



Westmoreland Beulah Mining LLC

A Subsidiary of WESTMORELAND MINING LLC

November 6, 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 Third Round Review Comments

Dear Mr. Emmer,

Westmoreland Beulah Mining provides the following responses to comments provided by the Reclamation Division on August 25, 2025 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.

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)

Response: The application shows changes highlighted in red.

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)

Response: Bookmarked links for each attachment have been included in the Table of Contents for the revised application document.

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)

Response: Bond Release Areas (1-7), Exclusion Areas (1-2), and Undisturbed Areas (1-10) have been added to Attachment I and Exhibits V-1, V-2, and V-3.

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)





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Response: Page 1 of the bond release application form SFN 19812 has been revised to reflect the updated Stage 1, Stage 2, and Total bond release amounts obtained by addressing Item No. 20 below.

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)

Response: Bond Release Areas 1 through 7 have been listed as separate tracks on the bond release application form SFN 19812 in the revised application.

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)

Response: Attachment II has been revised to include a point of beginning at the top of each metes and bounds description for bond release areas 1-7, exclusion areas 1 and 2, and undisturbed areas 1-10.

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)

Response: Attachment II has been revised to include Table II-1 showing acreages for all bond release areas, exclusion areas, and undisturbed areas. Attachment II has also been revised to reflect the precise acreages reported to the hundredth of an acre for of each metes and bounds description.

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)

Response: The Notice of Filing For Partial Release of Reclamation Bond in Attachment III has been revised to reflect the updated bond release amounts obtained by addressing Item No. 20 below.

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)

Response: Attachment III (Public Notice) has been updated to include Exhibit III-1 the Public Notice Map.





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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)

Response: The names and addresses in the affected and adjoining surface landowner lists and the agency mailing list in Attachment IV have been updated to reflect the requested changes in this comment, as follows:

- *The mailing address for the North Dakota Department of Water Resources has been updated in the State Agency and Local Government Mailing List in Attachment IV.*
 - *The agency name for the North Dakota Department of Water Resources has been updated in the State Agency and Local Government Mailing List in Attachment IV.*
 - *The names of individuals on the Mercer County Commissioners, Mercer County Planning and Zoning Committee, Oliver County Commissioners, and Oliver County Planning and Zoning Committee have been removed in the State Agency and Local Government Mailing List in Attachment IV. Contact information is provided for each committee and county commission.*
 - *Contact information for the North Dakota State Soil Conservation Committee has been revised as requested in Comment 13 to reference Ms. Paula Comeau at the address provided.*
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)

Response: The mailing and street addresses for the State Geologist, Ed Murphy, have been updated to the current address as requested in the State Agency and Local Government Mailing List in Attachment IV.

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)

Response: The name and mailing address of the North Dakota Department of Water Resources has been updated as requested in the State Agency and Local Government Mailing List in Attachment IV.

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)





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Response: The name and mailing address of the North Dakota Soil Conservation Committee has been updated as requested in the State Agency and Local Government Mailing List in Attachment IV.

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)

Response: The spelling of the city of Amidon listed in the address for surface lessee Sarah Nordby has been corrected in the Adjoining Surface Landowners in Attachment IV.

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)

Response: The Surface Landowners in Bond Release Area, Adjoining Surface Landowner, State Agency, and Local Governments Notification letters in Attachment IV have been revised to reflect the updated bond release amounts obtained by addressing Item No. 20 below.

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)

Response: Exhibit V-1 has been revised to include as-built topography data. These topographic data provide as-built topography following the regrading of haul road and access corridors in Sections 13, 17, 19, and 24.

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)

Response: Exhibit V-2 of Attachment V has been revised to provide a topsoil respread depth of 0.5 feet on haulroad corridors in Sections 13, 18, 19, and 24 based on the references provided in Comment 17.

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





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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)

Response: Exhibit VI has been added to the bond release application in Attachment VI. This "Mine Area Reference Map" provides approximate location data for former mine pit areas. In addition, Table VI-1 has been revised to include the complete pit names.

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)

Response: The Bond Release Area Description on page VI-1 of Attachment VI has been revised to include the acreage of federal coal within the bond release area. The acreage of federal coal in the bond release area is 77.38 acres.

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. ($\$10,382,986$ (Existing Bond) - $\$4,020,435.34$ (Worst Case Bond Amount) = $\$6,362,550.66$; $(\$6,362,550.66 - \$234,200$ (Bonding of Undisturbed Areas))/3,735 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 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)

Response: The Bond Release Value Summary Table provided in Attachment VII has been revised using the calculation specifications provided in the description of Comment 20. These revised calculations include calculation of a bonding amount of \$1,670.79 per disturbed acre in the Permit Area. This bonding amount was then applied to the 2,851 acres of the BR4 Bond Release Area at a ratio of 40 percent for Stage 1 reclamation and 20 percent for Stage 2 reclamation.

The updated bond release amounts using these revised calculations are \$1,871,156.92 for Stage 1 and 935,578.46 for Stage 2, for a total requested bond release amount of \$2,806,735.38. These revised bond release values have been incorporated into revised versions of Application Form SFN 19812 (see Comment 4), Attachment III – Public Notice (see Comment 8), Attachment IV – Letters to Affected Parties (see Comment 15).

Please contact me with any questions.





Westmoreland Beulah Mining LLC

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Sincerely,

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