
Beulah Mine (Dakota Westmoreland)\Permits\KRSB - 8603\Revisions\Rev_36

From Welch, Guy A. <gwelch@nd.gov>

Date Wed 4/22/2026 4:02 PM

To dkuzara@westmoreland.com <dkuzara@westmoreland.com>

Cc Juris Ore <jore@westmoreland.com>; rsundsbak@westmoreland.com <rsundsbak@westmoreland.com>; Emmer, Jonathan W. <jemmer@nd.gov>; Johnson, Monty L. <moljohnson@nd.gov>

 1 attachment (13 MB)

Exhibit 1.4.4.pdf;

Good Afternoon David

Exhibit 1.4.4 in Revision 31 to Permit KRSB-8603 provided a complete list of Mercer County Resolutions regarding Co. Road No. 12 closures and relocations and other section line closure resolutions (copy attached). Unfortunately, this information was removed from the permit with Revision 32 and replaced with a map that fails to properly depict relocated Co. Road No. 12 through the NE4 of Section 19. It is not clear why Exhibit 1.4.4 was updated with Revision 32.

Please replace Exhibit 1.4.4 in pending Revision 36 to KRSB-8603 with the information provided in Exhibit 1.4.4 with Revision No. 31. Mercer County resolutions or set back waivers received after June 7, 2017 should be also included in Exhibit 1.4.4.

If you have any questions, feel free to call me.

Guy

Guy Welch

Permit Administrator

NDPSC - Reclamation Division

Desk: 701-328-2298

Email: gwelch@nd.gov

600 E Boulevard Ave, Dept. 408

Bismarck, ND 58505



From: Aslakson, Christine M. <cmaslakson@nd.gov>

Sent: Tuesday, April 21, 2026 11:40 AM

To: dkuzara@westmoreland.com

Cc: Juris Ore <jore@westmoreland.com>; Todd Briggs <TBriggs@westmoreland.com>; rsundsbak@westmoreland.com; Emmer, Jonathan W. <jemmer@nd.gov>; Johnson, Monty L. <moljohnson@nd.gov>; Ripplinger, Preston <priplinger@nd.gov>; Welch, Guy A. <gwelch@nd.gov>; Roerick, Jeffrey A. <jroerick@nd.gov>; Nixon, Shawn <snixon@nd.gov>; Swenson, Warren <swensonwarren@nd.gov>; Craig, Alexis <alcraig@nd.gov>

Subject: Beulah Mine (Dakota Westmoreland)\Permits\KRSB - 8603\Revisions\Rev_36

Christine Aslakson

Administrative Assistant

North Dakota Public Service Commission

600 E Boulevard Ave, Dept. 408

Bismarck, ND 58505-0480

(701) 328-7875

cmaslakson@nd.gov



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- 1) S½, Section 15 and N½, Section 22, T.143N., R.88W., Mercer County
- 2) S½, Section 16 and N½, Section 21, T.143N., R.88W., Mercer County
- 3) NE¼, Section 21 and NW¼, Section 22, T.143N., R.88W., Mercer County
- 4) E½, Section 16 and W½, Section 15, T.143N., R.88W., Mercer County
- 5) E and W boundaries of Section 17, T.143N., R.88W., Mercer County (within permit boundary)
- 6) N½, Section 20 and NE¼, Section 19, T.143N., R.88W., Mercer County (within permit boundary)
- 7) W½, Section 21, T.143N., R.88W., Mercer County
- 8) E½, Section 21, T.143N., R.88W., Mercer County
- 9) N½, Section 22, T.143N., R.88W., Mercer County (within permit boundary)
- 10) E boundary of Section 22, T.143N., R.88W., Mercer County (within permit boundary)
- 11) N boundary of Section 29, T. 143N., R. 88W., Mercer County



ORDER TEMPORARILY CLOSING ROADWAY AND SECTION LINE

WHEREAS, a Petition, Release and Waiver of Notice has been duly filed with the County of Mercer, North Dakota, petitioning the County of Mercer to allow Knife River Coal Mining Company to utilize the hereinafter-described roadway in any manner necessary for the surface mining of coal under or adjacent to this roadway; and

WHEREAS, said Petition was signed and executed by all of the owners of land bordering on said roadway; and

WHEREAS, copies of said Petition for the temporary closing of the roadway and section line have been posted and proper notices of the time and place of the scheduled meeting of the Mercer County Board of County Commissioners at which the above-referred-to Petition was considered were properly posted and served; and

WHEREAS, the owners of the S1/2 of Section 15, N1/2 of Section 22, Township 143 North, Range 88 West, have not objected to the closing of said roadway and section line;

NOW THEREFORE, IT IS HEREBY ORDERED that the section line common to the S1/2 of Section 15 and the N1/2 of Section 22, Township 143 North, Range 88 West, Mercer County, North Dakota, and roadway located thereuopn, are closed and that Knife River Coal Mining Company may utilize said roadway and section line in any manner necessary for the surface mining of coal under and/or adjacent to this roadway; that said use may continue only so long as the surface mining of coal under the roadway and section line and under land bordering on or adjacent to this roadway and section line is being conducted and until reclamation of said property has been completed. Knife River Coal Mining Company shall provide a roadway similar to that which now exists for landowners' access to their properties during mining and shall restore the section line to a topography similar to that which now exists so that it can be traveled with no greater difficulty than at the present time.

Dated at Mercer County, North Dakota, this 21 day of November, 1985.

BY ORDER OF:

THE BOARD OF COUNTY COMMISSIONERS OF MERCER COUNTY, MERCER COUNTY, NORTH DAKOTA.

no deed

Lynn Anderson
Joseph Miller

DOCUMENT NO. 133641

MORTGAGEE
MORTGAGOR ✓
GRANTOR ✓
GRANTEE ✓
INDEXED ✓

STATE OF NORTH DAKOTA }
COUNTY OF MERCER } ss.

