



Public Service Commission

State of North Dakota

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March 1, 2011

Mr. Allen D. Klein, Director
Office of Surface Mining and Enforcement
Western Region
Office of Surface Mining
1999 Broadway, Suite 3320
Denver, CO 80202-3050

Dear Mr. Klein:

The Falkirk Mining Company has filed a revision for Surface Mining Permit NAFK-9503 to permit an additional 16,924.1 acres of land at the Falkirk Mine near Underwood, ND, in McLean County. The Reclamation Division deemed the revision application complete on December 9, 2010, and is currently conducting a technical review of the application. The proposed permit area includes tracts that contain unleased federal coal (as shown by the yellow areas on the attached figure). The surface of these tracts is privately owned. No mining of the federal coal is proposed at this time, but the Pit Layout and Facilities Map (Section 3.1.5 in the permit) does show surface disturbances on these lands. Enclosed is a compact disk containing an electronic copy of Permit NAFK-9503.

Our Cooperative Agreement (Article V, Section B.7) gives the Commission the authority to issue permit revisions allowing surface disturbances on land containing unleased federal coal after consultation with BLM through OSM. This consultation is to ensure that actions taken by the Commission do not result in substantial or adverse effects to the federal mineral estate. We are requesting a determination from BLM whether the disturbances proposed by the Falkirk Mining Company will have a substantial or adverse effect on the federal coal tracts.

If you or BLM have any questions, please contact this office.

Sincerely,

James R. Deutsch
Director
Reclamation Division

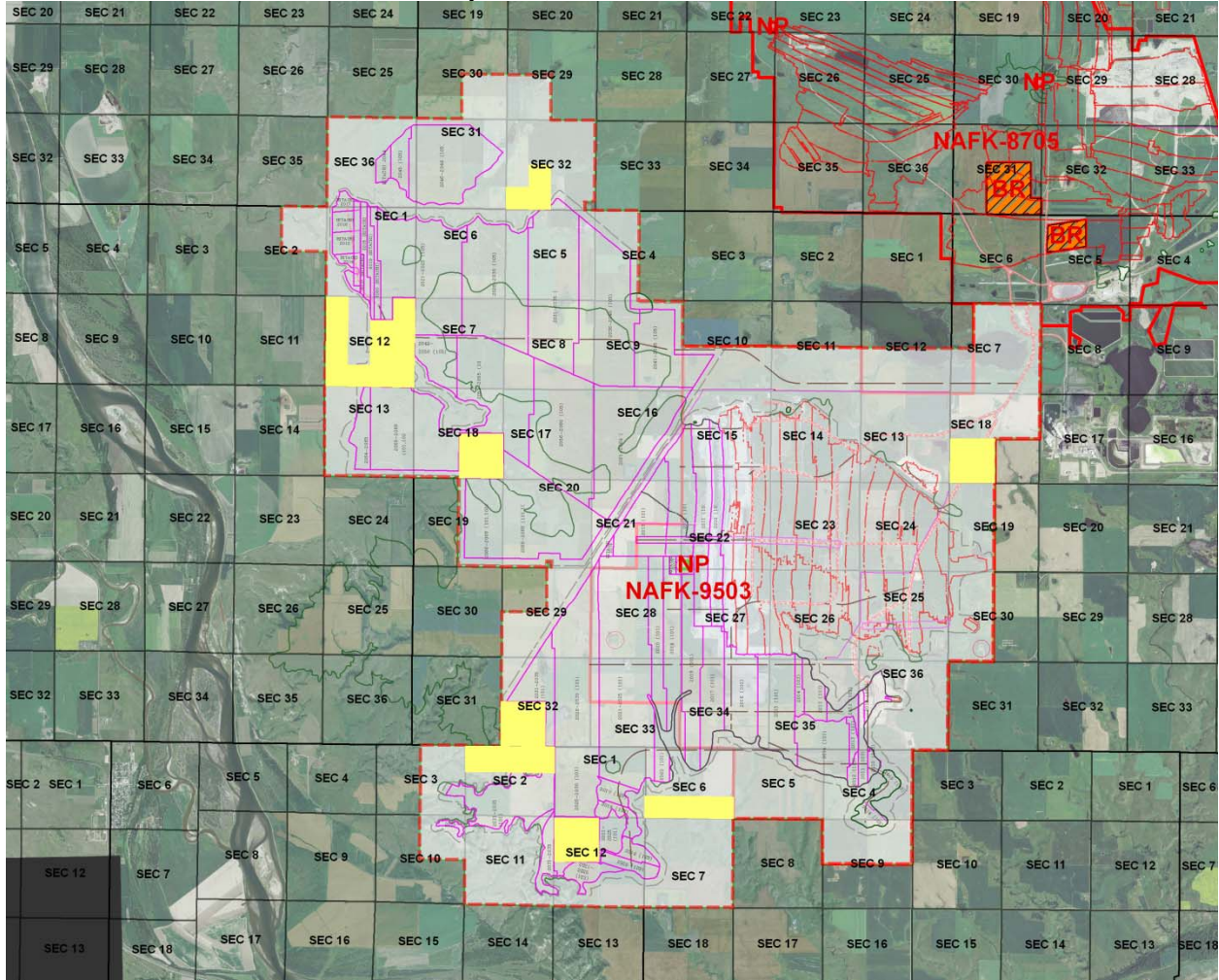
cc: Phillip Perlewitz, BLM w/enclosure
Jeff Fleischman, OSM w/enclosure
Gene Hay, OSM
D. Randall Crooke, Falkirk

Mr. Allen D. Klein

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Unleased federal coal areas (shown in yellow) to be added to Permit NAFK-9503 in Revision No. 20.



Enclosure

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