

## Jangula, Esther A.

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**From:** Moos, Dean K.  
**Sent:** Tuesday, July 11, 2017 4:51 PM  
**To:** Noel, Jesse  
**Cc:** Gunnerson, Bill T.; Brinkman, Zanna A.; Jangula, Esther A.  
**Subject:** Public Notice for Revision 31 to Permit KRSB-8603  
**Attachments:** Revision No. 31 to Permit KRSB-8603 Notice of Application pages 70-71 of....pdf

Jesse,

It has come to our attention that the Public Notice for Revision 31 that is currently being published (published July 4 and 11) is **not** the approved version of the Public Notice (as approved when the revision was deemed complete). It appears that the notice published to date is the original notice that was included when the revision was first submitted. Changes and modifications were subsequently made to the Public Notice in response to the first and second completeness reviews. The final approved Public Notice (with highlighted and strike-through text) is attached for your reference. This is the notice that should have been published (with the highlighting and strike-through text removed).

With the exception of the closure and relocation of County Road 12 proposed with Revision No. 31, we would likely be able to deem the published notice compliant with rule and law intent and requirements. However, the omission of the proposed county road closure in the notice and on the accompanying map clearly makes the published notice noncompliant as stated in item No. 12(d) of our March 23<sup>rd</sup> completeness review letter as follows: *“NDAC 69-05.2-10-01(1)(d) requires a description of the road segment (Mercer County Road 12) to be relocated, where the relocation is to occur, and its duration, if an applicant is seeking approval to relocate a public road. Please refer to the third and fourth paragraphs of the Revision No. 22 newspaper notice as example text for road relocation and duration that must be added to the Revision No. 31 newspaper notice.”*

Therefore, we request that the “approved version” of the Public Notice be published for four consecutive weeks in the Beulah Beacon and Bismarck Tribune. The “approved version” of the public notice can also be found on pages 70-71 of Section 1.4 submitted with the June 29, 2017 complete approved application (the June 12<sup>th</sup> version was approved). If you wish, my staff can review the notice prior to publishing to ensure the proper version is being published.

Please let me know if you have any questions.

Dean Moos

Director of Reclamation & AML Divisions  
North Dakota Public Service Commission  
701.328.4099 dmoos@nd.gov



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**NOTICE OF APPLICATION  
FOR REVISION TO A SURFACE COAL 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. 31 and to Surface Coal Mining Permit KRSB-8603. Revision No. 31 adds 320 acres in Section 29, T.143N., R.88W., Mercer County, to the existing permit area for a total of 3,878.2 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, 23 and 29, T.143N., R.88W., Mercer County, North Dakota. The precise location and boundaries of the permit area are depicted on the accompanying map.

The following section line will be permanently temporarily closed in order to conduct mining operations: The North boundary of Section 29, T.143N., R.88W, Mercer County. This public road, Mercer County Road 12, will be temporarily relocated to the West boundary of Section 29, T.143N., R.88W, Mercer County. Permit KRSB-8603 encompasses 3,878.2 acres for coal excavation, mining and associated disturbance activities in support thereof. Revision No. 31 identifies the coal removal subarea that will be mined during the next 5-year permit term, and also updates the current permit to reflect changes necessary for the next permit term including the legal and financial sections, general operations and reclamation plans.

County Road 12 will be placed back to its original pre-mining location (North boundary of sections 19 through 23, T.143N., R.88W) upon completion of final reclamation activities within permit KRSB-8603. The mining term is expected to last at least through 2021 and potentially through 2026 (or later) based on future coal contracts.

