



Dakota Westmoreland Corporation - *Beulah Mine*
A Subsidiary of WESTMORELAND COAL COMPANY



June 12, 2017

Dean K. Moos
Director Reclamation Division
North Dakota Public Service Commission
600 E Boulevard Ave, Dept. 408
Bismarck, ND 58505-0480

Dear Mr. Moos:

Re: Revision No. 31, KR5B-8603

Below are the responses to the Public Service Commission's completeness review letter of May 19, 2017. Each of the three enclosed DVDs contains a set of the permit revision documents.

Section 1.3 - Legal Description of Property

1. Follow-up to item No. 6: Please revise the following item for the metes and bounds description of the entire Revision No. 31 permit area on page 1.3.1. (WTG)
 - a. Remove the reference to "said section" that formerly referenced Section 17 on line number 10 because the west line of Section 16 is now correctly referenced as a distance of 740.0 feet between corner numbers 676 and 501.

RESPONSE:

Reference to "said section" has been removed from page 1.3.1.

Section 1.4 - Business Entity Information

2. Follow-up to item No. 7: Please revise Subsection B - Property Interests adjacent the permit area on page 1.4.61 of Section 1.4 to specify the S½ of Section 29 as adjacent to the permit area rather than the N½ of Section 29 that is proposed for addition to the permit with Revision No. 31. (WTG/ZAB)

RESPONSE:

Subsection B of Section 1.4 has been updated as summarized above.

3. Follow-up to item No. 9: Please revise the S½ to the N½ of Section 29 in the surface owner notification table on page 1.4.70 of Subsection C - Right of Entry and Operation Information. (ZAB)

RESPONSE:

Subsection C of Section 1.4 has been updated as summarized above.

Section 1.4 - Business Entity Information Subsection I - Permit Application Advertisement

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Response to second completeness review letter filed by the applicant
Dakota Westmoreland Corporation



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4. Follow-up to item No. 12: Please revise the first sentence of the newspaper notice as follows: ...*“for Revision No. 31 and to Surface Coal Mining Permit KRSB-8603.”* Please also revise the last sentence of the newspaper notice as follows: ... *“permit area are is as follows.”* (ZAB)

RESPONSE:

The Permit Application Advertisement has been updated as summarized above in the Narrative of Section 1.4.

5. Follow-up to item No. 12d: Please revise the first sentence of the third paragraph of the newspaper notice to state that the section line closure on the north boundary of Section 29 will be temporary rather than permanent. Please also add that the section line will be temporarily closed with the Board of Mercer County Commissioners approval because the board has yet to act on DWC's petition to close the section line. (WTG)

RESPONSE:

The permit application advertisement has been changed to temporary rather than permanent. In addition, the Mercer County Commissioners approved the closure on June 7th, 2017. The signed resolution and associated affidavit of publication have been added to Exhibit 1.4.4 in place of the Petition previously submitted within the Exhibit.

Section 3.1 - General Mining Plan

6. Follow-up to item No. 28: As required by NDAC 69-05.2-08-02(1)(e), please provide detailed information about the location and current use of all buildings on and within one-half mile of the proposed permit area. The information included on Exhibits 3.1.1 (Extended Mine Plan) and 3.1.6 (Facilities Area Map) provides no information about the buildings that are present and their current use. (GAW)

RESPONSE:

Exhibit 3.1.6 has been updated to include the location and use of the buildings on and within one-half mile of the proposed permit revision area.

7. Follow-up to item No. 31: DWC responded to our request to include pit numbers on Exhibit 3.1.2 (Pit Layout and Facilities Map) by stating that pit numbers are included on Exhibit 3.1.1 (Extended Mine Plan) and that this exhibit should be used to cross-reference Table 3.8.2; however, Exhibit 3.1.1 only depicts the pits mined in 2016 through 2030. The pits that are being leveled, respread and seeded have been grayed out on the map. Please depict all of the pits referenced in Table 3.8.2 on Exhibit 3.1.1 or, if you prefer, add a map to Section 3.8 that depicts the pits or portions of pits that have not been reclaimed. Currently, it is very difficult to understand where variances from contemporaneous reclamation requirements are being requested for the pits listed in Table 3.8.2. (GAW/ZAB)

RESPONSE:

Exhibit 3.1.1 has been updated to include all of the pits referenced in Table 3.8.2.

