

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Dakota Westmoreland Corporation**  
**Revision No. 31, Permit KRSB-8603**  
**Approval**

**Case No. RC-17-88**

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

**February 14, 2018**

Based on the application for **Revision No. 31 to Permit Number KRSB-8603** submitted by Dakota Westmoreland Corporation (DWC) for the Beulah Mine on February 22, 2017, and as revised through January 15, 2018, and all information and documentation contained therein, the North Dakota Public Service Commission (Commission) finds that the application meets applicable requirements of Chapter 38-14.1 of the North Dakota Century Code (NDCC) and Article 69-05.2 of the North Dakota Administrative Code (NDAC). On the basis of the information set forth in the application, or from that otherwise available and known by the applicant, the Commission finds that:

**Finding No. 1. The permit revision application is accurate and complete and complies with the requirements of NDCC Chapter 38-14.1 and NDAC Article 69-05.2 [NDCC 38-14.1-21(3)(a)].**

Revision No. 31 adds 313.4 acres to Permit KRSB-8603, revises mining and reclamation plans, and updates nearly all other sections of the permit with information for the added land. With Revision No. 31 approval, Permit KRSB-8603 will total 3,871.7 acres located on the west side of North Dakota Highway 49 and about five miles southwest of Beulah. The land being added to the permit in the N½ of Section 29 (Township 143 North, Range 88 West) expands the current permit boundary's southwest corner. Coal removal is planned for about 125 acres of the added land, while most of the remaining area will be used for soil stockpiles, sedimentation ponds and related diversions, and other associated disturbances.

The applicant verified that all information included in the revision application is true and correct to the best of its knowledge. Commission staff conducted completeness and technical reviews to ensure that the required information was provided and that mining and reclamation plans meet all applicable requirements. The Reclamation Division sent completeness and technical review letters to the applicant on March 23, 2017, May 19, 2017, August 30, 2017, November 17, 2017, December 11, 2017, and January 9, 2018. Responses to each letter were reviewed and changes to the revision application were made to address the deficient items. The Commission concludes that this significant revision application is now accurate and complete. The applicant published the required notice of permit revision application in two newspapers. The Commission sent the notice of revision application receipt to surface owners of land in the permit area and that being

added to the permit area, and also to numerous local, state and federal agencies. Advisory committee members reviewed portions of the revision application and comments were received from several agencies. No objections or requests for an informal conference were received on this revision application.

**Finding No. 2. The applicant has demonstrated that reclamation as required by NDCC Chapter 38-14.1 and NDAC Article 69-05.2 can be accomplished under the reclamation plan contained in the revised permit application [NDCC 38-14.1-21(3)(b)].**

Revision No. 31 adds 313.4 acres to the permit, revises mining and reclamation plans, and updates nearly all other sections of the permit accordingly. Areas planned for disturbance will be reclaimed using procedures that have been successful in the past and satisfy the requirements of the North Dakota law and rules.

The proposed postmining topography meets the approximate original contour requirements of NDCC 38.1-14.1-24 (3) and NDAC 69-05.2-21-02. The average postmining slopes of the expanded Iron Pit area are less than that which existed prior to mining as detailed in Section 3.5 of the permit. The applicant has demonstrated that sufficient soil materials are available to meet the soil redistribution requirements of NDAC 69-05.2-15 and the revegetation requirements of NDAC 69-05.2-22. The reclaimed land will be capable of supporting the uses, or higher or better uses, that it was capable of supporting prior to mining. Native grassland (188 acres) and hayland (114 acres) are the predominant premining and postmining land uses for land being added to the permit with Revision No. 31. Native grassland and cropland are the predominant premining and postmining land uses for the entire permit area. Other premining and postmining land uses occurring in the permit area include hayland, tame pastureland, woodlands, farmsteads, roads, wetlands, and developed water resources. Although there are some acreage adjustments, all of these other premining land uses, with the exception of farmsteads, are also proposed after mining.

With regard to the reclamation schedule, DWC has requested additional variances from the contemporaneous reclamation requirements that normally require rough grading to be completed within 180 days of coal removal (NDAC 69-05.2-21-01(2)), and that all reclamation efforts through the initial seeding be completed within three years of completion of mining activities (NDCC 38-14.1-24(14)). These variance areas and the rationale for them, which are related to final pit and mine closure, are described and justified in the revision application. Variances from the 180 day grading and 3 year seeding requirements were previously granted for portions of the permit area as allowed by NDAC 69-05.2-21-01(2) and NDCC 38-14.1-24(14), and the Commission is approving the additional variances as proposed with Revision No. 31.

