APPLICATION FOR REVISION OF PERMIT TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION OPERATIONS

PUBLIC SERVICE COMMISSION
RECLAMATION DIVISION
SFN 10562 (Rev. 12-99)

RECEIVED
FEB - 1 2013
33560

Date
January 31, 2013

Name of Company, Corporation, Partnership, or Individual	Permit Number	Revision Number	
Dakota Westmoreland Corporation	KRSB-8603	27	
Address	**City**	**State**	**Zip Code**
PO Box 39	Beulah	ND	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. 27 adds 892.2 acres to the existing permit area for a total of 3558.3 acres for coal excavation and mining and associated disturbance activities in support thereof. A detailed summary of the revised narratives and exhibits is attached to this application form.

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 ADDRESS	892.2	20, 21 22, 23	143N.	88W	Mercer
TOTAL ACRES	892.2				

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 $ 8922.00, is included with the revision application.

Name of Official Authorized to Represent the Applicant
Brent N. Winkelman, Controller

I, the above named, certify that:

1. 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;

2. Information and documentation contained in the permit application affirmatively demonstrate that:

   a. 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;

   b. 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;

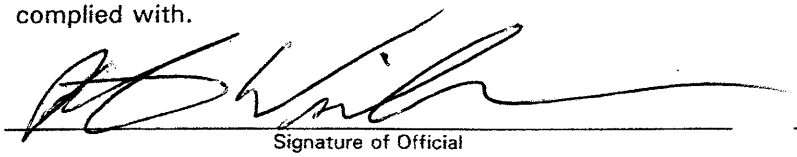
d. The area proposed to be affected is not included within an area designated unsuitable for all or certain types of surface coal mining and is not within an area under study for such designation in an administrative proceeding;

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.



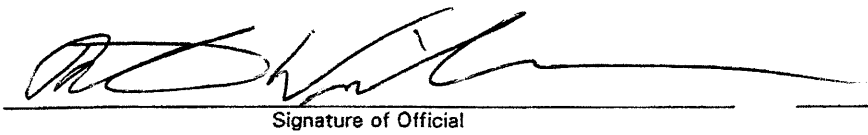
Signature of Official

Controller

Title

VERIFICATION

I, *Brent N. Winkelman*, 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.

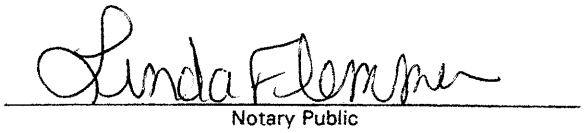


Signature of Official

Controller

Title

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



Notary Public

(SEAL)

LINDA FLEMMER
Notary Public
State of North Dakota
My Commission Expires Oct. 30, 2013

DAKOTA WESTMORELAND CORPORATION

Mine: Beulah Mine
Permit Number: KRSB-8603
Revision No.: 27
Submittal Date: January 31, 2013

Revision Narrative

Revision No. 27 adds 892.2 acres to permit KRSB-8603 for future mining in the Iron, Gold and Silver pit locations

Listing of Revised Information

Volume	Section	Revised Information and Instructions
TOC	TOC	Updated to reflect all additions for Revision 22.
1	1.1	Add Revision Forms
1	1.3	Updated metes & bounds description Updated Exhibit 1.3.1 with new permit area
1	1.4	Updated Narrative 1.4 new permit information Updated Exhibit 1.4.1 with permit area & and landowners Updated Exhibit 1.4.2 with new leases Updated Exhibit 1.4.3 with Notices of Intent to Mine
1	1.5	Updated the violation history
2	2.1	Updated narrative with current geologic information Updated Exhibit 2.1.1 with new geophysical logs Updated Exhibit 2.1.2 with new lithologic logs Updated Exhibit 2.1.3 with new test hole analyses. Updated Exhibit 2.1.4 with new drill hole coal analyses Updated Exhibit 2.1.5a with new Silver/Iron pit cross sections Updated Exhibit 2.1.5b with new Gold pit cross sections Updated Exhibit 2.1.6 to include new permit area Updated Exhibit 2.1.7 with drill holes and cross sections Updated Exhibit 2.1.8 to include new permit area
2	2.2	Updated Narrative 2.2 with new permit information Updated Exhibit 2.2.7 with new ponds Updated Exhibit 2.2.9 with new analyses.
2	2.3	Updated Narrative 2.3 with new permit information Updated Exhibit 2.3.1 with new wells Updated Exhibit 2.3.2 with new wells Updated Exhibit 2.3.3 with new wells Updated Exhibit 2.3.4 with new wells

