

Hamre, John G.

From: Moos, Dean K.
Sent: Monday, October 12, 2020 1:40 PM
To: Hamre, John G.
Subject: FW: Notice of objection to proposed permit revision #32 to KRSB-8603

File: \\coal\Mine Data\Beulah Mine (Dakota Westmoreland)\Permits\KRSB - 8603\Revisions\No. 32

From: tbone@westriv.com <tbone@westriv.com>
Sent: Monday, October 12, 2020 11:58 AM
To: Moos, Dean K. <dmoos@nd.gov>
Subject: Notice of objection to proposed permit revision #32 to KRSB-8603

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Dear Mr. Moos, please consider this e-mail my written objection to proposed permit revision #32 to KRSB-8603 which directly affects lands that I own located in the W 1/2 Section 23, and NE 1/4 Section 22 143/88, Mercer County, ND. There are numerous items that are addressed in this revision that cannot be allowed to be approved by your office. Most notably are the reclamation schedule for Sections 22 and 23 T143N, R88W of this permit, along with the modification to the approved post mine topography in these sections. Items not discussed in this revision that need to be included are replacement of a destroyed water resource (flowing spring) which was once located near the center of the NE 1/4 Section 22 T143N, R88W., repair of downstream drainage damage caused by pond discharges in the NE 1/4 Section 22, and weed control on disturbed lands and undisturbed lands adjacent to disturbed lands within the mining permit, and weed control on suitable plant growth material (spgm) stockpiles, along with the methods that will be used to eliminate weeds on reclaimed lands after the billions of weed seeds that have been allowed to grow and multiply on spgm stockpiles are respread as part of reclamation.

In addressing reasons not to allow further delay in reclamation on lands owned by my cousin Vergene Christianson and myself in Sections 22 and 23, I cite the following:

1. These lands have already been granted a delay from the requirements of NDCC 38-14.1-24(14) and for the past 3 years there has been little if any progress attempted or made to comply with this section of the law which requires initial seeding to be accomplished within 3 years after coal removal. Granting a further delay to this law, will only allow weeds to grow and multiply on the barren overburden areas and spgm stockpiles, and will allow unstabilized overburden areas to continue to erode by both wind and water and contaminate valuable soils located outside the disturbance area. By granting further delays to the reclamation of these lands the surface owners will continue to lose and have no chance to recoup income from the affected properties which is in direct violation of NDCC38-18. Sections of the mining lease (KR227B) assumed by the mine operator, which address loss of income due to cessation of coal removal have been repeatedly ignored by the mining company and cannot be allowed to continue. Wooded draws have and will continue to suffer and degrade as weeds are allowed to blow into the sheltered areas of the draws drowning out small trees and vegetation and creating a fire hazard as conditions dry. Also trees in these draws are being killed due to lack of moisture as most of the natural drainageways that provide water to the wooded draw basins are cut off due to mining highwalls and water diversions. Returning the natural hydraulic regime to these draws as soon as possible may partially alleviate the continued degradation of the wooded draws.

2. Objections were not submitted to the previous revision to the post mining topography assuming that reclamation and approximate original contour (aoc) on disturbed mine lands in the area would and could be properly conducted. This must still be the case, and I encourage you to deny any alteration to the approved post mine topography that does not restore the mined land to very near the approximate original topography. By no means can any of the affected lands be allowed to be reclaimed to a condition that would compromise the reclaimed lands ability to regain its maximum agricultural potential. Also any alteration to the topography that would reduce or alter water flows into Brush Creek and its tributary drainages or upset the capability of this valuable water resource to be utilized for agricultural or other aquadic purposes must also be denied.

Thank you for your time and consideration of these matters, If you have any question or need to contact me you can respond to this e-mail or call @701-891-1750.

Sincerely, Terence Schmidt

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Hamre, John G.

From: Moos, Dean K.
Sent: Monday, October 12, 2020 1:54 PM
To: tbone@westriv.com
Cc: Hamre, John G.
Subject: RE: Notice of objection to proposed permit revision #32 to KRSB-8603

Mr. Schmidt,

This is acknowledge receipt of your objections to Revision #32 to Permit KRSB-8603. I also received your phone message. We will be in touch.

[Dean K. Moos](#)

Director, Reclamation & AML Divisions

701.328.4099 • dmoos@nd.gov • www.psc.nd.gov



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