



Westmoreland Beulah Mining LLC

A Subsidiary of WESTMORELAND MINING LLC

June 25, 2025

Jonathan Emmer
Reclamation Division & AM Divisions
North Dakota Public Service Commission
600 East Boulevard Ave.
Department 408
Bismarck, ND 58505-0480

Mine Permit KRSB-8802: Bond Release 4 – Response to Second Round Review Comments

Dear Mr. Emmer,

Westmoreland Beulah Mining provides the following responses to comments provided by the Reclamation Division on December 23, 2024 for the Partial Bond Release No. 4 application. The application for partial bond release has been revised to incorporate changes in response to Reclamation Division comments as indicated below.

Application Form SFN 19812:

1. Please update the partial bond release dollar amount listed in the bond release application form SFN 19812 after addressing Items No. 15 through No. 19 below. (GAW)

Response: The partial bond release dollar amount on the application form has been updated based upon the responses to items 14 through 19 below and revised bond amounts provided in Attachment VII.

Attachment II – Metes and Bounds Description

2. Please review and revise Attachment II (Metes and Bounds Description) for Bond Release Area 1 to accurately describe the area WBM is requesting to partially release from bond. The description indicates the “Point of Beginning” is located 214.81 feet, along a bearing of South 85°06’14” East, from the SE¼ of Section 12, T143N, R88W. The point described is not located anywhere on the Bond Release Area 1 boundary. (SMN)

Response: Attachment II (Metes and Bounds Description) has been revised to eliminate reference to section corner originally used as the Point of Beginning to provide a starting point that is located on the bond release boundary.

Attachment III – Public Notice

3. Please update the partial bond release dollar amount listed in Attachment III (Public Notice) after addressing Items No. 15 through No. 19 below. (GAW)

Response: The partial bond release dollar amount provided in the public notice has been updated based upon the responses to items 14 through 19 below and revised bond amounts provided in Attachment VII.

7 RC-24-220 Filed 06/25/2025 Pages: 6
Bond Release 4 Pre-technical Response Letter



Westmoreland Beulah Mining LLC
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Attachment IV – Letters to Affected Parties

4. Please update the names and addresses in the affected and adjoining surface landowner lists and the agency mailing list in Attachment IV (Letters to Affected Parties) so that the information provided is current. For example, the State Health Department can be deleted since the agency no longer exists; the address for the Lewis and Clark Regional Council for Development is incorrect; and the listed contacts for the State Forester, the State Historical Society, the State Soil Conservation, and the ND Game and Fish Department are incorrect. (WWS/AAC)

Response: The names and addresses in the affected and adjoining surface landowner lists and the agency mailing list provided in Attachment IV have been revised with current information or removed, in the case of the State Health Department.

5. Please remove the sentence “You are receiving this letter as a landowner adjacent to the bond release area” from the first paragraph of the local governments and state agency notification letters in Attachment IV (Letters to Affected Parties). (WWS)

Response: The referenced sentence has been removed from the first paragraph of the local governments and state agency notification letters provided in Attachment IV.

6. Please update the partial bond release dollar amount listed in each notification letter in Attachment IV (Letters to Affected Parties) after addressing Items No. 15 through No. 19 below. (GAW)

Response: The partial bond release dollar amount in the notification letters provided in Attachment IV have been updated based upon the responses to items 14 through 19 below and revised bond amounts provided in Attachment VII.

7. Please review and revise the following grade approved areas depicted on Exhibit V-2, Final Grade/Soil Respread Depths Map, in Attachment V (Stage 1 & 2 Detail Maps) as needed: (WWS)

- a. 10-29-04, 23.2 acres located in the SW $\frac{1}{4}$ of Section 18 and the N $\frac{1}{2}$ of Section 19.
 - i. Exhibit V-2 depicts this grade approval receiving 0.9/1.1 and 1.3/2.7 feet of topsoil/subsoil, but our records indicate that this area was approved to be respread with 0.9/1.1, 1.3/0.7, 1.3/1.7, and 1.3/2.7 feet of topsoil/subsoil.

