

From: [Welch, Guy A.](#)
To: [Nixon, Shawn](#)
Cc: [Johnson, Monty L.](#); [Roerick, Jeffrey A.](#); [Craig, Alexis](#); [Myran, Brandon S.](#)
Subject: FW: Erosion
Date: Wednesday, November 29, 2023 9:01:41 AM
Attachments: [image001.jpg](#)

FYI

From: Ore, Nettie <NOre@westmoreland.com>
Sent: Wednesday, November 29, 2023 8:55 AM
To: Welch, Guy A. <gwelch@nd.gov>
Cc: Emmer, Jonathan W. <jemmer@nd.gov>; Noel, Jesse <jnoel@westmoreland.com>; Ore, Juris <jore@westmoreland.com>
Subject: RE: Erosion

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Good morning Guy,

Please see the responses below to your questions. WBM responses are in italics.

Please let me know if you have any questions.

Thanks,

Nettie

From: Welch, Guy A. <gwelch@nd.gov>
Sent: Tuesday, November 21, 2023 8:38 AM
To: Ore, Nettie <NOre@westmoreland.com>
Cc: Noel, Jesse <jnoel@westmoreland.com>
Subject: Erosion

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Good morning Nettie,

This is in follow-up to my November 15, 2023 inspection of the Beulah Mine and Shawn Nixon's inspection on November 9, 2023.

During these inspections, a headcut and rill/gully were observed in a recently reclaimed drainageway in the NE¼NW¼SE¼ of Section 22 of Permit KRSB-8603. This drainageway is associated with the Gold_1_2022 grade approval request on Schmidt et. al. property. The head cut formed where

surface water runoff is passing from respread topsoil and subsoil onto adjacent graded spoil. No measures were in place to prevent headcutting from occurring and water was flowing through the drainage. A series of straw wattles were observed in the reclaimed drainage but surface water runoff was passing under the straw wattles.

It is WBM's opinion that the headcutting was created from water coming from a spring located "upstream" of the drainage. This theory was also discussed during the inspection. During the entire process of placing the subsoil and topsoil, we did not experience any issues with surface water runoff, and measures were taken to ensure surface water runoff would not move soil in the drainage. Upon further inspection of the erosion area, all soils were recovered for reuse aside from less than 1-2 yards of soil that traveled to Pond 113. No soil left the permit area.

After discussing the concern with Mr. Welch, upon his recommendation, the topsoil was stripped from the drainage area immediately following the inspection.

To provided clarity, please respond to the following questions.

1. Provide the dates when topsoil and subsoil were respread on the Schmidt et. al. reclaimed drainageway.
-Subsoil was place in the month of July (7/20-7/27) and topsoil was placed in the end of October (10/19-10/23).
2. Provide the dates when straw wattles were placed in the reclaimed drainageway.
-Straw wattles were placed immediately after topsoil was placed.
3. Please explain why measures were not taken to prevent headcutting from occurring on the SPGM respread edge in the Schmidt et. al. drainageway.
-Straw wattles were put in place immediately upon the completion of topsoil placement. Straw wattles are typically a very effective erosion control method at the Beulah Mine, and it was thought this would be the most efficient method to prevent headcutting due to runoff on the respread edge in the Schmidt et. al. drainageway. Although the runoff SPGM measure was effective for the storm events listed below, an unplanned spring has developed upstream in the effected drainage. The spring development was not planned after topsoil and subsoil were placed in the area. The topsoil and subsoil have been moved in the drainage until Westmoreland can propose a plan to the PSC.
4. Please explain if surface water runoff was flowing through the drainage when topsoil and subsoil was respread in the drainageway.
-There was no surface water runoff flowing through the drainage when either subsoil or topsoil were being respread. As mentioned previously, the majority of the water running through the drainage is sourced from an unplanned spring that has developed. No surface runoff was flowing when either subsoil or topsoil was being placed.
5. Provide the dates when snowfall/rain events occurred after topsoil had been respread in the Schmidt et. al drainageway

-The following precipitation events were recorded at the Beulah Mine following the respread of topsoil:

- *10/26/23 - 10/27/23 – snow event*
- *11/6/23 – rain event*

6. Provide an accurate amount of the precipitation received on the mine site for both rain and snow after SPGM respread of the drainageway.

- *13 inches of snow (1.33in snow-water-equivalent) 10/26/23 - 10/27/23 (National Weather Service: Hazen, ND)*
- *0.5 inches of rain on 11/6/23 (on-site rain gauges)*

The Reclamation Division is considering writing a Notice of Violation (NOV) to WBM for failure to take measures to prevent erosion and loss of topsoil (SPGM) after respreading SPGM in the Schmidt et. al. drainageway and we want to ensure we fully understand the circumstances surrounding this apparent violation prior to issuance.

Feel free to contact me if you have any questions.

Guy

Guy Welch

Permit Administrator

NDPSC - Reclamation Division

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