

PUBLIC SERVICE COMMISSION

Reclamation Division

Memorandum

TO: Commissioners Christmann, Kroshus and Fedorchak
Illona Jeffcoat-Sacco, General Counsel
Darrell Nitschke, Executive Secretary

FROM: *DKM* *ZAB* *BB*
Dean Moos, Zanna Brinkmann, and Bruce Beechie

DATE: July 19, 2017

SUBJECT: Withdrawal of Otter Creek Mine Permit Application NAOC-0802, Case No. RC-08-940

By letter dated July 13, 2017, North American Coal Corporation's Otter Creek Mining Company formally withdrew their application for Surface Coal Mining Permit NAOC-0802.

North American Coal Corporation submitted the application for Permit NAOC-0802 on December 23, 2008. The permit application was deemed complete on April 19, 2012 and we conducted a technical review of the permit application shortly afterwards. There had been no activity on the permit application from 2012 until March 2017 at which time we received a response to our 2012 technical review.

The proposed permit area consisted of about 5,500 acres and was located about four miles northwest of Center, ND. A customer had not been identified for the mine and Otter Creek Mining Company indicated they would operate the facility as an open merchant mine. Throughout the permitting process, Otter Creek was advised that once the permit was approved, the regulations require that mining operations must begin within three years or else the permit terminates.

It is interesting to note that a permit application (NAOC-8902) had been submitted for this same area by North American Coal Corporation in 1989 and that permit application was also subsequently withdrawn a year or two later.

Attached is a motion to acknowledge Otter Creek Mining Company's withdrawal of the application for Permit NAOC-0802 and close Case No. RC-08-940.

Minedata/OtterCreek/Permits/NAOC-0802/AdminCorr/2017/Permit_withdraw_memo_7-19-17

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