Response: Exhibit V-2 has been revised to include the referenced topsoil/subsoil respread depths in the SW $\frac{1}{4}$ of Section 18 and N $\frac{1}{2}$ of Section 19, in accordance with grade approval 10-29-04.

- b. 6-1-04, 19.5 acres located in the SW $\frac{1}{4}$ of Section 18 and the N $\frac{1}{2}$ of Section 19.
 - i. Exhibit V-2 depicts this grade approval receiving 0.9/1.1 and 1.3/0.7 feet of topsoil/subsoil, but our records indicate that this area was approved to be respread with 0.9/1.1, 1.3/0.7, 1.3/2.7, and 1.3/1.7 feet of topsoil/subsoil.





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Response: Exhibit V-2 has been revised to include the referenced topsoil/subsoil respread depths in the SW1/4 of Section 18 and N1/2 of Section 19, in accordance with grade approval 6-1-04.

- c. 2020, 5.7 acres located in the SW $\frac{1}{4}$ of Section 18.
 - i. Exhibit V-2 depicts this grade approval receiving 0.3/1.3 feet of topsoil/subsoil, but our records indicate that this area was approved to be respread with 0.6/0.7 feet of topsoil/subsoil.

Response: A review of the respread soil records has determined that the referenced area was respread with 0.3 and 1.3 feet as shown on Exhibit V-2.

- ii. Please change the label of the 2020 grade approved area to Charlie-09-2020, which is the reference ID given in the official grade approval correspondence.

Response: Exhibit V-2 has been revised to label the referenced area as grade approval Charlie-09-2020.

- d. 2020. This grade approval was initially submitted for 30.4 acres located in Section 19; however, various sections of the area were approved at different times in 2020 and 2021.
 - i. Exhibit V-2 depicts this grade approval receiving 0.3/1.3 feet of topsoil/subsoil, but our records indicate that this area was approved to be respread with 0.6/1.0 ft of topsoil/subsoil.

Response: A review of the soil respread records has determined that the 0.3 and 1.3 foot depths for this area are correct and total respread depth is 1.6 feet.

- ii. Please change the label of the 2020 grade approved area to Charlie-10-2020, which is the reference ID given in the official grade approval correspondence. Also please label the western adjacent grade approved boundary currently labeled as 2021 to Charlie-10-2020 since it appears it was part of the initial grade approval correspondence.

Response: Exhibit V-2 has been revised to label the referenced area as grade approval Charlie-10-2020.

8. Exhibit V-2, Final Grade/Soil Respread Depths Map, in Attachment V (Stage 1 & 2 Detail Maps) indicates that only 0.3 feet of topsoil was respread on the haulroad corridors in Sections 13, 18, 19, and 24. The Reclamation Division believes that approximately 0.6 feet of topsoil was respread on these areas. Please check your records to ensure the appropriate SPGM respread depths have been recorded on these areas. Grade approvals were not submitted for these areas when they were reclaimed in 2019 and 2020 because the topography was simply blended into adjacent reclaimed lands. (GAW)

Response: The final grading plan for the haulroad corridors in Sections 13, 18, 19, and 24 were respread with an average topsoil depth 0.3 feet based on the available soil quantities.





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9. If records exist, please provide the original correspondence verifying SPGM respread depths for the following grade approvals: 06-04-1984, 06-06-1985, 09-18-1985, 10-08-1985, 04-03-1986, 06-26-1987, 01-22-1988, 09-09-1988, 08-18-1989, 10-05-1989, 06-22-1990 and 09-12-1990. (WWS)

Response: After a comprehensive search of all available records, the SPGM respread depths for the listed grade approvals were not found.

