



Public Service Commission

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August 25, 2025

Mr. Rylan Sundsbak
Environmental Supervisor
Westmoreland Beulah Mining, LLC
Beulah Mine
P.O. Box 39
Beulah, ND 58523-0039
rsundsbak@westmoreland.com

Dear Mr. Sundsbak:

The Reclamation Division has reviewed Westmoreland Beulah Mining's (WBM) June 25, 2025 response to our December 23, 2024 review of Partial Bond Release No. 4 to Surface Coal Mining Permit KR5B-8802. The following issues must be resolved prior to publishing the public notice and mailing the notification letters. An inspection of the property as required by NDCC 38-14.1-17 will be delayed until the public advertisement has been published and the notification letters have been mailed.

Please note that Item No. 7 of our December 23, 2024 review letter was omitted from your June 25, 2025 response letter. The omission of Item No. 7 resulted in the subsequent item numbers being out of order in your response letter. For future response letters, please ensure the item numbers match the numbers provided in our review letters.

General

1. When submitting this application with all changes from the previous submittal, please format the application in an underline-strikethrough format and include all previously edited information since the initial application (N.D.A.C. 69-05.2-05-02(6)). (WWS)
2. Please include bookmark links for each attachment listed in the Table of Contents that will enable users to quickly navigate to specific attachments in the 69-page document. (GAW/JAR)
3. Please depict and label Bond Release Areas 1 through 7, Exclusion Areas 1 and 2, and Undisturbed Areas 1 through 10 on Attachment I (Stage 1 and 2 Bond Release 4 Areas Map), Exhibits V-1 (Stage 1 and 2 Bond Release 4 As Built Post-mine Topography), Exhibit V-2 (Stage 1 and 2 Bond Release 4 Final Grade/Soil Respread Depths Map), and Exhibit V-3 (Stage 1 and 2 Bond Release 4 Soil Respread/Seed Year Map). (GAW)

Application Form SFN 19812

4. Please update the partial bond release dollar amount listed in the bond release application form SFN 19812 after addressing Item No. 20 below. (GAW)

5. Bond Release Areas 1 through 7 must be listed as separate tracts on the bond release application form SFN 19812. Bond Release Areas Stage 1 and Stage 2 are not tracts. The metes and bounds descriptions create the tracts. (GAW/PJR)

Attachment II – Stage 1 & 2 Bond Release Area Metes and Bounds Description

6. Follow up to Item No. 2 of our December 23, 2024 review letter: The Point of Beginning for every tract in Attachment II (Stage 1 & 2 Bond Release Area Metes and Bounds Description) has been removed instead of revised where necessary. Please provide an appropriate Point of Beginning for each of the tracts included in Attachment II. (SMN)
7. Please provide precise acreage amounts for Bond Release Areas 1 through 7, Exclusion Areas 1 and 2, and Undisturbed Areas 1 through 10 for each metes and bounds description in Attachment II (Stage 1 & 2 Bond Release Area Metes and Bounds Description). The acreage amounts listed at the bottom of each metes and bounds description should be carried out to at least two decimal points. (GAW)

Attachment III – Public Notice

8. Please update the partial bond release dollar amount listed in Attachment III (Public Notice) after addressing Item No. 20 below. (GAW)
9. Exhibit III-1 (Public Notice Map) was not included in the public notice in Attachment III (Public Notice). Please update Attachment III to include Exhibit III-1 (WWS/AAC/PJR/JAR)

Attachment IV – Letter to Affected Parties

10. Follow-up to item No. 4 of our December 23, 2024 review letter: Please update the names and addresses in the affected and adjoining surface landowner lists and the agency mailing list in Attachment IV (Letter to Affected Parties). The address provided for the North Dakota Water Commission is outdated, and the agency name should be updated to the Department of Water Resources. The names listed for the North Dakota State Soil Conservation Committee, Mercer County Commissioners, Mercer County Planning and Zoning Committee, Oliver County Commissioners, and the Oliver County Planning and Zoning Committee are out of date and only these entities need to be notified, not every commissioner or committee member. (AAC/WWS/PJR)
11. Follow-up to item No. 4 of our December 23, 2024 review letter: The address for the State Geologist, Ed Murphy, is incorrect. Please correct this address. (JWE/GAW)
12. Follow-up to item No. 4 of our December 23, 2024 review letter: Please revise the Department of Water Resources address in Attachment IV (Letter to Affected Parties) to Mr. Reice Haase, Director, North Dakota Department of Water Resources. (WWS/PJR)
13. Follow-up to item No. 4 of our December 23, 2024 review letter: Please revise the North Dakota Soil Conservation Committee address in Attachment IV (Letter to Affected Parties) to Ms. Paula Comeau, North Dakota Soil Conservation Committee, NDSU Dept. 7390, PO Box 6050, Fargo, ND 58108. (WWS/PJR)

