



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

February 12, 2021

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

Dear Mr. Moos:

Attached are the responses to the technical review of the application for Revision 32 to permit KNSB-8603. Also, associated changed sections of the permit have been electronically copied (via *Dropbox*) for your review. Please feel free to contact me should you have any questions.

Sincerely,

Jesse Noel, P.E.
Director, Environmental & Regulatory
U.S. Operations
Westmoreland Mining LLC

Cc: Scott Aberle

24 RC-18-431 Filed 02/12/2021 Pages: 14
Company response to first technical review
Dakota Westmoreland Corporation
Jesse Noel



February 12, 2021

**Comment/Response to October 8, 2020 PSC Letter
Completeness Review of Revision 32**

Section 1.1 – Application and Support Documents

1. The Revision Summary in Section 1.1 states that Revision 32 modifies the post-mining topography in the Gold Pit area. Changes are also proposed in the Iron pit. Please update this section, as well as other applicable sections, to accurately account for all changes that are proposed with Revision 32. (SMN)

Response: Revision summary in section 1.1 has been updated as requested.

Section 1.4 – Business Entity Information

2. Please update Property Interests information that begins on page 1.4.16, consistent with surface and coal ownership information included with the Revision 32 public notice that begins on page 1.4.50. (GAW)

Response: Property interest information and has been reviewed and no changes were made.

3. Please update the names and addresses of apparent surface and subsurface owners of record information that begins on page 1.4.22. This would include addresses for Vergene Christianson, Candida Rhoades' heir Rita Schmidt, Bonnita Schmidt, Janice and Marvin Sigman, Joan Miller and Sylvia and Dalton Zeiszler. (GAW)

Response: Names and addresses of apparent surface and subsurface owners have been updated as requested.

4. Please review the Surface and Coal Ownership Map, Exhibit 1.4.1, to ensure the ownership information provided is accurate. (GAW)

Response: Exhibit 1.4.1, Surface and Coal Ownership Map, has been reviewed and no changes were necessary.

5. All reference to the ND State Health Department in subsection E of Section 1.4 should be updated to ND Department of Environmental Quality. The address for the Department of Environmental Quality should be updated to 918 E. Divide Ave., Bismarck, ND 58501. The permit identification number for the Air Permit to Operate #081011 should begin with the letter "O" (see attached letter from the ND DEQ). (GAW)

Response: Subsection E of Section 1.4 has been updated as requested.

Section 2.3 – Ground Water Hydrology – Probable Hydrological Consequences

6. Please update the post-mining topography acreages in Table 2.3.7 in subsection D of Section 2.3, Ground Water Hydrology, to account for all post-mining changes being proposed with Revision 32, and please reference a map in the permit where the post-mine watersheds are clearly depicted. Please also highlight all changes being made in Section 2.3. Every page in

this section is listed as being revised with Revision 32 but the changes are not highlighted. (GAW)

Response: Table 2.3.7 essentially remains the same with the exception of removing Ponds 109 through 111. The updated PMT in the Iron Pits has been designed to ensure the drainage basins do not change from previous PMT versions. The Gold Pit PMT was changed back to the approved PMT from Revision #31; thus, its basin sizes also did not change. As far as the footers, all footers were changed to the same date per phone conversation with Guy Welch on February 11, 2021/

Section 2.5 – Wildlife Inventory and Plan

7. Please revise the Northern Long Eared Bat (NLEB) narrative on page 2.5.66 to clarify that White-Nose Syndrome (WNS) has been found in bats in Mercer County, ND, and that there is no known NLEB hibernacula or maternity sites at the DWC Beulah Mine. Since the WNS 4(d) buffer zone rule is no longer applicable, please revise the narrative accordingly and state that the protocol established in the USFWS January 13, 2016 “Key to the Northern Long Eared Bat 4(d) Rule” will be followed. Please also revise the narrative to state that the USFWS IPAC data base will be consulted on a regular basis to determine if NLEB and other federal threatened or endangered species are listed in Mercer County, ND. (GAW)

Response: The Narrative for Section 2.5 has been updated per your request regarding both the LBED and USFWS regular consultation.