OFFICE OF
REGISTER OF DEEDS

I hereby certify that the within instrument was
filed in this office for record this 26th day of
November 1985 at 10:10 o'clock
A. M. and was duly recorded in Book 107-Misc.
on Page 149.

Roger B. Luss
Register of Deeds



27.00 A Knife River

ORDER TEMPORARILY CLOSING ROADWAY AND SECTION LINE

WHEREAS, a Petition, Release and Waiver of Notice has been duly filed with the County of Mercer, North Dakota, petitioning the County of Mercer to allow Knife River Coal Mining Company to utilize the hereinafter-described roadway in any manner necessary for the surface mining of coal under or adjacent to this roadway; and

WHEREAS, said Petition was signed and executed by all of the owners of land bordering on said roadway; and

WHEREAS, copies of said Petition for the temporary closing of the roadway and section line have been posted and proper notices of the time and place of the scheduled meeting of the Mercer County Board of County Commissioners at which the above-referred-to Petition was considered were properly posted and served; and

WHEREAS, the owners of the S1/2 of Section 16, and N1/2 of Section 21, Township 143 North, Range 88 West, have not objected to the closing of said roadway and section line;

NOW THEREFORE, IT IS HEREBY ORDERED that the section line common to the S1/2 of Section 16 and the N1/2 of Section 21, Township 143 North, Range 88 West, Mercer County, North Dakota, and roadway located thereuopn, are closed and that Knife River Coal Mining Company may utilize said roadway and section line in any manner necessary for the surface mining of coal under and/or adjacent to this roadway; that said use may continue only so long as the surface mining of coal under the roadway and section line and under land bordering on or adjacent to this roadway and section line is being conducted and until reclamation of said property has been completed. Knife River Coal Mining Company shall provide a roadway similar to that which now exists for landowners' access to their properties during mining and shall restore the section line to a topography similar to that which now exists so that it can be traveled with no greater difficulty than at the present time.

Dated at Mercer County, North Dakota, this 21 day of November, 1985.

BY ORDER OF:

THE BOARD OF COUNTY COMMISSIONERS OF MERCER COUNTY, MERCER COUNTY, NORTH DAKOTA.

11-21-85

Lynn Anderson
Joseph Miller

DOCUMENT NO. 133640

MORTGAGEE
MORTGAGOR
GRANTOR ✓
GRANTEE ✓
INDEXED ✓

STATE OF NORTH DAKOTA,
COUNTY OF MERCER } ss.

OFFICE OF
REGISTER OF DEEDS

I hereby certify that the within instrument was
filed in this office for record this 26th day of
November 19 85 at 10:10 o'clock
A. M. and was duly recorded in Book 107-176c.
on Page 147.

Roger B. Luss
Register of Deeds



17.00 (H. Louise Rivers)

ORDER TEMPORARILY CLOSING ROADWAY AND SECTION LINE

WHEREAS, a Petition, Release and Waiver of Notice has been duly filed with the County of Mercer, North Dakota, petitioning the County of Mercer to allow Knife River Coal Mining Company to utilize the hereinafter-described roadway in any manner necessary for the surface mining of coal under or adjacent to this roadway; and

WHEREAS, said Petition was signed and executed by all of the owners of land bordering on said roadway; and

WHEREAS, copies of said Petition for the temporary closing of the roadway and section line have been posted and proper notices of the time and place of the scheduled meeting of the Mercer County Board of County Commissioners at which the above-referred-to Petition was considered were properly posted and served; and

WHEREAS, the owners of the NW1/4 of Section 22, and NE1/4 of Section 21, Township 143 North, Range 88 West, have not objected to the closing of said roadway and section line;

NOW THEREFORE, IT IS HEREBY ORDERED that the section line common to the NE1/4 of Section 21 and the NW1/4 of Section 22, Township 143 North, Range 88 West, Mercer County, North Dakota, and roadway located thereupon, are closed and that Knife River Coal Mining Company may utilize said roadway and section line in any manner necessary for the surface mining of coal under and/or adjacent to this roadway; that said use may continue only so long as the surface mining of coal under the roadway and section line and under land bordering on or adjacent to this roadway and section line is being conducted and until reclamation of said property has been completed. Knife River Coal Mining Company shall provide a roadway similar to that which now exists for landowners' access to their properties during mining and shall restore the section line to a topography similar to that which now exists so that it can be traveled with no greater difficulty than at the present time.

Dated at Mercer County, North Dakota, this 21 day of November, 1985.

BY ORDER OF:

THE BOARD OF COUNTY COMMISSIONERS OF MERCER COUNTY, MERCER COUNTY, NORTH DAKOTA.

No Read

Lynn Anderson
Joseph Miller

DOCUMENT NO. 133639

MORTGAGEE
MORTGAGOR
GRANTOR ✓
GRANTEE ✓
INDEXED ✓

STATE OF NORTH DAKOTA,)
COUNTY OF MERCER) ss. OFFICE OF REGISTER OF DEEDS

I hereby certify that the within instrument was
filed in this office for record this 26th day of
November 1985 at 10:10 o'clock
A. M. and was duly recorded in Book 107-Misc.
on Page 145.

Royce B. Luss
Register of Deeds
By Willie Long, Dep.
SEAL
Mercer County, N. Dak.

07th of Trust River Coal Mining Co.

