

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Dakota Westmoreland Corporation
Revision 25, Permit KRSB-8802
Approval

Case No. RC-08-612

REVISION OF PERMIT TO ENGAGE IN
SURFACE COAL MINING AND RECLAMATION OPERATIONS

January 26, 2011

Based on the application for Revision Number 25 to Permit Number KRSB-8802 received July 25, 2008, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:


1. The revision application submitted on July 25, 2008, and as subsequently modified, is complete and accurate, and the applicant has complied with the requirements of Chapter 38-14.1 of the North Dakota Century Code (NDCC) and Article 69-05.2 of the North Dakota Administrative Code (NDAC).
2. A variance to the contemporaneous reclamation requirement has been justified that normally requires all reclamation work through the initial seeding be completed within three years after the completion of mining. The Commission findings that were made when the permit and other revisions were issued remain applicable to the revised operation and reclamation plans. Under the reclamation schedule being approved, the final pit areas east of State Highway 49 must be backfilled and graded by the end of 2013 and all topsoil and subsoil in this final pit area must be respread and the area seeded in 2015.
3. A performance bond in the amount of \$10,382,986 is sufficient to cover the remaining reclamation liabilities in this permit area.
4. Other Commission findings that were made when the permit and other revisions were issued remain applicable to the revised operation and reclamation plans.

Subject to the right of any person with an interest that is or may be adversely affected to request a formal hearing, Revision Number 25 to Permit Number KRSB-8802 is hereby conditionally granted to Dakota Westmoreland Corporation to revise mining and reclamation for the cessation of mining in areas east of State Highway 49 and to make updates to the permit that were required following midterm review as described in the permit revision application received July 25, 2008.

The approved revision is subject to the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, the

conditions of the approved permit, and any additional or revised permit conditions listed on attached PSC Reclamation Form - 3. Pursuant to Section 38-14.1-23 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, this revision was found to be a significant alteration to the previously approved permit.

PUBLIC SERVICE COMMISSION



**Kevin Cramer
Commissioner**



**Tony Clark
Chairman**



**Brian P. Kalk
Commissioner**