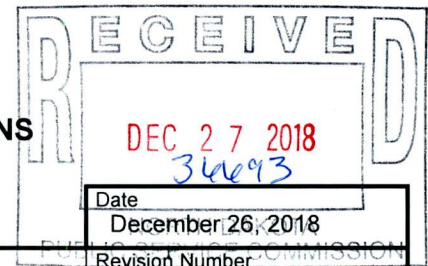




**APPLICATION FOR REVISION OF PERMIT TO ENGAGE IN
SURFACE COAL MINING AND RECLAMATION OPERATIONS**
PUBLIC SERVICE COMMISSION
RECLAMATION DIVISION
SFN 10562 (1-2004)



| | | | |
|---|----------------------------|---------------------------|-------------------|
| Name of Company, Corporation, Partnership, or Individual Dakota Westmoreland Corporation | Permit Number KRSB-8603 | Date December 26, 2018 | |
| Address 6204 13th Street SW | City Beulah | Revision Number 32 | Zip Code 58523 |

The above named hereby makes application for the above Revision Number to: (include a brief description of the surface coal mining and reclamation operation being revised.)

The revision intends to modify the post-mining topography in the Gold Pit area.

Attached to this Permit Revision Application are a narrative describing the proposed permit revision, reasons for requesting the revision, and appropriate maps, cross-sections, graphs, construction details, revised reclamation plans and other data which demonstrate compliance with Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and the permit conditions of the approved permit. If an incidental boundary revision involving an acreage adjustment is being requested as part of the permit revision application, the following information shall be included (attach a copy of a metes and bounds description):


| NAME OF MINE | ACRES | LOCATION | | | |
|--------------------|-------|----------|------|-------|--------|
| | | SEC. | TWP. | RANGE | COUNTY |
| ADDRESS | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| TOTAL ACRES | | | | | |

Based upon the proposed changes and any incidental boundary revisions to the permit as stated herein, a new or adjusted bond, or its equivalent, duly executed in accordance with Section 38-14.1-16 of the North Dakota Century Code and Chapter 69-05.2-12 of the North Dakota Administrative Code will be delivered to the Public Service Commission prior to issuance of the surface coal mining and reclamation operations permit herein requested. A check for filing fees, pursuant to Section 38-14.1-13 of the North Dakota Century Code, in the amount of \$ _____, is included with the revision application.

Name of Official Authorized to Represent the Applicant
Jeffrey M. Provenza

- I, the above named, certify that:
1. All information and documents required by Sections 38-14.1-13, 38-14.1-14, and 38-14.1-15 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, are submitted as part of this permit application;
 2. Information and documentation contained in the permit application affirmatively demonstrate that:
 - a. The permit revision application is accurate and complete and all the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code have been complied with;
 - b. Reclamation as required by Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code can be accomplished under the reclamation plan contained in this permit revision application;

- c. An assessment of the probable cumulative impact of all anticipated mining in the general area on the hydrologic balance as specified in subdivision o of subsection 1 of Section 38-14.1-14 has been made and the proposed operation has been designed to prevent material damage to the hydrologic balance both on and off the mine site;
 - d. The area proposed to be affected is not included within an area designated unsuitable for all or certain types of surface coal mining and is not within an area under study for such designation in an administrative proceeding;
 - e. The proposed surface coal mining operation will not interrupt, discontinue or preclude farming on alluvial valley floors that are irrigated or naturally subirrigated and will not materially damage the quantity or quality of water in surface or underground water systems that supply these alluvial valley floors; and
 - f. The permit revision applicant has the legal right to surface mine the land for which this permit revision application is made and all of the requirements of Chapter 38-18 of the North Dakota Century Code have been complied with.
3. The area proposed to be affected is not included within an area where mining is prohibited pursuant to Section 38-14.1-07 of the North Dakota Century Code; unless specifically allowed in accordance with the provisions of Section 69-05.2-04-01 of the North Dakota Administrative Code; and
4. The surface coal mining and reclamation operations contained in this permit revision application will be carried out at all times in a manner which ensures that all of the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and any permit conditions attached thereto are complied with.