ORDER TEMPORARILY CLOSING SECTION LINE

WHEREAS, a Petition, Release and Waiver of Notice has been duly filed with the County of Mercer, North Dakota, petitioning the County of Mercer to allow Knife River Coal Mining Company to utilize the hereinafter-described section line in any manner necessary for the surface mining of coal under or adjacent to this roadway; and

WHEREAS, said Petition was signed and executed by all of the owners of land bordering on said section line; and

WHEREAS, copies of said Petition for the temporary closing of the section line have been posted and proper notices of the time and place of the scheduled meeting of the Mercer County Board of County Commissioners at which the above-referred-to Petition was considered were properly posted and served; and

WHEREAS, the owners of the E1/2 of Section 16, and W1/2 of Section 15, Township 143 North, Range 88 West, have not objected to the closing of said and section line;

NOW THEREFORE, IT IS HEREBY ORDERED that the section line common to the E1/2 of Section 16 and the W1/2 of Section 15, Township 143 North, Range 88 West, Mercer County, North Dakota, is closed and that Knife River Coal Mining Company may utilize said the section line in any manner necessary for the surface mining of coal under and/or adjacent to this section line; that said use may continue only so long as the surface mining of coal under the section line and under land bordering on or adjacent to this section line is being conducted and until reclamation of said property has been completed. Knife River Coal Mining Company shall restore the section line to a topography similiar to that which now exists.

Dated at Mercer County, North Dakota, this 21 day of November, 1985.

BY ORDER OF:

THE BOARD OF COUNTY COMMISSIONERS OF MERCER COUNTY, MERCER COUNTY, NORTH DAKOTA.

no out

Lynn Anderson
Adolph Miller

DOCUMENT NO. 133642

MORTGAGEE
MORTGAGOR
GRANTOR ✓
GRANTEE ✓
INDEXED ✓

STATE OF NORTH DAKOTA, }
COUNTY OF MERCER } ss. OFFICE OF
REGISTER OF DEEDS
I hereby certify that the within instrument was
filed in this office for record this 26th day of
November 1985 at 10:10 o'clock
A. M. and was duly recorded in Book 107-Mic.
on Page 151.

Roger B. Amsal
Register of Deeds

Dee Paula Long, Dep.



B7C rd.

Monte J. Erhardt
Mercer County Auditor

Office of County Auditor

URL <http://www.mercercountyvnd.com>

Lana Schneider, Deputy Auditor
Pam Drath, Secretary/Clerk

Mercer County
PO Box 39
Stanton, ND 58571
Telephone 701-745-3292 Fax 701-745-3793
email:merhardt@nd.gov

RECEIVED
DEC 22 2006

DAKOTA WESTMORELAND CORP

December 20, 2006

Dakota Westmoreland Corporation
Attn: Paula Koble Gores, Permit Coordinator
Beulah Mine
PO Box 39
Beulah ND 58523

Dear Paula:

Enclosed is the signed copy of the resolution temporarily closing the section line which was approved at the December 7th meeting. I apologize for the delay in getting this to you. If you have any questions or if there is anything else you need from my office please feel free to contact me.

Sincerely,



Monte J. Erhardt
Mercer County Auditor

RESOLUTION OF
MERCER COUNTY COMMISSION

WHEREAS, Dakota Westmoreland Corporation (“DWC”) has petitioned the Board of County Commissioners of Mercer County, North Dakota (“Commission”) to temporarily close the following described section line rods that interfere with surface coal mining operations pursuant to the provisions of Chapter 38-01-07.1 and 38-01-07.2 of the North Dakota Century Code:

- a. the West boundary of the SW¼, Section 17 and the South 700 feet of the West boundary of the NW¼, Section 17, Township 143 North, Range 88 West; and
- b. the East boundary of the SE¼, Section 17, Township 143 North, Range 88 West.

WHEREAS, a public hearing was held upon the Petition of DWC before the Commission on the 7th day of December 2006, at 10:00 a.m. MDT, in the courthouse in the city of Stanton, North Dakota, and the Commission having heard and considered all of the testimony and evidence presented.

NOW, THEREFORE, BE IT RESOLVED that the Commission does hereby find, conclude and determine as follows:

1. That the Commission has jurisdiction over the subject matter of the Petition and the section lines involved therein;
2. That the Notice of Hearing on said Petition was duly served and published as required by law;
3. That the temporary closing of said section lines is necessary due to the fact that the said section lines interfere with DWC’s conduct of surface coal mining operations;
4. That said section lines are not required as they are unimproved and have little or no travel;
5. That the temporary closing of said section lines does not deprive adjacent landowners access to their property;
6. That a public benefit exists in temporarily closing said section lines and that the interests of the public and affected landowners will be protected.

BE IT FURTHER RESOLVED, based on the foregoing, that the Commission hereby determines and orders as follows:

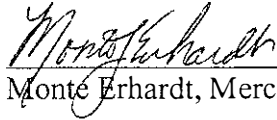
1. That the following section lines be temporarily closed until such time as DWC’s surface coal mining operations, which affect the use of said section lines by the general public, are completed:
 - a. The West boundary of the SW¼, Section 17 and the South 700 feet of the West boundary of the NW¼, Section 17, Township 143 North, Range 88 West; and
 - b. The East boundary of the SE¼, Section 17, Township 143 North, Range 88 West.
2. That within a reasonable period of time after completion of surface coal mining operations, DWC shall restore said section lines to as good a condition as existed prior to the temporary closing, to the extent required by the Commission.
3. That DWC inform the Commission when the restoration of said section lines are completed, at which time DWC shall tender said section lines to the Commission for acceptance for general public use.
4. That the Commission may at any time exercise its rights to monitor the continued need for the temporary closing of said section lines and may request DWC to show cause why said section lines should not be re-opened if surface coal mining operations in the vicinity thereof have been completed.
5. That this Resolution, the Petition involved therein and the Affidavit of Publication of Notice of Hearing be filed with the Mercer County Auditor.