Section 2.7 – Land Use

8. Please revise the road discussion in the third paragraph on page 2.7.4 to clarify if an improved section line road or county road is going to be replaced on the section line between Sections 20 and 21. (GAW)

Response: The Narrative has been updated to include the road to be located between Sections 20 and Section 21.

9. Please move the location of reclaimed wetlands SW20-1W and SE20-2W into drainageways on the Post-Mining Land Use Map, Exhibit 2.7.1, and revise the reclaimed wetland design plans for changes in location and perhaps the size of the associated watershed. (GAW)

Response: Wetland SW20-1W and SE20-2W were moved into drainageways on Exhibit 2.7.1, the Pos-Mining Land Use Map, as requested.

10. Please consider moving the location of reclaimed woodland SE20-1 and conservation woodland SW20-1 to areas having a north, east or northeasterly facing slope (aspect) on the Post-Mining Land Use Map, Exhibit 2.7.1, to improve the likelihood of tree and shrub survival. (GAW)

Response: Reclaimed woodland SE20-1 and conservation woodland SW20-1 were moved to more opportunistic areas on Exhibit 2.7.1, the Post-Mining Land Use Map, as requested.

11. Please consider moving the location of reclaimed woodland SE22-1 from a south, southwesterly facing slope to a north, east or northeasterly facing slope on the Post-Mining Land Use Map, Exhibit 2.7.1. It appears reclaimed land located west of sediment pond P108 would be an excellent location for a tree planting. (GAW)

Response: Reclaimed woodland SE22-1 has been moved on Exhibit 2.7.1, the Pos-Mining Land Use Map, as requested.

12. Please revise the location of reclaimed wetlands NW22-1W and SW22-1W on the Post-Mining Land Use Map, Exhibit 2.7.1, such that they are in the bottom of the proposed reclaimed drainageway. (GAW)

Reclaimed wetlands NW22-1W and SW22-1W have been moved on Exhibit 2.7.1, the Pos-Mining Land Use Map, as requested.

Section 3.1 – General Mining Plan

13. Please revise sentences towards the end of second paragraph on page 3.1.2 to clarify that the Iron Pit is also located in the S1/2 of Section 20 and that the Gold Pit also occupies a portion of Section 23. (GAW)

Response: The Iron Pit location clarification was added to the verbiage. Also, past coal sales and coal sales projections were updated within the narrative.

14. Please review the list of major equipment on page 3.1.8 to ensure it is current and accurate. (NDCC 38-14.1-14(1)(I)) (GAW/PJR)

Response: The List of Major Equipment has been updated.

Exhibit 3.1.2 – Pit Layout and Facilities Map

15. Please update the Pit Layout and Facilities Map to show all current SPGM stockpiles and revise the map to show SPGM stockpiles that have been depleted differently than those with soil remaining. The SPGM piles in Section 18 have been depleted and there are SPGM piles on areas where coal was removed in Section 22 that are not depicted. (GAW)

Response: Exhibit 3.1.2, Pit Layout and Facilities Map, has been updated to depict all current SPGM stockpiles. SPGM stockpiles that have been depleted are shown in red.

16. Please consider depicting a 100-foot no disturbance buffer zone along the north side of Emmaus Cemetery. (GAW)

Response: A 100-foot buffer zone has been added to the north side of Emmaus Cemetery as suggested.

17. Please include Iron Pit identification numbers on recently mined pits. Please note the pit numbers used in the Reclamation Time Schedule (Section 3.8) and Worst-Case Bond (Section 3.9) need to be identified in a consistent manner on the Pit Layout Map. (GAW)

Response: The Iron pit identification numbers have been revised on Exhibit 3.1.2 to reflect the pit numbers discussed in Sections 3.8 and Section 3.9.