		Updated Exhibit 2.3.5 with new data Updated Exhibit 2.3.6 with new data Updated Exhibit 2.3.7 to include new permit area Updated Exhibit 2.3.10 with new wells
2	2.4	Updated narrative with new permit information Updated Exhibit 2.4.7 to include new permit area Replaced information in Exhibit 2.4.9 with soil survey Added Exhibit 2.4.10, 2010 Soil Survey Added Exhibit 2.4.11, updating infor formerly in Exhibit 2.4.9
2	2.5	Updated narrative with new permit information Updated Exhibit 2.5.1a to include new permit area Updated Exhibit 2.5.4a to include new permit area
2	2.6	Updated narrative with new permit information Updated Exhibit 2.6.1 with additional species Updated Exhibit 2.6.2 with ecological site descriptions Updated Exhibit 2.6.3 with similarity index ratings Updated Exhibit 2.6.9 to include new permit area Updated Exhibit 2.6.11 with new map unit information Updated Exhibit 2.6.12a with new species Updated Exhibit 2.6.12b with new wetland delineations Updated Exhibit 2.6.13 with ecological site data Updated Exhibit 2.6.14 with new information Updated Exhibit 2.6.16 with woody species information
2	2.7	Updated narrative with new permit information Updated Exhibit 2.7.1 to include new permit area Updated Exhibit 2.7.2 with new preference statement Added Exhibit 2.7.3 for alternative postmining land uses
2	2.9	Updated Exhibit 2.9.15 with AVF study summary
2	2.10	Added Exhibit 2.10.11 to include new cultural studies Added Exhibit 2.10.12 to include new cultural studies
3	3.1	Updated Narrative 3.1 with new permit information Updated Exhibit 3.1.1 to include new mine plan Updated Exhibit 3.1.2 to include new permit information Updated Exhibit 3.1.3 to include new permit area Updated Exhibit 3.1.6 to include new permit information Updated Exhibit 3.1.8 to include new haulroad
3	3.2	Updated Narrative 3.2 with new permit information Updated Exhibit 3.2.1 with new pond information Updated Exhibit 3.2.29 to include wetland location in title block Updated Exhibit 3.2.38 with new diversion ditch information Added Exhibit 3.2.42 & table for pond 103 Added Exhibit 3.2.43 for diversion ditch 103E Added Exhibit 3.2.44 & table for pond 104 Added Exhibit 3.2.45 for diversion ditch 104W Added Exhibit 3.2.46 & table for pond 105 Added Exhibit 3.2.47 for diversion ditch 105N Added Exhibit 3.2.48 & table for pond 106 Added Exhibit 3.2.49 for diversion ditch 106E & 106W