RESOLUTION OF MERCER COUNTY COMMISSION

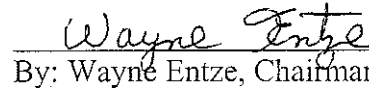
Dated this 7th day of December 2006.

ATTEST:

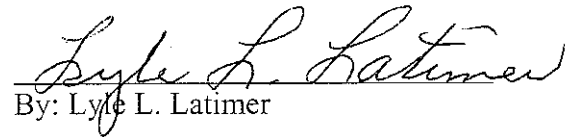
MERCER COUNTY COMMISSION



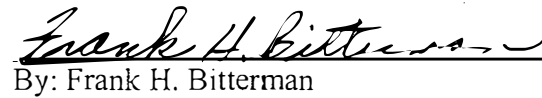
Monte Erhardt, Mercer County Auditor



By: Wayne Entze, Chairman



By: Lyle L. Latimer



By: Frank H. Bitterman

AFFIDAVIT OF PUBLICATION

STATE OF NORTH DAKOTA)
)
) SS
COUNTY OF Mercer)

I SHELLEY CHASE, being first duly sworn, on my own oath, say, that I am the bookkeeper of the Hazen Star, a weekly newspaper of general circulation, published in the city of Hazen, that the advertisement headed:

DAKOTA WESTMORELAND HZ-NOTICE OF HEARING/LEGAL PO #345820

a printed copy of which is here annexed, was published in the regular and entire issue of said newspaper during the period and time of publication, and that the notice was published in the newspaper proper, and not in a supplement,

for 1 consecutive week 11/09/2006 to wit:

Column Inches 4.75 \$5.00 \$23.75 11/09/2006

Notary Fee \$1.00 Total Cost of Legal \$24.75

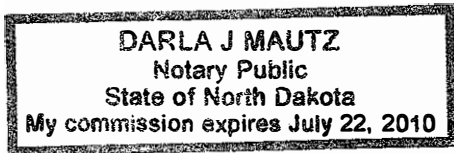
Shelley Chase

Subscribed and sworn to before me this 9th day of November A.D. 2006

(Seal) Darla J. Mautz

Notary Public, State of North Dakota

My Commission Expires



NOTICE OF HEARING ON PETITION FOR TEMPORARY CLOSING OF SECTION LINES

PLEASE TAKE NOTICE that a Petition by Dakota Westmoreland Corporation, 6204 13th Street SW, Beulah, North Dakota 58523-0039, has been filed with the Board of Mercer County Commissioners requesting that the following section lines be temporarily closed for the purpose of conducting surface coal mining and reclamation operations:

a. the West boundary of the SW¼, Section 17 and the South 700 feet of the West boundary of the NW¼, Section 17, Township 143 North, Range 88 West; and

b. the East boundary of the SE¼, Section 17, Township 143 North, Range 88 West.

A hearing on the Petition will be held by the Board of Mercer County Commissioners in the Mercer County Courthouse at Stanton, North Dakota, on the 7th day of December 2006, at 10:00 AM MDT, for the purpose of receiving testimony and evidence bearing upon the above request by the Petitioner. Statements may be made orally or in writing at the time of the public hearing. The Petition for closing said sections lines is on file in the Office of the County Auditor and may be viewed by interested persons during regular office hours.

By order of the Board of Mercer County Commissioners.
MONTE ERHARDT
Mercer County Auditor
(11-9-06)

RESOLUTION OF
MERCER COUNTY COMMISSION

WHEREAS, Dakota Westmoreland Corporation (“DWC”) has petitioned the Board of County Commissioners of Mercer County, North Dakota (“Commission”) to temporarily close the following described section line roads that interfere with surface coal mining operations pursuant to the provisions of Chapter 38-01-07.1 and 38-01-07.2 of the North Dakota Century Code:

- a. the North and East (amended) boundary of the NE¹/₄, Section 19; the West (amended) boundary of the NW¹/₄, Section 20, and North and East boundaries, Section 20; Township 143 North, Range 88 West; and
- b. the North and West boundaries of the NW¹/₄, Section 22; the West boundary of the SW¹/₄, Section 22; the North boundary of the NE¹/₄, Section 22; and the North boundary of the NW¹/₄, Section 23, Township 143 North, Range 88 West.

WHEREAS, a public hearing was held upon the Petition of DWC before the Commission on the 17th day of December 2008, at 10:00 a.m. MDT, in the courthouse in the city of Stanton, North Dakota, and the Commission having heard and considered all of the testimony and evidence presented.

NOW, THEREFORE, BE IT RESOLVED that the Commission does hereby find, conclude and determine as follows:

1. That the Commission has jurisdiction over the subject matter of the Petition and the section lines involved therein;
2. That the Notice of Hearing on said Petition was duly served and published as required by law;
3. That the temporary closing of said section lines is necessary due to the fact that the said section lines interfere with DWC’s conduct of surface coal mining operations;
4. That the temporary closing of said section lines does not deprive adjacent landowners access to their property;
5. That a public benefit exists in temporarily closing said section lines and that the interests of the public and affected landowners will be protected.


BE IT FURTHER RESOLVED, based on the foregoing, that the Commission hereby determines and orders as follows:

1. That the following section lines be temporarily closed until such time as DWC’s surface coal mining operations, which affect the use of said section lines by the general public, are completed:
 - a. the North and East (amended) boundary of the NE¹/₄, Section 19; the West (amended) boundary of the NW¹/₄, Section 20, and North and East boundaries, Section 20; Township 143 North, Range 88 West; and
 - b. the North and West boundaries of the NW¹/₄, Section 22; the West boundary of the SW¹/₄, Section 22; the North boundary of the NE¹/₄, Section 22; and the North boundary of the NW¹/₄, Section 23, Township 143 North, Range 88 West.
2. That within a reasonable period of time after completion of surface coal mining operations, DWC shall restore said section lines to as good a condition as existed prior to the temporary closing, to the extent required by the Commission.
3. That DWC inform the Commission when the restoration of said section lines are completed, at which time DWC shall tender said section lines to the Commission for acceptance for general public use.
4. That the Commission may at any time exercise its rights to monitor the continued need for the temporary closing of said section lines and may request DWC to show cause why said section lines should not be re-opened if surface coal mining operations in the vicinity thereof have been completed.
5. That County Road 12 be closed just west of Highway 49.
6. That this Resolution, the Petition involved therein and the Affidavit of Publication of Notice of Hearing be filed with the Mercer County Auditor.

