

July 13, 2015

Mr. James R. Deutsch  
Director, Reclamation Division  
Public Service Commission  
600 E Boulevard Ave, Dept 408  
Bismarck, ND 58505-0480

Dear Mr. Deutsch:

Re: Revision No. 30 and Renewal No. 5  
KRSB-8802

The following are narrative responses to the Commission's completeness review letter of July 2 for the applications for Revision No. 30 and Renewal No. 5.

**Newspaper Notice**

1. As required by NDAC 69-05.2-10-01(1)(c), please revise the fifth paragraph of newspaper notice as follows: "*Any persons with an interest which is or may be adversely affected may file written comments, objections, or request an informal conference on the **revision and renewal applications** with the North Dakota Public Service Commission, **600 East Boulevard, Dept. 408 Bismarck, ND 58505-0480** within 30 days of the last publication of this notice. Please add the following statement to the end of this paragraph "Any request for an informal conference must include the reasons for the request."* NDAC 69-05.2-10-02(1)(a) (WTG\ZAB)
  - The narrative has been corrected as requested.
2. Please remove the following sentence from the second paragraph of the newspaper notice. *This revision also addresses several administrative changes required as a result of the Public Service Commission's pre-renewal review of the permit. (ZAB)*
  - The aforementioned sentence has been deleted from the third paragraph of the narrative.
3. In the newspaper notice, please remove Rose Heth from the list of surface and coal owners for the NE1/4 of Section 19, Oliver County, T143N, R87W, to be consistent with the ownership listed in the permit. (ZAB)
  - Rose Heth has been removed from the list of surface and coal owners.



4. As required by NDAC 69-05.2-10-01(1)(b), please revise the newspaper notice map to label Highway 49 as ND Highway 49 rather than US Highway 49. (WTG/BEB)

➤ The newspaper notice map has been revised as requested.

5. As required by NDAC 69-05.2-10-01(1)(b), please increase the font size of the county and township-range boundary labels to match that of the font for labels used for 13th and 16 Street SW on the newspaper notice map. The font used for existing county and township-range boundaries was also used for the Revision No. 29 newspaper notice map and it was difficult to read as published in the Bismarck Tribune in July and August of 2014. (WTG/ZAB)

➤ The font size has been changed as requested.

Enclosed is the revised public notice narrative and accompanying map.

If you need additional information, please call me at extension 3926 or Jeff Frohlich, extension 3908.

Sincerely,

Paula Koble Gores  
Permit Coordinator

/s/  
Encl/

**NOTICE OF APPLICATION  
FOR REVISION AND RENEWAL 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. 30 and Renewal No. 5 for permit KRSB-8802 at its Beulah Mine.

KRSB-8802 is located in Sections 10, 11, 12, 13, 14, 15 and 24, T.143N., R.88W., Mercer County, ND and Sections 7, 8, 17, 18, 19 and 20, T.143N., R.87W., Oliver County, ND. The precise location and boundary of the land included is depicted on the accompanying map.

Permit KRSB-8802 encompasses 4,905.9 acres for coal excavation, mining and associated disturbance activities in support thereof. Coal removal has been completed from this permit area but final reclamation of portions of the permit area remains to be completed. A number of facilities (shop/office, coal dump, haulroads, etc) are also being used to support mining in another permit area. Revision No. 30 updates the current permit to reflect changes necessary for the next permit term including updates to the legal and financial sections, general operations and reclamation plans. Renewal No. 5 will allow mining and reclamation activities to continue during the next five-year permit term ending October 23, 2020.

Dakota Westmoreland Corporation's application is on file in the Office of the Director, Reclamation Division, Public Service Commission, State Capitol, Bismarck, North Dakota, and in the Office of the County Auditor, Mercer County, Stanton, and Oliver County, Center, North Dakota. This application is available for public inspection therein during normal business hours.

Any persons with an interest which is or may be adversely affected may file written comments, objections, or request an informal conference on the revision and renewal applications with the North Dakota Public Service Commission, 600 East Boulevard, Dept. 408, Bismarck ND 58505-0480, 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 subsurface mineral owners of land included within the area applied for are as follows:

**Mercer County, T.143N., R.88W.**

| <u>SECTION</u> | <u>LOCATION</u> | <u>SURFACE OWNER(S)</u>  | <u>COAL OWNER(S)</u>   |
|----------------|-----------------|--|--|
| 10             | E1/2E1/2        | Otter Tail Power Co.<br>Northern Municipal Power Agcy.<br>Montana-Dakota Utilities Co.<br>Northwestern Energy<br>Dakota Westmoreland Corp. | State of North Dakota<br>and the USA   |
| 11             | W1/2            | Otter Tail Power Co.<br>Northern Municipal Power Agcy.<br>Montana-Dakota Utilities Co.<br>Northwestern Energy<br>Dakota Westmoreland Corp. | Glenn & Beatrice Murray<br>Gary Murray<br>Phyllis O'Neil<br>Armon & Peggy Jo Wolff<br>Family Mineral Trust |
| 11             | NE1/4           | Otter Tail Power Co.<br>Northern Municipal Power Agcy.<br>Montana-Dakota Utilities Co.<br>Northwestern Energy                              | Glenn & Beatrice Murray<br>Gary Murray<br>Phyllis O'Neil<br>Armon & Peggy Jo Wolff<br>Family Mineral Trust |