**Finding No. 3. Based on the assessment of the probable cumulative impact of all anticipated mining in the area, the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area [NDCC 38-14.1-21(3)(c)].**

An assessment of the probable cumulative hydrologic impact of all anticipated mining in the area has been made as required by NDCC 38-14.1-14(1)(o). The Commission finds that the proposed operation has been designed to maintain the quantity, quality, and hydrologic regime of surface and ground water systems in the area. The cumulative effects of all existing and proposed mining operations should not damage the hydrologic balance and water availability within or adjacent to the permit area. The original cumulative hydrologic impact assessment (CHIA) for Permit KRSB-8603 was completed

in July 1986 and significant updates to the CHIA were incorporated into the document in September 2005 with Revision No. 16 to the permit. Additional updates to the CHIA were completed for areas added to the permit with Revision Nos. 19, 22, and 27. The CHIA was again updated on January 19, 2018 to reflect the addition of 313.4 acres to the permit with Revision No. 31. This acreage is contiguous with, and directly south of current mining operations at the Beulah Mine.

**Finding No. 4. Land being added to the permit area is not within an area designated unsuitable for surface coal mining operations, nor within areas under study or administrative proceedings under a petition to have an area designated as unsuitable for surface coal mining operations [NDCC 38-14.1-21(3)(d)].**

None of the land being added to the permit area has been designated unsuitable for surface coal mining operations pursuant to NDCC 38-14.1-05, nor is it within an area under study or administrative proceedings under a petition to have an area designated as unsuitable for surface coal mining operations.

**Finding No. 5. The proposed mining operation will not interrupt, discontinue, or preclude farming on alluvial valley floors that are irrigated or naturally subirrigated or materially damage the quantity or quality of water in surface or underground water systems that supply these alluvial valley floors [NDCC 38-14.1-21(3)(e)].**

Based on an examination of the geologic and geomorphic characteristics, soils, vegetation, land use, irrigation potential, and the water quality and quantity of streams occurring within and adjacent to the land being added to the permit area with Revision No. 31, it has been determined (November 5, 2015 determination letter from the Reclamation Division) that no alluvial valley floors exist within or adjacent to this area. It was previously determined that Brush Creek, located east of the permit area does not meet the criteria of an alluvial floor and it was also determined that Coyote Creek, located south and west of the permit area, does not meet the criteria of an alluvial valley floor. Otter Creek and the Knife River, located east and north of the permit area respectively, were previously identified as potential alluvial valley floors; however, it was determined that DWC's mining operations will not adversely affect the availability or quality of surface and ground water in these drainage systems.

**Finding No. 6. In cases where the mineral estate has been severed from the surface estate, the applicant complied with the requirements of NDCC 38-18 [NDCC 38-14.1-21(3)(f)].**

The mineral estate remains with the surface estate for the 313.4 acres being added to the permit with Revision No. 31.

**Finding No. 7. Land being added to the permit area is not within areas subject to the prohibitions or limitations of NDCC 38-14.1-07 unless such areas meet the application review procedures of NDAC 69-05.2-04-01.1 [NDAC 69-05.2-10-03(6)(a)].**

Land being added to the permit area is:

- a. Not on any lands within the boundaries of units of the North Dakota Park System, the National Park System, the National Wildlife Refuge Systems, the National System of Trails, the National Wilderness Preservation System, the National Wild and Scenic Rivers System, including study rivers designated under Section 5(a) of the Wild and Scenic Rivers Act, and national recreation areas.

