



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

May 14, 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 third completeness review of the application for **Revision 33 (Renewal 7)** to permit KNSB-8603. The permit has 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

10 RC-21-94 Filed 05/17/2021 Pages: 3
Company response to second completeness review
Dakota Westmoreland Corporation
Jesse Noel



May 14, 2021

**Comment/Response to May 14, 2021 PSC Letter
Completeness Review of Renewal 7, Revision 33**

Renewal Application (SFN-10566)

1. Follow-up to item No. 2 of our March 17, 2021 letter: The renewal application still includes the old attachment. Please remove the old attachment from the renewal application and replace it with Exhibit 1 that includes the updated information. (ZAB/PJR)

Response: The renewal application now contains the updated Attachment 1.

Revision Application (SFN-10562)

2. Please revise the Revision 33 application to state Revision 33 updates the permit for the next permit term and includes a closure plan for the Iron Pits sooner than previously approved in the permit and shortening the life of mine. (ZAB)

Response: The verbiage within the Revision Application has been updated accordingly.

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

3. Please revise the first sentence of the public notice to state that DWC has made applications for Renewal No. 7 and Revision 33 to ... Permit KRSB-8603. Please also revise the second sentence of the third paragraph to state that Revision 33 rather than Renewal No. 7 updates the current permit to reflect changes necessary for the next permit term including the "...reclamation plans". (GAW/ZAB)

Response: The public notice within Section 1.4 has been updated accordingly.

4. Follow-up to item No. 10 of the completeness review letter dated March 17, 2021: Please correct the Commission's telephone number in the second sentence of the fourth paragraph ((701) 328-2400). (JAR/GAW/WTG)

Response: The telephone number has been updated accordingly (the missing digit was added).

5. The public notice states that the Robert A Keogh Mineral Trust is coal owner of the NE1/4 of Section 15 whereas the property interest listing on page 15 of Section 1.4 was revised to state that Priscilla Keogh is the coal owner of this property. The list of names and addresses for owners lists Priscilla as the Trustee for the Robert A Keogh Mineral Trust. Please review all tracts owned by Robert A. Keogh and update if Priscilla Keogh has replaced the Robert A Keogh Mineral Trust as a coal owner. (GAW/ZAB)

Response: All reference to the Robert A. Keogh Mineral Trust has been replaced by Priscilla Keogh in both the Section 1.4 narrative and public notice. The two sections now match.

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6. Faye Keogh is listed as part surface owner of the SW1/4 of Section 16 on the property interest listing on page 15 of Section 1.4, but she is not listed as an owner of this property in the public notice. Please review and correct this inconsistency. (GAW/ZAB)

Response: Faye Keogh has been added to the Public Notice.

7. Janice and Marvin Sigman and Sylvia and Dalton Zeiszler are listed as surface owners of the SE1/4 of Section 16 in the public notice but the property interest listing on page 15 of Section 1.4 indicates this property is solely owned by Ronald and Janice Gunsch. Please review and correct this inconsistency. (GAW/ZAB)

Response: Janice and Marvin Sigman and Sylvia and Dalton Zeiszler have been removed from the Public Notice.

8. Casey and Julie Voigt are listed as surface owners of the N1/2 of Section 19 and Kenneth Voigt is listed as a contract for deed owner, but the public notice omits Julie Voigt as co-owner and Kenneth Voigt is not clearly listed as contract for deed owner. Please review and correct as necessary. (GAW)

Response: Julie Voigt has been added to the Public Notice, and tabs within the deed owners were adjusted to more clearly show Kenneth Voigt as a contract-for-deed owner (along with an asterisk to more clearly show the contract-for-deed owners).

9. Ron and Janice Gunsch are listed as the sole owners of the NW1/4 of Section 22 in the public notice, but Ronald rather than Ron and Janice and Marvin Sigman and Sylvia and Dalton Zeiszler are listed as co-owners of this property according to the property interest listing on page 17 of Section 1.4. Please review and correct as necessary. (GAW)

Response: Ron and Janice Gunsch are the sole owners of the surface NW1/4 of Section 22. Both the Narrative and the Public Notice have been adjusted accordingly.

10. Ron and Janice Gunsch rather than Ronald and Janice Gunsch are listed as co-owners of the E1/2SW1/4 of Section 22 in the public notice. Please review to clarify if Ron Gunsch or Ronald Gunsch is the legal co-owner of this property. (GAW)

Response: "Ron" has been changed to "Ronald" on all of the Gunsch listings.

11. The permit, revision, page number, and date in the footer at the bottom of page 2 of the public notice should be deleted from the public notice. (GAW)

Response: The footer on page 2 of the public notice has been removed.

Section 3.1 – General Mining Plan

12. Follow-up to Items No. 16 and 17 of our letter dated March 17, 2021. DWC's response to Item No. 17 and language on page 3 of Section 3.1 states that mining will occur through March of 2022, but Exhibit 3.1.1, Extended Mine Plan, shows mining ceasing in 2021. Please review and revise if necessary, to show the maximum extent of mining through the next term of the permit. (GAW/PJR)

Response: Exhibit 3.1.1 has been updated to match (a) the other Exhibits in Section 3, and (b) the Section 3.1 Narrative.