29

T143N-R85W-Section 36: E $\frac{1}{2}$ NE $\frac{1}{4}$

SURFACE OWNERSHIP: Loren Henke and Kristen Henke

COAL OWNERSHIP: Lorraine Bauer

Leland Wolf
William Wolf

State of North Dakota - State Land Department

TRACT 30

T143N-R85W-Section 36: W $\frac{1}{2}$ NE $\frac{1}{4}$

SURFACE OWNERSHIP: Burton Beckman

COAL OWNERSHIP: Burton Beckman
State of North Dakota - State Land Department

TRACT 31

T143N-R85W-Section 36: NW $\frac{1}{4}$

SURFACE OWNERSHIP: Wayne Beckman

COAL OWNERSHIP: Loretta Beckman
Wayne Beckman

Loretta Beckman
State of North Dakota - State Land Department

TRACT 32

T143N-R85W-Section 36: SE $\frac{1}{4}$

SURFACE OWNERSHIP: Kevin M. Hoesel and Penny Hoesel

COAL OWNERSHIP: Kevin M. Hoesel and Penny Hoesel
State of North Dakota - State Land Department

TRACT 33

T143N-R85W-Section 36: SW¼
SURFACE OWNERSHIP: Alice E. Hoesel and Laurence Hoesel
COAL OWNERSHIP: Alice E. Hoesel and Laurence Hoesel
State of North Dakota – State Land Department

Operations within 100 feet of the outside rights-of-way of the following section lines will be necessary during the planned mining for this permit area. Prior to operations being conducted in this 100-foot area, Otter Creek will obtain the approval of the Oliver County Board of Commissioners, the road authority, subject to public notice and hearing.

The west side of the following north-south section lines:

Between Sections 32 and 33, T143N, R84W.

The north ¾ mile between Sections 4 and 5, T142N, R84W.

Between Sections 28 and 29, T143N, R84W.

The south ½ between Section 1, T142N, R85W and Section 6, T142N, R84W.

The south side of the following east-west section lines:

Between Sections 30 and 31, T143N, R84W prior to closure.

Between Section 25, T143N, R85W and Section 36, T143N, R85W prior to closure.

Between Sections 26 and 35, T143N, R85W.

The west ¼ between Sections 20 and 17, T143N, R84W.

The east ½ between Sections 20 and 29, T143N, R84W.

The east side of the following north-south section lines:

The south ½ between Sections 5 and 6, T142N, R84W.

Between Sections 29 and 30, T143N, R84W prior to closure.

Between Sections 19 and 20, T143N, R84W.

Both sides of the north-south section line between Sections 1 and 2, T142N, R85W.

Both sides of the east section line between Sections 29 and 32, T143N, R84W.

Operations within 100' of the outside right of way along the east side of ND Highway 31 will be necessary during the term of mining under this permit. Approval from the North Dakota Department of Transportation will be obtained with an opportunity for public hearing for operations adjacent to these section lines:

Between Sections 34 and 35, T143N, R85W.

The north ½ between Sections 2 and 3, T142N, R85W.

During the term of the permit, mining and related construction activities will need to be located across several section lines. Otter Creek will obtain approval from the Oliver County Board of Commissioners to temporarily close the following section lines during the term of mining and reclamation:

The east-west section line between Section 5, T142N, R84W and Section 32, T143N, R84W.

The east-west section line between Section 6, T142N, R84W and Section 31, T143N, R84W.

The east-west section line between Section 1, T142N, R85W and Section 36, T143N, R85W.

The east half of the east-west section line between Section 2, T142N, R84W and Section 35, T143N, R85W.

The north-south section line between Section 31 and Section 32, T143N, R84W.

The north-south section line between Section 31, T143N, R84W and Section 36, T143N, R85W.

The north-south section line between Section 36 and Section 35, T143N, R85W.

The north half of the north-south section line between Sections 1 and 2, T142N, R85W.

The north half of the north-south section line between Section 1, T142N, R85W and Section 6, T142N, R84W.

The north half of the north-south section line between Sections 5 and 6, T142N, R84W.

The east-west section line between Sections 29 and 32, T143N, R84W.

The west ½ of the east-west section line between Sections 20 and 29, T143N, R84W.

The north-south section line between Sections 29 and 30, T143N, R84W.

The east-west section line between Sections 30 and 31, T143N, R84W.

The east ¾ of the east-west section line between Sections 25 and 36, T143N, R85W.

No surface coal mining operations will be located within 100 feet of the outside rights-of-way of any of these county and section line roads until they are closed by the Oliver County Board of Commissioners. Before the rights-of-way and associated setback corridors are disturbed, approval from the Oliver County Board of Commissioners will be obtained. Notice and opportunity for a hearing will be provided as required in several sections of ND Century Code.

A copy of the application for a surface coal mining permit is available for public inspection at the offices of the North Dakota Public Service Commission, Capitol Building, Bismarck, North Dakota and at the offices of the County Auditor, Oliver County Courthouse, Center, North Dakota.

Written comments, objections, or requests for informal conferences on the application or a petition to designate the area as unsuitable for surface coal mining operations may be submitted by any person with an interest which is or may be adversely affected to the North Dakota Public Service Commission, Capitol Building, Bismarck, North Dakota, within 30 days after the last publication of this notice.

Otter Creek Mining Company, L.L.C.
2000 Schafer St., Suite D, Bismarck, ND
58501-1201

(4-15-10-4-22-10-4-29-10-5-6-10)