- b. Not on any federal lands within the boundaries of any national forest.
- c. Not within 300 feet of any publicly owned park or places included in the State Historic Sites Registry or the National Register of Historic Places. UNDAR-WEST and other cultural resource contractors completed several Class I and Class III inventories and cultural resource surveys of the areas being added to the permit between 1980 and 2014. A Class III Cultural Resource Inventory was conducted in 2008, which identified and inventoried the historic Emmaus Cemetery (32ME2323) located in the NE $\frac{1}{4}$  of Section 29; however, the Revision No. 31 permit boundary excludes this 6.6-acre tract from the permit area and it will not be disturbed. In 2010, another Class III Cultural Resource Inventory was completed for remaining areas in the N $\frac{1}{2}$  of Section 29 that are being added to the permit with Revision No. 31. Five prehistoric cultural resource sites were identified within the addition area. One previously identified site (32MEX691) was deemed 'insignificant' in terms of National Register Criteria by the North Dakota State Historic Preservation Officer (SHPO). One site (32ME2343) was deemed potentially significant by the SHPO and was further evaluated by a professional archeological contractor and deemed insignificant with written concurrence from SHPO. The remaining three prehistoric sites deemed potentially significant (32ME2344, 32ME2345, and 32ME2346) will not be affected by mining activities and will be avoided. The applicant has also committed to informing the proper authorities in the event that any previously unrecorded archeological, cultural, or historic materials are discovered.
- d. Within 100 feet of the outside right-of-way line of Mercer County Road 12 where mining is proposed through the section line common to Section 20 and Section 29 T143N, R88W, following Revision No. 31 approval. As required by NDAC 69-05.2-10-01(1)(d), DWC included the following statement in the newspaper notice for the Revision No. 31 application required by NDCC 38-14.1-18(1): *"The following section line will be 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. 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."* The newspaper notice map also illustrated the Mercer County Road 12 temporary relocation route. DWC petitioned the Mercer County Commission to temporarily close the section line common to Section 20 and Section 29, T143N, R88W, and to temporarily open the section line common to Section 29 and Section 30, T143N, R88W for the purpose of conducting surface coal mining and reclamation operations. A hearing for the petitions was held on June 7, 2017 following notice of hearing publication. The Mercer County Commission approved temporary closure of the section line common to Section 20 and Section 29, T143N, R88W, on June 7, 2017 but apparently did not act on the petition to temporarily open the section line common to Section 29 and Section 30, T143N, R88W. Nor does it appear that the order for temporary closure of the section line common to Section 20 and Section 29, T143N, R88W is predicated on, or simultaneous with, temporarily opening the Mercer County Road 12 relocation route on the section line common to Section 29 and Section 30, T143N, R88W. Special Condition No. 1 is attached to the Revision No. 31 application approval to protect interests of the public and affected landowners by prohibiting surface coal mining operations within 100 feet of the outside right-of-way line on the north and south sides

of the section line common to Section 20 and Section 29, T143N, R88W prior to the road authority's approval of the Mercer County Road 12 relocation route.

- e. Not within 500 feet of any occupied dwelling.
- f. Not within 300 feet of any public building, school, church, community, or institutional building.
- g. Not within 100 feet of a cemetery. The Emmaus Cemetery is located in the northeast corner of Section 29 and 200 feet from the permit boundary proposed with Revision No. 31. The cemetery boundary ranges from about 175 feet to 250 feet from 2018 planned mining disturbance in the SE¼SE¼ of Section 20 within the current permit area, and 2019 planned mining disturbance in the NE¼NE¼ of Section 29 in land being added to the permit area with Revision No. 31.

**Finding No. 8. The applicant has obtained a negative determination with respect to prime farmland for land being added to the permit area [NDAC 69-05.2-10-03(6)(c)].**

The Soil Survey of Mercer County, North Dakota (1978) identified 2.5 acres of prime soil defined by NDCC 38-14.1-02(23) in the land added with Revision No. 31. The prime soil consists of soil map unit 44 - Arnegard loam, 1 to 3 percent slopes, in the SE¼NE¼ of Section 29 with native grassland premine land use not proposed for mining or associated disturbance. The prime soil is not deemed prime farmland defined by NDAC 69-05.2-01-02(72) because the tract was not historically used for cropland as defined by NDAC 69-05.2-01-02(43). The Commission sent a copy of the revision application to the Natural Resources Conservation Service on August 14, 2017. No reply was received to the Commission's request for review of DWC's statement that no prime farmland historically used for cropland is present in the acreage being added with Revision No. 31.

**Finding No. 9. The operations will not affect the continued existence of any threatened, endangered or proposed species or result in the destruction or adverse modification of proposed or designated critical habitats [NDAC 69-05.2-10-03(6)(d)].**

Surface coal mining and reclamation activities will not jeopardize or adversely affect any proposed, threatened or endangered species or proposed or designated critical habitat. No federal threatened, endangered or proposed species were observed within or adjacent to the area being added to the permit, and there are no proposed or designated critical habitats in or adjacent to the area being added to the permit.

The permit addition area is not within the whooping crane breeding or wintering ranges and the addition area does not contain suitable whooping crane stopover habitat. It is conceivable that whooping cranes could fly over the proposed permit addition area and that they could utilize the upland native grassland and hayland sites in the addition area but this is unlikely given the absence of suitable wetland habitat in the permit addition area and adjacent area. Therefore, the Commission finds that the proposed mining and reclamation activities in the N½ of Section 29, T143N, R88W, will have "no affect" to the continued existence of whooping crane.

