



Montana Department of
ENVIRONMENTAL QUALITY

Brian Schweitzer, Governor

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May 10, 2010

Mr. Dave Kuzara
Permit Coordinator
Westmoreland Resources Inc.
P.O. Box 449
Hardin, MT 59034

RE: Amendment Application 00186 (SMP 85005); First Round Completeness Deficiency

Dear Dave:

The Department has completed its review of Amendment Application 00186, Tract III West, and determined that the application is not complete. In order for the Department to declare the amendment application complete, Westmoreland Resources Inc. must address the following deficiency:

ARM 17.24.303(1)(n) – Legal right to mine: Westmoreland must provide copies of the documents upon which it bases its legal right to enter and begin mining operations in the permit area and whether that right is the subject of pending litigation. The coal mineral rights in Section 22, T1N, R37E are in private ownership as demonstrated in the materials submitted with the amendment application; however, there was no lease agreement submitted for this portion of the permit area. Additionally, there should be a reference to the Tract III coal lease included in the Amendment Application. This reference would direct the reader to the Tract III lease included in SMP 85005.

Please feel free to contact the Department regarding this deficiency.

Sincerely,

Chris A. Yde, Supervisor
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CY/sg

C: Mr. Jeff Fleischman

FC: 620.303 (Application 00186)