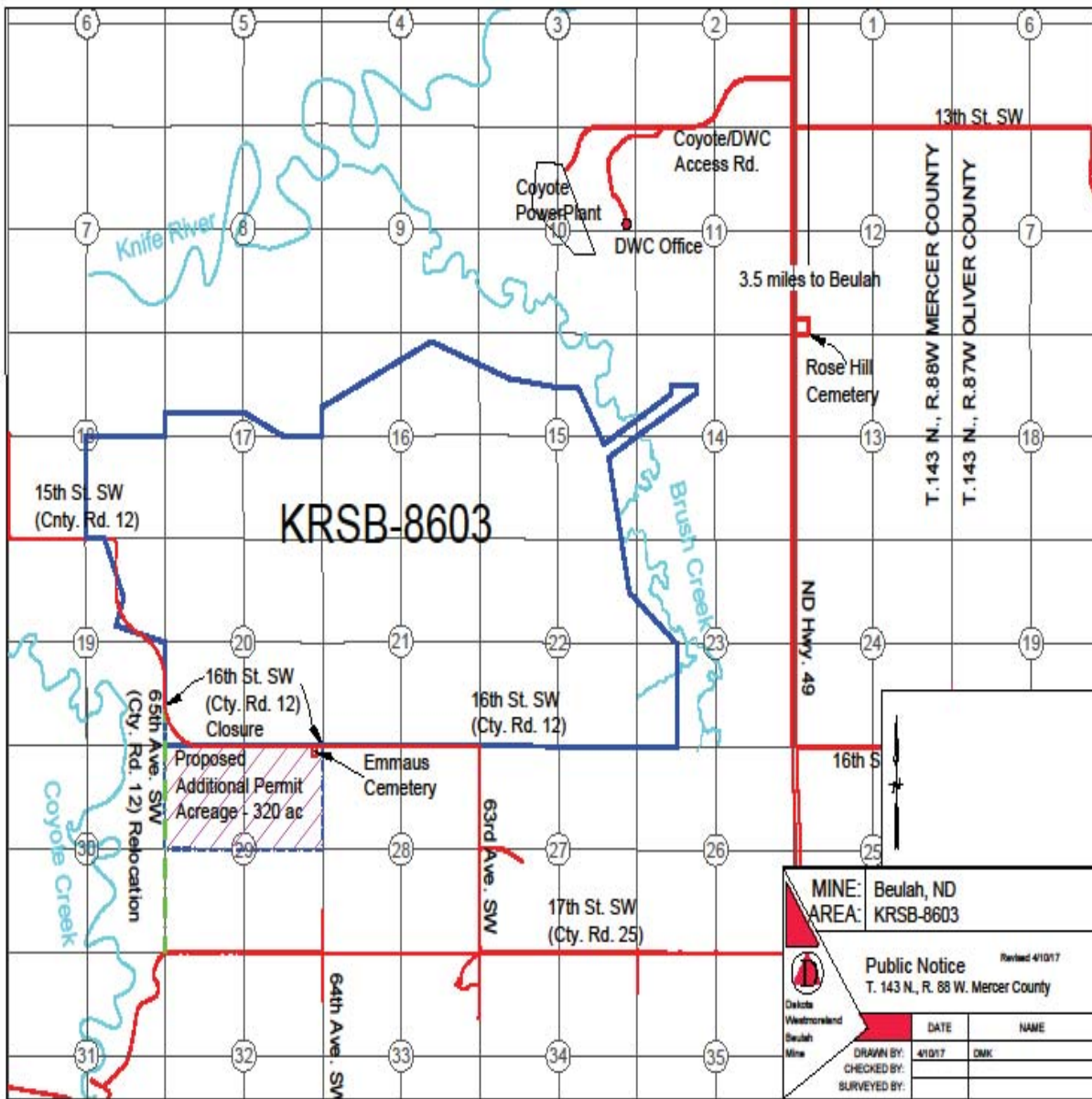
This application is on file in the Office of the Director, Reclamation Division, Public Service Commission, State Capitol, Bismarck, North Dakota and the Office of the County Auditor, Mercer County, Stanton, North Dakota. This application may be viewed at these locations during normal business hours.

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 permit area land included within the area to be added to the permit area is are as follows:

T.143N., R88W., Mercer County

<u>LOCATION</u>	<u>SURFACE OWNER(S)</u>	<u>COAL OWNER(S)</u>
N½, Sec. 29	Lyle and Patricia Winkler	Lyle and Patricia Winkler



MINE:	Beulah, ND
AREA:	KRSB-8603
Revised 4/10/17	
<b>Public Notice</b>	
T. 143 N., R. 88 W. Mercer County	
DATE	NAME
DRAWN BY: 4/10/17	DMK
CHECKED BY:	
SURVEYED BY:	