



# Public Service Commission

## State of North Dakota

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May 14, 2013

Mr. Bob Postle, Chief  
Program Support Division  
Western Regional Coordinating Center  
Office of Surface Mining  
PO Box 46667  
Denver, CO 80202-5733

Dear Mr. Postle:

Enclosed is a copy of a DVD containing the application for Revision No. 27 to Surface Coal Mining Permit KRSB-8603 for the Beulah Mine that has been submitted by Dakota Westmoreland Corporation (DWC). This revision proposes to add 892.2 acres to the existing permit area. These lands are located in the southern portions of Sections 20, 21 and 22, T143N, R88W, Mercer County. Coal removal will occur from portions of the additional area and other areas will be used for associated disturbances. The acreage being permitted with this revision will extend mining southward in the Silver Pit Mine Area and southeastward in the Gold Pit Mine Area. This revision application updates all legal and pre-mine environmental resource information and operations and reclamation plans to reflect the areas being added to the permit.

The areas being added to the permit include portions or all of four tracts with Federal coal, portions of the N $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$  and NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 20, T143W, R88W, and the S $\frac{1}{2}$  of Section 22, T143W, R88W, which total about 390 acres. DWC currently holds Lease No. NDM 041765 for the three Federal tracts located in Section 20 (about 70 acres which are being added with Revision 27) and BLM is currently processing a lease modification to add the S $\frac{1}{2}$  of Section 22 (320 acres) to that lease. It is our understanding that mining plans for the S $\frac{1}{2}$  of Section 20 are also included in a revised Resource Recovery and Protection Plan that DWC has submitted to BLM. DWC estimates that approximately 1.6 million tons of additional Federal coal from less than 150 acres will be mined from the Federal lands as proposed by the mining plans submitted with Revision 27 to Permit KRSB-8603. We have been informed by BLM that an Environmental Assessment has been prepared for the Federal coal lease modification and that an Environmental Impact Statement (EIS) will not be required.

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Since BLM is not requiring an EIS for the lease modification, it is our understanding that a new Federal Mining Plan or a Mining Plan Modification may not be required for mining the additional Federal coal as proposed by DWC with Revision 27 to Permit KRSB-8603. We would appreciate receiving a definitive written determination from OSM on whether or not this revision will require Mine Plan approval by the Department of the Interior.

Please note the enclosed DVD contains information for the entire area contained in Permit KRSB-8603, including areas that were previously permitted and mined. Also, please note that we have conducted a completeness review of the application for Revision 27 to Permit KRSB-8603 and we are currently awaiting a response to that letter.

Please contact me if you have any questions or need more information.

Sincerely,



James R. Deutsch  
Director  
Reclamation Division

Enclosure

cc: Gene Hay  
Jeff Fleischman  
Phillip Perlewitz  
Jeff Frohlich