



Public Service Commission

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December 19, 2025

Mr. David Kuzara
Manager, Environmental & Regulatory Affairs
Westmoreland Beulah Mining, LLC
Beulah Mine
PO Box 39
Beulah, ND 58523-0039
dkuzara@westmoreland.com

Dear Mr. Kuzara:

The Reclamation Division has reviewed Westmoreland Beulah Mining, LLC's (WBM) November 6, 2025 response to our August 25, 2025 review of Partial Bond Release No. 4 to Surface Coal Mining Permit KRSB-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, the notification letters have been mailed, and weather conditions are suitable for an evaluation of the reclamation activities.

General

1. The latest version of the Partial Bond Release No. 4 application was submitted to the Reclamation Division on November 6, 2025; however, page 1 of the application indicates that the latest revision was submitted in October 2025. Please ensure the revision date on page 1 of the application matches the actual date of the submittal for future revisions to the application. (MLJ)
2. Follow-up to Item No. 1 of our August 25, 2025 review letter. All changes must be made using an underline-strikethrough format. For example, edits were made in Attachment IV (Agency Mailing List) to the North Dakota Department of Water Resources, the North Dakota Soil Conservation Committee, and the State Geologist, but these edits were not marked in any capacity. WBM must ensure all edits made are highlighted and/or underlined as required in NDAC 69-05.2-05-02(6). The Reclamation Division requests that all changes made since the initial application be highlighted and/or underlined in some capacity. Also, all future deleted information must also be retained in the application in a strike-through format (example: ~~deleted~~). The Reclamation Division understands that significant changes have been made to the application since the initial submittal and revising the document to include all previously deleted is unnecessary; however, all future deletions and edits must be retained in the required format. (WWS)

Attachment III – Public Notice

3. The narrative on page 36 of the application within Attachment III (Public Notice) states that the public notice will be published in the Hazen Star and the Center Republican; however, the table indicates it will be published in "The Beacon". Please revise the table to state "The Center

Republican”. NDCC 38-14.1-17(1)(a) requires the advertisement to be published in the official newspaper of each county where the surface coal mining operation is located. (WWS)

4. The third paragraph on page 37 within Attachment III (Public Notice) states that the remaining bond will be \$6,125,792.26. However, if the existing bond is \$10,382,986.00 and \$2,806,735.38 is being requested for release, then the total remaining bond should be \$7,576,250.62. (PJR)
5. As requested in Item No. 9 of our August 25, 2025 review letter, Exhibit III-1 (Public Notice Map) was added to Attachment III (Public Notice); however, the boundary of Permit KR5B-8802 is missing from the map. Please include the boundary of Permit KR5B-8802 in Exhibit III-1 so that the bond release area can be realized in relation to the permit boundary. (PJR)

Attachment IV- Letter to Affected Parties

6. Similar to Item No. 4 above, the third paragraph of each landowner notification letter in Attachment IV (Letters to Affected Parties) states that the remaining bond will be \$6,125,792.26. However, if the existing bond is \$10,382,986.00 and \$2,806,735.38 is being requested for release, then the total remaining bond should be \$7,576,250.62. (PJR)

Attachment V- Stage 1 & 2 Detail Maps

7. Exhibit V-2, Final Grade/Soil Respread Depths Map, in Attachment V (Stage 1 & 2 Detail Maps) indicates that 0.3 feet of topsoil and 1.3 feet of subsoil were respread on 1969 and 1971 Law Liability Areas in the NW¼SW¼ of Section 7. The Reclamation Division does not believe that any topsoil or subsoil was respread on areas subject to the 1969 and 1971 reclamation laws. Please review your records and revise as appropriate. (GAW)
8. Please revise Exhibit V-2, Final Grade/Soil Respread Depths Map, in Attachment V (Stage 1 & 2 Detailed Maps) to clarify that 0.5 feet of topsoil and 0.0 feet of subsoil were respread on areas subject to the 1973 reclamation law standards in the NW¼SW¼ of Section 7. On July 22, 2019, the Commission issued special condition No. 1 to Revision 31 to Permit KR5B-8802 which required Dakota Westmoreland Corporation to respread at least 6 inches of topsoil on areas subject to the 1973 reclamation law and rules in the SW¼ of Section 7, T143N, R87W, Oliver County. (GAW)

Attachment VI – Reclamation Narrative

9. The first paragraph on page 54 within Attachment VI (Reclamation Narrative) states that soil respread depths for each tract were determined using actual graded spoil quality information provided with each grade approval request. This can only be true for those areas reclaimed after the 1987 rule change. Prior to 1987, all available topsoil and subsoil, to a depth of 5 feet, was to be salvaged and replaced. Exhibit V-2, Final Grad/Soil Respread Depths Map, in Attachment V (Stage 1 & 2 Detailed Maps) appears to show that areas reclaimed prior to 1990 were respread with salvaged depths of soil rather than graded spoil properties. Please review and revise the narrative to clarify that areas subject to 1975 and later reclamation laws that were reclaimed prior to 1990 were respread with all available topsoil and subsoil up to a depth of 5 feet. (GAW)
10. Please delete the last three sentences in the first paragraph on page 54 within Attachment VI (Reclamation Narrative) that discuss projected respread soil depths and Section 3.4-B of the permit.

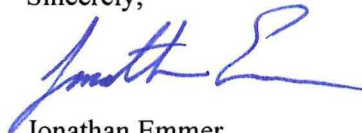
Also, Table VI-1 should be removed from the bond release application as it provides no meaningful information regarding actual topsoil and subsoil respread depths. (GAW)

Attachment VII – Performance Bond Release Calculations

11. The first paragraph on page 57 within Attachment VII (Performance Bond Release Calculations) references the Public Service Commission’s Reclamation Cost Estimating Guidelines dated November 1, 2022. Please revise this narrative and the Bond Release No. 4 bond release calculations to reference the July 1, 2025 Reclamation Cost Estimating Guidelines which can be found under Policy Memorandum No. 16 to Mine Operators on the PSC’s website - <https://www.psc.nd.gov/jurisdictions/coal-mining>. Also, please clarify what is intended with the reference to the “July 2009 March 2022 annual mine plan update” language. (GAW)
12. Follow up to Item No. 20 of our August 25, 2025 review letter: Please revise the Bond Release Value Summary information on page 74 within Attachment VII (Performance Bond Release Calculations) to clarify how each value depicted was calculated. It is not clear how the values listed in the “BR4 Bond Amounts” or “BR4 Bond Release Summary – per Acre Basis” subsections have been calculated. A disturbed per acre bond amount should be established as was done with the undisturbed acreage. This would allow one to simply multiply the disturbed acreage in the bond release application by the disturbed acreage amount and then by the first and second stage bond release percentages to determine the bond release amount for the application. (GAW)
13. Similar to Items No. 4 and No. 6 above, the total remaining bond value at the bottom of page 74 within Attachment VII (Performance Bond Release Calculations) states that the remaining bond will be \$6,125,792.26. However, if the existing bond is \$10,382,986.00 and \$2,806,735.38 is being requested for release, then the total remaining bond should be \$7,576,250.62. (PJR)

If you have any questions, please contact this office.

Sincerely,



Jonathan Emmer
Director
Reclamation Division

cc via email only: Juris Ore (jore@westmoreland.com)
 Todd Briggs (tbriggs@westmoreland.com)
 Rylan Sundsbak (rsundsbak@westmoreland.com)