



# Public Service Commission

## State of North Dakota

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March 18, 2015

Jeff P. Frohlich  
Manager, Engineering and Environmental  
Dakota Westmoreland Corporation  
Beulah Mine  
PO Box 39  
Beulah, ND 58523-0039

Dear Mr. Frohlich:

The Reclamation Division has reviewed Dakota Westmoreland's March 5, 2015 changes to the application of Revision No. 29 to Permit KRSB-8802 for the Beulah Mine submitted in part as a response to our September 26, 2014 technical review letter. The March 5, 2015 changes to the revision application are also submitted in part as a response to our February 19, 2015 letter indicating that the new Orange/Charlie Pit reclamation schedule proposed with Revision 29 must be approved as soon as possible to replace the permit's outdated reclamation schedule. Furthermore, the proposed transload facility portion of the revision application should be deleted from the application if DWC cannot adequately address the technical deficiencies related to transload facility at this time. As stated in your March 5, 2015 letter, DWC has withdrawn all of the proposed transload facility changes to the permit submitted with the Revision No. 29 application.

The following items related to the new Orange/Charlie Pit reclamation schedule and ongoing reclamation must be adequately addressed prior to recommending Commission approval of Revision No. 29 to Permit KRSB-8802.

### **Revision Application (SFN 10562)**

1. Please revise the description in the Revision 29 application form to clarify what has transpired with Revision 29. The description as presently written incorrectly states that the revision makes a land use change and includes plans for a transloading multi-use facility. The description should be revised to only mention changes to the Orange/Charlie Pit reclamation schedule which was part of the reason why this revision was determined to be significant. (GAW/ZAB)

**Section 2.7 - Land Use**

2. Please update Section 2.7 to clarify DWC's current wetland reclamation plans. The area where a reclaimed wetland is depicted in SE¼ Section 19 is in the process of being reclaimed without a wetland and DWC has mentioned plans for replacing this wetland in Section 20. Please revise the postmining land use discussion in Section 2.7 to clarify DWC's current wetland replacement plans, and the Postmining Land Use Map, Exhibit 2.7.1, to show where wetland(s) will be reclaimed. (GAW)

**Section 3.2 - Water Management Plan**

3. The Pond 70 discussion on page 3.2.46 includes design information for the sump that is to be constructed in Section 19 and includes 6.5 acre feet of storage capacity from a wetland that apparently is no longer going to be constructed. Please review the design information for the watershed above Pond 70 and revise the sump design data accordingly using current conditions. The CN value used to calculate runoff assumes that none of the watershed will have any topsoil respread but this is no longer valid. A sump that is 2 acres in size and 40 feet deep may no longer be necessary. Please review and revise as necessary using actual current conditions and show this sump on the Water Management Plan map, Exhibit 3.2.1. (GAW)
4. Please update Exhibit 3.2.4, Proposed Constructed Wetlands, consistent with DWC's current wetland reclamation plans. The SE¼ of Section 19 is in the process of being reclaimed and it appears there will be no reclaimed wetland in this area. (GAW)

**Section 3.7 - Time Schedules**

5. The 2015 Schedule of Events on page 3.7.7 states that a 100,000 cubic yard void (sump) will be retained while the Pond 70 discussion on page 3.2.46 states that 130,000 cubic yards of fill will be needed to reclaim the sump that is to be 2 acres in size and 40 feet deep. Please review and revise as necessary to provide consistent information. (GAW)

Please contact this office if you have any questions.

Sincerely,



James R. Deutsch  
Director  
Reclamation Division