



# Public Service Commission

## State of North Dakota

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March 29, 2023

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

Dear Mr. Traverso:

The Reclamation Division has reviewed Westmoreland Beulah Mine's (WBM) March 5, 2023 response to our February 1, 2023 completeness review of Revision 35 to KRSB-8603. The following issue 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 item references the item as numbered in the February 1, 2023 review letter.

### **Section 1.4 – Business Entity Information**

1. Follow-up to Item No. 4: The surface ownership in the SW1/4 of Section 16 has been in question for quite some time. Her name is highlighted in the last few revision applications. In Revision 35, the surface owners are listed as Joan and Charles Miller, Sharon Winkler, and Faye Keogh. Faye Keogh was not listed as a surface owner of this tract in the permit transfer, nor was she listed as a surface owner in the permit prior to Revision 32. The lease documents do not indicate she is a surface owner on this tract. Please review and correct the surface ownership of this tract. WBM is reminded that the burden of providing accurate surface and mineral ownership in the permit is on the mine. WBM's response that no surface owners have requested an address change and none of your letters have been returned is not sufficient. NDCC 38-14.1-18(2) requires the permit applicant to conduct a search of the records of the county recorder for each county for land within the proposed permit area and to supply the commission with a list of names and addresses of all owners of surface rights of land within the proposed permit area and a list of all subsurface mineral owners within the proposed permit area, and the lists must be submitted to the commission along with the application for a permit or permit revision." Please review your leases and conduct a search of the county recorder records and update the surface and subsurface ownership information. (ZAB, SMN, MJF, JWE)

**Section 3.2 – Surface Water Management Plan**

2. Please update Section 3.2, Water Management Plan, to address the changes proposed with diversion D107N. The Water Management Plan map, Exhibit 3.2.1, shows that Westmoreland is planning to move this diversion westward with Revision 35 and it is not clear how runoff will be managed between the new location of the diversion and the disturbance boundary to the east. A design plan should be provided for the new diversion D107N if the watershed is greater than approximately 40 acres. Diversion D107N may be designed as a field engineered diversion if the watershed is less than 40 acres in size. Please update the narrative discussions for sediment ponds P112 and P113, and diversion D107N to address any changes that have occurred or are being proposed with Revision 35, and any other water management changes to the approved permit. (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)