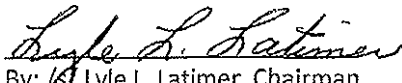
RESOLUTION OF MERCER COUNTY COMMISSION

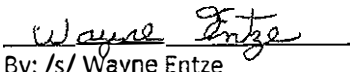
Dated this 21st day of January 2009.

ATTEST:


/s/ Monte Erhardt, Mercer County Auditor

MERCER COUNTY COMMISSION

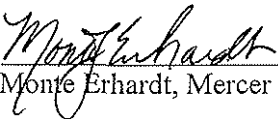

By: /s/ Lyle L. Latimer, Chairman


By: /s/ Wayne Entze

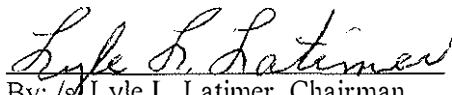

By: /s/ Frank H. Bitterman

AMENDED this 21st day of October 2009.

ATTEST:

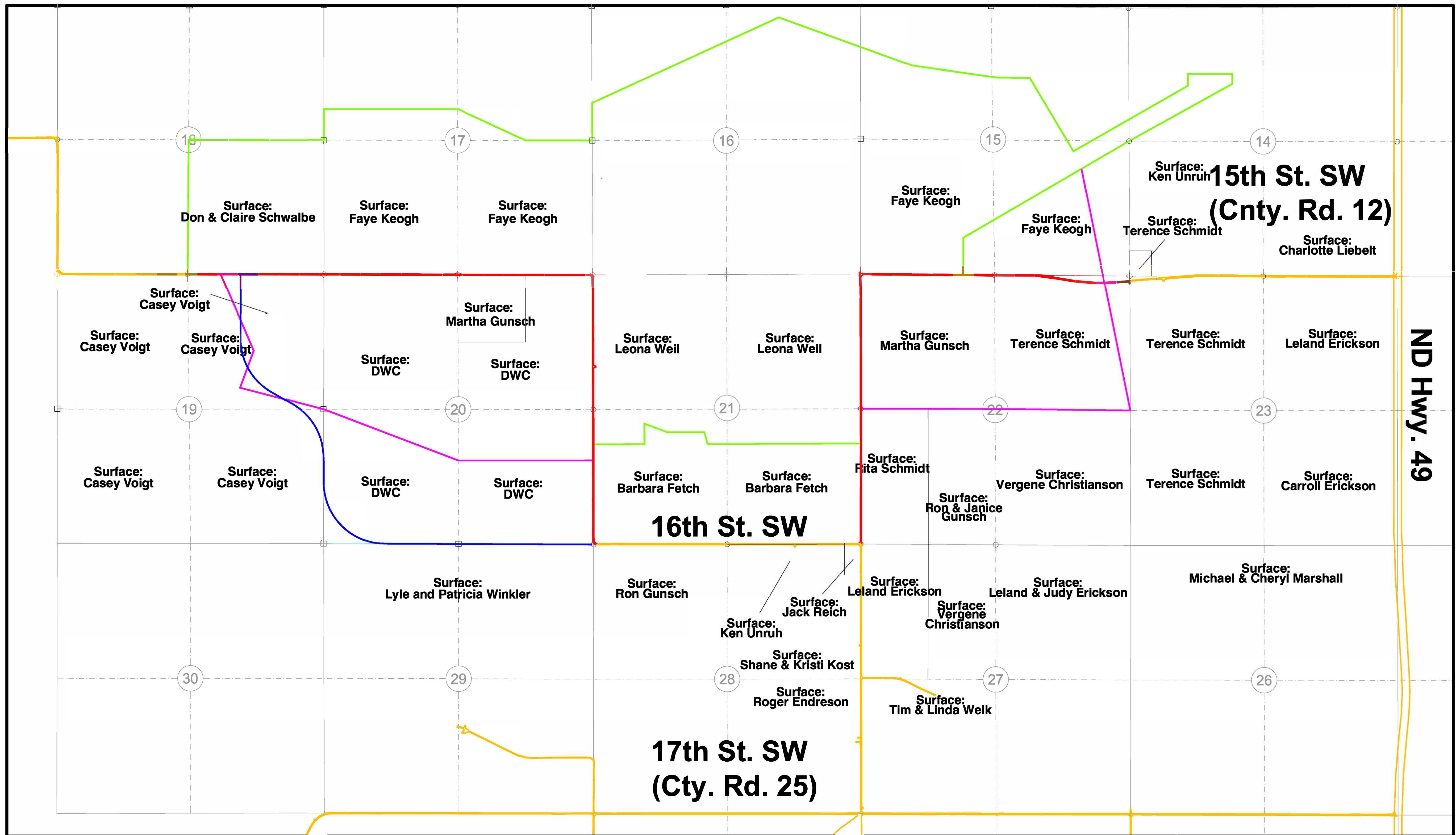

/s/ Monte Erhardt, Mercer County Auditor

MERCER COUNTY COMMISSION


By: /s/ Lyle L. Latimer, Chairman


By: /s/ Wayne Entze

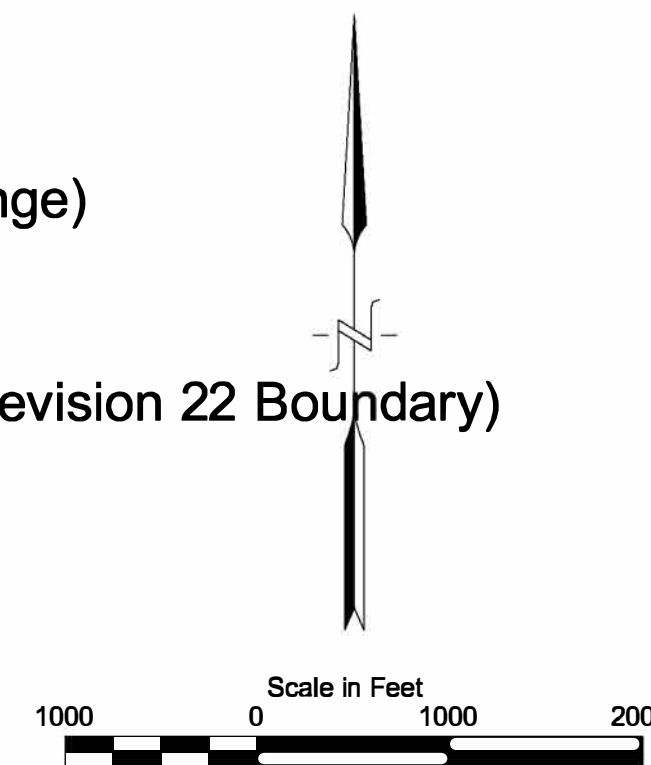

By: /s/ Frank H. Bitterman



Notes: 1. See Exhibit 1.4.4 for Public Road Variance Documents
 2. There Will be no Mining Activities Within 100 Feet of the Public Right of Way Unless Section Lines Have Been Closed or a Variance Has Been Granted by the Respective Government Entity.

- LEGEND**
- County Road Closure
 - Existing County Road (no change)
 - New County Road
 - PERMIT 8603 BOUNDARY
 - PERMIT 8603 BOUNDARY (Revision 22 Boundary)

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



DATE	Revision
09/25/09	B. Lee Rev. 22
11/26/08	J. Noel Rev. 22

MINE: Beulah, ND		
AREA: KRSB-8603		
Preliminary County Road Relocation Plan		
	DATE	Name
	DRAWN BY: 05/13/08	JN
	CHECKED BY:	
	SURVEYED BY:	

RESOLUTION OF
MERCER COUNTY COMMISSION

WHEREAS, Dakota Westmoreland Corporation (“DWC”) has petitioned the Board of County Commissioners of Mercer County, North Dakota (“Commission”) to temporarily close the following described section line that interfere with surface coal mining operations pursuant to the provisions of Chapter 38-01-07.1 and 38-01-07.2 of the North Dakota Century Code:

- a. The section line common to Sections 22 and 23 excluding the north 1,400 feet, Township 143 North, Range 88 West, Mercer County, North Dakota.

WHEREAS, a public hearing was held upon the Petition of DWC before the Commission on the 18th day of December 2013, at 9:45 a.m. CDT, in the courthouse in the city of Stanton, North Dakota, and the Commission having heard and considered all of the testimony and evidence presented.

NOW, THEREFORE, BE IT RESOLVED that the Commission does hereby find, conclude and determine as follows:

1. That the Commission has jurisdiction over the subject matter of the Petition and the section lines involved therein.
2. That the Notice of hearing on said Petition was duly served and published as required by law.
3. That the temporary closing of said section lines is necessary due to the fact that the said section line interferes with DWC’s conduct of surface coal mining operations.
