



# Public Service Commission

## State of North Dakota

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January 10, 2011

Mr. Richard A. Southwick  
Vice President, Environmental  
South Heart Coal, LLC  
173 Cottonwood Road  
Townsend, MT 59644

Dear Mr. Southwick:

The Reclamation Division has reviewed your December 29, 2010 response to our November 24<sup>th</sup> completeness (second) letter on South Heart Coal, LLC's application for Surface Coal Mining Permit SHSH-1001. With the additional information provided as part of this response, the application is now deemed complete and you may begin publishing the newspaper notice. A complete copy of the application will need to be on file with the Stark County Auditor's office by the date of the first publication of the newspaper notice.

Please provide this office with 12 additional copies of the compact disk containing all of this application as soon as possible so that we can distribute copies of the application to our advisory committee members. Also, this is a reminder that South Heart Coal, LLC needs to contact the U.S. Army Corps of Engineers to determine if any jurisdictional waters of the United States will be affected with this permit application, and if any of the Section 404 permitting requirements are applicable to the lands proposed to be permitted for surface coal mining operations.

It should be noted that as of today, 42 days of the 120-day review period under NDAC 69-05.2-05-01 have elapsed. Our technical review of the application will be conducted before the end of that initial review period. If you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Deutsch".

James R. Deutsch  
Director  
Reclamation Division