|    |                     |  |  |
|----|---------------------|--|--|
| 11 | SE1/4               | Dakota Westmoreland Corp.<br>Otter Tail Power Co.<br>Northern Municipal Power Agcy.<br>Montana-Dakota Utilities Co.<br>Northwestern Energy | Henry G. Grishkowsky<br>Delmar N. Grishkowsky<br>Eldon Grishkowsky           |
| 12 | NW1/4               | Allegra & Leroy Boeckel  | Allegra Boeckel,<br>George J. Jr. and<br>Margaret Permann                    |
| 12 | SE1/4               | Abbey Family Partnership   | Abbey Family Partnership<br>State of North Dakota                            |
| 12 | SW1/4               | Otter Tail Power Co.<br>Northern Municipal Power Agcy.<br>Montana-Dakota Utilities Co.<br>Northwestern Energy<br>Dakota Westmoreland Corp. | Abbey Family Partnership<br>State of North Dakota                            |
| 13 | NW1/4               | Darell Herman  | Abbey Family Partnership   |
| 13 | NE1/4               | Darell Herman  | Bertha, Faith & Faye LLC   |
| 13 | N1/2SE1/4           | Darell Herman  | Bertha, Faith & Faye LLC   |
| 13 | SW1/4,<br>S1/2SE1/4 | Darell Herman  | Darell Herman, Karen Heth<br>Mary Margaret Wolf<br>Marleen T. Schnaidt       |
| 14 | N1/2                | Otter Tail Power Co.<br>Northern Municipal Power Agcy.<br>Montana-Dakota Utilities Co.<br>Northwestern Energy<br>Dakota Westmoreland Corp. | USA  |
| 14 | SE1/4               | Jonathan W.A. Liebelt Estate   | Jonathan W.A. Liebelt Estate   |
| 15 | NE1/4               | Otter Tail Power Co.<br>Northern Municipal Power Agcy.<br>Montana-Dakota Utilities Co.<br>Northwestern Energy<br>Dakota Westmoreland Corp. | Robert A. Keogh<br>Priscilla A. Keogh<br>Faye L. Keogh<br>Claire C. Schwalbe |
| 24 | NE1/4               | Bertha, Faith & Faye LLC   | Bertha Orth<br>Bertha, Faith & Faye LLC                                      |
| 24 | NW1/4               | Jonathan W.A. Liebelt Estate   | USA  |
| 24 | S1/2                | Bertha, Faith & Faye LLC   | USA  |

