

Dakota Westmoreland Corporation

RECEIVED

Beulah Mine – P.O. Box 39, Beulah, North Dakota 58523-0039
Phone: (701) 873-4333 • Fax: (701) 873-7784

NOV 26 2008

31190

PUBLIC SERVICE COMMISSION

SCANNED

Date 11-28-08

File 88-11-25-08-submittal-ltr (31190)

FROM DIRECTOR - RECLAMATION DIV.

Date: 11-26-08

November 25, 2008

Action: Bruce B.

Info. Only: _____

Info & File: _____

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

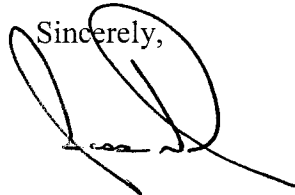
Dear Mr. Deutsch:

Re: Revision No. 22, KRSB-8603
Significant revision to add 890.4 acres

Enclosed is an Application For Revision Of Permit To Engage in Surface Coal Mining And Reclamation Operations, a revision summary, public notice (with accompanying map), revised exhibits including any additional information, and a check for \$8904 for the additional acreage. Three CDs of the revised information are included in this package.

Please contact me at extension 229 if you have any questions.

Sincerely,



Jesse Noel, P.E.
Engineering and Environmental Manager

plg
Enclosures

1 RC-08-904 Filed: 11/26/2008 Pages: 6
Revision No. 22 Filed by Dakota Westmoreland

Dakota Westmoreland Corporation

Jesse Noel



APPLICATION FOR REVISION OF PERMIT TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION OPERATIONS
 PUBLIC SERVICE COMMISSION
 RECLAMATION DIVISION
 SFN 10562 (Rev. 12-99)

Date	
November 26, 2008	
Revision Number	22
State	ND
Zip Code	58523

Name of Company, Corporation, Partnership, or Individual Dakota Westmoreland Corporation	Permit Number KRSB-8603	Revision Number 22	
Address PO Box 39	City Beulah	State ND	Zip Code 58523

The above named hereby makes application for the above Revision Number to: (include a brief description of the surface coal mining and reclamation operation being revised.)

Revision No. 22 adds 890.4 acres to the existing permit area for a total of 2666.1 acres for coal excavation and mining and associated disturbance activities in support thereof.

Attached to this Permit Revision Application are a narrative describing the proposed permit revision, reasons for requesting the revision, and appropriate maps, cross-sections, graphs, construction details, revised reclamation plans and other data which demonstrate compliance with Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and the permit conditions of the approved permit. If an incidental boundary revision involving an acreage adjustment is being requested as part of the permit revision application, the following information shall be included (attach a copy of a metes and bounds description):

NAME OF MINE	ACRES	LOCATION			
		SEC.	TWP.	RANGE	COUNTY
Beulah Mine	890.4	15, 19, 20 & 22	143N.	88W.	Mercer
ADDRESS					
TOTAL ACRES	890.4				

Based upon the proposed changes and any incidental boundary revisions to the permit as stated herein, a new or adjusted bond, or its equivalent, duly executed in accordance with Section 38-14.1-16 of the North Dakota Century Code and Chapter 69-05.2-12 of the North Dakota Administrative Code will be delivered to the Public Service Commission prior to issuance of the surface coal mining and reclamation operations permit herein requested. A check for filing fees, pursuant to Section 38-14.1-13 of the North Dakota Century Code, in the amount of \$ _____, is included with the revision application.

Name of Official Authorized to Represent the Applicant
William W. Weaver, President

- I, the above named, certify that:
- All information and documents required by Sections 38-14.1-13, 38-14.1-14, and 38-14.1-15 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, are submitted as part of this permit application;
 - Information and documentation contained in the permit application affirmatively demonstrate that:
 - The permit revision application is accurate and complete and all the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code have been complied with;
 - Reclamation as required by Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code can be accomplished under the reclamation plan contained in this permit revision application;

