



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
E-mail: ndpsc@nd.gov
TDD 800-366-6888 or 711
Fax 701-328-2410
Phone 701-328-2400

March 10, 2009

Mr. Scott Hochalter
State Soil Conservation Specialist
2718 Gateway Ave., Unit #104
Bismarck, ND 58503

Dear Mr. Hochalter:

Enclosed for your review is a DVD containing the application of Revision 22 to Surface Coal Mining Permit KRSB-8603 for the Beulah Mine submitted by Dakota Westmoreland Corporation. This revision proposes to add 890.4 acres in Sections 15, 19, 20, and 22, T143N, R88W, Mercer County, to the existing permit area for a total of 2666.1 acres. This additional area will be used for coal excavation and associated disturbance activities. The acreage added with this revision will extend mining southward in the Silver Pit Mine Area and eastward in the Red Pit Mine Area. This revision application updates all legal and pre-mine environmental resource information and operations and reclamation plans to reflect the area being added to the permit.

We ask that you review these materials and submit any comments with respect to this permit revision to our office by April 27, 2009. If you have any questions, please contact this office.

Sincerely,

James R. Deutsch
Director
Reclamation Division

m\Beulah\8603\Revisions\No. 22\advisory_rvw_rqst_3-10-09



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March 10, 2009

Mr. Larry Kotchman
State Forester
N.D. Forest Service
Molberg Center
307 1st Street East
Bottineau, ND 58318

Dear Mr. Kotchman:

Enclosed for your review is a DVD containing the application of Revision 22 to Surface Coal Mining Permit KRSB-8603 for the Beulah Mine submitted by Dakota Westmoreland Corporation. This revision proposes to add 890.4 acres in Sections 15, 19, 20, and 22, T143N, R88W, Mercer County, to the existing permit area for a total of 2666.1 acres. This additional area will be used for coal excavation and associated disturbance activities. The acreage added with this revision will extend mining southward in the Silver Pit Mine Area and eastward in the Red Pit Mine Area. This revision application updates all legal and pre-mine environmental resource information and operations and reclamation plans to reflect the area being added to the permit.

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Sincerely,

A handwritten signature in cursive script, appearing to read "James R. Deutsch".

James R. Deutsch
Director
Reclamation Division



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March 10, 2009

Mr. Dale Frink
State Engineer
North Dakota State Water Commission
900 East Boulevard
Bismarck, ND 58505

Dear Mr. Frink:

Enclosed for your review is a DVD containing the application of Revision 22 to Surface Coal Mining Permit KRSB-8603 for the Beulah Mine submitted by Dakota Westmoreland Corporation. This revision proposes to add 890.4 acres in Sections 15, 19, 20, and 22, T143N, R88W, Mercer County, to the existing permit area for a total of 2666.1 acres. This additional area will be used for coal excavation and associated disturbance activities. The acreage added with this revision will extend mining southward in the Silver Pit Mine Area and eastward in the Red Pit Mine Area. This revision application updates all legal and pre-mine environmental resource information and operations and reclamation plans to reflect the area being added to the permit.

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Director
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March 10, 2009

Mr. Ed Murphy
Director and State Geologist
North Dakota Geological Survey
600 East Boulevard
Bismarck, ND 58505-0480

Dear Mr. Murphy:

Enclosed for your review is a DVD containing the application of Revision 22 to Surface Coal Mining Permit KR5B-8603 for the Beulah Mine submitted by Dakota Westmoreland Corporation. This revision proposes to add 890.4 acres in Sections 15, 19, 20, and 22, T143N, R88W, Mercer County, to the existing permit area for a total of 2666.1 acres. This additional area will be used for coal excavation and associated disturbance activities. The acreage added with this revision will extend mining southward in the Silver Pit Mine Area and eastward in the Red Pit Mine Area. This revision application updates all legal and pre-mine environmental resource information and operations and reclamation plans to reflect the area being added to the permit.

