



# Public Service Commission

## State of North Dakota

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*Sent via email only*

December 17, 2020

Mr. Scott Aberle  
General Mine Manager  
Dakota Westmoreland Corporation  
Beulah Mine  
P.O. Box 39  
Beulah, ND 58523-0039  
[saberle@westmoreland.com](mailto:saberle@westmoreland.com)

Dear Mr. Aberle:

As you're aware, Terence Schmidt and Ron Gunsch filed comments and objections to Revision 32 to Permit KRSB-8603. Copies of their comments and objections were previously provided to you as well as our October 22, 2020 response letter to Mr. Schmidt. Reclamation Division staff met with Mr. Schmidt and Mr. Gunsch on October 26, 2020 to further discuss their concerns.

Several of their items of concern have already been noted in our October 9, 2020 technical review of Revision 32 to Permit KRSB-8603 and/or the November 4, 2020 pre-renewal review letter for Permit KRSB-8603. However, several items that were discussed require further clarification and/or discussion in your response to Revision 32 to Permit KRSB-8603. Some of the concerns may not necessarily be permit items but more related to maintenance and/or inspection and enforcement items.

1. Although Westmoreland makes a commitment to complete reclamation of Gold Pit by the end of 2021, the Reclamation Division questions whether that that schedule is realistic considering the volume of material that needs to be moved and the amount of employees and equipment remaining at the Beulah Mine.
2. Both Mr. Gunsch and Mr. Schmidt expressed concerns about the amount of weeds on disturbed areas at the Beulah Mine. Please review the weed control plan outlined in Permit KRSB-8603 and, if necessary, make the appropriate updates and implement the weed control plan as necessary.
3. Mr. Gunsch expressed concerns regarding the roughness of a reclaimed area in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 20. This area was reviewed with Mr. Gunsch during an inspection on November 17, 2020. The tract is rough and the roughest areas are located in a corridor about 100 feet wide that extends east to west on the tract. The tract was seeded to hayland and some grasses were present, but vegetation is sparse in places and weeds are the dominant vegetation. Alfalfa establishment appeared poor on portions of the tract and no alfalfa plants were observed on a portion of the tract within the 100 foot corridor. The

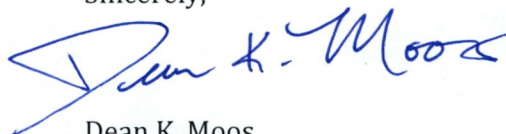
weediest portions of the tract had some grasses present, but it did appear some areas were missed during seeding; however, Mr. Gunsch did state that it was very dry the year this tract was seeded. It appears ripping or deep tilling may be required in the corridor. The rough areas need to be repaired and reseeded, and weeds need to be controlled so hayland vegetation can establish on the tract. Mr. Gunsch also expressed concern that topsoil respread appeared to be thin in places and there was some light colored areas present on the tract. Actual respread depths on the tract need to be verified.

4. Mr. Schmidt expressed concerns regarding a gully that has formed in an undisturbed drainageway near his farmstead located below Pond 102. This feature was inspected on October 21, 2020 and it appears to be mining related. DWC should make a commitment to repair this erosion feature when the pond is reclaimed.

As you're aware, neither Mr. Schmidt or Mr. Gunsch requested an informal conference on Revision 32 to Permit KRSB-8603; however, both are aware of their right to request a formal hearing on the Commission's final ruling on the revision.

If you have any questions, please contact this office.

Sincerely,



Dean K. Moos  
Director  
Reclamation Division

cc via email only:      Jesse Noel (jnoel@westmoreland.com)  
                                 Terence Schmidt (tc4kschmidts@westriv.com)  
                                 Ron Gunsch (kas@westriv.com)