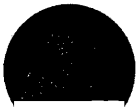


**Dakota Westmoreland Corporation - *Beulah Mine***

**KRSB-8802 Revision 29  
Completeness Comment Responses**

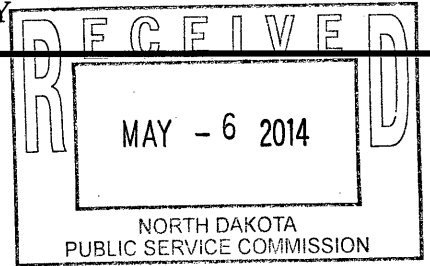
**April 25, 2014**

**Comment/Response Letter**



# Dakota Westmoreland Corporation - *Beulah Mine*

A Subsidiary of WESTMORELAND COAL COMPANY



April 25, 2014

Mr. James R. Deutsch  
Director, Reclamation Division  
Public Service Commission  
600 E Boulevard Ave, Dept 408  
Bismarck, ND 58505-0480

Dear Mr. Deutsch:

Re: Revision No. 29  
KRSB-8802

The following is submitted in response to the Commission's completeness review letter of March 3, 2014. The individual deficiency comments are set forth below followed by Dakota Westmoreland's responses and a list of revised information. Three sets of the revised narratives and exhibits are enclosed. Please note text changes associated with Revision 29 are highlighted yellow.

## **Application Form SFN 10562**

1. The legal description and approximate acreage of property affected by the revision should be described more accurately. Please revise the first sentence of the revision description to clarify that Revision 29 changes the postmining land use on 30 acres of reclaimed cropland/hayland located in the SE $\frac{1}{4}$  of Section 11 and NE $\frac{1}{4}$  of Section 14 from an agricultural land use to an industrial land use. The Commission does not designate land use "districts". The terminology of "agricultural district" and "industrial district" is therefore misleading, and most of the permitted land that will be used for the transload facility in Sections 11 and 14 is already designated as industrial land use. (GAW/ZAB)
  - Page 1 of 2 of the revision application form has been revised as requested. The terminology of "agricultural district" and "industrial district" was taken directly from the *Mercer County Resolution: To Amend The Mercer County Zoning District Map*, as adopted by the Board of Mercer County Commissioners on the 4<sup>th</sup> day of December, 2013.
2. Please revise the Revision Narrative that is attached to the revision application to include a brief description of all operation and reclamation plans affected by the revision. This description should include re-alignment of the haul road, moving existing SPGM stockpiles, changing the approved postmine topography, and re-affecting reclaimed lands. (GAW)
  - The revision narrative has been revised as requested.



#### 1.4 Business Entity Information

##### Permit Application Advertisement (text)

3. Please include a statement in the first paragraph of the Notice of Application that Revision 29 purposes to modify the existing facilities area and that these activities are not related to the coal mining activities within the permit area. (ZAB)
  - The Notice of Application has been revised as requested.
4. As required by NDCC 38-14.1-18(1), please make the following corrections or clarifications to the last two sentences of the first paragraph of the Notice of Application: “*Revision No. 29 changes the postmine land use for a 30 acre parcel of reclaimed cropland/hayland from an agricultural district to an industrial district in the SE¼ of Sections 11 and the NE¼ of Section 14, T.143N, R.88W, Mercer County, North Dakota. This postmine land use change will facilitate the addition of a transload multi-use facility to be located in portions of Sections 10, 11 and 14, T.143N, R.88W, Mercer County, North Dakota.*” (WTG/GAW/ZAB)
  - The Notice of Application has been revised as requested.
5. As required by NDCC 38-14.1-18(1), please make the following corrections or clarifications to the last sentence of the second paragraph of the Notice of Application: “*The precise location and boundaries of the land affected by the revision and the transload multi-use facility rail loop permit area are depicted on the accompanying map.*” (WTG/GAW)
  - The Notice of Application has been revised as requested.
6. As required by NDCC 38-14.1-18(1), please make the following corrections or clarifications to the first sentence of the fourth paragraph of the Notice of Application: “*Written comments, objections, or requests for an informal conference on the revision application 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.*” (WTG)
  - The Notice of Application has been revised as requested.
7. As required by NDCC 38-14.1-18(1), please make the following corrections to the fifth paragraph of the Notice of Application: “*The legal description and names of the apparent surface and mineral owners of the land affected by the revision within the area applied for are as follows:*” (WTG/GAW)
  - The Notice of Application has been revised as requested.
8. As required by NDAC 69-05.2-10-01(1)(b)(4), please review and revise as necessary the surface and coal ownership listed for the S½ of Section 11 and the N½ of Section 14 because Subsection B.1. (Property Interests - Permit Area) of Section 1.4 updated most recently with

Revision 26 to KRSB-8802 lists ownership in addition to or that differs from what is listed for these parcels in the notice. (WTG/ZAB)

- The Surface and coal ownership has been corrected on the Notice of Application.

