



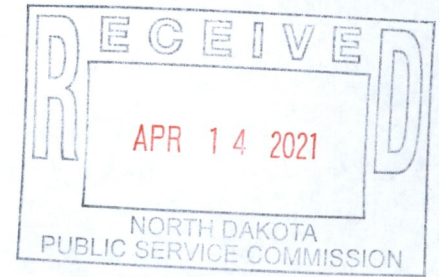
WESTMORELAND BEULAH MINING LLC

A Subsidiary of WESTMORELAND MINING LLC

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April 12, 2021

Dean Moos
Reclamation Division
Public Service Commission
600 E. Boulevard, Dept 408
Bismarck, ND 58505-0480



Permit ID: KRSB-8603
Revision Type:
Permitting Action: Deficiency Response
Subject: Transfer Permit

Dear Mr. Moos:

The purpose of this letter is to respond and address the deficiency comments received on December 21, 2020 pertaining to the permit transfer of KRSB-8603:

Application For Transfer, Sale or Assignment of Rights Granted Under an Approved Surface Coal Mining and Reclamation Operations Permit, SFN 10579

1. Please change the date listed in the following statement on the application form: *The above named hereby makes application to obtain all rights granted under Surface Coal Mining and Reclamation Operations for the above Permit Number from (date) **March 15, 2019** from the above named Existing Permittee for all/part of the approved permit area, described as follows (attach a copy of a metes and bounds description of the area).* Transfer of the permit requires commission approval and is not retroactive. The permit transfer cannot be approved until after the public notice has been published for four consecutive weeks and the public comment period ends (30 days after the last publication date). We suggest changing this date to something similar to "Effective upon commission approval". Please note that Mr. Micheletti and Mr. Stein do not need to sign a new application. Make the change on the application, then indicate in red text in the upper right corner the revised date. (ZAB)

Response: Please see "Revised KRS-8802 Application for Transfer 2021-03.pdf". March 15, 2019 has been replaced with "Effective upon Commission approval".

Public Notice and Map

2. Please correct the spelling of the word mining in WESTMORELAND BEULAH MINNG LLC in the first sentence of the first paragraph of the public notice. (ZAB)

Response: Please see "Public Notice & Map – 8603" section of this submittal. The misspelling if Mining has been correct.

3. Please revise the fourth paragraph of the public notice by changing the beginning of the first sentence from WESTMORELAND BEULAH MINING LLC'S application is on file

with the Office of...North Dakota to A copy of the application for transfer, sale or assignment of rights of a surface coal mining permit is available for public inspection at the Office of.....North Dakota. (ZAB)

Response: Please see “Public Notice & Map – 8603” section of this submittal. The fourth paragraph has been revised with the requested information.

4. Due to the pandemic, please revise the fourth paragraph of the public notice by adding the following sentence to the end of this paragraph: *A DVD copy of the application may be requested by contacting the Public Service Commission at (701) 328-2400 or ndpsc@nd.gov or by sending a written request.* Also, please correct the reference to the *Country Auditor* to *County Auditor*. (ZAB)

Response: Please see “Public Notice & Map – 8603” section of this submittal. The requested narrative has been added to fourth paragraph and *Country* has been corrected to *County*.

5. Follow-up to item No. 6 in our April 16, 2020 letter: Our original item asked WBM to review and update all surface and coal owner addresses and to provide the addresses to the Reclamation Division so we may send notices to all surface owners as required by NDCC 38-14.1-18(4). WBM responded that the surface and coal owner addresses are provided in the permit; however, several of these addresses were not correct and certified letters for Revisions 31 and 32 were returned to the Reclamation Division. A few surface and/or coal owners have passed away and Mercer County changed some addresses in 2020. The permit transfer application is subject to NDCC 38-14.1-18-(2) that requires the applicant to conduct a search of the records of the county recorder for each county for land within the proposed permit area and supply the commission with a list of names and addresses along with the application. Please review the surface ownership listed in the permit, update the surface and coal owners listed in the public notice, and provide a current list of surface and coal owners and their addresses with the application for transfer. (ZAB)

Response: Please see “Names and Addresses of Surface and Subsurface Owners” section of this submittal.

6. The list of coal owners in the SW1/4 of Section 23 is not complete in the public notice. Please add Karel M Weigel and Janice P Ziegler to the list of coal owners. (ZAB)

Please see “Public Notice & Map – 8603” section of this submittal. The coal owners have been updated in the SW1/4 of Section 23.