18. Please depict Pond 85 and Pond P85 Sump on the Pit Layout and Facilities Map, Exhibit 3.1.2. (GAW/PJR)

Response: Pond 85 and Pond P85 Sump are now shown on Exhibit 3.1.2, as requested

19. Please depict the Brush Creek sumps on the Pit Layout and Facilities Map, Exhibit 3.1.2. (PJR)

Response: Brush Creek BMP's are now shown on Exhibit 3.1.2.

Exhibit 3.1.6 – Facilities Area Map

20. Please depict all sediment ponds on the Facilities Area Map, Exhibit 3.1.6, or clarify why only some are shown. (GAW)

Response: Exhibit 3.1.6, Facilities Area Map, has been updated to include all sediment ponds.

Section 3.2 – Water Management Plan

21. Follow-up to Item No. 15 of our February 13, 2019 midterm review letter: Please revise Section 3.2, Water Management Plan, to include a table that identifies the year that each temporary sediment pond will be reclaimed. While design information for each pond generally includes construction dates, it does not include a reclamation date as required by NDAC 69-05.2-09-09(1)(d). Section 3.8 does not provide an adequate reclamation date for each temporary sediment pond. (GAW)

Response: Because reclamation of the ponds all happens within the same timeframe, a statement clearly defining pond reclamation dates was added to the narrative.

22. Please review the design plans for Ponds 104, 105, 106 and 108 and clarify if each of these ponds will be reconstructed exactly as originally designed. If these sediment ponds are not going to be reconstructed according to the original design plans, new design plans must be submitted. Pond 106 is designed such that Ditch 106W, which is the initial box cut adjacent the undisturbed land, functions as the pond's emergency spillway. Ditch 106W has not been maintained to function as planned. Please review and consider alternatives that will expedite reclamation of the watershed. (GAW)

Response: New pond designs for ponds 104, 105, and 106 have been added to the permit. Pond 108 will be constructed as planned once the final Gold pit is filled. Ditch 106W will function as planned once reclamation begins in the area. No sediment leaves the mine permit area in the area, and the ponds contain water from the drainages as designed.

23. Please consider constructing a sediment pond in the valley between Ponds 105 and 106 to facilitate reclamation of this area. Without a pond in this valley, Ditches 106E and 106W will need to be maintained, which will delay timely reclamation of the area. In addition, Ditch 106W does not currently convey runoff water to Pond 106 as depicted on the Exhibit 3.2.69. (GAW)

Response: Pond construction will delay reclamation of the area. Diversions are easier to maintain than ponds and will speed up reclamation as they are reclaimed. Diversions 106W, 106E, and 105N, 104W, and 103N have been updated on Exhibit 3.2.1.

24. Pond 109, Diversion Ditch 109S, and Diversion Ditch 109N will not be constructed because of the shortened Iron Pit sequence in the N½ of Section 29. Please revise pages 3.2.40 and 3.2.52 of Section 3.2 (Water Management Plan) to delete the descriptions of Pond 109,

Diversion Ditch 109S, and Diversion Ditch 109N. Please also revise Exhibit 3.2.1 (Water Management Plan) to delete the depictions and labels of Pond 109, Diversion Ditch 109S, and Diversion Ditch 109N. (WTG/GAW)

Response: References to Pond 109, Diversion 109S, and Diversion 109N have been removed from the Narrative and Exhibit 3.2.1.

25. Please discuss the diversion that was constructed along the east side of Ramp 2, east of the Pond 85 Sump, and describe how surface water runoff will be managed when the Gold Pit is backfilled and no longer stores runoff. It is not clear if sediment Pond 85 Sump has been constructed at an elevation that will accommodate reclamation of the surrounding area. (GAW)

Response: The diversion constructed East of Ramp 2 is simply a temporary structure utilized to ensure that water does not flow down the haulroad and bypass Pond 85. During reclamation, the Pond 85 sump will have to remain in place until reclamation is complete. It will be one of the last structures removed, similar to the ponds. Dirt will be placed next to the structure utilized as fill material until the area is revegetated, or until Pond 85 can safely handle flow from reclamation.

