

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

South Heart Coal LLC (SHC), located at 601 Jefferson Street, Suite 3600, Houston, TX, has filed a mine permit application for the South Heart Lignite Mine with the North Dakota Public Service Commission (PSC) to conduct surface coal mining operations in the State of North Dakota (ND). The Permit Area is located in Stark County, ND, approximately two miles southwest of the town of South Heart. The proposed Permit Area encompasses approximately 4,581.4 acres of land. The Permit Area is within Township 139 North, Range 98 West, all or portions of sections 9, 10, 14, 15, 16, 17, 20, 21, 22, 23, 27, 28, 29, 33, and 34. This area can be found on the Belfield South East USGS 7.5 minute quadrangle map. ~~Approximately 3,281.9 acres of land located within the Permit Boundary will be affected by the proposed mining operations.~~

Location and boundaries of the land proposed to be affected by the permit are shown on the [map accompanying this notice](#)~~enclosed map~~. In addition, a list of the surface and coal owners within the Permit Boundary is provided below.

Township 139 North, Range 98 West, Stark County

Section 9:	SW¹/₄
Surface Ownership:	Gary L. and Barbara Meduna
Coal Ownership:	Great Northern Properties Limited Partnership
Section 9:	SE¹/₄, less railroad tract
Surface Ownership:	James and Lisa Wagner
Coal Ownership:	Great Northern Properties Limited Partnership
Section 10:	SW¹/₄, less railroad tract
Surface Ownership:	Robert B. Pavel
Coal Ownership:	Robert B. Pavel
Section 14:	NW¹/₄
Surface Ownership:	Robert B. Pavel
Coal Ownership:	Robert B. Pavel
Section 14:	E¹/₂, less a tract in the NW¹/₄NE¹/₄
Surface Ownership:	James D. and Rosella J. Perdaems
Coal Ownership:	Lynn Alan Dreyfus Janelle Hnatko Gerard M. Perdaems Mineral Trust John Francis Perdaems Mary Louise Peters Kenneth G. Ridl Mineral Trust Betsy Dreyfus Shapiro

Section 14:

Surface Ownership:

Coal Ownership:

SW $\frac{1}{4}$

James D. and Rosella J. Perdaems

Arnie Brew

Ken Brew

Raymond W. Brew

Wilbur Brew

Cindy Romanyshyn

U.S.A.

Section 15:

Surface Ownership:

Coal Ownership:

All, less tract in SE $\frac{1}{4}$ SE $\frac{1}{4}$

Mary Louis Peters, et al

Donald P. Degel

Janelle Hnatko

Anna Perdaems Meyers Mineral Trust

Cory Perdaems Mineral Trust

Gerard M. Perdaems Mineral Trust

John Francis Perdaems

Mary Louise Peters

Rosemarie A. Vetter

Section 15:

Surface Ownership:

Coal Ownership:

Tract in SE $\frac{1}{4}$ SE $\frac{1}{4}$

John F. Buckman

John F. Buckman

Donald P. Degel

Anna Perdaems Meyers Mineral Trust

Cory Perdaems Mineral Trust

Gerard M. Perdaems Mineral Trust

Rosemarie A. Vetter

Section 16:

Surface Ownership:

Coal Ownership:

N $\frac{1}{2}$, SE $\frac{1}{4}$

Mary Louis Peters, et al

Donald P. Degel

Janelle Hnatko

State of North Dakota

Anna Perdaems Meyers Mineral Trust

Cory Perdaems Mineral Trust

Gerard M. Perdaems Mineral Trust

John Francis Perdaems

Mary Louise Peters

Rosemarie A. Vetter

Section 16:

Surface Ownership:

Coal Ownership:

SW $\frac{1}{4}$

Robert F. and Brenda K. Kuylen

Patrick and Katherine Kuylen

State of North Dakota

Section 17:

Surface Ownership:

Coal Ownership:

