



**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  
**March 30, 2011**

Name of Company, Corporation, Partnership, or Individual <b>Dakota Westmoreland Corporation</b>	Permit Number <b>KRSB-8603</b>	Revision Number <b>24</b>	
Address <b>PO Box 39</b>	City <b>Beulah</b>	State <b>ND</b>	Zip Code <b>58523</b>

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.)

Update the permit to address several administrative changes required as a result of the Public Service Commission's pre-renewal review of this permit.

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
ADDRESS					
<b>TOTAL ACRES</b>	<b>NA</b>				

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 \$ NA, 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.

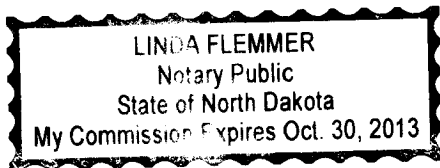
*William W. Weaver*

Signature of Official

**President**

Title

Subscribed and sworn to before me this 30 day of March, 20 11. My commission expires: Oct 30, 2013.



*Linda Flemmer*

Notary Public

# **DAKOTA WESTMORELAND CORPORATION**

Mine: Beulah Mine  
Permit Number: KR5B-8603  
Renewal No.: 5  
Submittal Date: March 30, 2011

## **Renewal Request Narrative**

Renewal No. 5 will allow for the continuation of ongoing mining and reclamation activities within the permit area during the five-year period commencing August 7, 2001.

## **Surface Coal Mining and Reclamation Bond Narrative**

A surety bond in the amount of \$6,267,847.00 covers this permit area at the Beulah Mine. Dakota Westmoreland Corporation filed Surety Bond No. 64S103557512BCM, issued by the Travelers Casualty and Surety Company of America in this amount to cover reclamation costs in this permit area. This bond amount is sufficient to perform the required work for the worst-case reclamation condition in the permit area. This bond will be maintained during the ensuing five-year renewal term.

## **Liability Insurance Narrative**

A Certificate of Liability Insurance has been provided to the Public Service Commission for the Beulah Mine and will be maintained during the ensuing five-year renewal term.

# DAKOTA WESTMORELAND CORPORATION

Mine: Beulah Mine  
Permit Number: KRSB-8603  
Revision No.: 24  
Submittal Date: March 30, 2011

## Revision Summary

Revision No. 24 updates the permit to reflect changes during the previous permit term and to address several administrative changes required as a result of the Public Service Commission's pre-renewal review of the permit. The legal and financial sections, general operations and reclamation plans are being updated with this permit revision. Renewal No. 5 is submitted in conjunction with Revision No. 24 to renew the permit term from August 7, 2011 through August 7, 2016.

## Listing of Revised Information

<u>Section</u>	<u>Revised Information and Instructions</u>
1.2	Revised page 1.2.4
1.4	Revised pages 1.4.1 thru 1.4.17 and 1.4.23 and Exhibit 1.4.2
1.5	Revised pages 1.5.1 through 1.5.6
2.3	Revised Exhibit 2.3.7
2.9	Added new Exhibit 2.9.15
3.1	Revised entire narrative 3.1 and Exhibits 3.1.1, 3.1.2, 3.1.3 and 3.1.6
3.2	Revised Exhibit 3.2.1
3.5	Revised pages 3.5.7 – 3.5.12 and Exhibits 3.5.1a, 3.5.1b, 3.5.2a, 3.5.2b, 3.5.3, 3.5.4a, and 3.5.4.b
3.8	Revised entire narrative And Exhibit 3.8.2