26. Please clarify if Ponds 104, 105 and 106 (submitted informally on 8-11-2020) were designed to control runoff from post-mine watersheds as proposed with Revision 32. Please review and revise if necessary. (SMN)

Response: The new designs for Ponds 104, 105, and 106 were designed to control runoff from the post-mining watersheds shown on Exhibit 3.2.1.

27. Revision 32 proposes to remove the design data for the Pond 85 Sump that is currently located in the Pond 85 narrative found on page 3.2.13 in Section 3.2. Please retain this information. (SMN)

Response: Two sentences within the strikethrough text were retained because they are relevant. All other information was left struck-through because it is no longer relevant to reclamation or the permit.

28. Design information regarding the Pond 85 Sump is located in Exhibits 3.2.7 and 3.2.40. Please provide this information in only one location. If you wish to retain it in Exhibit 3.2.40, please provide a statement in Exhibit 3.2.7 indicating that the as-built design plans for Pond 85 Sump are located in Exhibit 3.2.40. If you retain the as-built design plan for Pond 85 Sump in Exhibit 3.2.7, please update the Table of Contents to indicate the Exhibit 3.2.7 includes Pond 85 and Pond 85 Sump. (SMN)

Response: The text within the narrative now references Exhibit 3.2.40 for the Pond 85 Sump.

Exhibit 3.2.1 – Water Management Plan Map

29. Please depict Pond 85 Sump where it was actually constructed on the Water Management Plan Map, Exhibit 3.2.1, and delineate the watershed. (GAW/SMN)

Response: The Pond 85 Sump has been added to Exhibit 3.2.1

30. Please depict the diversion that was constructed along the east side of Ramp 2 and identify the watershed it was designed to control. (GAW)

Response: The diversion is temporary, in nature, and is used to keep water off of Ramp 2. During reclamation it will be removed. The temporary diversion does not have a watershed, it simply allows water to pass underneath Ramp 2. During reclamation, several of these temporary diversions are constructed to ensure water goes to the correct ponds as elevation change due to the cut and fill of material. The diversion was labeled temporary and added to Exhibit 3.2.1.

31. The Water Management Plan Map, Exhibit 3.2.1, depicts diversions constructed to control surface water runoff when mining operations began. However, some of these features were mined through and “Ditches” along the disturbance boundary were constructed to control surface water runoff, e.g. Ditch 106 East and Ditch 106 West. These Ditches are currently needed for water management and therefore must be depicted on the Surface Water Management Plan Map, Exhibit 3.2.1. Please update the Water Management Plan Map, Exhibit 3.2.1 to show all features and facilities currently being used to manage surface water runoff. Features and facilities that are no longer being used to manage runoff should be depicted differently than features currently being used. (GAW)

Response: All diversion have been updated on Exhibit 3.2.1, including the diversions around Pond 85 and Pond 85 Sump (See Response #24 above.)

32. Please depict the diversion in the E1/2 of Section 16 that conveys runoff from disturbed areas to Pond 86. (GAW)

Response: The diversion was labeled temporary and added to Exhibit 3.2.1.

Section 3.3 – Blasting plan

33. Please update the blasting plan to reflect current blasting procedures at the Beulah Mine. (PJR)

Response: The blasting plan has been updated to include a statement that says no blasting is planned for the future, but the procedures are in place should an emergency blast be needed.