| | |
|--|------------------------------------|
| Signature of Official  | Title Production Superintendent |
|--|------------------------------------|

VERIFICATION

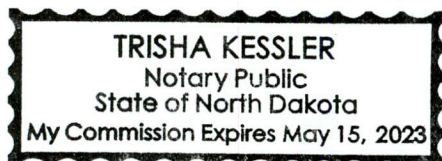
I, Jeffrey M. Provenza, being first and duly sworn, verify that the information contained in this Permit Revision Application is true and correct to the best of my knowledge and belief.

| | |
|--|------------------------------------|
| Signature of Official  | Title Production Superintendent |
|--|------------------------------------|

STATE OF North Dakota)
)ss.
 COUNTY OF Mercer)

Subscribed and Sworn before me, this 26 day of December, 2018.

(SEAL)



Trisha Kessler
 Notary Public
 My Commission Expires: May 15, 2023

**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. 32 to Surface Coal Mining Permit KRSB-8603. Revision No. 32 modified the post-mining topography in the Gold Pit area in Sections 15, 21, 22 and 23, T.143N., R.88W, Mercer County.

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. This area is contained on the United States geological survey map named Medicine Butte, N.E., North Dakota. The precise location and boundaries of the permit area are depicted on the accompanying map.

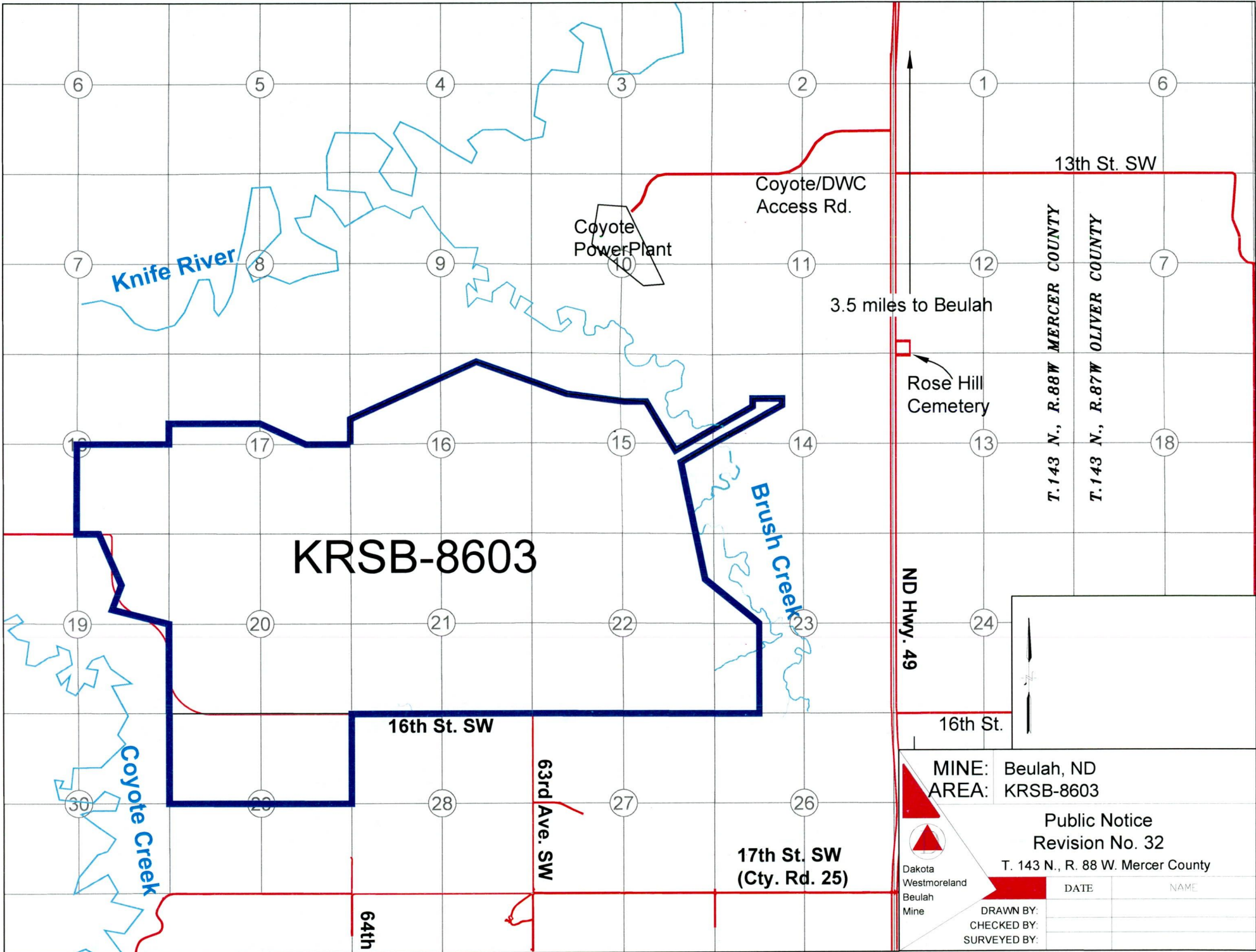
This application is on file in the Office of the Director, Reclamation Division, Public Service Commission, 600 East Boulevard Avenue, Dept. 408, Bismarck, North Dakota 58505-0480 and the Office of the County Auditor, Mercer County, Stanton, North Dakota. It may be viewed at these locations during normal working 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 land affected by the revision are as follows:

T.143N., R88W., Mercer County

| <u>LOCATION</u> | <u>SURFACE OWNER(S)</u> | <u>COAL OWNER(S)</u> |
|-----------------|--|--|
| S½, Sec. 15 | Faye L. Keogh Trust | Robert A. Keogh Priscilla Keogh, Trustee Faye L. Keogh Trust Claire C. Schwalbe |
| N½, Sec. 21 | Leona Weil Sharon Winkler Joan Miller | Leona Weil Sharon Winkler Joan Miller |
| NE¼, Sec. 22 | Terence Schmidt | United States of America |
| SE¼, Sec. 22 | Vergene Christianson | United States of America |
| E½SW¼, Sec. 22 | Ron Gunsch | United States of America |
| W½SW¼, Sec. 22 | Rita Schmidt Bonnita Schmidt Debra (Schmidt) Hoerer Darla (Schmidt) Ratzak Gene Schmidt Candida (Schmidt) Rhoades | United States of America |
| NW¼, Sec. 23 | Terence Schmidt | Terence Schmidt Tammy Schmidt |
| SW¼, Sec. 23 | Terence Schmidt | Eugene Weigel |



KRSB-8603

Coyote Power Plant

Coyote/DWC Access Rd.

13th St. SW

Knife River

3.5 miles to Beulah

Rose Hill Cemetery

T. 143 N., R. 88 W. MERCER COUNTY

T. 143 N., R. 87 W. OLIVER COUNTY

Brush Creek

ND Hwy. 49

16th St. SW

16th St.

63rd Ave. SW

17th St. SW (Cty. Rd. 25)

64th

MINE: Beulah, ND
 AREA: KRSB-8603

Public Notice
 Revision No. 32

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



Dakota Westmoreland Beulah Mine

| | DATE | NAME |
|--------------|------|------|
| DRAWN BY: | | |
| CHECKED BY: | | |
| SURVEYED BY: | | |

DAKOTA WESTMORELAND CORPORATION

Mine: Beulah Mine
Permit Number: KRSB-8603
Revision No.: 32
Submittal Date: December 26, 2018
Revised Date:

Revision Summary

Revision No. 32 revises the post-mining topography (PMT) for the Gold Pit in Sections 15, 21, 22, and 23.

Listing of Revised Information

| <u>Section</u> | <u>Revised Information and Instructions</u> |
|----------------|--|
| 3.1 | Revised narrative |
| 3.5 | Revised narrative and exhibits 3.5.1a, 3.5.2a, 3.5.3, 3.5.4a, and 3.5.4b |