



# Public Service Commission

## State of North Dakota

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April 13, 2011

Mr. Jeff P. Frohlich  
Manager, Engineering and Environmental  
Dakota Westmoreland Corporation  
Beulah Mine  
P.O. Box 39  
Beulah, ND 58523-0039

Dear Mr. Frohlich:

The Reclamation Division has conducted a completeness review of the applications for Renewal No. 5 and Revision No. 24 to Surface Coal Mining Permit KRSB-8603 at the Beulah Mine. The following items must be adequately addressed before the applications can be deemed complete.

### **Renewal Application**

1. Please revise the Renewal Request Narrative to state that the renewal will allow for the continuation of mining and reclamation activities until August 7, 2016 rather than "during the period commencing August 7, 2001". (GAW & BEB)

### **Revision Application**

2. Please revise the Revision Summary description to clarify that Revision 24 updates the permit to reflect changes for the next 5-year permit term rather than to reflect changes during the previous permit term. In addition, please include details regarding the changes being proposed with this revision rather than simply stating that changes to some of the main sections of the permit are being made in response to a pre-renewal review. The description should be specific regarding the changes proposed with Revision 24. (GAW)
3. As required by NDAC 69-05.2-11-02-1(c), please revise the Revision Summary description to state that the revision "... identifies the coal removal subarea that will be mined during the next 5-year permit term". (WTG & GAW)

### **Newspaper Advertisement Text**

4. Please insert the word "Coal" in the second line of the advertisement title so that the title reads as follows: "Notice of Application for Revision and Renewal to a Surface Coal Mine

Permit”. Please insert the word “Coal” in the first paragraph as well so that the ending of the first paragraph reads as follows: “... for Revision No. 24 and Renewal No. 5 to Surface Coal Mining Permit KRSB-8603”. (WTG)

5. As required by NDAC 69-05.2-11-02-1(c), please revise the revision updates in the third paragraph of the advertisement to state that Revision 24 “... identifies the coal removal subarea that will be mined during the next 5-year permit term”. (WTG & GAW)
6. As required by NDAC 69-05.2-10-01-1(c), please add the Public Service Commission address (600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480) to the fifth paragraph of the advertisement. (WTG)
7. A sentence in the fifth paragraph of the advertisement incorrectly states that land is proposed to be added to the permit with this revision. Please remove this incorrect statement from the advertisement. (GAW & MDB)
8. The advertisement lists Faye L. Keogh Trust as the surface owner in the S½ of Section 15, but it lists Faye Keogh Revocable Trust as the surface owner in the S½ of Section 17. Exhibit 1.4.1 - Surface and Coal Ownership Map, lists the surface owner as F. Keogh Trust and Keogh Trust. Please use the correct surface owner name consistently in the advertisement and the corresponding sections of the permit. (MDB)
9. It appears that the tab indentation for the Coal Owner(s) column in the advertisement has incorrectly repositioned the second and following names of coal owners into the Surface Owner(s) column for coal owners in the S½ of Section 17, the N½ of Section 17, and the N½ of Section 19. These incorrectly repositioned names are indented under the first surface owner name(s). It appears, however, that coal owners in the advertisement and coal owners listed on page 1.4.14 and on Exhibit 1.4.1 - Surface and Coal Ownership Map, would coincide if the tab indentation was corrected for the parcels listed above. Please review and correct as necessary. (WTG, GAW, & MDB)
10. The Surface and Coal Ownership Map, Exhibit 1.4.1, shows that the Coyote Partners own the NW¼ of Section 15 and that Coyote Partners and DWC own the NE¼ of Section 15. However, the public notice indicates that both the Coyote Partners and DWC are the surface owners of all of the N½ of Section 15. Please review and correct as necessary. (GAW)

### **Newspaper Advertisement Map**

11. As required by NDAC 69-05.2-10-01-1(b)(1), please adjust the map scale (zoom out) sufficiently to depict and label the following additional information on the newspaper advertisement map that will allow local residents to readily identify the permit area: ND Highway 49; the Coyote Station power plant; the Knife River (currently labeled but the stream line weight should be increased to make it visible); Brush Creek (currently labeled but the stream line weight should be increased to make it visible); Coyote Creek; Rose Hill Cemetery; and direction and distance to Beulah on ND Highway 49 indicated with an arrow originating from a point near Rose Hill Cemetery. (WTG, MDB, GAW, & BEB)

12. As required by NDAC 69-05.2-10-01-1(b)(2), please specifically label "Permit KRSB-8603" within the permit boundary, improve the legibility of section numbers that are obscured by the permit boundary or the fill pattern, and enlarge the township, range, and county labels so that they will be legible in the publication. (BEB & GAW)
13. As required by NDAC 69-05.2-10-01-1(b)(3), please enlarge the north arrow so that it will be legible in the publication. (BEB & GAW)

### **Section 3.1 - General Mining Plan**

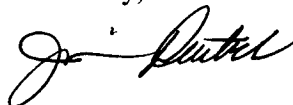
14. Please update Exhibits 3.1.1, Extended Mine Plan and 5-Year Subareas, and 3.1.2, Pit Layout and Facilities Map, to identify the coal removal subarea that will be mined during the next 5-year permit term ending in August 2016. Mining is presently depicted only through 2015 on Exhibit 3.1.1.; however, portions of the coal removal subarea within the existing permit boundary that will be mined during the next 5-year permit term ending in August 2016 must be identified on the Extended Mine Plan and 5-Year Subareas Map. The coal removal subarea that will be mined during the next 5-year permit term ending in August 2016 must also be identified on Exhibit 3.1.2, but only within the permit boundary in Sections 20, 21, and 22. (It should be noted that the titles of Exhibits 3.1.1 and 3.1.2 are reversed since the extended mine plan areas are only depicted on Exhibit 3.1.2.) (MDB & GAW)

### **Section 3.5 - Backfilling and Grading**

15. It appears that portions of the SE $\frac{1}{4}$  of Section 20 and the SW $\frac{1}{4}$  of Section 21 do not have post-mining topography developed for mining planned in 2015 and 2016. Please review and update Exhibits 3.5.3 – Post-Mining Topography, 3.5.4a – Pre-Mine Slope Contours, and 3.5.4b – Post-Mine Slope Contours, to reflect mining in these areas of the permit during the next permit term. (MDB & GAW)

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch  
Director  
Reclamation Division