Section 3.4 - Suitable Plant Growth Material Handling Plan

34. As required by NDAC 69-05.2-09-11(5), please update Section 3.4 (Suitable Plant Growth Material Handling Plan) with a current plan for redistribution of suitable plant growth material (SPGM) that provides the volumes, by ownership, of topsoil and subsoil available for reclaiming all disturbed acreage. The plan should include (a), a table with ownership acreage by legal description, postmine land use, available topsoil and subsoil stockpile volumes, or portions thereof, mixing agreement status, and topsoil and subsoil respread depths, and (b), a map depicting and labeling ownership parcels, postmine land use parcels, and topsoil and subsoil respread depths. Projected SPGM respread depths described and depicted in the permit and annual soil handling plans have become irrelevant as contemporaneous reclamation has increasingly lagged behind the permit’s reclamation schedule. Although graded spoil properties typically dictate grade approval area total SPGM respread depths, a current plan for SPGM redistribution is necessary to prevent respread depth shortfalls during permit reclamation. (WTG)

Response: The information requested is already in the permit. The information requested can be found in a combination of Section 2.7, Land Use, and Section 3.9, Reclamation Cost Estimates and performance Bond. As far as the Mine "lagging behind" the permit's reclamation schedule, the Mine has attempted to utilize variance zones for final pit reclamation. As pits are closed, material to fill the pits is a combination of boxcut material and previous spoil areas. Because the Iron and Gold pits are small in comparison to other pit areas in the State, Westmoreland has made every attempt to balance contemporaneous reclamation and also to ensure highwall disturbance is minimized. Exhibits 3.5.4(a) and 3.5.4(b) will show that the pre-mine to post-mine comparison is very close because of the effort to minimize disturbance and save enough overburden to ensure the final pit is filled to its approximate level.

Section 3.5 – Backfilling and Grading

35. DWC is proposing a final post-mining topography of less than 1 percent slope on approximately 20 acres of hayland and native grassland along the south side of Section 20. Please revise the Post Mining Topography Map, Exhibit 3.5.3, to show this flat area having at least 1 percent slope. (GAW)

Response: The new PMT has been discarded given landowner concerns. WBM will utilize the approved PMT from Revision 31. Because the Iron Pits have shortened, changes to the Iron Pit PMT will be the only difference in design.

36. DWC is proposing 11 percent slopes on reclaimed cropland in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22. Please revise the postmining topography, Exhibit 2.5.2, such that slopes in this area are more similar to that which existed prior to mining, and not greater than 9 percent. In addition, there appears to be an increase in acreage of 6 to 9 and 9 to 12 percent slopes for a portion of this tract. Similar concerns exist for portions of the SW $\frac{1}{4}$ of Section 22 (GAW)

Response: The new PMT has been discarded given landowner concerns. WBM will utilize the approved PMT from Revision 31 to address your concerns. A Table of the slope zones within Section 22 has been added to the permit.

37. DWC is proposing 8.4 percent slope on reclaimed cropland located in the N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22. Please revise the postmining topography, Exhibit 2.5.2, such that slopes in this area are more similar to that which existed prior to mining, and not greater than 6 percent, if feasible. (GAW)

Response: The new PMT has been discarded given landowner concerns. WBM will utilize the approved PMT from Revision 31. A Table of the slope zones within Section 22 has been added to the permit.

38. DWC is proposing to reclaim a few acres above an undisturbed wooded draw in the SE $\frac{1}{4}$ of Section 15 with slopes exceeding 20 percent. Although topographic changes are not being proposed in this area with Revision 32, please consider reviewing and revising the post mining topography in this area such that the reclaimed drainages blend appropriately with adjacent undisturbed land. It does not appear that the disturbance boundary on the Post Mining Topography Map, Exhibit 3.5.3, is accurately reflected in the SE $\frac{1}{4}$ of Section 15 and land not disturbed for the purposes of coal removal should not be altered for reclamation purposes. (GAW)

Response: The new PMT has been discarded given landowner concerns. WBM will utilize the approved PMT from Revision 31.

