

**Public Service Commission
Reclamation Division**

Memorandum

To: Commissioners Kroshus, Fedorchak, and Christmann
Steven Kahl - Executive Director
John Schuh - General Counsel

From: ^{DKM} Dean Moos, ^{ZAB} Zanna Brinkman, and ^{BG} Bill Gunnerson

Date: October 14, 2020

Subject: Approval of Renewal No. 6 to Permit No. KRSB-8802 held by Dakota Westmoreland Corporation - Case No. RC-20-209

Dakota Westmoreland Corporation (DWC) filed the application for Renewal No. 6 to Surface Coal Mining Permit No. KRSB-8802 on May 14, 2020 to continue operating under approved operation and reclamation plans through October 23, 2025. Permit No. KRSB-8802 covers all or portions of Sections 7, 8, 17, 18, 19, and 20 of T143N, R87W, Oliver County; and, Sections 10, 11, 12, 13, 14, 15, and 24 of T143N, R88W, Mercer County, comprising 4,905.9 acres as depicted in Figure 1. The Reclamation Division has completed its review of this five-year permit renewal application and respectfully recommends its approval.

Coal removal from Permit No. KRSB-8802 was completed in 2009. The permit area east of ND Highway 49 is in reclamation status, but the permit area west of ND Highway 49 contains the office-shop complex, a haul road, and a rail car loading facility used to support mining in Permit No. KRSB-8603 as pictured in Figure 1. DWC filed the application for insignificant Revision No. 32 to Permit No. KRSB-8802 coincident with the application of Renewal No. 6 to the permit. Revision No. 32 updates the business entity, compliance, postmine land use, surface water management, suitable plant growth material handling, and reclamation schedule permit sections for the next five-year permit term.

Renewal No. 6 was subject to the notice, hearing, and procedural requirements. DWC submitted the affidavits of publication for the renewal application newspaper notice to verify that it was published in the Center Republican, Beulah Beacon, and Bismarck Tribune for four consecutive weeks. Surface owners within the permit area, the appropriate agencies, and the state's advisory committee members were notified of the renewal application and the opportunity to submit comments or objections, or to request an informal conference, on the renewal application. No comments, objections, or requests for an informal conference were received on the renewal application.

Evidence of adequate performance bond and liability insurance are on file. Permit KRSB-8802 is covered by surety bond number 64S103557522BCM in the amount of \$10,382,986 that is sufficient to cover the permit's current worst-case reclamation condition.

Attached for your consideration at the October 21st Commission meeting are the proposed motion and renewal approval form.