**Permit Application Advertisement (map)**

9. Please replace the revision notice map with a revised version of a previous Beulah Mine revision notice map that meets the requirements of NDAC 69-05.2-10-01(1)(b). It appears that the submitted notice map was prepared for a purpose other than accompanying a revision notice, but rather than request numerous changes to the map we suggest replacing it with a revised map similar to the one published for Revision 27 to KRSB-8603. The map for Revision 29 to KRSB-8802 should include the following additions: (WTG/GAW)
  - a. The map scale should be enlarged to an approximate scale of 1:15,000 (about 4¼ inches per mile) centered slightly below and to the left of the middle of Section 11, with Section 11 and portions of adjacent Sections 1, 2, 3, 10, 12, 13, 14, and 15 depicted and labeled on the map.
  - b. The map should depict and label the KRSB-8802 permit boundary within the map's extent, Coyote Station, the Coyote Station Blue Pit ash landfill, North Dakota Highway 49, the Coyote Station and Beulah Mine access road, 13<sup>th</sup> Street SW, Brush Creek, Rose Hill Cemetery, and the distance to Beulah from Rose Hill Cemetery.
  - c. The map should depict and label the 30 acre parcel in the SE¼ of Section 11 and the NE¼ of Section 14 for which the revision proposes to change the postmine land use from agricultural to industrial.
  - d. The map should depict and label the transload multi-use facility rail loop in Sections 10, 11, and 14.
  - e. The map title box should be revised as necessary to label Revision 29 to KRSB-8802.
- The aforementioned items have been included on the revised public notice map.

**Table of Contents**

10. Please include a complete Table of Contents for inclusion into the permit revision. Information presently included at the bottom of page 2 will be lost if page 3 is not also updated at this time. The Revision No. and date should be listed at the bottom of each page of the document as has been done in the past. (GAW)
  - A complete Table of Contents is included.

**Section 3.1 General Mining Plan**

11. Please include maps, plans and narrative in Section 3.1 for the control of coal haulage through the railroad loop construction area. The plans must address traffic control of the haul trucks and other equipment, depict the locations of temporary crossings over the existing railroad tracks, and discuss the best-management practices that will be used for the control of surface water runoff in the construction area required by NDAC 69-05.2-24-01(2). Exhibit 3.1.3 needs to be updated to depict the temporary and permanent re-alignment of the haul road. (BAJ)

- Subsection C.8.a – Full Service Transloading Facility Construction Coal Haulage Control Plan has been added to Section 3.1 and addresses traffic control and best management practices that will be employed during the construction of the railroad loop. Exhibit 3.1.3B has been provided to depict the temporary haulroad and culvert locations during construction.

12. Please update Subsection C.1. (Mining Methods - Topsoil Handling) to discuss SPGM salvage operations within those areas zoned industrial land in Sections 10, 11, and 14. The Composite Soil Survey (Exhibit 2.4.7) does not provide any soil survey information for these areas presently zoned Industrial Lands so it is not clear if all of these areas have been previously affected by mining activities, or if portions of these areas were previously reclaimed in some manner under North Dakota's early reclamation laws. (GAW)

- Exhibit 2.4.7 has been revised to show the topsoil and subsoil respread depths in the SE $\frac{1}{4}$  of Section 11 and the NE $\frac{1}{4}$  of Section 14. We do not have respread depth information on the industrial site. DWC commits to the removal all SPGM from any construction area needed for the transload project.

13. Subsection C.8. (Mining Methods - Mine Site Facilities) of Section 3.1 has been revised to state that Exhibit 3.1.6 (Facilities Area Map) illustrates the full service transloading facility including the rail loop, but this exhibit has not been updated. Please include an updated copy of Exhibit 3.1.6. (GAW)

- Exhibit 3.1.6 represents our existing facilities. Exhibit 3.1.9 represents the proposed transload rail loop and the associated structures for this project. The reference in narrative 3.1 has been changed.

14. Exhibit 3.1.6 (Facilities Area Map) depicts overhead power lines, a dragline erection site, a storage yard site, and an explosives storage site in the area where the transloading facility is to be constructed. We are also aware of a coal stockpile site in this area. Please revise Section 3.1 to discuss how each of these mining support facilities will be affected by construction of the transloading facilities. (GAW)

- The Section 3.1 narrative has been revised as requested.

