



Public Service Commission

State of North Dakota

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February 1, 2023

Mr. Dave Traverso
General Mine Manager
Westmoreland Beulah Mining LLC
Beulah Mine
P.O. Box 39
Beulah, ND 58523-0039
DTraverso@westmoreland.com

Dear Mr. Traverso:

The Reclamation Division has reviewed Westmoreland Beulah Mine's (WBM) January 9, 2023 response to our initial review of Revision 35 to KRSB-8603. The following issues must be addressed before the application can be deemed complete and approval is granted to publish the newspaper notice. Please note that the follow-up items reference the items as numbered in the December 30, 2022 technical review letter.

Public Notice

1. Follow-up to Item No. 1: The public notice indicates that Dakota Westmoreland Corporation (DWC) is a surface and mineral owner of property included in the permit. Please provide updated information regarding surface and coal ownership of property formerly owned by DWC. The Reclamation Division understood that Westmoreland Mining Company's bankruptcy effectuated the sale of substantially all its assets to a new entity. (GAW)
2. Follow-up to Item No. 1: Exhibit 1.4.1, Surface and Coal Ownership Map, depicts only Wilfred Fetch as the surface and coal owner in the S $\frac{1}{2}$ of Section 21. However, Angeline Braun and Cary Unterseher are listed as surface and coal owners in the S $\frac{1}{2}$ of Section 21 in Section 1.4, Property Interests. Please review and revise accordingly. (JAR)
3. The State of North Dakota is listed as a surface and coal owner in the public notice. It may be more appropriate to clarify that the ND Department of Trust Lands owns this property if that is the case. (GAW)

Section 1.4 – Business Entity Information

4. Please review the surface and subsurface ownership names and addresses on pages 21 and 22 of Section 1.4, Business Entity Information, to ensure the names and addresses provided are current and accurate. (GAW, MJF)

Section 3.2 – Water Management Plan

5. The Reclamation Division understands that WBM is planning to construct a sump on former Ramp 1 where water ponded in 2022. Please provide design plans for this sump and identify this feature on the Surface Water Management Plan Map, Exhibit 3.2.1. If Diversions D107N, D107S, and D108E are not going to be maintained during the reclamation phase, the Water Management Plan and Map should be updated accordingly. After further consideration, the Reclamation Division believes that it might be a good idea to retain Diversion D107N along an access corridor through the area. This would reduce the size of the sump. (GAW)

If you have any questions, please contact this office.

Sincerely,



Zanna A. Brinkman
Director
Reclamation Division

cc via email only: Jesse Noel (jnoel@westmoreland.com)
 Nettie Ore (NOre@westmoreland.com)