Attachment VI – Reclamation Narrative

10. Please revise the Background subsection in Attachment VI (Reclamation Narrative) to state that Permit KRSB-8802 was formed from a consolidation of multiple other surface coal mining permits at the Beulah Mine. (WWS)

Response: The background subsection in Attachment VI is updated with the following sentence; “The current Mine permit (KRSB-8802) was formed from a consolidation of mine permits KRSB-8009 (issue date April 28, 1981), KRSB-8108 (issue date December 28, 1983), and KRSB-8301 (issued July 3, 1984).”

11. Please revise the Background subsection in Attachment VI (Reclamation Narrative) by moving the sentence “Knife River Coal Mining Company owned and operated the Beulah Mine south of the town of Beulah, North Dakota, since 1963.” to the beginning of the second paragraph of the Background subsection to provide clarity regarding the Beulah Mine ownership timeline. (WWS)

Response: The narrative within Attachment VI has been revised as requested.

12. The first sentence in the second paragraph on page 2 of Attachment VI (Reclamation Narrative) (page 51 of the application) states that “The bond release area includes Pre-Law, 1969 & 1971 Law Liability and 1973 Law Liability areas as well as standard reclamation areas.” Please revise this statement to either reference the 1975, 1977, 1978 interim, and/or 1979 reclamation law periods or otherwise explain what ‘standard reclamation’ means. (GAW)

Response: The narrative within Attachment VI has been revised to list all reclamation law liability periods and remove reference to “standard reclamation”.

13. The second paragraph on page 4 of Attachment VI (Reclamation Narrative) (page 53 of the application) mentions a regression model, predicted spoil quality, and projected respread depths. Although this information was used to develop a soils handling plan, actual SPGM depths were determined using actual graded spoil quality information provided with each grade approval request. Please edit the second paragraph on page 4 of Attachment VI accordingly. (GAW)

Response: The narrative within Attachment VI has been revised as follows: “A regression model was used to predict spoil quality and adjustments to account for reduced availability of soil materials for the development of a soils handling plan. Respread soil depths for each tract were determined using actual graded spoil quality information provided with each grade approval request. The projected respread soil depths are specified in final grade approval requests and in accordance with Section 3.4.B of reclamation plans for the mine permit.”





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Attachment VII – Performance Bond Release Calculations

14. Follow-up to Item No. 2 of our initial review letter dated July 22, 2024. Please provide a detailed description of all remaining reclamation work to be completed in Permit KRSB-8802 and an estimate of costs to complete the remaining reclamation work in Attachment VII (Performance Bond Release Calculations). The cost estimate should include the costs to remove and reclaim sediment ponds P10, P11, P17, P30, and P52 and barrel and riser reconstruction costs for sediment pond P1. The Reclamation Division believes that funds should be retained to reclaim sediment pond P30 since a specific post-mine industrial land use has yet to be determined for the shop office complex area. In addition to the costs currently included in Attachment VII, it should be assumed that the affected land zoned as industrial will need to be graded to a contour that accommodates positive drainage. The detailed description of the remaining reclamation work should include the costs of removing surface material from the equipment storage areas and haul roads, constructing surface owner property boundary fences, and seeding the entire remaining areas that are considered affected or disturbed acreage. Also, please include the costs of applying surfacing on reconstructed county roads and the removal of the Highway 49 underpass if required by the appropriate county or state authority. Please revise Attachment VII accordingly. (GAW)

Response: In Attachment VII Tables 3.8.5, 3.8.6, 3.8.7, 3.8.9, 3.8.10, and 3.8.11 have been revised to include updated bonding calculations and descriptions of remaining tasks as described in comment #14. Descriptions of specific reclamation tasks are provided in Sections D (Associated Disturbance – Reclamation Breakdown) and G (Reclamation Summary) of Attachment VII.

Project by project cost summaries are now included under the “Truck Requirements for Other Reclamation” and the “Miscellaneous Costs for Other Reclamation” categories on Table 3.8.7. Table 3.8.6 (Production Requirements for Reclaiming Ponds) has also been updated to include the costs associated with the removal of Ponds 10, 11, 17, 30, and 52. The Highway 49 underpass will be financed by the North Dakota Department of Transportation.