4. That the temporary closing of said section line does not deprive adjacent landowners access to their property.
5. That a public benefit exists in temporarily closing said section line and that the interests of the public and affected landowners will be protected.

BE IT FURTHER RESOLVED, based on the foregoing, that the Commission hereby determines and orders as follows:

1. That the following section line be temporarily closed until such time as DWC’s surface coal mining operations, which affect the use of said section line by the general public, are completed:
 - a. The section line common to Sections 22 and 23 excluding the north 1,400 feet, Township 143 North, Range 88 West, Mercer County, North Dakota.
2. That within a reasonable period of time after completion of surface coal mining operations, DWC shall restore said section line to as good a condition as existed prior to the temporary closing, to the extent required by the Commission.
3. That DWC inform the Commission when the restoration of said section line is completed, at which time DWC shall tender said section line to the Commission for acceptance for general public use.
4. That the Commission may at any time exercise its rights to monitor the continued need for the temporary closing of said section line and may request DWC to show cause why said section line should not be re-opened if surface coal mining operations in the vicinity thereof have been completed.
5. That this Resolution, the Petition involved therein and the Affidavit of Publication of Notice of Hearing be filed with the Mercer County Auditor.

RESOLUTION OF MERCER COUNTY COMMISSION

Dated this 15th day of January 2014.

ATTEST:

MERCER COUNTY COMMISSION

Shana Brost by *Lana Schneider, deputy auditor* *Gary Murray*

/s/Shana Brost, Mercer County Auditor By: /s/Gary Murray, Chairman

AFFIDAVIT OF PUBLICATION

STATE OF NORTH DAKOTA)
)
) SS
COUNTY OF Mercer)

I SHELLEY CHASE, being first duly sworn, on my own oath, say, that I am the bookkeeper of the Hazen Star, a weekly newspaper of general circulation, published in the city of Hazen, that the advertisement headed:

DAKOTA WESTMORELAND HZ-NOTICE OF HEARING CLOSE SECTION LINE/LEGAL

a printed copy of which is here annexed, was published in the regular and entire issue of said newspaper during the period and time of publication, and that the notice was published in the newspaper proper, and not in a supplement,

for 1 consecutive week 12/12/2013 to wit:

Column Inches 4.25 \$5.94 \$25.25 12/12/2013

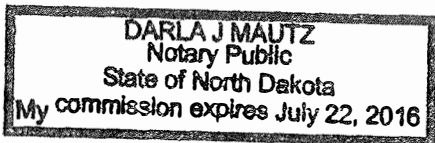
Notary Fee \$1.00 Total Cost of Legal \$26.25

Shelley Chase

Subscribed and sworn to before me this 17th day of December A.D. 2013.