- c. An assessment of the probable cumulative impact of all anticipated mining in the general area on the hydrologic balance as specified in subdivision o of subsection 1 of Section 38-14.1-14 has been made and the proposed operation has been designed to prevent material damage to the hydrologic balance both on and off the mine site;
 - d. The area proposed to be affected is not included within an area designated unsuitable for all or certain types of surface coal mining and is not within an area under study for such designation in an administrative proceeding;
 - e. The proposed surface coal mining operation will not interrupt, discontinue or preclude farming on alluvial valley floors that are irrigated or naturally subirrigated and will not materially damage the quantity or quality of water in surface or underground water systems that supply these alluvial valley floors; and
 - f. The permit revision applicant has the legal right to surface mine the land for which this permit revision application is made and all of the requirements of Chapter 38-18 of the North Dakota Century Code have been complied with.
3. The area proposed to be affected is not included within an area where mining is prohibited pursuant to Section 38-14.1-07 of the North Dakota Century Code; unless specifically allowed in accordance with the provisions of Section 69-05.2-04-01 of the North Dakota Administrative Code; and
4. The surface coal mining and reclamation operations contained in this permit revision application will be carried out at all times in a manner which ensures that all of the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and any permit conditions attached thereto are complied with.

William W. Weaver
Signature of Official

President
Title

VERIFICATION

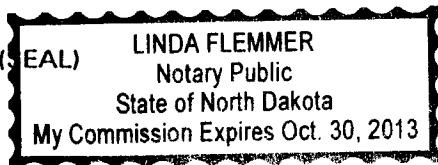
I, William W. Weaver, being first and duly sworn, verify that the information contained in this Permit Revision Application is true and correct to the best of my knowledge and belief.

William W. Weaver
Signature of Official

President
Title

Subscribed and sworn to before me this 26th day of November, 2008. My commission expires: 10-30-13.

Linda Flemmer
Notary Public



DAKOTA WESTMORELAND CORPORATION

Mine: Beulah Mine
Permit Number: KRSB-8603
Revision No.: 22
Submittal Date: November 26, 2008

Revision Narrative

Revision No. 22 adds 890.4 acres to permit KRSB-8603 for future mining in the Red and Silver pit locations

Listing of Revised Information

<u>Volume</u>	<u>Section</u>	<u>Revised Information and Instructions</u>
TOC	TOC	Updated to reflect all additions for Revision 22.
1	1.3	Add revision area to the narrative. Update Exhibit 1.3.1 with the revision area information.
1	1.4	Replaced narrative with AVS completed for KRSB-8603, Revision #21 (the most up-to-date version). Updated Exhibit 1.4.1 with new surface and mineral ownership. Updated Exhibit 1.4.2 with new certified leases. Updated Exhibit 1.4.3 with the notice-of-intents to mine. Updated Exhibit 1.4.4 with section line closures.
1	1.5	Replaced narrative with narrative completed for KRSB-8603, Revision #21 (the most up-to-date version).
2	2.1	Updated narrative with current geologic information. Updated Exhibit 2.1.1 with 2008 drilling information. Updated Exhibit 2.1.2 with 2008 drilling information. Updated Exhibit 2.1.3 with 2008 overburden information. Updated Exhibit 2.1.4 with 2008 drilling information. Replaced Exhibit 2.1.5 with 2.1.5A and 2.1.5B. Updated Exhibit 2.1.5A to include all of the Silver Pit area. Updated Exhibit 2.1.5B to include all of the Red Pit area. Updated Exhibit 2.1.6 to include the new permit area. Updated Exhibit 2.1.7 to include 2008 drilling information.
3	2.1	Updated Exhibit 2.1.8 to include new permit area.

