



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
Western Region Office
1999 Broadway, Suite 3320
Denver, CO 80202-3050



March 31, 2014

James R. Deutsch, Director
Reclamation Division
Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480

RE: Dakota Westmoreland Corporation's Beulah Mine Permit KRSB-8603 Revision 27,
Federal Lease NDM 041765

This letter is in response to your letter dated March 14, 2014, regarding whether or not a mining plan approval is needed for Revision 27. The proposed revision will add approximately 390 acres of federally leased coal which contains approximately 126 acres of recoverable coal. As you stated the current approved permit (KRSB-8603) contains 2,666 acres with about 494 acres of leased Federal coal that is recoverable. Revision 27 proposes to add 126 acres of recoverable Federal coal. This proposed added acreage constitutes over a 25 percent increase in the amount of coal to be mined. The Federal regulation at 30 CFR 746.18(d) states the following:

Permit revisions constitute mining plan modifications if they meet any of the following criteria: (3) Any change in the amount of coal to be mined, except where the amount of coal to be mined is the result of (i) A minor change in the amount of coal actually available for mining from the amount estimated; or (ii) an incidental boundary revision.

The Office of Surface Mining Reclamation and Enforcement's Western Region office has determined that Revision 27 does not meet either of the criteria for exemption from requiring a mining plan approval as stated above. Therefore, a mining plan modification requiring approval by the Secretary of the Interior is necessary.

If you have any questions, please contact Eugene Hay by telephone at 303-293-5036 or by email at ghay@osmre.gov.

Sincerely,

Elaine Ramsey, Manager
Field Operations Branch