



## United States Department of the Interior

### OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Western Region Office  
1999 Broadway, Suite  
3320  
Denver, CO 80202-3050



February 9, 2018

#### **Certified Mail Return Receipt Requested**

Addressee  
Title, Tribe  
Address  
City, State Zip

Dear Chairperson,

The U.S. Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE), Western Region Office, has prepared a supplemental environmental assessment (EA), to analyze environmental impacts of approving a Federal mining plan for future mining operations into the Falkirk Mining Company Coal Lease Tract NDM-107039 as part of its Falkirk Mine. The OSMRE prepared the supplemental EA, consistent with the National Environmental Policy Act of 1969. The supplemental EA is tiered to the descriptions and environmental analysis contained in the Bureau of Land Management's (BLM) Environmental Assessment for The Falkirk Mining Company Federal Coal Lease by Application for Tract NDM-107039 and is incorporated by reference into this supplemental EA in accordance with 40 CFR 46.135 and available to the public at: <https://eplanning.blm.gov/epl-front-office/projects/nepa/67410/105731/129311/DOI-BLM-MT-C030-2016-0020-EA.pdf>.

The Falkirk Mine is located in McLean County, near Underwood, North Dakota. The Federal Coal Lease Tract NDM-107039 is located in east ½ of section 10, Township 146 North, Range 82 West, McLean County. The BLM held a competitive sale for the NDM-107039 lease on October 17, 2017, which was awarded to The Falkirk Mining Company; the effective date the lease was issued is January 1, 2018. Once a coal mining operator obtains the rights of a Federal coal lease, two separate approvals are needed for a coal mine operator to conduct mining operations on Federal coal leases: 1) an approved Surface Mining Control and Reclamation Act (SMCRA) of 1977 permit approved by the regulatory authority, in this case the North Dakota Public Service Commission (PSC), and 2) an approved mining plan, or modification of a previously approved mining plan, by the Assistant Secretary for Land and Minerals Management (ASLM). The SMCRA mine permit approval by the North Dakota PSC provides the basis for the ASLM's decision on the mining plan or mining plan modification. The Falkirk Mine submitted an application to the North Dakota PSC on November 9, 2017. Subsequently, OSMRE determined that the addition to the Falkirk Mine requires a mining plan with ASLM approval for mining to occur on that Federal coal lease.

OSMRE is responsible for reviewing plans to conduct coal mining and reclamation operations on lands containing leased federal coal. Pursuant to 30 CFR 746, OSMRE must prepare and submit to the ASLM a decision document recommending approval, conditional approval or disapproval of the proposed mining plan. Approval of a mining plan modification would authorize surface mining of recoverable Federal coal in the lease of 2.2 million tons. Falkirk Mine anticipates production between 8.0 and 8.5 million tons annually. If the mining plan modification is approved, mining operations would extend approximately 7 months.

The purpose of this letter is to formally invite the Yankton Sioux Tribe to consult with the OSMRE on the supplemental EA for The Falkirk Mining Company's proposed Federal Mining Plan for the NDM-107039 tract, Falkirk Mine surface coal mine, pursuant to the US Department of Interior's policy for Government-to-Government consultations [Executive Order 13175, Secretarial Order 3317, and Presidential Memorandum on Tribal Consultation (November 9, 2009)] and 36 CFR Part 800.2(c)(2)(ii), the regulations implementing Section 106 of the National Historic Preservation Act of 1966 (as amended [NHPA]). The goal of the Government-to-Government process is to create effective collaboration and promote enhanced communication that emphasizes trust, respect, and shared responsibility. OSMRE requests input your tribe may have regarding the NDM-107039 tract, Falkirk Mine Federal Mining Plan Supplemental EA.

If you believe that the proposed action listed above may affect your tribe or resources related to your tribe, including concerns under the NHPA, please submit a written request to [eshaeffe@osmre.gov](mailto:eshaeffe@osmre.gov) or Ms. Elizabeth Shaeffer at 1999 Broadway, Suite 3320, Denver, CO 80202-3050. The Yankton Sioux Tribe may request a Government-to-Government consultation at any time during the NEPA process.

OSMRE is soliciting public comments on the supplemental EA and the unsigned Finding of No Significant Impact (FONSI). The supplemental EA and unsigned FONSI are available for review as of February 9, 2018. All comments must be received or postmarked by March 12, 2018, to be considered. Documents are available for review online at: <https://www.wrcc.osmre.gov/initiatives/falkirkMine.shtm>

Printed versions of the supplemental EA and unsigned FONSI are also available for review at the following locations:

Office of Surface Mining and Reclamation  
1999 Broadway, Suite 3320  
Denver, CO 80202

Between the hours of 8:00 AM and 4:00 PM Monday through Friday (Closed Saturday and Sunday)

You are invited to direct these comments by mail:

ATTN: OSMRE, Falkirk Mine Supplemental EA  
C/O: Gretchen Pinkham  
OSMRE WR  
1999 Broadway, Suite 3320  
Denver, CO 80202

Comments may be emailed to [OSM-nepa-nd@OSMRE.gov](mailto:OSM-nepa-nd@OSMRE.gov), with the subject line:  
ATTN: OSMRE, Falkirk Mine Supplemental EA.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment – including your personal identifying information – will be publicly available. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses will be available for public review to the extent consistent with applicable law.

Additional information regarding this Project may be obtained from Gretchen Pinkham at (303) 293-5088 or [gpinkham@osmre.gov](mailto:gpinkham@osmre.gov).

Sincerely,

A handwritten signature in black ink that reads "Elizabeth Shaeffer" followed by a long horizontal line extending to the right.

Elizabeth Shaeffer, Manager  
Field Operations Branch