There is no suitable habitat for the piping plover within or adjacent the permit addition area, which is generally characterized as sparsely vegetated shorelines usually associated with alkaline wetlands and sandbars and shorelines associated with major river systems. The Missouri River and Lake Sakakawea are piping plover designated critical

habitat areas that are located approximately 18 miles from the permit addition area and the balance of the designated critical habitat is located north and east of the Missouri River. There are no wetlands with sparsely vegetated shorelines in or adjacent to the area being added to the permit and the Commission finds that the proposed mining and reclamation activities will have "no affect" to the continued existence of the piping plover.

The Dakota skipper is a small butterfly that requires high quality mixed or tallgrass prairie. There are two types of prairies suitable for this species. A moist lowland bluestem prairie habitat type with wood lily, harebell and smooth camas and a relatively dry upland prairie habitat type found on ridges and hillsides dominated with bluestem grasses, needlegrasses and desirable native forbs such as purple coneflower. Mercer County is not listed as a county in North Dakota where this species is believed to exist, according to the U.S. Fish and Wildlife Service (USFWS), but it is conceivable that this species may exist in the county. The permit addition and adjacent area does not contain any moist lowland bluestem prairie habitat and the dry upland sites are in reduced ecological condition. A Dakota skipper survey was conducted on a sandy native grassland site located 1 mile north of the addition area in 2006 and the surveyor, Ronald Alan Royer, Ph. D., Burlington, ND found no Dakota skippers during his survey, and stated that very few hesperine (grass) skippers of any species were found. There is no designated critical habitat for the Dakota skipper in Mercer County. Therefore, the Commission finds that the proposed mining and reclamation activities in the N½ of Section 29 will have "no affect" on the continued existence of the Dakota skipper.

The Northern Long-Eared Bat is a medium sized bat that is not common in North Dakota. Its historic range includes essentially all of North Dakota and it has been documented in the Little Missouri badlands, Missouri River Valley and the Turtle Mountains. There is no known hibernacula in North Dakota, according to the federal register final rule listing. This species spends its winters in caves and mines, called hibernacula, and during the summer it roosts singly or in colonies underneath bark, in cavities or crevices of both live and dead trees. This species was listed as threatened because of its decline due to a disease termed White-Nose Syndrome (WNS). If this disease had not emerged, it is unlikely the Northern Long-Eared Bat would be listed. The 4(d) rule for the Northern Long-Eared Bat, published January of 2016 and effective February of 2016, states that incidental take resulting from otherwise lawful activities will not be prohibited in areas not yet affected by WNS. The entire state of North Dakota was outside of the WNS zone in January of 2016 but a June 30, 2017 map now shows the eastern portion of North Dakota in the WNS zone. Mercer County is outside of the WNS zone. The Revision No. 31 addition area contains 1.5 acres of woodland and 0.1 acres of shelterbelt, which contains trees that are potential roost habitat. However, none of this acreage is to be affected by mining activities and a habitat assessment of the revision addition area concluded that there is no wintertime hibernacula present. Two trees in Section 20 that are suitable roosts may be affected by mining planned in Section 29 and DWC has included language in the permit that states trees with the minimum diameter at breast height (dbh) of 3 inches or greater will be avoided during the Northern Long-Eared Bat summer occupancy period of April 1 through September 30. Therefore, it is highly unlikely that mining will have any effect on the Northern Long-Eared Bat and the Commission finds that the proposed mining and reclamation activities will have "no affect" on the continued existence of the Northern Long-Eared Bat. There is no proposed or listed designated critical habitat for the Northern Long-Eared Bat in North Dakota.

The gray wolf could be an occasional migrant through Mercer County but the permit addition and adjacent area does not contain suitable habitat for this species to sustain itself in the area. Therefore, the Commission finds that the proposed mining and reclamation activities will have "no affect" to the continued existence of the gray wolf.

The permit addition and adjacent area does not contain habitat for the Interior Least Tern, Black-Footed Ferret, Pallid Sturgeon, Poweshiek Skipperling, Western Prairie Fringed Orchid, Rufa Red Knot or Rusty Patched Bumblebee. The Commission finds that the proposed mining and reclamation activities will have "no affect" to the continued existence of any of these species.