(Seal) *Darla J. Mautz*
Notary Public, State of North Dakota

My Commission Expires



NOTICE OF HEARING ON PETITION FOR TEMPORARY CLOSING OF SECTION LINES

PLEASE TAKE NOTICE that a Petition by Dakota Westmoreland Corporation, 6204 13th Street SW, Beulah, North Dakota 58523-0039, has filed with the Board of Mercer County Commissioners requesting that the following section line be temporarily closed for the purpose of conducting surface coal mining and reclamation operations:

the section line common to Sections 22 and 23 excluding the north 1,400 feet, Township 143 North, Range 88 West, Mercer County, North Dakota.

A hearing on the Petition will be held by the Board of Mercer County Commissioners in the Mercer County Courthouse at Stanton, North Dakota on the 15th day of January 2014, at 9:45 AM, for the purpose of receiving testimony and evidence bearing upon the above request by the Petitioner. Statements may be made orally or in writing at the time of the public hearing. The Petition for closing said section line is on file in the Office of the County Auditor and may be viewed by interested persons during regular office hours.

By order of the Board of Mercer County Commissioners.

/s/ Shana Brost, Mercer County Auditor

(12-12-13)

**RESOLUTION OF
MERCER COUNTY COMMISSION**

WHEREAS, Dakota Westmoreland Corporation (DWC) has petitioned the Board of County Commissioners of Mercer County, North Dakota (Commission) to close the following described section line that interferes with surface coal mining operations pursuant to the provisions of Chapter 38-01-07.1 and Chapter 38-01-07.2 of the North Dakota Century Code:

- a. The section line common to Sections 20 and 29, Township 143 North, Range 88 West, Mercer County, North Dakota.

WHEREAS, a public hearing was held upon the Petition of DWC before the Commission on the 7th day of June 2017, at 10:30 CST, in the courthouse in the city of Stanton, North Dakota, and the commission having heard and considered all of the testimony and evidence presented.

NOW, THEREFORE, BE IT RESOLVED that the Commission does hereby find, conclude, and determine as follows:

1. That the Commission has jurisdiction over the subject matter of the Petition and the section lines involved therein.
2. That the Notice of Hearing on said Petition was duly served and published as required by law.
3. That the closing of said section line is necessary due to the fact that the said section line interferes with DWC's conduct of surface mining operations.
4. That the closing of said section line does not deprive adjacent landowners access to their property.
5. That a public benefit exists in closing said section line and that the interests of the public and affected landowners will be protected.

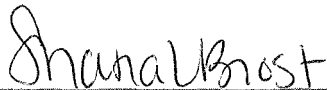
BE IT FURTHER RESOLVED, based on the foregoing, that the Commission hereby determines and orders as follows:

1. That the following section line be closed and replaced with County Road 12 at its original location (see below) when DWC's surface coal mine operations, which affect the use of said section line by the general public, are completed:
 - a. The east-west section lines of the following: Sections 14 and 23, Sections 15 and 22, Sections 16 and 21, Sections 17 and 20, and the SE1/4, SE1/4, Section 18 and NE1/4, NE1/4, Section 19, Township 143 North, Range 88 West.
2. That the Commission may at any time exercise its rights to monitor the continued need for the closing of said section line and may request DWC to show cause why County Road 12 has not been re-opened if surface coal mining operations in the vicinity thereof have been completed.

3. That DWC will maintain existing access points within the permit boundary for landowners operating within the permit boundary affected by the road closure. Landowners must abide by all *Mine Safety and Health Administration* rules when accessing the mine. (See the attached map with existing access points.)
4. That this Resolution, the Petition involved therein and the Affidavit of Publication of Notice of Hearing be filed with the Mercer County Auditor.