All, less tract in the SW $\frac{1}{4}$ SW $\frac{1}{4}$

Robert F. and Brenda K. Kuylen

Great Northern Properties Limited Partnership

Section 20:	SE¹/₄
Surface Ownership:	Kenneth D. Kudrna
Coal Ownership:	U.S.A.
Section 20:	NW¹/₄, less a tract in the NW¹/₄NW¹/₄, NE¹/₄ less a tract in the SW¹/₄NE¹/₄
Surface Ownership:	Patrick Kuylen (80%) Katherine Kuylen (20%)
Coal Ownership:	U.S.A.
Section 21:	All
Surface Ownership:	Robert F. and Brenda K. Kuylen
Coal Ownership:	Great Northern Properties Limited Partnership
Section 22:	Section 22 N¹/₂ Section 23 All
Surface Ownership:	James D. and Rosella J. Perdaems
Coal Ownership:	Donald P. Degel Janelle Hnatko Anna Perdaems Meyers Mineral Trust Cory Perdaems Mineral Trust Gerard M. Perdaems Mineral Trust John Francis Perdaems Mary Louise Peters Rosemarie A. Vetter
Section 22:	Tract in the N¹/₂SE¹/₄
Surface Ownership:	Jerry F. and Sandra M. Perdaems
Coal Ownership:	Carlene F. Carter Karla H. Erdahl Robert Erdahl, Jr. Janelle Hnatko Bryan A. Kostelecky Estates of Lewie and Ellen Kostelecky Arnold and Mary Luptak Dorothy Luptak Jerry F. and Sandra M. Perdaems John Francis Perdaems Mary Louise Peters Michael R. Price Andy A. Reisenauer Donald R. Reisenauer Alice E. Solovon Maragery A. Taylor Susan L. Willer Linda L. Yoder Evelyn Mae Zinda

Section 22: **S^{1/2}, less a tract in the N^{1/2}SE^{1/4}**
 Surface Ownership: Jerry F. and Sandra M. Perdaems
 Coal Ownership: Carlene F. Carter
 Karla H. Erdahl
 Robert Erdahl, Jr.
 Janelle Hnatko
 Bryan A. Kostelecky
 Estates of Lewie and Ellen Kostelecky
 Arnold and Mary Luptak
 Dorothy Luptak
 Gerard M. Perdaems Mineral Trust
 John Francis Perdaems
 Mary Louise Peters
 Michael R. Price
 Andy A. Reisenauer
 Donald R. Reisenauer
 Alice E. Solovon
 Maragery A. Taylor
 Susan L. Willer
 Linda L. Yoder
 Evelyn Mae Zinda

Section 23: **Section 23 All**
 Surface Ownership: [James D. and Rosella J. Perdaems](#)
 Coal Ownership: [Donald P. Degel](#)
[Janelle Hnatko](#)
[Anna Perdaems Meyers Mineral Trust](#)
[Cory Perdaems Mineral Trust](#)
[Gerard M. Perdaems Mineral Trust](#)
[John Francis Perdaems](#)
[Mary Louise Peters](#)
[Rosemarie A. Vetter](#)

Section 27: **All**
 Surface Ownership: Patrick Kuylen (80%)
 Katherine Kuylen (20%)
 Coal Ownership: Great Northern Properties Limited Partnership

Section 28: **NE^{1/4}**
 Surface Ownership: Patrick Kuylen (71.4%)
 Katherine Kuylen (29.6%)
 Coal Ownership: Richard H. Johnson
 Robert K. Johnson

Section 28: **W^{1/2}, SE^{1/4}, less tract in the SE^{1/4}SW^{1/4}SW^{1/4}**
 Surface Ownership: Patrick and Katherine Kuylen
 Coal Ownership: U.S.A.

Section 29: **All, less a tract in the SE^{1/4}SW^{1/4}SW^{1/4}**
 Surface Ownership: Glen R. Wagner
 Coal Ownership: Great Northern Properties Limited Partnership

Section 33:

Surface Ownership:

Coal Ownership:

NE¹/₄

Larry R. Klein

Great Northern Properties Limited Partnership

Section 34:

Surface Ownership:

Coal Ownership:

NE¹/₄¹/₂

Leocadia Emmil Family Trust

Eddie Aalgard Trust No. 2

Anthony Energy, LTD

Frank J. Bavendick

Madelon L. Bradshaw

W. L. Braun Oil Properties Revocable Trust

Louise Sylvia Chizum

Selma S. Cohen

Carl U. Daniels, Virginia A. D. Richards, Olive J. B. Poe, and

Alice D. Hunt

Judith M. Davis

Farmers Elevator Company of Arthur

Jon Marie Fox

Eve Herrington Frost

Debra Gillespie Miller, Marcy A. Gillespie, Sharyn Gillespie

Thornton, Hillary Gillespie George, and Clarke B. Gillespie Jr.