The fish and wildlife monitoring plan in the permit includes continued surveys for threatened and endangered species. Also, NDAC 69-05.2-13-08(2) requires the permittee to promptly report to the Commission the presence of any threatened and endangered species and the Commission must then consult with the USFWS and North Dakota Game and Fish Department to decide whether, and under what conditions, the operator may proceed. Therefore, this action will not jeopardize or adversely affect listed or proposed species or any proposed or designated critical habitat. The Commission sent a preliminary findings letter to the USFWS, North Dakota Ecological Services Field Office, Bismarck, regarding Revision No. 31 to Permit KRSB-8603. This October 25, 2017 letter included a project description and an analysis of potential effects of this action to threatened, endangered and proposed species and proposed and designated critical habitat. The USFWS sent a response November 30, 2017 that agreed with our "no affect" findings.

**Finding No. 10. The applicant has paid all reclamation fees required by 30 CFR subchapter R [NDAC 69-05.2-10-03(6)(e)].**

DWC has paid all reclamation fees required by 30 CFR subchapter R. Records maintained by the Office of Surface Mining's Applicant Violator System show that all fees have been paid.

**Finding No. 11. The applicant has satisfied requirements for approving cropland as a post-mining land use [NDAC 69-05.2-10-03(6)(f)].**

The applicant has satisfied the requirements for approval of a cropland postmining land use under NDAC 69-05.2-22-01 for the land being added to the permit with Revision No. 31. Land reclaimed to cropland will be seeded to a tame grass/legume pre-cropland mixture before the stand is broke and used for annual crops commonly grown in the area. The 114 acres of premine hayland located in the N $\frac{1}{2}$  of Section 29 will be reclaimed to hayland, a subcategory of cropland, with postmine land use boundaries that are nearly identical to the premine land use boundaries. The premine capabilities of all hayland that will be reclaimed to hayland will be restored. The soils are suitable for hayland in areas that are proposed for that postmining land use.

**Finding No. 12. All existing structures that will be used to support mining activities within the permit area comply with the application requirements of NDCC 38-14.1-24 and NDAC Article 69-05.2 [NDAC 69-05.2-10-04].**

No existing structures in the land being added to the permit will be used to support mining activities; however, haul roads and other facilities within previously permitted areas of Permits KRSB-8603 and KRSB-8802 will support mining in the land being added to the

permit. These previously permitted structures have been found to meet the applicable design and performance standards of NDCC Section 38-14.1-24 and NDAC Article 69-05.2.

**Finding No. 13. No drill holes, boreholes or wells will be retained for other uses [NDAC 69-05.2-14-03].**

The applicant has not proposed to retain any drill hole, borehole, or well for other uses.

**Finding No. 14. No spoil in the permit area is known to cause toxic mine drainage [NDAC 69-05.2-16-11].**

The chemical characteristics of the overburden materials in the land being added to the permit are such that they do not produce toxic mine drainage. The analysis of overburden samples included in the permit application do not reveal any substances that would cause any chemical reactions or physical effects that are likely to kill, injure, or impair biota commonly present in the area.

**Finding No. 15. The applicant will not conduct mining activities within one hundred feet of any perennial stream. However, mining activities will occur within one hundred feet of an intermittent stream, but these activities will not violate applicable water quality standards or adversely affect the quantity and quality of the water and other environmental resources of the stream [NDAC 69-05.2-16-20].**

As proposed by Revision No. 31, the applicant does not plan to conduct any mining related activities within 100 feet of any perennial stream. However, minor mining related intrusions are proposed within 100 feet of an intermittent tributary to Coyote Creek near the south boundary of land added with Revision No. 31. As described in the revision application, the spillways of sedimentation ponds 110 and 111 will be constructed within 100 feet of the intermittent stream.

The Commission sent copies of the revision application to the State Engineer and North Dakota Department of Health on August 3, 2017 for review and comment. Operation plans in the permit specifically discuss intermittent stream buffer disturbances and the affected areas are depicted on the pit layout and facilities map. The Commission finds that the proposed disturbances will not cause or contribute to the violation of applicable state or federal water quality standards and will not adversely affect the water quantity and quality of the intermittent stream. All runoff from disturbances planned within 100 feet of an intermittent stream will be controlled through the use of water management structures and best management practices. Areas of the intermittent stream that will not be disturbed or affected will be designated buffer zones and marked to exclude mining related disturbance.

**Finding No. 16. The applicant does not propose to use any experimental practices in the permit area [NDAC 69-05.2-27-02].**

There are no plans included in the revision application to use any experimental practices that may be allowed under NDAC 69-05.2-27-02.