RESOLUTION OF MERCER COUNTY COMMISSION

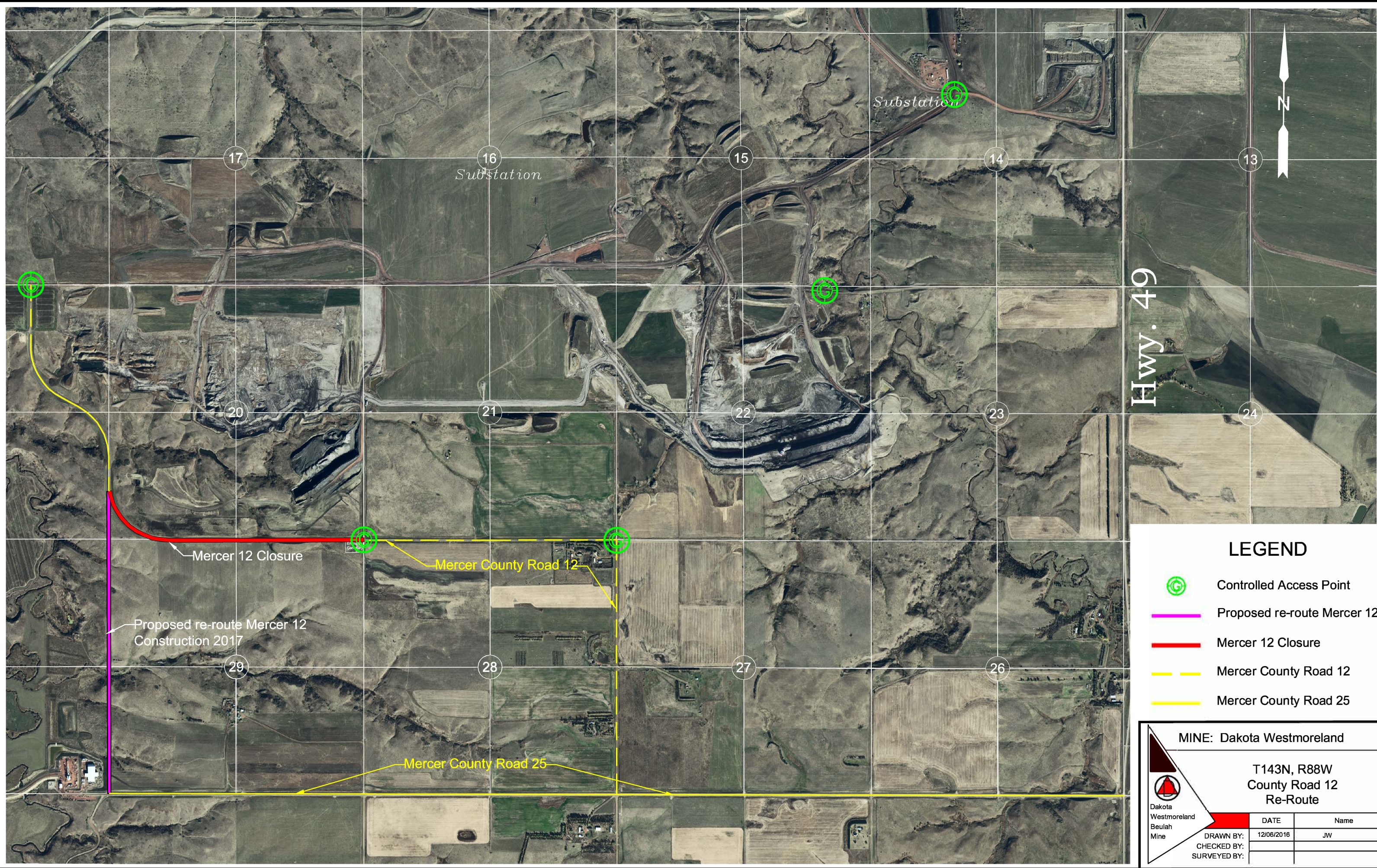
Dated this 7TH OF June, 2017.








/s/Shana Brost, Mercer County Auditor



By: /s/Duane Scheurer, Chairman




LEGEND

-  Controlled Access Point
-  Proposed re-route Mercer 12
-  Mercer 12 Closure
-  Mercer County Road 12
-  Mercer County Road 25

MINE: Dakota Westmoreland

T143N, R88W
County Road 12
Re-Route

 Dakota Westmoreland Beulah Mine	DRAWN BY:	12/06/2016	Name
	CHECKED BY:		JW
	SURVEYED BY:		
	DATE		

AFFIDAVIT OF PUBLICATION

STATE OF NORTH DAKOTA)
)
COUNTY OF MERCER) SS
)

I SHELLEY CHASE, being first duly sworn, on my own oath, say, that I am the bookkeeper of the BEULAH BEACON, a weekly newspaper of general circulation, published in the city of BEULAH, that the advertisement headed:

DAKOTA WESTMORELAND COAL COMPANY) BH-PETITIONS FOR TEMP CLOSING & OPENING SEC LINES/LEGAL

a printed copy of which is here annexed, was published in the regular and entire issue of said newspaper during the period and time of publication, and that the notice was published in the newspaper proper, and not in a supplement,

for 3 consecutive week 05/25/17 to wit:

5.25	39.38	05/11/2017
5.25	39.38	05/18/2017
5.25	39.38	05/25/2017

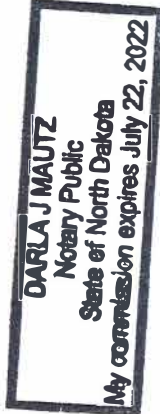
Notary Fee \$1.00 Total Cost of Legal \$119.14

Shelley Chase

Subscribed and sworn to before me this 6th day of June A.D. 2017

(Seal) Darla J Mautz
Notary Public, State of North Dakota

My Commission Expires



NOTICE OF HEARING ON PETITIONS FOR TEMPORARY CLOSING AND OPENING OF SECTION LINES

PLEASE TAKE NOTICE that a Petition by Dakota Westmoreland Corporation, 6204 13th Street SW, Beulah, North Dakota 58523-0039, has filed with the Board of Mercer County Commissioners requesting that the following section line be temporarily closed for the purpose of conducting surface coal mining and reclamation operations:

The section line common to Sections 20 and 29, Township 143 North, Range 88 West, Mercer County, North Dakota.

Within a second Petition, Dakota Westmoreland Corporation is also requesting to open the following section line for the purpose of conducting surface coal mining and reclamation operations:

The section line common to Sections 29 and 30, Township 143 North, Range 88 West, Mercer County, North Dakota.

A hearing on the Petitions will be held by the Board of Mercer Commissioners in the Mercer County Courthouse in Stanton, North Dakota, on the 7th day of June, 2017, at 10:30 a.m., for the purpose of receiving testimony and evidence bearing upon the above request

by the Petitioner. Statements may be made orally or in writing at the time of the public hearing. The Petition for closing and opening said section lines is on file in the Office of the County Auditor and may be viewed by interested persons during regular office hours.

By order of the Board of Mercer County Commissioners.

/s/ Shana Brost, Mercer County Auditor
(5-11-17) (5-18-17) (5-25-17)