

March 14, 2011

VIA FACSIMILE AND ELECTRONIC MAIL

James R. Deutsch
Director, Reclamation Division
North Dakota Public Service Commission
600 E. Boulevard Ave. Dept. 408
Bismarck, ND 58505-0480
Fax: (701) 328-2410
Email: jdeutsch@nd.gov

Re: Bureau of Land Management's Response to South Heart Coal LLC's Application for Surface Coal Mining Permit No. SHSH-1001

Dear Mr. Deutsch:

We are writing to request that you suspend the permitting process for the above-referenced application in light of the Bureau of Land Management's ("BLM") determination that South Heart Coal LLC ("SHC") failed to provide the information necessary for BLM to assess the effects of the proposed project on federal coal tracts, and that, "It is BLM's determination that this discussion [regarding impacts to federal coal] be included in the permit application." See: <http://www.psc.nd.gov/database/documents/10-0077/049-010.pdf>.

The Reclamation Division is now on notice that the application is not complete and that there is additional information that must be submitted by SHC to proceed with the permitting process. The public comment period on SHC's application, however, ends tomorrow (March 15).

The Reclamation Division must suspend the permitting process, require submittal of the additional material, and then restart the public notice, comment, and informal conference process to make certain that the public has an opportunity to review and comment on all of the information submitted by SHC.

Thank you for your consideration.

Sincerely,

Mary Hodell
Neighbors United
11890 27th St SW
Dickinson ND 58601

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cc: Allen D. Klein, Director
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Phillip Perlowitz, Chief
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