### **Section 3.4 Suitable Plant Growth Material Handling Plan**

15. Please revise Section 3.4 to describe how much topsoil and subsoil was respread on the reclaimed hayland/cropland located in the SE $\frac{1}{4}$  of Section 11 and NE $\frac{1}{4}$  of Section 14, and also describe the SPGM respread depths on any reclaimed industrial located in Sections 10, 11, and 14. Please depict these respread depths on Exhibit 2.4.7 (Composite Soil Survey) so that the SPGM salvage depths are known on areas to be re-affected by this revision. (GAW)

- Exhibit 2.4.7 has been revised to show the topsoil and subsoil respread depths in the SE $\frac{1}{4}$  of Section 11 and the NE $\frac{1}{4}$  of Section 14. We do not have respread depth information on the industrial site. DWC commits to the removal all SPGM from any construction area needed for the transload project.

16. The last paragraph on page 20 of Section 2.7 (Land Use) states that 82,735 cubic yards of topsoil and 117,000 cubic yards of subsoil will be salvaged from all areas to be affected by the rail loop. Exhibit 2.4.7 (Composite Soil Survey) does not depict any soil mapping units in the area to be affected by the rail loop. Please provide details how these amounts were determined since most of this area was disturbed prior to the requirement to salvage soil. (GAW)

- As previously stated, we do not have respread depth information on the industrial site. The method of computation used was 1.5' of topsoil and 2.5' of subsoil. DWC commits to removal all SPGM from any construction area needed for the transload project. This commitment has been provided on page 3.4.5.

17. Please update Section 3.4 to discuss moving SPGM stockpiles 1-04-1, 1-03-2, and 1-02-1 outside of the transloading facility area and discuss if these piles area going to be immediately respread or stockpiled. If these piles are going to be relocated, the stockpile sites will need to be depicted on Exhibit 3.4.3 (Materials Storage). (GAW)

- Section 3.4 has been updated to include Subsection A.2.a – Full Service Transloading Facility SPGM Stockpiles in response to this comment.

### **Section 3.5 Backfilling and Grading**

18. Please update Section 3.5 to account for the changes proposed with Revision 29. Language on page 20 of Section 2.7 (Land Use) states that 367,029 cubic yards of overburden will be hauled to an active reclaim area. Please discuss this plan in Section 3.5 and update Exhibit 3.5.3 (Post Mining Topography Map), Exhibit 3.5.3a (Postmining Topography Final Pit Area), and Exhibit 3.5.5 (Slope Analysis of Post Mining Topography Map) to account for topographic changes as necessary. Please also address temporary overburden stockpiling that may be necessary during rail loop facility construction. Proposed topographic changes associated with construction of the transloading feature and associated facilities should be depicted on Exhibit 3.5.3 (Post Mining Topographic Map) because this area contains topographic changes to areas already mined and reclaimed. (GAW/BAJ)

- Exhibit 3.5.3 has been updated to show the topographic changes associated with the transload facility. The additional yardages created by this project (367,029 cubic yards) will offset the shortfall that DWC has on this 9 million cubic yard project. The final topography plan will not change. The slope comparison will not change. The yardages created by the transload project will eliminate any plans for additional borrow areas at this time.

### **Section 3.7 Time Schedules**

19. Please review, and revise if necessary, the reclamation time schedules in Section 3.7 to account for hauling 367,029 cubic yards of overburden to the final pit area located in portions of Section 19 and 24 as described on page 20 of Section 2.7 (Land Use). (GAW)

- Timelines were modified for final reclamation of the Charlie Pit to accommodate the transload construction project. Pages 3.7.5 – 3.7.7 were revised.



Also, the following technical review item was noted during the completeness review. You can either address this item with the completeness response or wait until our full technical review is conducted.

20. DWC is proposing an SPGM storage area for the transloading facilities in the N $\frac{1}{2}$  of the SE $\frac{1}{4}$  of Section 11 on Exhibit 3.4.3 (Materials Storage); however, this area is listed as an area with abandoned underground mines "limits unknown" on Exhibit 3.1.3 (Topographic Map and Haul Roads) and this area is to be reclaimed to cropland/hayland. Please either accurately depict the limits of abandoned underground mines in this area and depict the SPGM storage area outside of these limits, or find a new site to store this SPGM. Perhaps the stockpile area could be limited to that portion of this area that was actually mined. Although page 20 of Section 2.7 (Land Use) mentions that this material will be available for reclamation of mine related facilities, we believe that all SPGM salvaged from these industrial areas should be retained for reclamation activities within the industrial areas of Sections 10, 11, and 14, most of which were disturbed prior to North Dakota's first, or during North Dakota's early, reclamation laws. Ideally, the SPGM stockpile storage site would be placed on industrial lands owned by DWC, rather than on lands that are to be reclaimed to an agricultural postmine land use. (GAW)

- The stockpile footprint was modified to stay within the strip-mined areas on Exhibit 3.4.3.

If you have any questions, please contact this office.

Sincerely,

William W. Weaver  
President

plg

Encl/