R. O. Gregerson Trust

Hedberg Family Limited Partnership

G. E. Holmstrom

Karen W. Klein

Judith Ann Lamb

Martha Leonard Revocable Trust 75-6356886

Mary Leonard Children's Trust 75-6412990

Miranda Leonard Revocable Trust 75-6356894

C. H. Lockrem

M. K. Lynum

Giles M. Mead Foundation

Linda F. Moses, Ellen A. Moses, and Carolyn M. Glastris

Elisabeth A. O'Connell

Joseph W. O'Connell

Michael B. O'Connell

PANAN Energy, Inc.

Marital Trust Under Last Will of A. M. Pate Jr.

Verna Kathryn Poole

Prince Petroleum Company, Inc.

Larry G. Ragan Revocable Management Trust

Red Crown Royalties, LLC

J. W. Scott

Gary B. Smith Revocable Management Trust

Walt Smith

VML Resources, Inc.

Deane M. White

WOC Trust

Section 34:

Surface Ownership:

Coal Ownership:

NW¹/₄¹/₂

Leocadia Emmil Family Trust

U.S.A.

Mine layout and related construction activities will be conducted within 100 feet of the right-of-way of several section lines. Once mining is complete and reclamation has begun, all of the section line rights-of-way and county roads affected during mining activities will be reclaimed to a condition equal to or better than their pre-mining conditions. Unless otherwise noted, all sections are within Township 139 North, Range 98 West.

Operations within 100 feet of the outside rights-of-way of the following section lines will be necessary during the planned mining of this permit area.

The north-south section lines between:

- Sections 14 and 15
- Sections 22 and 23

During the term of the permit, mining and related construction activities will need to be located across several section lines. SHC proposes to close some or all of the following section line rights-of-way during the term of mining and reclamation.

The east-west section lines between:

- Sections 9 and 16
- Sections 10 and 15
- Sections 14 and 23
- Sections 15 and 22
- Sections 16 and 21
- Sections 17 and 20
- Sections 21 and 28
- Sections 22 and 27
- Sections 27 and 34
- The eastern $\frac{3}{4}$ of Sections 28 and 33
- The eastern $\frac{1}{4}$ of Sections 20 and 29

The north-south section lines between:

- Sections 9 and 10 within the permit boundary
- Sections 16 and 17
- Sections 15 and 16
- Sections 21 and 22
- Sections 20 and 21
- Sections 27 and 28
- Sections 33 and 34
- The northern ¼ of Sections 28 and 29

Due to the section line right-of-way closures and the associated road closures, SHC proposes to construct three new road segments along the following section line rights-of-way. The section line closures between Sections 28 and 33, and between Sections 27 and 34 will not take place until after the new road segments are in place.

The east-west section lines between:

- Section 33 and Section 4 of Township 138 North, Range 98 West
- Section 34 and Section 3 of Township 138 North, Range 98 West

The north-south section line between:

- Sections 32 and 33

SHC proposes to construct an overpass on 122nd Avenue in order to allow a planned mine haul road to pass under 122nd Avenue. The overpass will run north to south along 122nd Avenue near the south half of the section line between Sections 22 and 23. All changes to the public rights-of-way, final road designs and construction will be subject to approval of the Stark County Board of Commissioners. SHC will comply with all Stark County road construction guidelines.