15. Follow-up to Item No. 2 of our initial review letter dated July 22, 2024. The area of total disturbance in Permit KRSB-8802 should be revised to include areas affected by SPGM stockpiles 1-03-2 and 1-02-1, sediment ponds P2 and P3, and the pool areas of sediment ponds P5, P6, P25, and P8. WBM is responsible for erosional features in the drainageway between sediment ponds P1 and P14 so the entire drainageway should be considered disturbed by mining for the purposes of determining per acre reclamation costs in the Performance Bond Release Calculations. (GAW)

Response: The drainageway boundary between P1 and P14 is now included as disturbance. Sediment Ponds 2 and 3 have been incorporated into this boundary; likewise, Ponds 4, 5, 6, and 25 have been incorporated into the disturbance boundary. The revised disturbance boundary is provided on Exhibit I-1. Stage 1 and 2 Bond Release 4 Areas Map (Attachment I) and Exhibit V-1. Stage 1 & 2 Bond Release 4 As Built Post-mine Topography (Attachment V). The updated disturbance boundary consists of 3,735 acres and has been updated on calculations in Table VII-3 in Attachment VII.

16. Follow-up to Item No. 2 of our initial review letter dated July 22, 2024. Please include a copy of the map attached to Nettie Ore’s November 1, 2024 email in this bond release application to





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support the total disturbance boundary acreage used to derive the Performance Bond Release Calculations. (GAW)

Response: The referenced figure from the November 1, 2024 has not been included in the bond release application since the disturbance area has changed based on response to comment #15. The bond release boundary is provided on Exhibit I-1. Stage 1 and 2 Bond Release 4 Areas Map (Attachment I) and Exhibit V-1. Stage 1 & 2 Bond Release 4 As Built Post-mine Topography (Attachment V).

17. Follow-up to Item No. 2 of our initial review letter dated July 22, 2024. Please update Table VII-3, BR4 bond release acreage summary and bond release calculations, in Attachment VII (Performance Bond Release Calculations) after addressing Items No. 15 through No. 17 above.

Response: The bond release acreage summary and bond release calculation have been updated in Table VII-3 based upon changes resulting from responses to comments 15 and 16 above.

18. Please revise the narrative and Table VII-3 in subsection H, Bond Release Summary and Calculations, in Attachment VII (Performance Bond Release Calculations) to account for the bond amount that needs to be retained for Stage 3 and 4 bond release on the affected acreage not included in the Bond Release No. 4 application. A disturbed per acre value needs to be established, and this can be done by dividing the total disturbed acreage into the amount eligible for release (total minus cost to complete remaining reclamation). Forty percent of the established disturbed per-acre amount is eligible for Stage 1 release and 20 percent for stage 2. The computations in Table VII-3 do not account for the disturbed acreage not included in the bond release application nor does it account for the amount that needs to be retained for stage 3 and 4 release of the disturbed acreage not included in Bond Release No. 4. (GAW/PJR)

Response: The bond release application has been updated to provide a summary of calculations for the amount of bond eligible for release, defined as total current bond minus worst case bond amount and bonding for undisturbed acres. The eligible bond amount is then proportioned into Stage 1 release (40 percent) and Stage 2 release (20 percent) as well as the combined Stage 1 and Stage 2 bond release amount for the BR4 application. The BR4 bond release amount is also presented on a per-acre basis for Stage 1, Stage 2, and total BR4 release amounts. Finally, a summary calculation has been provided to identify remaining bonding amounts for Worst Case, Undisturbed Areas, and Stage 3 / Stage 4 reclamation.

Please contact me with any questions.

Best regards,

Jesse Noel
Director, Environmental & Regulatory Affairs
Westmoreland Beulah Mining, LLC

