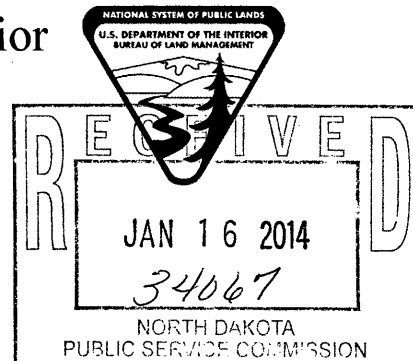




United States Department of the Interior

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: Revision No. 12 to Surface Coal Mining Permit BNCR-9401 - Allowing surface disturbances on land added to 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 November 25, 2013 to Mr. Allen D. Klein, Director of Office of Surface Mining and Enforcement (OSM), Western Region concerning Revision No. 12 to Surface Coal Mining Permit BNCR-9401. This revision will add 180.54 acres of land to the permit. This area includes most of a 40 acre tract of unleased federal coal located in the NE1/4NE1/4 of Section 8, T141N, R83W. The surface 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 the 40 acre tract 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