39. Please review the disturbance boundary (dashed blue line) on the Post Mining Topography Map, Exhibit 3.5.3 to ensure that it only encompasses lands affected by mining activities. Topographical changes should not be proposed on any areas not affected by mining or on areas affected only by associated mining disturbances. This includes a large portion of the N½S½ of Section 21 and the entire east, north and west sides of mine area. (GAW)

Response: The estimated disturbance boundary has been updated in the Gold, Silver, and Iron pit areas on Exhibit 3.5.3.

40. Please revise the Post Mining Topography Map, Exhibit 3.5.3 to include a line that clearly depicts the boundary where topographical changes have been or are being proposed. This includes all areas where coal was removed and other areas where topographical changes are warranted, for example back sloping a highwall to fill a final pit. Areas of associated mining disturbance would lie in between the disturbance boundary and this boundary where the pre-mining topography is being altered. (GAW)

Response: The disturbance boundary has been updated. The updated boundary is clearly depicted on Exhibit 3.5.3.

41. Please revise Exhibits 3.5.4(a) and 3.5.4(b), Pre- and Post-Mining Area Slope Maps, with an accurate depiction of the mining disturbance boundary and the boundary where post-mining topographical changes are being made. (GAW)

Response: Exhibits 3.5.4(a) and 3.5.4(b) have been updated utilizing the updated disturbance boundary.

42. The table at the bottom of Exhibit 3.5.4(a), Pre- Mining Area Slope Map, is incorrectly labeled "Postmine Surface" rather than "Pre-Mine Surface", and the map is labeled "Pre-Mine Slope Contours" rather than "Pre-Mining Area Slope Map" in the legend. Please correct these errors. (GAW)

Response: Exhibit 3.5.4(a) has been redesigned encompassing the error corrections listed above.

43. Please provide a pre-mining vs post-mining slope analysis for each surface owner tract in Section 22 so that we can determine if any surface owners land will have steeper slopes than existed prior to mining. NDAC 69-05.2-09-11(3), NDAC 69-05.2-21 and NDCC 38-14.1-02(2). (GAW/SMN)

Response: A pre-mining versus post-mining comparison has been added above the legend in Exhibit 3.5.4(a) for Section 22.

Section 3.8 – Time Schedules

44. Please edit the first sentence of the last paragraph on page 3.8.3 which incorrectly states that the Gold Pit will end in 2019 in a natural drainage. DWC's Annual Mine Maps indicate that coal removal ended in 2018 adjacent to a natural drainage rather than in a natural drainage. Please correct this error. (GAW)

Response: The sentence on page 3.8.3 has been revised.

45. The term “Reclamation” is used in the Schedule of Events in subsection B of Section 3.8 to presumably mean backfilling and final grading. Please clarify what is meant by the term “Reclamation” since it does not appear to include SPGM respread and seeding as those terms are also used. (GAW)

Response: A definition of “reclamation” was added to the paragraph above the schedule, on page 3.8.7.

46. The last item in the 2020 Schedule of Events on page 3.8.8 includes “Reclaim in Gold Pit”. Please clarify what type of reclamation will occur in the Gold Pit in 2020. (GAW)

Response: Inclusion of “Reclaim in Gold Pit” was removed from the schedule. It really did not belong in the schedule and was only placed in the schedule to let your Department know that some work would occur in this area. Of more importance is that the completion of reclamation was left in 2021.

47. The 2020 Schedule of Event on page 3.8.8, states that reclamation, SPGM respread and seeding will be completed in the Charlie Pit in 2020. Please clarify that the Charlie Pit is in Permit KRSB-8802 or removal all references to the Charlie Pit. (GAW)

Response: Reference to Charlie Pit was removed from the Narrative within the schedule on page 3.8.8.