4	2.2	<p>Updated narrative with new NDPDES and sampling information.</p> <p>Updated Exhibit 2.2.4 with current water quality data.</p> <p>Updated Exhibit 2.2.7 with new monitoring locations.</p> <p>Updated Exhibit 2.2.8 with new wetland areas.</p>
4	2.3	<p>Updated narrative with groundwater impacts.</p> <p>Updated Exhibit 2.3.1 with new revision information.</p> <p>Updated Exhibit 2.3.3 with new revision information.</p> <p>Updated Exhibit 2.3.4 with new revision information.</p> <p>Updated Exhibit 2.3.5 with current well levels.</p> <p>Updated Exhibit 2.3.1 with current quality data.</p> <p>Updated Exhibit 2.3.1 with new revision information.</p> <p>Updated Exhibit 2.3.1 with new revision information.</p>
5	2.4	<p>Updated narrative with new permit information.</p> <p>Updated Exhibit 2.4.7 to include new permit area.</p> <p>Included new Exhibit 2.4.9, Prime and Non-Prime Soil Information.</p>
5	2.5	<p>Updated narrative with wildlife revision areas.</p> <p>Updated Exhibit 2.5.1a with new revision area information.</p> <p>Updated Exhibit 2.5.4a with new revision area information.</p>
5	2.6	<p>Narrative.</p> <p>Updated Exhibit 2.6.1 with new plant species list.</p> <p>Updated Exhibit 2.6.3 with new range conditions.</p> <p>Updated Exhibit 2.6.9 with new permit area.</p> <p>Updated Exhibit 2.6.11 with updated land use mapping units.</p> <p>Updated Exhibit 2.6.12a with new wetland species list.</p> <p>Updated Exhibit 2.6.12b with new revision area wetland delineations.</p> <p>Updated Exhibit 2.6.13 with new range vegetation information.</p> <p>Updated Exhibit 2.6.14 with updated reference area information.</p> <p>Added Exhibit 2.6.15 to summarize shelterbelt information.</p>
6	2.7	<p>Narrative.</p> <p>Updated Exhibit 2.7.1 for new revision area.</p> <p>Updated Exhibit 2.7.2 with new preference letters.</p>
6	2.10	<p>Updated narrative with revision area site information.</p> <p>Updated Exhibit 2.10.7 with new revision area sites correspondence from SHPO.</p> <p>Added Exhibit 2.10.10 to summarize the test excavation of site 32ME2229.</p>
6	3.1	<p>Updated narrative with new production information.</p> <p>Updated Exhibit 3.1.1 with new extended mine plan.</p> <p>Updated Exhibit 2.1.2 with new pit timing blocks.</p> <p>Updated Exhibit 3.1.3 with new topography information.</p>

Updated Exhibit 3.1.8 with new haulroad information.

- | | | |
|---|-----|--|
| 7 | 3.2 | Updated narrative with new ponds and diversions.
Updated Exhibit 3.2.1 with new permit information.
Added Exhibit 3.2.31 and Table 3.2.31 (pond 95).
Added Exhibit 3.2.32 and Table 3.2.32 (pond 96).
Added Exhibit 3.2.33 and Table 3.2.33 (pond 97).
Added Exhibit 3.2.34 and Table 3.2.34 (pond 98).
Added Exhibit 3.2.35 and Table 3.2.35 (pond 99).
Added Exhibit 3.2.36 and Table 3.2.36 (pond 101).
Added Exhibit 3.2.37 and Table 3.2.37 (pond 102).
Added Exhibit 3.2.38 for diversions 95N and 98E.
Added Exhibit 3.2.39 for diversion 101S. |
| 8 | 3.3 | Updated narrative with correct contact information.
Updated Exhibit 3.1.1 with new permit boundary. |
| 8 | 3.4 | Updated narrative with new revision information.
Updated Exhibit 3.4.1 with new revision details. |
| 9 | 3.5 | Updated narrative with new PMT information.
Updated Exhibit 3.5.1(a) with new x-sec. locations.
Updated Exhibit 3.5.1(b) with new x-sec. locations.
Updated Exhibit 3.5.2(a) with new x-sections.
Updated Exhibit 3.5.2(b) with new x-sections.
Updated Exhibit 3.5.3 with new permit area.
Replaced Exhibit 3.5.4 with updated exhibit 3.5.4(a) for pre-mine slopes, and updated exhibit 3.5.4(b) for post-mine slopes. |
| 9 | 3.7 | Updated narrative with new revision information.
Updated Exhibit 3.7.3 with new yield data. |
| 9 | 3.8 | Updated narrative with current permit and variance boundaries.
Updated Exhibit 3.8.2 with current permit and variance boundaries. |
| 9 | 3.9 | Updated narrative with new worst-case bond.
Updated Exhibit 3.9.1 with new worst-case bond.
Updated Exhibit 3.9.2 with new worst-case bond. |