



# Public Service Commission

## State of North Dakota

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April 12, 2011

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11890 27<sup>th</sup> St SW  
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Ladies and Gentlemen:

This letter responds to your March 14 letter about the comments we received from the Bureau of Land Management on South Heart Coal's application for Surface Coal Mining Permit No. SHSH-1001. In your letter it was requested that the Reclamation Division consider the South Heart permit application incomplete based on BLM's request that the application discuss how the operator will prevent federal coal from being wasted, damaged or degraded when proposed mining operations approach the adjoining federal coal. Please be advised the Reclamation Division considers this concern a technical deficiency in South Heart Coal's application, rather than a completeness deficiency. This is not a completeness deficiency since there is no rule that specifically requires a permit applicant to discuss the possible impacts of mining on unleased federal coal. Please refer to Item No. 231 in our March 28 technical deficiency letter that addresses the concern raised by BLM.

Also, as part of your March 15 comments and request for an informal conference on Permit Application SHSH-1001, you requested a copy of information filed by South Heart Coal pertaining to alluvial valley floors (AVF). Enclosed is a compact disk containing the pre-application AVF study report prepared by Golder Associates, Inc. for South Heart Coal. As noted in Permit Application SHSH-1001, the Reclamation Division previously determined that no alluvial valley floors occur within or adjacent to the proposed permit area for the South Heart Lignite Mine.

Other issues and concerns detailed in your March 15 letter will be discussed at the Informal Conference that is scheduled to begin on June 28 in Dickinson. You may note that some of your concerns are similar to items included in our technical deficiency letter that was sent to the applicant on March 28.

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Please contact me if you have any questions or difficulties in reviewing the information on the enclosed compact disk.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Deutsch". The signature is fluid and cursive, with the first name "James" being the most prominent.

James R. Deutsch  
Director  
Reclamation Division

Enclosure

cc: Allen D. Klein, OSM  
Phillip Perlewitz, BLM  
Rich Southwick, South Heart Coal

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