Section 3.2 - Water Management Plan





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8. Follow-up to item No. 34: A statement has been included at the beginning of Section 3.2 (Water Management Plan) that the plan has been prepared by, or under the direction of, a qualified registered professional engineer, a qualified registered land surveyor, or qualified professional geologist with assistance from experts in related fields; however, a signed statement with the seal of the professional person certifying the plan has not been included. Please include a signed and sealed certification of the water management plan. [NDAC 69-05.2-09-02] (BAJ)

RESPONSE:

A signed statement with the seal of a Professional Engineer now follows the narrative of Section 3.2

9. DWC is proposing to delete the design narratives for Sumps 99W and 99E from Section 3.2 (pages 3.2.29 and 3.2.30) and corresponding Exhibit 3.2.28 table (Table 3.2.28 - Sumps 99E & 99W - As Constructed) with Revision No. 31. These sumps control runoff for 142 acres of the Silver Pit that are undergoing reclamation and a portion of which is occupied by SPGM stockpiles. The design narratives and corresponding exhibit table must be retained in the permit. Please remove the strike-through edit for pages 3.2.29 and 3.2.30, reinsert Exhibit 3.2.28 table in Section 3.2, and revise the Table of Contents to match the Revision No. 30 version for entries related to Sumps 99W and 99E. Please also revise Section 3.2 design narratives and exhibits as necessary to describe and depict mineral removal area runoff control required by NDAC 69-05.2-16-04(1) for the Weil Section Line Road Iron Ramp 1 in the area of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21 depicted on Exhibit 3.1.8 (West Haul Road Extension). (WTG/GAW/ZAB/BAJ)

RESPONSE:

Sumps 99W and 99E has been placed back into the Section 3.2 Narrative and Exhibit 3.2.28. Also, both Exhibit 3.2.1 (more flow lines and BMP locations) and the Narrative for Section 3.2 have been updated to better explain the mineral removal area runoff control required for the Weil Section Line Road Iron Ramp 1 area as specified above.

Section 3.5 - Backfilling and Grading

10. Follow-up to item No. 37: Please revise Exhibit 3.5.3 (Post Mining Topography) to clearly depict the terrain modification boundary for all areas of mineral removal in the permit as was depicted on the Revision No. 30 version of this map in the permit. The Revision No. 31 version of this map does not clarify where post-mining topographical changes have been made. [NDAC 69-05.2-05-02(1), NDAC 69-05.2-09-02(3 and 4), and NDAC 69-05.2-09-11] (GAW/RLK)

RESPONSE:

The post-mine topography on Exhibit 3.5.3 now clearly depicts the approved PMT boundary and the Revision 31 PMT boundary. The Revision 30 approved PMT map was used as a template.

Section 3.8 - Time Schedules

11. Follow-up to item No. 38: As previously requested, please use the currently approved version of Section 3.8 from Revision No. 30 that was approved on July 20, 2016. The approved document should serve as the "base" for the Revision No. 31 changes you are requesting, but retain the historical information and provide appropriate justification for any new requests for variances from the contemporaneous reclamation requirements. Each new variance request should clarify if





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a variance is being requested for the 180 day backfilling rough grading rule (NDAC 69-05.2-21-01(2)) or from the three-year seeding rule (NDCC 38-14.1-24(14)). DWC must also update this section to address short-term reclamation delays as outlined in our January 24, 2017 letter in response to DWC's December 13, 2016 letter in follow-up to our November 22, 2016 meeting. (GAW/ZAB)

RESPONSE:

The currently approved version of Section 3.8 was used as a basis for the Section 3.8 Narrative and for Exhibit 3.8.2. Likewise, variances #11 and #12 were created based upon your January 24, 2017 letter.