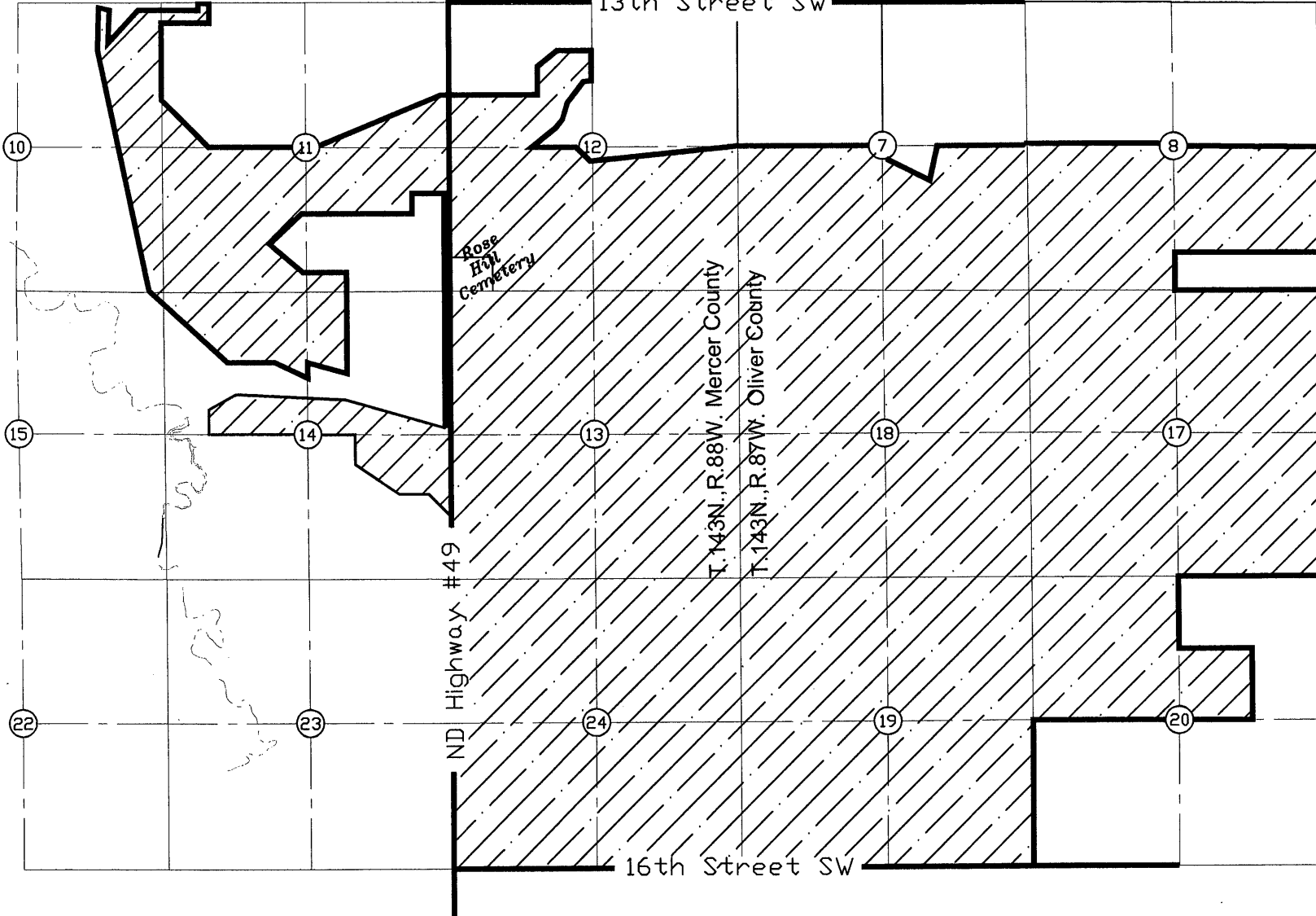
**Oliver County, T.143N., R.87W.**

| <u>SECTION</u> | <u>LOCATION</u>      | <u>SURFACE OWNER(S)</u>   | <u>COAL OWNER(S)</u>  |
|----------------|----------------------|---|---|
| 7              | S1/2                 | Dennis Neuberger  | Alice Neuberger, Dennis Neuberger, Dale Neuberger, Audrey Cody, Marvell McMains   |
| 8              | SW1/4                | Ken Neuberger   | Marion McKinney Baird   |
| 8              | SE1/4                | Elmer N. Neuberger  | USA   |
| 17             | SW1/4                | William & Miles Heth  | William & Miles Heth  |
| 17             | SE1/4                | William & Miles Heth  | William & Miles Heth  |
| 17             | N1/2                 | Dakota Westmoreland Corp.   | Daryl E. Zimmerman, Kristjan Melsted, Margery Trenbeath, Laura Bailey Waldemar Melsted, Alfred Kristjanson, Esther Syrup, Margaret Blumhardt, Emily Gundmundson, Ed L. Hurley George Kristjanson, Evelyn Hjalmarson, Joyce Perila, Joe A. Kristjanson, Rosalyn Bruhschwein, Marcella Erickson, Melvin Kristjanson Ruth Melstad, Marino S. Melstad, Elin Mathewson |
| 18             | NW1/4                | Leland Erickson,<br>Michael C. Bergquist<br>Gerald Bergquist                                      | Leland Erickson<br>Michael C. Bergquist<br>Gerald Bergquist   |
| 18             | NE1/4                | E. Wayne Boland, Delvin Reich, Joseph Edward Reich<br>Stephanie Ann Keltner<br>Jack Patrick Reich | E. Wayne Boland, Delvin Reich, Joseph Edward Reich<br>Stephanie Ann Keltner<br>Jack Patrick Reich   |
| 18             | SW1/4                | Bertha, Faith & Faye LLC  | Bertha Orth<br>Bertha, Faith & Faye LLC   |
| 18             | SE1/4                | Jerome & Jane Boeshans  | Esther Koehler,<br>E. Wayne Boland, Delvin Reich, Joseph Edward Reich,<br>Stephanie Ann Keltner,<br>Jack Patrick Reich  |
| 19             | NE1/4                | William & Miles Heth  | William & Miles Heth<br>State of North Dakota   |
| 19             | SE1/4                | William & Miles Heth  | William & Miles Heth  |
| 19             | W1/2                 | Darell Herman   | Karen A. Heth<br>Marleen T. Schnaidt<br>Mary Margaret Wolf<br>Darell J. Herman  |
| 20             | NW1/4,<br>SW1/4NE1/4 | William & Miles Heth  | USA   |

2 miles to city  
of Beulah ND

13th Street SW

Brush Creek



Drawn By: JP Frohlich 7/13/15

KRSB-8802 Permit-Renewal 5 - Revision 30 Public Notice