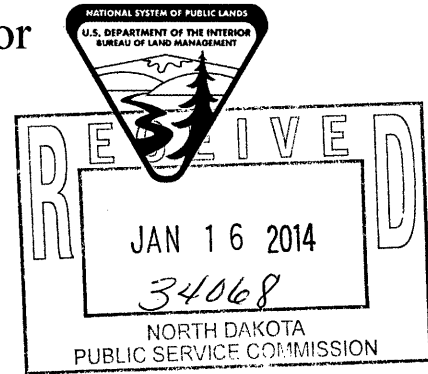




United States Department of the Interior

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



In Reply Refer To:
NDM 87785

January 13, 2014

Mr. James R. Deutsch, Director
Reclamation Division
North Dakota Public Service Commission (NDPSC)
600 East Boulevard, Dept. 408
Bismarck, ND 58505-0480

Re: Surface Coal Mining Permit BNCR-1101 - Allowing surface disturbances on land included in permit containing unleased federal coal.

Dear Mr. Deutsch:

Thank you for giving the Bureau of Land Management (BLM), Montana State Office the opportunity to review and respond to your letter dated January 6, 2014 to Mr. Allen D. Klein, Director of Office of Surface Mining and Enforcement (OSM), Western Region concerning the permit application BNI filed. The lands in this permit application include 8,359.72 acres, and include several tracts of unleased federal coal. The federal coal tracts included in the permit are legally described as the NW1/4SE1/4 and S1/2SE1/4 of Section 8 and the NE1/4 of Section 18, T141N, R83W, and the S1/2N1/2 of Section 12, and the SW1/4 of Section 24, T141N, R84W. The surface on these tracts is privately owned.

Based on our cooperative agreement (Article V, Section B.7), the NDPSC has the authority to issue permit revisions allowing surface disturbances on land containing unleased federal coal after consultation with BLM through OSM. BLM has determined that the proposed permitting of these tracts will not adversely affect the federal mineral estate.

If we can be of further assistance, please contact Anne Allen at 406-896-5082.

Phillip C. Perlewitz, Chief
Branch of Solid Minerals