14. Follow-up to item No. 7 of our December 23, 2024 review letter: The city of Amidon listed in the address for surface lessee Sarah Nordby is misspelled in the Adjoining Surface Landowners Mailing List table in Attachment IV (Letter to Affected Parties). Please correct this error. (GAW/MLJ)
15. Please update the partial bond release dollar amount listed in each notification letter in Attachment IV (Letters to Affected Parties) after addressing Item No. 20 below. (GAW)

Attachment V – Stage 1 & 2 Detail Maps

16. Exhibit V-1 (Stage 1 & 2 Bond Release 4 As Built Post-mine Topography) shows contour elevation differences along former haul road and access corridors in Sections 13, 17, 19, and 24 that do not currently exist. Please revise Exhibit V-1 to not show former road corridors. (GAW)
17. Follow-up to item No. 9 of our December 23, 2024 review letter: 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 a minimum of 0.5 feet (6 inches) of topsoil was respread on these areas as noted in the first paragraph of the June 10, 2020 Reclamation Division Inspection Report, a November 25, 2020 conditional approval email for SPGM respread, and the last paragraph of the October 2, 2020 partial approval letter for the reclamation plan for Permit KRSB-8802. 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)

Attachment VI – Reclamation Narrative

18. The narrative in the Reclamation Description subsection, pages VI-2 through VI-4, of Attachment VI (Reclamation Narrative) references the Gray, Bravo, Alpha, Charlie, and Orange Pit areas, and Table VI-1 includes the Purple, Yellow, and Blue Pit areas. To aid interpretation, please consider including a map that depicts these pit areas. It appears the West C Pit and A Pits referenced in Table VI-1 are abbreviations for the Charlie and Alph Pits, respectively. Moreover, the table suggests the Gray Pit comprises the Alpha and Bravo Pit areas. (GAW)
19. In the first paragraph of the Bond Release Area Description on page VI-1 of Attachment VI (Reclamation Narrative), please state the acres of federal coal and leased federal coal within the bond release area, if applicable. (JWE/GAW)

Attachment VII – Performance Bond Release Calculations

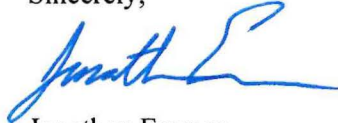
20. Follow-up to Item No. 19 of our December 23, 2024 review letter: The bond release dollar amount in the Bond Release Value Summary table on page VII-18 of Attachment VII (Performance Bond Release Calculations) has not been calculated correctly. Assuming the Worst Case Bond amount (\$4,020,435.34), the Disturbed Area in Permit Boundary (3,735 acres), and the Undisturbed Area in the Permit Boundary (1,171 acres) are correct, a disturbed per acre value of \$1,640.8 can be established. $(\$10,382,986 \text{ (Existing Bond)} - \$4,020,435.34 \text{ (Worst Case Bond Amount)} = \$6,362,550.66; (\$6,362,550.66 - \$234,200 \text{ (Bonding of Undisturbed Areas)})/3,735 \text{ acres} = \$1,640.8/\text{acre})$. Stage 1 and Stage 2 bond release amounts can be determined by multiplying the disturbed acreage in the bond release application by 40 percent of \$1,640.8 and

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20 percent of \$1,640.8, respectively. If Bond Release No. 4 contains 2,851 disturbed acres, then the bond release dollar amount would be \$2,806,735.38. Please update the calculations in the Bond Release Value Summary table accordingly. (GAW/PJR)

Reclamation Division staff are planning to verify topsoil and subsoil respread depths on the areas included in Partial Bond Release No. 4 this fall after crops have been harvested. If you have any questions, please contact this office.

Sincerely,



Jonathan Emmer
Director
Reclamation Division

cc via email only: Juris Ore (jore@westmoreland.com)
 Dave Kuzara (dkuzara@westmoreland.com)
 Todd Briggs (tbriggs@westmoreland.com)

Beulah Mine (Dakota Westmoreland)\Permits\KRSB - 8802\Bond Release\Bond Release 4\BR4_pretech2_rvw_ltr_8-25-25