

June 1, 2023

Zanna Brinkman
ND Public Service Commission
600 East Boulevard, Dept 408
Bismarck, ND 58505-0480

Dear Ms. Brinkman:

This is in response to your request for a review of the environmental impacts associated with the Westmoreland Beulah Mining LLC - Revision No. 35 to Surface Coal Mining Permit No. KRSB-8603 at Beulah Mine.

The proposed project has been reviewed by Department of Water Resources, and the following comments are provided:

- There is a FEMA National Flood Insurance Program (NFIP) regulatory floodplain identified or mapped where this proposed project is to take place. Impacted areas are designated to be in NFIP Zone A. The State of North Dakota has no formal NFIP permitting authority, as all NFIP permitting decisions are considered by impacted NFIP participating communities, which is the community with zoning authority for the area in question. Please work directly with the local floodplain administrator of the zoning authority impacted to achieve NFIP and community compliance.
- In accordance with North Dakota Century Code §61-16.1-38, any new construction or construction modifications on water storage impoundments, including dams or ponds, may require a construction permit from the Department of Water Resources (DWR) based on the storage volume and hazard classification. Similarly, if any dams or ponds are to be removed, we request that the DWR Regulatory Division be notified. Please contact the DWR Regulatory Division at 701-328-4956 if you have any questions.

Thank you for the opportunity to provide review comments. Should you have further questions, please contact me at 701-328-4970 or stevebest@nd.gov.

Sincerely,



Steven Best
Planner III

SB:dm/1570