**Finding No. 17. The applicant does not control and has not controlled surface coal mining and reclamation operations with a demonstrated pattern of willful violations [NDAC 69-05.2-10-03(4)].**

Commission records, and those in the Office of Surface Mining's Applicant Violator System (AVS), do not show that the applicant controls and has controlled surface coal mining and reclamation operations with a demonstrated pattern of willful violations of NDCC 38-14.1 or of other state's laws which are based on P.L. 95-87 (the Federal Surface Mining Control and Reclamation Act), of such nature, duration, and with such resulting irreparable damage to the environment as to indicate an intent not to comply with the provisions of these laws.

**Finding No. 18. Neither the applicant, nor any affiliated companies, have unabated violations or unpaid civil penalties [NDAC 69-05.2-10-03(1)].**

Commission records, and those in the Office of Surface Mining's Applicant Violator System, do not indicate that the applicant, nor any affiliated companies, have any unpaid civil penalties or unabated violations of NDCC 38-14.1 or any other federal or state laws, rules, or regulations pertaining to air or water environmental protection. The North Dakota Department of Health also verified that the applicant has no unabated violations with regard to air or water environmental protection standards.

**Finding No. 19. A performance bond in the amount of \$9,485,271 is sufficient for the proposed surface coal mining operations in this permit area for the Beulah Mine [NDAC 69-05.2-12-07].**

An updated worst-case reclamation cost estimate calculated for the Revision No. 31 permit application totals \$8,158,970. The current surety bonds for this permit area total \$9,485,271 and are sufficient to cover the worst case reclamation cost estimate; however, the applicant was required to file a stipulation to increase the surety bond area to include the 313.4 acres that is being added by Revision No. 31 to Permit KRSB-8603.

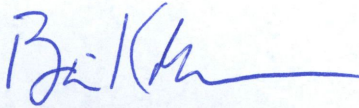

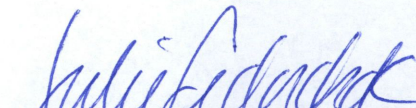
Subject to the right of any person with an interest that is or may be adversely affected to request a formal hearing under NDCC 38-14.1-30, **Revision No. 31 to Permit Number KRSB-8603** is hereby conditionally granted to **Dakota Westmoreland Corporation** to engage in surface coal mining and reclamation operations, on the following described area subject to the applicable requirements of the original permit and conditions, Chapter 38-14.1 of the North Dakota Century Code, and the rules promulgated there under. (Attached is a copy of the metes and bounds description of lands being added to the permit area.)

**LOCATION**

MINE	ADDRESS	ACRES	Section	Township	Range	County
Beulah	Beulah, ND	313.4	29	143N	88W	Mercer

**313.4 acres - Total Area Added**

**PUBLIC SERVICE COMMISSION**

 <hr/> <b>Brian Kroshus</b> Commissioner	 <hr/> <b>Randy Christmann</b> Chairman	 <hr/> <b>Julie Fedorchak</b> Commissioner
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**Revision No. 31 to Permit KRSB-8603 - Metes and Bounds Description**

A tract of land situated in the north half of Section 29, Township 143 North, Range 88 West, Mercer County, North Dakota, being more particularly described as follows:

A tract beginning at a point which is located and established by use of the Dakota Westmoreland Corporation coordinate system, such point also being the southeast quarter corner of Section 19 and having the coordinates: S 10,509.0 and W 21,024.4; such point also being designated as corner No. 694;

thence S 89° 46'53" E a distance of 2646.8 feet to corner 693,  
thence S 89° 46'53" E a distance of 2067.3 feet to corner 704;  
thence South a distance of 466.2 feet to corner 705;  
thence East a distance of 579.1 feet to corner 706;  
thence S 00° 03'00" W a distance of 2,169.68 feet to corner 698;  
thence N 89° 49'13" W a distance of 2,639.4 feet to corner 703;  
thence N 89° 49'13" W a distance of 2639.4 feet to corner 702;  
thence N 00° 08'26" W a distance of 2,636.2 feet to corner 694;  
such point also being the SE corner of Section 19, the original point of beginning.

The above tract of land contains 313.4 acres, more or less.

CORNER NO.	LATITUDE	DEPARTURE
694	S 10,509.0	W 21,024.2
693	S 10,519.2	W 18,383.4
704	S 10,527.0	W 16,315.6
705	S 10,993.2	W 16,315.6
706	S 10,993.2	W 15,736.5
698	S 13,164.9	W 15,738.4
703	S 13,156.7	W 18,377.8
702	S 13,148.5	W 21,017.2

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