7. Please revise the public notice map by removing the Iron and Gold pit hatched areas and removing the labels for the Silver Pit, Gold Pit, and Iron Pit areas. These areas needed to be identified for the Revision 32 public notice, but they are not necessary for the permit transfer notice. (ZAB)

Please see “Public Notice & Map – 8603” section of this submittal. The map has been revised as requested.

Assignment of Leasehold Interest

8. Please review the Transfer Checklist- State of North Dakota Leases table on page 172. The table should include leases with the State for the NW1/4 and NE1/4 of Section 16 in Permit KRSB-8603. Coal removal is complete on the tracts, but the State of ND owns the surface and the leases are required to show right of entry. The two leases are listed as Parcels 73 and 74 in the Assignment of Leasehold Interests. (ZAB)

Please see “Assignment of Leasehold Interest section of this submittal. The checklist has been deemed irrelevant and has been removed.

9. Please provide additional information on the BLM lease NDM 83214 (LMU) for 7,454.69 acres listed on pages 169 and 171 of the application. Our records indicate that leases NDM 041765 and NDM 86601 include all the leased federal acres in Permits KRSB-8802 and KRSB-8603. (ZAB)

Response: NDM 041765 and NDM 86601 does include all the federal acres in the operating permits for the Beulah Mine. NDM 83214 is the Logical Mining Unit required for mining the federal mineral acres.

Supporting Narrative for Transfer Application KRSB-8802

10. Please review the entities listed on page 3 in the Supporting Narrative for Transfer Application KRSB-8603, under the Section 69-05.2-06-02(1), NDAC heading. An owner and an operator are listed for 5 of the seven entities so we presume that permit transfers are pending for the 5 entities. Please clarify if permit transfers have been approved or are pending for each entity listed. In addition, review the Texas Westmoreland Corporation/Westmoreland Jewett Mining LLC information and update as appropriate. We presume the mine was sold since the information for Westmoreland Jewett Mining LLC is proposed for deletion in the AVS and the ownership and control information. (ZAB)

Response: Requested revisions to the “Supporting Narrative for Transfer Application KRSB-8603” section of this submittal. The information on page 3 pertaining to the status of the permit transfers has been updated to reflect the current state of each entity. An additional line has been added for clarification to each entity, “Status of Permit Transfer”. The entities in which the permit transfers have been approved – the owner and operator have been consolidated to the current company name (example Westmoreland Rosebud Mining LLC has replaced Western Energy Company, owner and Westmoreland Rosebud Mining LLC, operator). Also, Westmoreland Jewett Mining LLC has been removed from the document for consistency with the AVS document.

Legal Information on Ownership and Control

11. Please revise the first paragraph of the Legal information in the ownership and control narrative by clarifying the status of the Westmoreland Jewett Mining LLC so the information is consistent with the AVS information dated August 25, 2020. (ZAB)

Response: Westmoreland Jewett Mining LLC has been removed from the Legal Information on Ownership & Control to be consistent with the AVS information dated August 25, 2020.

12. It is unclear why the two October 16, 2019 violations for the Absaloka Mine are stricken through and proposed for removal from the AVS information. Please retain all violations incurred by the applicant or its affiliates during the three-year period prior to the date of application as required by NDCC 38-14.1-14(1)(g). If permit transfers are not complete, violation information for both the owners and operators listed under the heading Section 69-05.2-06-02(1), NDAC in the Supporting Narrative for Transfer Application should be listed. (ZAB)

Response: The Absaloka Violations in question were written, and then shortly thereafter vacated without any written administrative order. Essentially, the violations were dropped soon after they were written.

Certificate of Liability Insurance

13. The certificate of liability insurance provided in the transfer application is not the approved version. Please provide the approved version of the certificate (Certificate Number W17161879) that is dated 07/02/2020 in the upper right corner. (ZAB)

Response: Please see “Certificate of Liability Insurance” section of the submittal for the approved version of the liability insurance.

If you have any questions, please contact me at (406) 748-5124.

Sincerely,



Dicki Peterson
Permit Coordinator
Westmoreland Rosebud Mining LLC
Phone: (406) 748-5124
Fax: (406) 748-5202
dpeterson@westmoreland.com

cc: Jesse Noel, Scott Aberle