



Public Service Commission

State of North Dakota

COMMISSIONERS

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June 12, 2020

Mr. Scott Aberle, General Manager
Dakota Westmoreland Corporation
Beulah Mine
PO Box 39
Beulah, ND 58523-0039

Dear Mr. Aberle:

The Reclamation Division has conducted a completeness review of the applications for Revision No. 32 and Renewal No. 6 to Permit KRSB-8802 at the Beulah Mine. The following items must be adequately addressed before the applications can be deemed complete and approval is granted to begin publication of the permit renewal newspaper notice. Please respond to these items in a timely manner to secure publication approval at the earliest opportunity.

Section 1.4 - Business Entity Information Subsection B - Property Interest

1. Please revise Property Interests (Permit Area) on page 1.4.30 as necessary for what we understand is a recent surface ownership change, and coal or mineral ownership if applicable, in the S½ of Section 8, Township 143N, Range 87W (Oliver County). Please also add the name(s) and address(s) of the new surface owner, and coal or mineral ownership if applicable, for the S½ of Section 8 to the listing on pages 1.4.33 and 1.4.34. (WTG)
2. Please revise Exhibit 1.4.1 (Surface and Mineral Ownership Map) as necessary for what we understand is a recent surface ownership change, and coal or mineral ownership if applicable, in the S½ of Section 8, Township 143N, Range 87W (Oliver County). (WTG)

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

3. The Revision No. 32 application has been deemed an insignificant alteration or addition to the approved operation and reclamation plan pursuant to NDAC 69-05.2-11-02(5)(a). The revision application is therefore not subject to the notice, hearing, and procedural requirements of NDAC 69-05.2-10, and NDCC Sections 38-14.1-18, 38-14.1-19, and 38-14.1-20. Please revise the notice accordingly as follows: (WTG/GAW)
 - a. Remove the reference to a revision application in the notice title.
 - b. Remove references to the Revision No. 32 application in the first and third paragraphs of the notice, and replace "Revision No. 32" with "A revision" in the third paragraph.
 - c. Specify in the fifth paragraph of the notice that any persons with an interest which is or may be adversely affected may file written comments, objections, or request an informal conference on the permit renewal application. Also add the address of the Commission in the fifth paragraph of the notice, to whom written comments, objections, or requests for informal conferences on the application may be submitted.
4. Since the onset of the COVID-19 pandemic, public review of the permit renewal application in the Commission or county auditor offices may not be feasible. Please replace the fourth paragraph of the notice with the following paragraph informing the public how to obtain a copy

of the permit renewal application: “Due to the COVID-19 pandemic, a copy of the permit renewal application will not be available for inspection at the Public Service Commission, State Capitol, Bismarck, ND, or the Mercer or Oliver County Auditor’s offices. Those wishing to review the renewal application may request a copy by contacting the Public Service Commission at 701-328-2400 (877-245-6685 toll free) or ndpsc@nd.gov, or by sending a written request to: Public Service Commission, 600 East Boulevard Avenue, Dept. 408, Bismarck, North Dakota 58505-0480, within 30 days after the last publication of this notice.” (WTG/GAW)

5. Dakota Westmoreland Corporation is not proposing to mine coal or conduct activities in the permit area during the next permit term that may impact future coal recovery. It is therefore unnecessary to list permit area coal ownership in the notice. (WTG)
6. Please remove the reference to subsurface mineral owners in the sixth paragraph of the notice, and clarify that “owners of land included within the permit area ~~applied for~~ are as follows:” (WTG)
7. Please review Rose Heth’s name listed as a surface owner in the NE¼ of Section 19 Township 143N, Range 87W (Oliver County) in the notice and revise the listing as necessary. Rose’s name is not listed for any other Heth surface ownership, and no mailing address is given for Rose. (WTG)
8. Please revise the surface ownership in the S½ of Section 8, Township 143N, Range 87W (Oliver County) as necessary for what we understand is a recent ownership change. (WTG)
9. We were unable to locate a map accompanying the notice in the Revision No. 32 application as required by NDAC 69-05.2-10-01(1)(b). Please provide a map for the notice, and add the map as page 1.4.61 of Section 1.4. The notice map approved for the Revision No. 30 and Renewal No 5 publication is enclosed for your information. This map would be acceptable for the Renewal No. 6 publication if the date and renewal number are revised, and the revision reference is deleted. (WTG/GAW/PJR)

Section 2.7 - Land Use

10. The permit should **not** be updated to describe or depict Pond 70 as a permanent pond until an updated landowner preference statement can be provided. If an updated landowner preference statement for Pond 70 cannot be provided at this time, then all changes proposed to this pond with the Revision No. 32 application should be removed. (GAW)

Please contact us with any questions.

