



March 31, 2015

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

Dakota Westmoreland submits the following in response to the Public Service Commission's review letter of March 18. Individual comments are set forth below followed by Dakota Westmoreland's responses and a list of the revised information. Three copies of the revised information are enclosed.

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)
 - Page 1 of 2 has been revised as requested.

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 SE $\frac{1}{4}$ 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)
 - The narrative and Exhibit 2.7.1 have been revised, replacing the formerly proposed wetland with two slope wetlands that have redeveloped within the reclaimed tame pastureland in the NW $\frac{1}{4}$ of Section 20.

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Response to the second technical review letter and modified application form filed by the applicant
Dakota Westmoreland Corporation
Paula Gores





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)
- A field survey of the void and surrounding area was conducted on February 5, 2015. This survey included the floor of the remaining void. No major leveling has occurred since this survey. Enclosed with this submittal is a one-foot contour interval map of the area above Pond 70. Also included is an 'elevation capacity curve' and the data calculations.

Calculations show that the initial design storm can be controlled by the existing features on the ground. A CN of 90 was used for the initial design. Currently, a good portion of the drainage area is "topsoiled". Most of these newly topsoiled acres do not have any significant ground cover and would be considered as 'fallow', bare soil with a CN of 86. Therefore changes to the storm runoff calculations would be minimal at this time. Once vegetation is established, the storm runoff numbers can be recalculated and adjusted accordingly. The location of the sump has been added to Exhibit 3.2.1.

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)
- The proposed wetland in the SE¼ of Section 19 has been removed from the exhibit.

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)
- The cubic yard void has been adjusted to reflect actual field conditions as of 2/05/15 and information provided in the Pond 70 discussion.

If you need additional information, please call me at extension 3926 or Jeff Frohlich, extension 3908.

Sincerely,

Paula Koble Gores
Permit Coordinator

/s/
Encl/