		Added Exhibit 3.2.50 & table for pond 107 Added Exhibit 3.2.51 for diversion ditch 107N & 107S Added Exhibit 3.2.52 & table for pond 108 Added Exhibit 3.2.53 for diversion ditch 108E & 108W Added Exhibit 3.2.54 for mitigation wetlands Added Exhibit 3.2.55 for mitigation wetlands Added Exhibit 3.2.56 for mitigation wetlands Added Exhibit 3.2.57 for conservation wetlands
3	3.3	Updated Exhibit 3.3.1 to include new permit area
3	3.4	Updated narrative with new permit information Updated Exhibit 3.4.1 to include new permit area
3	3.5	Updated Narrative 3.5 with new permit information Updated Exhibit 3.5.1a with new cross sections Updated Exhibit 3.5.1b with new cross sections Updated Exhibit 3.5.2a with new cross sections Updated Exhibit 3.5.2b with new cross sections Added Exhibit 3.5.2c with new iron pit cross sections Updated Exhibit 3.5.3 with new post-mining topography Updated Exhibit 3.5.4a to include new permit area Updated Exhibit 3.5.4b to include new permit area
3	3.7	Updated narrative with new permit information Updated Exhibit 3.7.2 with new soil series Updated Exhibit 3.7.3 with revised data for standards Updated Exhibit 3.7.4 with revised production data
3	3.8	Updated Narrative 3.8 with new permit information Updated Exhibit 3.8.2 with new special variance zones
3	3.9	Updated Narrative 3.9 with new permit information Updated Exhibit 3.9.1 with new cross sections Updated Exhibit 3.9.2 with new permit information

NOTICE OF APPLICATION

FOR REVISION TO A SURFACE MINE PERMIT

Please take notice that Dakota Westmoreland Corporation, PO Box 39, Beulah, North Dakota 58523, has made application to the North Dakota Public Service Commission for Revision No. 27 to Surface Mining Permit KRSB-8603. Revision No. 27 adds 892.2 acres in Sections 20, 21, 22 and 23, T.143N., R.88W, Mercer County, to the existing permit area for a total of 3558.3 acres for coal excavation and mining and associated disturbance activities in support thereof.

The permit area is located in Sections 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23, T.143N., R.88W., Mercer County, North Dakota. This area is contained on the United States geological survey map named Medicine Butte, N.E., North Dakota. The precise location and boundaries of the permit area are depicted on the accompanying map.

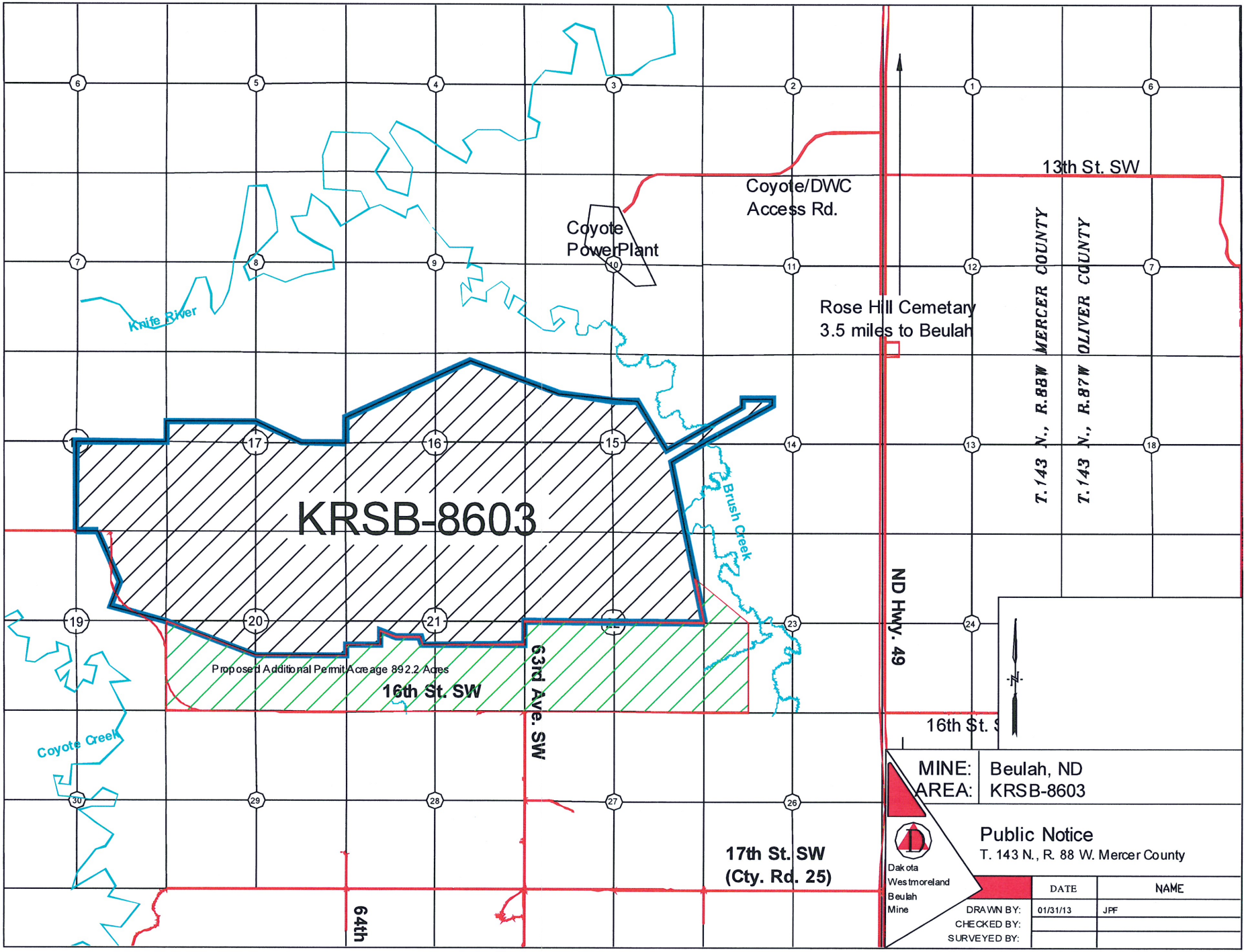
This application is on file in the Office of the Director, Reclamation Division, Public Service Commission, State Capitol, Bismarck, North Dakota and the Office of the County Auditor, Mercer County, Stanton, North Dakota. It may be viewed at these locations during normal working hours.

