



# Public Service Commission

## State of North Dakota

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September 3, 2015

Mr. Jeff Frohlich  
Manager, Engineering & Environment  
Dakota Westmoreland Corporation  
Beulah Mine  
P.O. Box 39  
Beulah, ND 58523-0039

Dear Mr. Frohlich:

The Reclamation Division has conducted a technical review of Dakota Westmoreland Corporation's application for Revision No. 30 and Renewal No. 5 to Surface Coal Mining Permit No. KRSB-8802 at the Beulah Mine. The following items must be satisfactorily addressed before the Reclamation Division will recommend Commission action on this application.

### **Section 1.4 Business Entity Information**

1. Follow-up to item No. 3: Please add surface owner Bertha, Faith and Faye, LLC to the SW1/4 of Section 18 on Exhibit 1.4.1 Surface and Mineral Ownership Map. (ZAB)
2. Follow-up to item No. 4: Please update the addresses for Northern Municipal Power, Stephanie Keltner, and Bertha, Faye, & Faith, LLC on pages 1.4.20 and 1.4.21. (ZAB)
3. Follow-up to item No. 7: Please add the certified lease between Coyote Station and DWC, dated June 23, 2015, to Exhibit 1.4.2. (ZAB)
4. Please insert the approved newspaper notice and map for Revision 30 and Renewal 5 into the permit on pages 1.4.56 -1.4.58. (ZAB)

### **Section 2.3 - Ground Water Hydrology**

5. Follow-up to item No. 12: Please further address the seeps that have developed on reclaimed land in the N1/2 of Section 20 and the effects on the postmining land use, including obtaining new landowner preference statements from William and Miles Heth

if they are willing to allow wetlands on this tract. Currently, the post-mining land use for the area affected by ground water seepage from the Schoolhouse bed is tame pasture land. With the development of seeps on this tract, a tame pastureland use is not attainable on the wetland areas. Please change the postmining land use and provide updated preference letters or some form of written correspondence and approval from the Heth's regarding their acceptance of developed wetlands on their property in the post-mine setting. If the required documentation from the Heth's cannot be obtained prior to the required approval of this revision, then please discuss how DWC plans to otherwise deal with this issue. (BEB)

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

6. Follow-up to Item No. 24: The vegetation in the pool area of Pond 57 indicates that this pond has not held water for years. Given that 2013 and 2014 were some of the wettest years on record, it is doubtful that this pond will function as a developed water resource as required by NDCC 38-14.1-24(7)(c&d). Therefore, please consider revising the current plans for retaining sediment pond 57 as a developed water resource which would involve changing the post-mining land use table on page 2.7.4, the postmining land use map, Exhibit 2.7.1 and the permanent pond table on page 2.7.6. Pond removal plans should be developed prior to removing all available SPGM from the stockpiles in nearby Section 17. (GAW)

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch  
Director  
Reclamation Division

cc: Oliver County Auditor  
Mercer County Auditor