



# Public Service Commission

## State of North Dakota

---

### COMMISSIONERS

Kevin Cramer  
Tony Clark  
Brian P. Kalk

Executive Secretary  
Darrell Nitschke

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
Web: [www.nd.gov/psc](http://www.nd.gov/psc)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
TDD 800-366-6888 or 711  
Fax 701-328-2410  
Phone 701-328-2400

February 4, 2009

Mr. Jesse Noel, P.E.  
Manager, Engineering & Environment  
Dakota Westmoreland Corporation  
Beulah Mine  
P.O. Box 39  
Beulah, ND 58523-0039

Dear Mr. Noel:

In accordance with NDAC 69-05.2-05-01(2), the Reclamation Division has conducted a review of completeness deficiency responses for Revision No. 22 to Surface Coal Mining Permit KR5B-8603 for the Beulah Mine that was received on January 26, 2009. The following items must be satisfactorily addressed before the Reclamation Division can deem the application complete.

### Public Advertisement

1. The coal ownership for the S $\frac{1}{2}$  of Section 15 does not agree with the coal ownership listing in Section 1.4, which does not include either of the Robert A. Keogh trusts. In addition, the permit lists Priscilla Keogh, who is not listed on the public notice. (SAS)
2. The permit lists only Martha Gunsch as surface owner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 20; however, the public notice lists 4 surface owners. Please correct as necessary. (SAS)
3. Please depict the roads in a different format than the permit boundary. When printed in black and white as the newspaper notice would be, it is difficult to distinguish between the road, the permit boundary, and the section line boundaries. (MDB)
4. Follow-up to original item No. 2. Please revise the public advertisement to clarify that the section lines and county road(s) (County Road 12?) located on section lines common to the NE $\frac{1}{4}$  of Section 19 and SE $\frac{1}{4}$  of Section 18, N $\frac{1}{2}$  of Section 20 and S $\frac{1}{2}$  of Section 17, E $\frac{1}{2}$  of Section 20 and W $\frac{1}{2}$  of Section 21, E $\frac{1}{2}$  of Section 21 and W $\frac{1}{2}$  of Section 22, N $\frac{1}{2}$  of Section 22 and S $\frac{1}{2}$  of Section 15, and NW $\frac{1}{4}$  of Section 23 and SW $\frac{1}{4}$  of Section 14

will be temporarily closed in order to conduct mining operations. The language as written only describes half of the county roads since it is specific to a tract's section line right-of-way. Also, NDAC 69-05.2-10-01(1) requires a listing of the duration of the road closure. The meaning of the phrase "temporarily closed" is an ambiguous statement and the expected duration of the road closure needs to be more descriptive. (GAW)

#### **Section 1.4 – Business Entity Information**

5. The listing of surface and coal owners for the permit area (Section 1.4.B.1) needs to be updated to include the area being added to the permit. Currently, the surface and coal owners of the area being added to the permit are provided in Section 1.4.B.2 (Apparent Surface and Coal Owners of Record – Adjacent Area). (DKM)

#### **Section 2.1 – Geological Inventory**

6. Please incorporate the lithologic logs from monitoring well drillholes 2020 through 2029 into Exhibit 2.1.2 (Test Hole and Monitoring Well Lithologic Logs). Assuming geophysical logs are available for these same holes, please incorporate that data into Exhibit 2.1.1 (Geophysical Logs). NDAC 69-05.2-08-06(d). (BEB)

#### **Section 2.9 – Alluvial Valley Floor Inventory**

7. Follow-up to original item No. 26. The Introductory Information for the Alluvial Valley Floor Inventory report which is provided as page 2.9.1 is presented twice at the beginning of the AVF section. Please eliminate one of these pages from the report and replace with the PSC correspondence outlining the negative AVF determination as is shown in the Table of Contents. (BEB)

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch  
Director  
Reclamation Division