48. Please revise the narrative for Variance Zone No. 10 on page 3.8.10 to only include areas where backfilling and rough grading will not be completed within 180-days and areas that will not be seeded within 3 years of coal removal. Exhibit 3.8.2 incorrectly includes land in Section 29 where a variance is not needed and the acreage amount, 196.3 acres, should be updated with Revision 32. The narrative also continues to state that 86.8 acres is needed for the worst-case bond but the mine plan is being changed with Revision 32. (GAW)

Response: Reference to Charlie Pit was removed from the Narrative within the schedule on page 3.8.8.

49. Please update the narratives for Variance Zones No. 9, 11 and 13 to clarify if a variance is still needed for any of those areas. (GAW)

Response: Because Variance Zone 11 has been reclaimed, a statement to that affect has been added to the Narrative. Variance Zones 9 and 13 contain a statement regarding the partial completion of the zones with respect to completed Silver Pit reclamation.

50. Please revise the Variance Zone No. 14 narrative to clarify that this variance area is needed for areas where coal was removed from 2015 through 2018 and recalculate the acreage associated with the Variance Zone. (GAW)

Response: The Narrative for Variance Zone 14 has been updated to describe the variance per your request. The acreage for the Variance Zone has not changed.

51. In Section 3.8, please clarify how many acres of additional contemporaneous reclamation variance are being requested with Revision 32. This must be itemized as acres of variance from the 180-day backfilling and rough grading rule and the acres of coal removal that will not be seeded within 3-years of coal removal. These acreage values should include only areas of variance not previously approved and detailed justification must be provided with

the request for delaying reclamation on these additional acres. It would be helpful to provide the acres in each existing variance area to help justify granting variances on additional acreage. NDAC 69-05.2-21-01 and NDCC 38-14.1-24(14). (GAW)

Response: No additional acres are being requested with Revision 32. Essentially, the mine passes changed in the Iron Pits, so the only change is Variance areas is the boundary of Variance Zone #10. The reasoning behind the Variance request for Zone #10 remains the same.

Section 3.9 – Reclamation Cost Estimates and Performance Bond

52. Table 3.9.1, Dozer and Haul Truck Fill Summary, does not include filling the northeastern portion of the Iron Pit or the northwestern portion of the Gold Pit with spoil. These areas have not been rough graded and should be included in the June 2020 worst-case reclamation costs. (GAW)

Response: The Gold Pit volumes in question are included in the total. The Gold Pit PMT has reverted to the PMT approved with Revision #31 (for the Gold Pit only).

53. Table 3.9.5, Scraper & Truck-Loader Production for Soil Respreading, indicates that SPGM is needed on 529.5 acres but DWC's 2019 Annual Mine Map indicates that subsoil is needed on 991.3 acres and topsoil is needed on 1124.1 acres. The Reclamation Division is not aware of any SPGM respread operations in Permit KRSB-8603 during the first 5 months of 2020 so it is not clear why the worst-case bond does not account for all the acreage needing SPGM respread. Please review and revise the worst-case bond accordingly or inform the Reclamation Division why our assumptions are not correct. (GAW)

Response: Acreages have been updated as of the end of 2020, accounting for all work performed.

54. Please revise Exhibit 3.9.2, Worst-Case Bond Map, to correctly depict all areas where soil has been respread in the Silver Pit. (GAW)

Response: Soil respread area have been updated in the Silver Pit on Exhibit 3.9.2.

55. Please revise Exhibit 3.9.2, Worst-Case Bond Map, to show all areas where subsoil and topsoil needs to be respread, effective June 2020, the worst-case time period. (GAW)

Response: Respread areas have been updated on Exhibit 3.9.2 for the worst-case time period.

56. The worst-case bond map, Exhibit 3.9.2, identifies worst-case mining disturbance beyond the existing disturbance boundary south of the Gold Pit. Please revise Exhibit 3.9.2, to not depict worst-case mining disturbance beyond the existing disturbance boundary. If DWC is planning to disturb the highwall along the south side of the Gold Pit to backfill the pit, then this should be thoroughly discussed in Section 3.5, Backfilling and Grading, and Section 3.2, Water Management. The worst-case mining disturbance cannot come within 100 feet of the unnamed intermittent stream located south of the Gold Pit. (GAW)

Response: The Gold Pit PMT has reverted to the PMT approved with Revision #31 (for the Gold Pit only). Thus, the disturbance boundary has been updated to mitigate your concerns above.