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Sincerely,

James R. Deutsch
Director
Reclamation Division



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March 10, 2009

Mr. David Glatt
North Dakota Health Department
Missouri Office Building
1200 Missouri Avenue
Bismarck, ND 58505

Dear Mr. Glatt:

Enclosed for your review is a DVD containing the application of Revision 22 to Surface Coal Mining Permit KRSB-8603 for the Beulah Mine submitted by Dakota Westmoreland Corporation. This revision proposes to add 890.4 acres in Sections 15, 19, 20, and 22, T143N, R88W, Mercer County, to the existing permit area for a total of 2666.1 acres. This additional area will be used for coal excavation and associated disturbance activities. The acreage added with this revision will extend mining southward in the Silver Pit Mine Area and eastward in the Red Pit Mine Area. This revision application updates all legal and pre-mine environmental resource information and operations and reclamation plans to reflect the area being added to the permit.

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Director
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March 10, 2009

Mr. Merlan Paaverud
State Historical Society of ND
Heritage Center
Bismarck, ND 58505

Dear Mr. Paaverud:

Enclosed for your review is a DVD containing the application of Revision 22 to Surface Coal Mining Permit KRSB-8603 for the Beulah Mine submitted by Dakota Westmoreland Corporation. This revision proposes to add 890.4 acres in Sections 15, 19, 20, and 22, T143N, R88W, Mercer County, to the existing permit area for a total of 2666.1 acres. This additional area will be used for coal excavation and associated disturbance activities. The acreage added with this revision will extend mining southward in the Silver Pit Mine Area and eastward in the Red Pit Mine Area. This revision application updates all legal and pre-mine environmental resource information and operations and reclamation plans to reflect the area being added to the permit.

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James R. Deutsch
Director
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March 10, 2009

Mr. Terry Steinwand
Director
North Dakota Game and Fish Department
100 North Bismarck Expressway
Bismarck, ND 58505

Dear Mr. Steinwand:

Enclosed for your review is a DVD containing the application of Revision 22 to Surface Coal Mining Permit KRSB-8603 for the Beulah Mine submitted by Dakota Westmoreland Corporation. This revision proposes to add 890.4 acres in Sections 15, 19, 20, and 22, T143N, R88W, Mercer County, to the existing permit area for a total of 2666.1 acres. This additional area will be used for coal excavation and associated disturbance activities. The acreage added with this revision will extend mining southward in the Silver Pit Mine Area and eastward in the Red Pit Mine Area. This revision application updates all legal and pre-mine environmental resource information and operations and reclamation plans to reflect the area being added to the permit.

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James R. Deutsch
Director
Reclamation Division



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March 10, 2009

Mr. J.R. Flores
State Conservationist
Natural Resource Conservation Service
P.O. Box 1458
Bismarck, North Dakota 58502-1458

Dear Mr. Flores:

The Dakota Westmoreland Corporation has submitted an application for Revision No. 22 to Surface Coal Mining Permit KRSB-8603 for the Beulah Mine located in Mercer and Oliver Counties. This revision proposes to add 890.4 acres of land located in Sections 15, 19, 20, and 22, T143N, R88W, in Mercer County to the existing permit area. About 2.8 acres of prime farmland has been identified within the area to be added to the permit in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22. The prime farmland investigation for the proposed added acreage is described on pages 2.4.3 and 2.4.4 of Section 2.4 - Soils Inventory, while the location of the Arnegard 44 and 44B map units is shown on Exhibit 2.4.7. Plans for handling the prime farmland soils are described on pages 3.4.5 and 3.4.6 of Section 3.4 - Suitable Plant Growth Material Handling Plan.

An electronic copy of the revision application is on the enclosed DVD. Please review the revision application with regard to the prime farmland reclamation plans and submit written comments to the plans, or your concurrence with the plans, to our office by April 27, 2009. If you have any questions, please contact Bill Gunnerson at 328-4100.

Sincerely,

A handwritten signature in cursive script, appearing to read "James R. Deutsch".

James R. Deutsch
Director
Reclamation Division