



# Public Service Commission

## State of North Dakota

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December 24, 2012

Mr. D. Randall Crooke  
Environmental Manager  
Falkirk Mining Company  
P.O. Box 1087  
Underwood, ND 58576-1087

Dear Mr. Crooke:

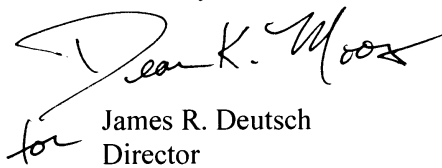
On December 4, 2012, Ms. Anne Allen from the Branch of Solid Minerals, Bureau of Land Management in Billings, MT contacted the Reclamation Division and requested a copy of Revision No. 30 to Permit NAFK-8405. BLM typically receives notices of revision applications for permits that contain leased and/or unleased Federal coal, but was not provided a copy of this particular revision because there is no leased Federal coal in the application area. However, on December 5, 2012 we sent BLM a CD containing an electronic copy of the application for Revision No. 30 to NAFK-8405 as requested by them. Our letter to BLM stated that the permit does not contain any leased Federal coal nor is any proposed to be mined with this revision. Enclosed is a copy BLM's December 11, 2012 letter to us regarding their concerns with the revision application.

BLM's letter describes that information regarding the Federal coal tract in the NE1/4 NW1/4 of Section 24 is not provided in Section 1.5.2, Adjacent Surface and Coal Ownership and Leasehold Information; however, this particular tract is located within the permit area and Section 1.5.1, Permit Area Surface and Coal Interests, provides the required information regarding this tract of land.

Based on our review of the BLM letter and information provided in the permit, we do not feel that any changes to Sections 1.5.1 or 1.5.2 are warranted. However, we request that you update the Operations Narrative in Section 3.1.1 with a general narrative to address BLM's concerns regarding the prevention of federal coal bearing formations from being wasted, damaged, or degraded by mining operations. Please incorporate this new language in the permit with your response to our December 11, 2012 technical review of Revision No. 30 to NAFK-8405.

If you have any questions, please contact this office.

Sincerely,



for James R. Deutsch  
Director  
Reclamation Division