DAKOTA WESTMORELAND CORPORATION

Mine: Beulah Mine
Permit Number: KRSB-8603
Revision No.: 32
Submittal Date: December 27, 2018¹
Revised Date: January 31, 2019²
July 02, 2020³
July 22, 2020⁴
February 12, 2021⁵

Revision Summary

Revision 32 modifies the post-mining topography in the Iron Gold Pit area, inclusion of design plans for Pond 85 sump, reclamation-timing, bond update, and revises future mine passes to end on December 2021, and addresses midterm permit review comments.

Listing of Revised Information

<u>Section</u>	<u>Revised Information and Instructions</u>
TOC	Updated
1.1	Added Revision 32 Application and summary page to Subsection I Application History ^{2,3} ,
1.3	Revised Exhibit 1.3.1 ²
1.4	GM update ² , AVS update ^{2,5} , Revised p 1.4.22-1.4.24, Revised Section E ⁵ , Section H ² , Section I ² , Notice of application ^{2,3,4,5} , Exhibit 1.4.4 ²
1.5	Revised Narrative ^{2,5}
2.2	Revised Narrative ²
2.3	Revised Narrative page 2.3.24 ⁵ , 2.3.25 ² and Exhibit 2.3.1 ^{2,5}
2.5	Revised 2.5.45 ² , 2.5.46 ² , 2.5.67 ⁵ , 2.5.68 ⁵
2.7	Revised Narrative p2.7.4 ⁵ and Exhibit 2.7.1 ⁵
3.1	Revised Narrative p 3.1.1 ⁵ , 3.1.2 ⁵ , 3.1.8 ⁵ and Exhibits 3.1.1 ² , 3.1.2 ^{2,5} , 3.1.3 ⁵ 3.1.6 ^{2,5}
3.2	Revised p 3.2.7 ⁵ , 3.2.12 ^{2,5} , 3.2.13 ² , 3.2.40 ^{2,5} , 3.2.55 ⁵ , and Exhibits 3.2.1 ^{2,5} , Exhibit 3.2.7 ^{2,3} Exhibit 3.2.40 ³
3.3	Revised Narrative p 3.3.1 ⁵
3.4	Revised Exhibit 3.4.1 ²
3.5	Revised Narrative ² , and Exhibit 3.5.1(b) ^{2,5} , Exhibit 3.5.2(c) ^{2,5} , Exhibit 3.5.3 ^{2,5} , Exhibit 3.5.4(a) ^{2,5} , Exhibit 3.5.4(b) ^{2,5}
3.8	Revised Narrative p 3.8.3 ^{2,5} , 3.8.4 ² , 3.8.7 ^{2,5} , 3.8.8 ² 3.8.10 ^{2,5} , 3.8.11 ^{2,5} 3.8.12 ^{2,5} and Exhibit 3.8.2 ^{2,5}
3.9	Revised Narrative p 3.9.1 ⁵ , 3.9.2 ⁵ , 3.9.4 ⁵ , 3.9.5 ⁵ , 3.9.8 ⁵ , 3.9.9 ⁵ , 3.9.11 ⁵ , 3.9.13 ⁵ , 3.9.15 ⁵ , 3.9.16 ⁵ , 3.9.17 ⁵ , 3.9.18 ⁵ , 3.9.26 ⁵ , 3.9.27 ⁵ , 3.9.29 ⁵ 3.9.31 ⁵ , 3.9.32 ⁵ , 3.9.34 ⁵ , and Exhibit 3.9.1 ^{2,5} , Exhibit 3.9.2 ^{2,5}