



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

Julie Fedorchak  
Randy Christmann  
Brian Kroshus

Sent via email only

May 14, 2021

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Mr. Jesse Noel, P.E.  
Director, Environmental & Regulatory  
Westmoreland Beulah Mining LLC  
Beulah Mine  
P.O. Box 39  
Beulah, ND 58523-0039  
[jnoel@westmoreland.com](mailto:jnoel@westmoreland.com)

Dear Mr. Noel:

The Reclamation Division has reviewed DWC's May 5, 2021 response to our initial review of Renewal No. 7 and Revision No. 33. A prompt response is imperative. Publication needs to start as soon as possible or the permit could expire before the public comment period ends. The following issues must be resolved before we can deem the applications complete or grant approval to begin publication.

### **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)

### **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)

### **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)
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)
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

Mr. Jesse Noel  
May 14, 2021  
Page 2


- owned by Robert A. Keogh and update if Pricilla Keogh has replaced the Robert A Keogh Mineral Trust as a coal owner. (GAW/ZAB)
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)
  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)
  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)
  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)
  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)
  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)

### 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)

If you have any questions, please contact this office.

Sincerely,

  
for Dean K. Moos  
Director  
Reclamation Division

cc via email only: Scott Aberle (saberle@westmoreland.com)

Beulah Mine (Dakota Westmoreland)\Permits\KRSB - 8603\Revisions\Rev33\_Ren7\ Completeness\_2\_Review\_Ltr\_5-14-21

7 RC-21-95 Filed 05/14/2021 Pages: 2  
Second completeness review letter  
Public Service Commission  
Guy Welch