Please contact us if you have any questions.

Sincerely,

Jesse Noel, P.E.
Regional Environmental Manager
Westmoreland Coal Co.

cc: Jody Mann
Mercer County Auditor



DAKOTA WESTMORELAND CORPORATION

Mine: Beulah Mine
Permit Number: KRSB-8603
Revision No.: 31
Submittal Date: January 31, 2017
Completeness: April 25, 2017¹
Completeness: June 12, 2017²

Revision Summary

Revision No. 31 adds 320 acres in the N1/2 of Section 29, T143, R88W, to permit KRSB-8603 for future coal mining and associated disturbance activities in support thereof in the Iron pit location. In summary, Revision 31 includes a revision to the PMT in the Iron pit in Section 20. The new PMT ties into the existing topography in Section 20 and incorporates the now known disturbance area within Section 20. Revision 31 also updates the reclamation time schedule for the Silver, Iron, and Gold pits. The time schedule has been updated to incorporate changes from the permit renewal, and includes expected reclamation in the new Iron pits. Revision 31 also includes new variance areas given the location of new ramps/haulroads in Sections 29 and 20. Because Revision 31 adds additional mining in the Iron pit, the reclamation bond has been updated to incorporate a new worst-case disturbance scenario.

Listing of Revised Information

<u>Section</u>	<u>Revised Information and Instructions</u>
TOC	Updated
1.1	Added Revision 31 documents ¹
1.2	Revised narrative
1.3	Revised narrative ² and exhibit 1.3.1
1.4	Updated AVS, narrative ² , and notice of application ¹ , and exhibits 1.4.1, 1.4.2, 1.4.3 ¹ , 1.4.4 ² , and removed 1.4.8
1.5	Updated Compliance from AVS
1.6	Revised narrative ¹
2.1	Updated narrative and exhibits 2.1.1, 2.1.2, 2.1.3, 2.1.4, added 2.1.5c, updated 2.1.6, 2.1.7, and 2.1.8
2.2	Revised narrative ¹ and exhibits 2.2.7 ¹ and 2.2.9
2.3	Revised narrative ¹ and exhibits 2.3.1, 2.3.2, 2.3.3, 2.3.4, 2.3.5, 2.3.6, 2.3.7, 2.3.8, and 2.3.10
2.4	Revised narrative and exhibit 2.4.7
2.5	Revised narrative and exhibits 2.5.1a, 2.5.4a, 2.5.11, and 2.5.13

- 2.6 Revised narrative¹ and exhibits 2.6.1, 2.6.3, 2.6.9¹, 2.6.11, 2.6.12a¹, 2.6.12b¹, 2.6.13, 2.6.14, 2.6.15, and 2.6.16
- 2.7 Revised narrative and exhibits 2.7.1, 2.7.2¹, 2.7.3, and 2.7.4
- 2.9 Revised exhibit 2.9.15
- 2.10 Revised narrative and exhibits 2.10.7 and 2.10.16
- 3.1 Revised narrative¹ and exhibits 3.1.1², 3.1.2¹, 3.1.3, 3.1.6², 3.1.8¹, and 3.1.8b
- 3.2 Revised narrative², updated exhibit 3.2.1², reinserted exhibit 3.2.38 table², new exhibits 3.2.58 thru 3.2.63, and new tables 3.2.58¹, 3.2.60¹, and 3.2.62¹
- 3.3 Revised exhibit 3.3.1
- 3.4 Revised narrative and exhibit 3.4.1
- 3.5 Updated Narrative² and exhibits, 3.5.1b 3.5.2c, 3.5.3², 3.5.4(a), and 3.5.4(b)
- 3.7 Revised narrative and exhibits 3.7.3, 3.7.11, and 3.7.13
- 3.8 Revised narrative² and exhibit 3.8.2²
- 3.9 Revised narrative and exhibits 3.9.1 and 3.9.2