Sincerely,

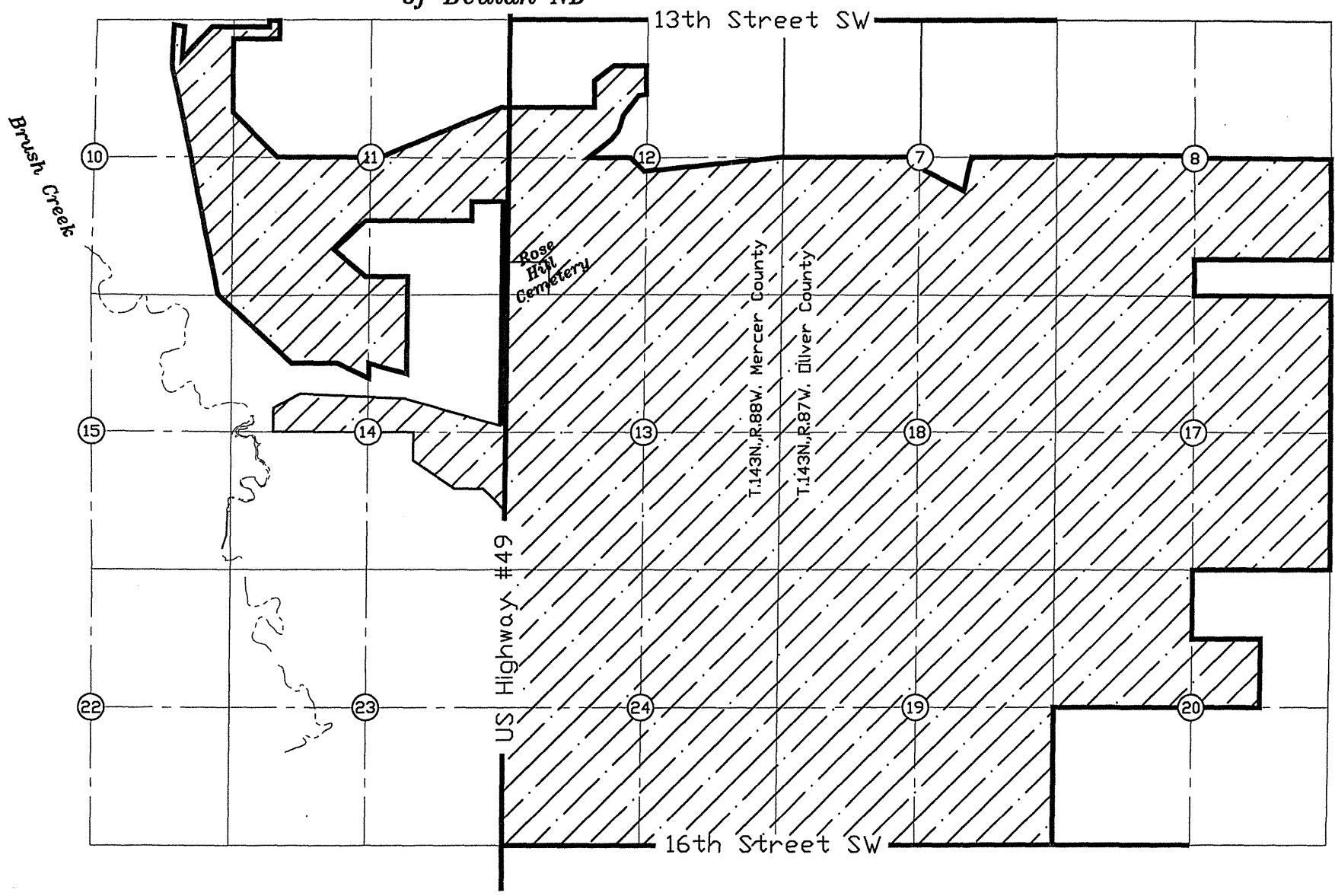


Dean K. Moos
Director
Reclamation Division

Enclosure

cc: Jesse Noel (w/enclosure)
Mercer and Oliver County Auditors

2 miles to city
of Beulah ND



Drawn By: JP Frohlich 6/17/15

KRSB-8802 Permit-Renewal 5 - Revision 30 Public Notice