Written comments, objections, requests for an informal conference or a petition to designate an area as unsuitable for surface coal mining operation that is within the area proposed to be added to the permit may be submitted by any person with an interest which is or may be adversely affected to the North Dakota Public Service Commission within 30 days of the last publication of this notice. Any request for an informal conference must include the reasons for the request.

The legal description and names of the apparent surface and mineral owners of the land included within the area to be added to the permit area is as follows:

T.143N., R88W., Mercer County

LOCATION	SURFACE OWNER(S)	COAL OWNER(S)
N½S½, Sec. 20	Dakota Westmoreland Corporation	United States of America
S½S½, Sec. 20	Dakota Westmoreland Corporation	Dakota Westmoreland State of North Dakota
S½, Sec.21	Wilfred Fetch Angeline Braun Cary Unterseher	Wilfred Fetch Angeline Braun Cary Unterseher
SE¼, Sec. 22	Vergene Christianson	United States of America
E½SW¼, Sec. 22	Ron Gunsch	United States of America
W½SW¼, Sec. 22	Rita Schmidt Bonnita Schmidt Debra (Schmidt) Hoerer Darla (Schmidt) Ratzak Gene Schmidt Candida (Schmidt) Rhoades	United States of America
NW¼, Sec. 23	Terence Schmidt	Terence Schmidt Tammy Schmidt
SW¼, Sec. 23	Terence Schmidt	Terence Schmidt Eugene Weigel


KRSB-8603
Proposed Additional Permit Acreage 892.2 Acres
Coyote/DWC
Access Rd.
Coyote
PowerPlant
13th St. SW
Rose Hill Cemetary
3.5 miles to Beulah
Knife River
Brush Creek
Coyote Creek
ND Hwy. 49
63rd Ave. SW
16th St. SW
17th St. SW
(Cty. Rd. 25)
64th
T.143 N., R.88W MERCER COUNTY
T.143 N., R.87W OLIVER COUNTY
MINE: Beulah, ND
AREA: KRSB-8603
Public Notice
T. 143 N., R. 88 W. Mercer County
Dakota
Westmoreland
Beulah
Mine
DATE
NAME
DRAWN BY: 01/31/13 JPF
CHECKED BY:
SURVEYED BY: