



October 5, 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. 30 and Renewal No. 5  
 KRSB-8802

The following are narrative responses to the Commission's technical review letter of September 3 for the applications of Revision No. 30 and Renewal No. 5. In response to the PSC's letter of October 2, Section 1.5 is being updated as well. Violations more than three years old have been deleted and additions were made to Oxford Mining Company, LLC. Enclosed are three copies of the revised information and a listing of the revised data.

**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)
  - Bertha, Faith & Faye, LLC, as surface owners, has been added to the exhibit.
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)
  - The necessary corrections have been made to pages 1.4.33 and 1.4.34.
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)
  - The June 23, 2015 lease has been added to exhibit 1.4.2. Also, the yellow highlighting and cross-hatching has been cleaned up on the index (cover) page for this exhibit.
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)
  - The newspaper notice has been added as requested as pages 1.4.56 –1.4.59.

### **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 N½ 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)
- We are in the process of obtaining a preference statement from the Heth brothers addressing the postmining wetlands and expect to be able to provide a statement for permit addition at the next suitable opportunity. The postmining land use of a majority of the seep areas was changed to "wetland" or "mitigation wetland" in revision 29, further additions were made with the June 23 submittal of Revision 30.

### **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)
- Although pond 57 has held water at times during the last several years, admittedly, it would have limited functionality as a stock pond. We are not sure that any grazing benefits are gained by reclaiming the pond and don't know of any detrimental impacts in its present state. Nonetheless, we have decided to reclaim the pond and have revised the referenced narrative elements and exhibit. The narrative for pond 57 on page 39 of Section 3.2 has also been changed to indicate a change in temporal status. Likewise, the narrative for pond 4 has been updated as well.

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

Sincerely,



Paula Koble Gores  
Permit Coordinator



### Listing of Revised Information

<u>Volume</u>	<u>Section</u>	<u>Revised Information and Instructions</u>
1	1.4	Replace pages 1.4.1 – 1.4.34 and 1.4.56 – 1.4.59 Replace exhibit 1.4.1 Replace exhibit 1.4.2 index (cover) page Replace pages 269 – 273 of exhibit 1.4.2
1	1.5	Replace entire narrative
6	2.7	Replace pages 2.7.4 – 2.7.6 Replace exhibit 2.7.1
7	3.2	Replace pages 3.2.13 and 3.2.39