~~Mine layout and related construction activities will be conducted within 100 feet of the Right of Way of several public county and section line roads. The application for a surface coal mining permit presents a relocation plan for the county and section line roads that will be temporarily closed,~~

~~removed and ultimately replaced over the life of the mine. SHC will obtain approval from the Stark County Board of Commissioners before making any changes to the public rights of way. All final road designs and construction will be subject to approval from the Stark County Board of Commissioners and will comply with all county road construction guidelines.~~

~~The following county and section line roads will be affected during certain periods of the mine life:~~

~~In Section 16 and 15 of Township 139 North, Range 98 West there is one unpaved road that will be closed during mining and is listed below:~~

- ~~• East west road located along the south section line.~~

~~In Section 22 of Township 139 North, Range 98 West there is one unpaved road that will be closed during mining and is listed below:~~

- ~~• North south road located along the west section line.~~

~~In Section 20 of Township 139 North, Range 98 West there are three unpaved roads that will be closed during mining and are listed below:~~

- ~~• East west road located along the north section line;~~
- ~~• East west road bisecting Section 20 at the mid line of the section; and~~
- ~~• East west road running along the south section line.~~

~~In Section 27 of Township 139 North, Range 98 West there are three unpaved roads that will be closed during mining and are listed below:~~

- ~~• East west road located along portions of the north section line;~~
- ~~• North South road located along the southern portion of the west section line;~~
- ~~• North South road located along the northern portion of the west section line.~~

~~In Section 33 of Township 139 North, Range 98 West there are two unpaved roads that will be closed during mining and are listed below:~~

- ~~• East west road located along the north section line;~~
- ~~• North South road located along the east section line.~~

~~SHC will construct a temporary road connecting the western section line road in Section 20 with the road that bisects Section 20 north to south. This road location will have minimal or no travel affects on those residents who use this road. Upon approval of the road closings and the new road location by the Stark County Board of County Commissioners, approximately 1,200 ft of existing road in the northern portion of Section 20 and approximately 4,000 ft of the existing roads located in the middle and southern portions of Section 20 will be improved. Also, approximately 3,200 ft of new road will be constructed to connect the northern road to the middle road.~~

~~SHC will also construct a temporary road connecting the northern section line road in Section 33 with a temporary road that runs along the south section line in Section 33. Upon approval of the road closings and the new road location by the Stark County Board of County Commissioners, approximately 10,500 ft of new road will be constructed in Section 33.~~

~~An overpass will be constructed on 122nd Avenue prior to 2038. The overpass will run north to south along 122nd Avenue in the SW1/4 of Section 23 and SE1/4 of Section 22 of Township 139 North, Range 98 West. The overpass will stay in place and not be removed post mining.~~

~~The existing unpaved section line road (41st Street SW) running east to west along the north section line of Sections 33 and 34 of Township 139 North, Range 98 West will be, at least temporarily, closed. The section line road that runs north to south along the west section line of Section 34 of Township 139 North, Range 98 West will also be closed. Prior to the closure of these existing section line roads, a new section line road will be constructed that runs east to west along the south section line of Section 34 of Township 139 North, Range 98 West. The preliminary proposed road relocations that SHC has designed will have minimal or no travel affects on residents who use these roads. Once the Stark County Board of County Commissioners has approved the SHC proposed road relocations and re-alignments, the 5,300 ft of the new section line road that will run east to west along the southern section line of Section 34 of Township 139 North, Range 98 West will be built. Also, approximately 1,000 ft of the section line road along both the northern and southern portions of Sections 33 and 34 will be improved.~~

~~Prior to the beginning of mine construction, the following roads will be closed throughout the entire mine life:~~

- ~~• The unpaved section line roads along the western boundary of Section 21 of Township 139 North, Range 98 West;~~

- ~~• The eastern 1/3 of the unpaved road lying along the northern section line road in Section 27 of Township 139 North, Range 98 West;~~
- ~~• The northern and eastern unpaved section line road in Section 33 of Township 139 North, Range 98 West;~~
- ~~• The southern 1/2 of the unpaved road lying along the western section line road in Section 27 of Township 139 North, Range 98 West; and~~
- ~~• All other unpaved roads in Section 27 of Township 139 North, Range 98 West.~~

~~Once mining is complete within the Permit Area and reclamation has begun, all the section line and county roads affected during the mining activities will be reclaimed to a condition equal to or better than their pre-mining conditions.~~

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, located at 600E. Boulevard, Dept. 408, in Bismarck, ND and at the Office of the County Auditor, in the Stark County Courthouse, located at 51 3rd Street E, in Dickinson, ND.

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.

[South Heart Coal LLC](#)
[601 Jefferson Street, Suite 3600](#)
[Houston, TX 77002](#)