



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

July 1, 2020

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

Dear Mr. Moos:

Subject: Renewal Number 6, Permit KRSB-8802

Attached to this email is a Dropbox link containing our response to your letter dated June 12, 2020. The responses and associated files are in reference to Renewal Number 6 to Mine Permit KRSB-8802. If you or your staff have any questions regarding these reports, please contact me at (406)-740-0242.

Sincerely,

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



Comment/Response for June 12, 2020 pre-renewal review letter, Beulah Mine KRSB 8802

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)

Response: The new owner of the S1/2 of Section 8 is Tjay Gustafson. Pages 1.4.28, 1.4.33, have been updated accordingly.

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)

Response: The new owner of the S1/2 of Section 8 is Tjay Gustafson. Exhibit 1.4.1 has been updated accordingly.

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.

Response: All revisions to the Permit Application Advertisement has been revised as requested.

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)

Response: The fourth paragraph of the notice has been updated as requested.

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)

Response: *All coal ownership has been removed from the notice.*

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)

Response: *All reference to subsurface mineral owners in the sixth paragraph of the notice has been revised as requested.*

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)

Response: *Rose’s name has been removed from the notice.*

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)

Response: *The new owner of the S1/2 of Section 8 is Tjay Gustafson. The notice has been updated accordingly.*

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)

Response: *An updated map has been added to page 1.4.61 of the notice.*

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)

Response: *Includes with this submittal is an “Impoundment Preference Statement and Maintenance Agreement” signed by Fays Harrison. Faye wishes to retain the impoundment as a permanent structure. Exhibit 2.7.3 has been updated to include Statement. All other Exhibits within this Section assumed she wanted to sign the Landowner Preference Statement; thus, no additional changes have been made.*