



United States Department of the Interior



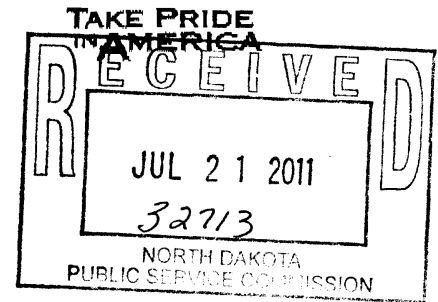
BUREAU OF LAND MANAGEMENT

Montana State Office
5001 Southgate Drive
Billings, Montana 59101-4669
www.blm.gov/mt

In Reply Refer To:

NDM 91647
NDM85516
(MT921.AA)

July 21, 2011



Mr. James R. Deutsch, Director
Reclamation Division
State of North Dakota Public Service Commission
600 E. Boulevard Ave., Dept 408
Bismarck, North Dakota 58505-0480

Re: Surface Mining Permit NAFK-9503 – Permit an additional 16,924.1 acres of land at the Falkirk Mine.

Dear Mr. Deutsch:

Thank you for giving the Bureau of Land Management (BLM), Montana State Office the opportunity to review and respond to the Falkirk Mining Company's revision requesting an additional 16,924.1 acres of land to be included in the permit.

The proposed area contains tracts of unleased federal coal, whereby the surface is privately owned. The BLM has reviewed Section 3.1.5 – Pit Layout and Facilities Map. In Sec. 12, T. 145 N., R. 84 W., 5th P. M., the map illustrates an overburden storage area, a haul road, a pond and an SPM storage area as being included in the permit revision on the surface of unleased federal coal. The BLM recommends no overburden storage take place on unleased federal coal. From a telephone discussion with Jim Deutsch on July 20, 2011, the overburden storage area will be reconfigured so that it does not cover the surface where federal coal resides. The other surface disturbances will have no impact on federal coal.

In addition, in the SW1/4, SW1/4 of Sec. 6, T. 144 N., R. 83 W., 5th P. M., the southernmost portion of a pond lies on a federal coal tract as well. This surface disturbance will be on private surface and unleased federal coal, will not contain permanent structures, and will have no impact on the federal coal.

Our determination is that the surface disturbances proposed by the Falkirk Mining Company will not have a substantial or adverse effect on the federal coal tracts. If we can be of further assistance, please contact Anne Allen at 406-896-5082.

Sincerely,

Phillip C. Perlewitz, Chief
Branch of Solid Minerals