

UNITED STATES

DEPARTMENT OF THE INTERIOR

This mining plan approval document is issued by the United States of America to:

Dakota Westmoreland Corporation  
6204 13th St. SW PO Box 39  
Beulah, ND 58523-0039

for a mining plan modification for Federal Lease NDM041765 at the Beulah Mine. This mining plan approval supplements all previous mining plan approvals for the Beulah Mine. The approval is subject to the following conditions. Dakota Westmoreland Corporation is hereinafter referred to as the operator.

1. Statutes and Regulations.--This mining plan approval is issued pursuant to Federal Lease NDM041765; the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.); and in the case of acquired lands, the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351 et seq.). This mining plan approval is subject to all applicable laws and regulations of the Secretary of the Interior which are now or hereafter in force; and all such laws and regulations are made a part hereof. The operator shall comply with the provisions of the Federal Water Pollution and Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and other applicable Federal laws.
2. This document approves the mining plan modification for Federal Lease NDM041765 at the Beulah Mine and authorizes coal development or mining operations on the Federal leases within the area of mining plan approval. This authorization expands the approved mining plan area into the following Federal coal lands:

Township 143 North, Range 88 West, 5<sup>TH</sup> P.M.

Sec. 20: Portions of N½ of the S½

Sec. 22; S½

These lands encompass about 400 acres and are shown on the mining plan approval area map attached hereto as Attachment A.

3. The operator shall conduct coal development or mining operations only as described in the complete permit application approved by the North Dakota Public Service Commission, except as otherwise directed in the conditions of this mining plan approval.

4. The operator shall comply with the terms and conditions of the lease, this mining plan approval and the requirements of the North Dakota Permit No. KR8603 issued under the North Dakota State program, approved pursuant to the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).
5. This mining plan approval shall be binding on any person conducting coal development or mining operations under the approved mining plan and shall remain in effect until superseded, canceled, or withdrawn.
6. If during mining operations unidentified prehistoric or historic resources are discovered, the operator shall ensure that the resources are not disturbed and shall notify North Dakota Public Service Commission and the Office of Surface Mining Reclamation and Enforcement (OSMRE). The operator shall take such actions as are required by North Dakota Public Service Commission in coordination with OSMRE.
7. The Secretary retains jurisdiction to modify or cancel this approval, as required, on the basis of further consultation with the U.S. Fish and Wildlife Service pursuant to section 7 of the Endangered Species Act, as amended, 16 U.S.C. 1531 et seq.

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Assistant Secretary  
Land and Minerals Management

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Date

Attachment