



August 21, 2025

Jonathan Emmer
Director Reclamation Division
North Dakota Public Service Commission
600 E Boulevard Ave, Dept. 408
Bismarck, ND 58505-0480

Dear Mr. Emmer:

The following is in response to your letter dated August 8, 2025, regarding the midterm review of Permit KRSB-8603. The updated permit has been electronically copied (via *Dropbox*) for your review. Please feel free to contact me should you have any questions.

Sincerely,

Jesse Noel, P.E.
Director, Environmental & Regulatory Affairs
Westmoreland Mining LLC

Cc: Juris Ore
David Kuzara

August 21, 2025

**Comment/Response to August 8, 2025 PSC Letter
Revision 36**

General

1. As required by NDAC 69-05.2-05-02(6), any changes to the original submittal must be displayed in an underline-strikethrough format. Please submit all future responses in this manner. (WWS/PJR)

Response: All changes to the original submittals will be displayed in the color coded-strikethrough format. Any change to an existing pdf file will be highlighted within *Adobe* on this response and on all future responses; however, we were unable to change the highlight color within the application form itself (SFN 10562).

Section 1.1 – Application and Supporting Documents

2. Follow-up to item No. 2: Please revise the Revision 36 application form (SFN 10562) on page 77 of Section 1.1 (Application and Supporting Documents) to include an informative description of the changes being proposed to the various sections of the permit. (GAW/AAC)

Response: The application within Section 1.1 has been updated with more descriptive information.

Section 1.4 – Business Entity Information

3. Follow-up to item No. 3: Please provide meaningful, descriptive bookmarks with hyperlinks in Section 1.4 (Business Entity Information) to allow one to navigate to each subsection listed in the table of contents. (GAW/PJR)

Response: Hyperlinks have been added to Section 1.4.

4. Follow-up to item No. 4: Please delete the word “Application” in front of the word “Revision” in the heading of the Notice of Application on page 61 of Section 1.4 (Business Entity Information). (GAW)

Response: “Application” has been removed from Notice of Application within Section 1.4.

5. Follow-up to item No. 5: Please revise the first paragraph of the Notice of Application on page 61 of Section 1.4 (Business Entity Information) to include a description of the surface coal mining and reclamation operations being revised with Revision 36. This would include updates to surface ownership and updates to the various corporate management lists in the Business Entity Information section, updated surface and ground water hydrology information, updates to the threatened and endangered species list, post-mining land uses changes in the NE¼ of Section 19, depicting overburden stockpiles and the dragline dismantling area on the pit layout and facilities map, changes to the surface water management plan, post-mining topographical changes in the Iron and Gold Pit areas, revegetation plan changes, and changes to the reclamation timeline.

Simply listing sections of the permit being updated does not provide a description of the changes proposed with the revision. (WWS/GAW/PJR)

Response: The first paragraph of the Notice of Application within Section 1.1 has been updated with more descriptive information.

6. Follow-up to item No. 7: As required by NDAC 69-05.2-10-01(1)(b)(4), please review and revise the ownership listings in the Revision 36 Notice of Application in Section 1.4 (Business Entity Information) and Exhibit 1.4.1 (Surface and Coal Ownership Map) to ensure both provide the name(s) of every legal or equitable surface and subsurface owner of record in the permit area. In addition, please review the addresses provided on pages 1.4.21 and 1.4.22 of Section 1.4 to ensure they are correct as the Commission must send a notice of receipt for Revision 36 as required by NDCC 38-14.1-18(4) to each surface owner. (GAW/AAC/JAR/PJR)

Response: Ownership within the Notice of Application has been verified by a third party. Exhibit 1.4.1 illustrates the major owner of the property followed by "et.al." for reference within the permit. Exhibit 1.4.1 now contains a better description of the primary surface and subsurface owners.

Misc. Response: Section 1.5, *Compliance Information*, was updated with current information.