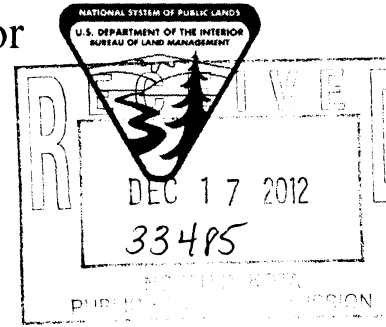




United States Department of the Interior



BUREAU OF LAND MANAGEMENT
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December 11, 2012

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

Dear Mr. Deutsch,

Thank you for giving the Bureau of Land Management (BLM) an opportunity to comment on the Falkirk Mining Company's revision application for Surface Coal Mining Permit No. NAFK-8405, which adds plans for re-mining of the abandoned Figenskau Underground Mine Area located in the S1/2 of Section 13, T146N, R82W.

The BLM's responsibility is to determine whether disturbances proposed by Falkirk Mining Company will have substantial or adverse effects on the federal coal tracts. The BLM has determined a discussion needs to be included in the permit application regarding the protection of the unleased federal coal that lies adjacent to proposed mining operations in the NE1/4NW1/4 of Section 24, T146N, R82W. It was not discussed in the permit application how the operator will prevent the federal coal bearing formations from being wasted, damaged, or degraded when the proposed mining operations approach the boundary lines adjoining federal coal. The current mining plan of operations cannot hinder the future mining of federal coal.

In addition, in Section 1.5.2 of the permit application, the adjacent surface and coal ownership and leasehold information is discussed. However, it does not include the adjacent Federal coal land in the NE1/4NW1/4 of Section 24, T146N, R82W. It is the BLM's determination that these two items be included in the permit application.

Thanks once again for giving the BLM an opportunity to comment.

If you have any questions, please call Anne Allen at 406-896-5082.

Sincerely,

Phillip Perlewitz, Chief
Branch of Solid Minerals

cc: Allen D. Klein, Director
Western Regional Coordinating Center
Office of Surface Mining
1999 Broadway, Suite 3320
Denver, CO 80202-3050