



Public Service Commission

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Mr. David Kuzara
Manager, Environmental & Regulatory Affairs
Westmoreland Beulah Mining LLC
Beulah Mine
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Dear Mr. Kuzara:

The Reclamation Division has conducted a technical review after the September 15, 2025 completeness approval of Westmoreland Beulah Mining LLC's (WBM) Revision 36 to Surface Coal Mining Permit KRSB-8603 at the Beulah Mine. The following items must be addressed before Revision 36 can be recommended for Commission approval:

Table of Contents

1. Please add Subsection O, Revision No. 36, to Section 2.5 (Wildlife Inventory and Plan) in the Table of Contents. (AAC)

Section 2.2 – Surface Water Hydrology Inventory and Monitoring

2. Exhibit 2.2.7 (Surface Water Monitoring Map) has contour elevation lines from an earlier version of Revision 36. Please revise to include the most current version of the post mining topography. (GAW/PJR)
3. Ponds 81, 87, and 112 have green hatching that is not defined in the map legend on Exhibit 2.2.7 (Surface Water Monitoring Map). Please update the map legend on Exhibit 2.2.7 to define what the green hatching represents on these three ponds. (JAR)

Section 2.5 – Wildlife Inventory and Plan

4. Subsection G, Endangered and Special Status Species, of Section 2.5 (Wildlife Inventory and Plan) appears to be historical information regarding endangered, threatened, and candidate species in the permit area. Please update Subsection G of Section 2.5 with current species information, or provide a narrative stating this is historical information on endangered, threatened, and candidate species and current information can be found in Subsection O, Revision No. 36. (AAC)
5. Endangered, threatened, and candidate species are missing from Subsection O, Revision No. 36, narrative of Section 2.5 (Wildlife Inventory and Plan). Please include all endangered, threatened, and candidate species found in the permit area in Subsection O (Revision No. 36). (AAC/WWS)

6. Table 2.5.12 on page 2.5.69 in Section 2.5 (Wildlife Inventory and Plan) is outdated. Please update Table 2.5.12 to include all endangered, threatened, and candidate species that could be found in the permit area using the USFWS IPaC. (AAC/WWS)

Section 2.7 – Land Use

7. Please depict undisturbed and reclaimed wetlands with different colored polylines on Exhibit 2.7.1 (Postmining Land Use) so that one can easily distinguish reclaimed versus undisturbed wetlands. (GAW)
8. According to Exhibit 2.7.1 (Postmining Land Use), WBM is proposing to convert sediment ponds 105, 106, and 113 into both developed water resources (DWRs) and wetlands. Converting these sediment ponds to wetlands might eliminate the need to reclaim mitigation wetlands SE20-1, SW20-1, SW22-1, SW22-2, and conservation wetland NW22-2W. If the wetland acreage associated with the ponds is equal to or greater than the wetland acreage disturbed, then these mitigation wetlands would not need to be reclaimed. Please revise to classify these ponds as either wetlands or DWRs. (GAW)
9. Exhibit 2.7.4 (Premining and Postmining Land Use Acres) lists the premining total for the NE¼ of Section 19 as 2.6 acres, while the postmining total is listed as 91.1 acres. Please review and update the premining total as necessary. (AAC)

Section 3.1 – General Mining Plan

10. Please include narrative in Section 3.1 (General Mining Plan) describing WBM's plans for reconstructing the disturbed portions of County Road No. 12 (15th Street SW), 63rd Avenue SW, and 64th Avenue SW. Please describe WBM's plans for reconstructing County Road No. 12 on the section line through the drainage between sediment pond P113 and P85. The narrative should mention if it is necessary to modify the embankment of sediment pond P113 to reconstruct the road and provide information about the precipitation event for which the culvert under the road will be designed. (GAW)
11. The last sentence regarding the dragline dismantling site on page 3.1.13 of Section 3.1 (General Mining Plan) appears incomplete or the text is obscured by the blue highlight. Please complete the sentence by stating the dragline dismantling site is shown on Exhibit 3.1.2 (Pit Layout and Facilities Map) if that is intended, or otherwise revise to provide clarity. (GAW)
12. The last sentence regarding the dragline dismantling site on page 3.1.13 of Section 3.1 (General Mining Plan) states the dragline will be dismantled in the SW¼ of Section 16. The Reclamation Division's March 6, 2024 dragline dismantling approval letter states the dragline will be dismantled in the SE¼ of Section 16. Please review the narrative in Section 3.1 to ensure the appropriate dragline dismantling area is referenced. (AAC)
13. The Reclamation Division's March 6, 2024 dragline dismantling approval letter states plans should be included in the permit for the dragline dismantling, including a completion timeline. Please update Subsection D (Mining Support Facilities) of Section 3.1 (General Mining Plan) to include a narrative regarding dragline dismantling operations that includes a completion timeline. (AAC/PJR)

Section 3.2 – Water Management Plan

14. Please depict the Sump in Section 15 on Exhibit 3.2.1 (Water Management Plan Map). A feature labeled Drainage 86 Sump is depicted immediately southeast of the Section 15 Sump, but it is not clear what this Drainage 86 Sump is supposed to represent. Please also provide storage calculations for the Section 15 Sump to determine if it can manage surface water runoff from the watershed south of the dragline decommissioning site. If the Section 15 Sump can manage surface water runoff from the dragline site and adjacent area, then WBM could reclaim Diversion 81W and sediment pond P86 sooner than otherwise allowed. WBM would need to demonstrate that sediment pond P81 can manage the expected runoff from the reclaimed watershed without sediment pond P86. (GAW)
15. The last paragraph on page 3.2.7 in Section 3.2 (Water Management Plan) contains outdated information regarding the removal of sediment ponds in the Gold Pit and Silver Pit. The narrative specifies that Gold Pit ponds will be removed by 2025 and Silver Pit ponds will be removed by 2024. Please update the pond removal years in Section 3.2 for the Gold and Silver Pits to the year that WBM expects to remove ponds in those pits. (JAR)
16. The last sentence of the last paragraph on page 3.2.7 in Section 3.2 (Water Management Plan) states there are 3 permanent ponds that will not be reclaimed. Please update the narrative on page 3.2.7 in Section 3.2 to include sediment ponds 104, 105, 106, 112, and 113 as permanent structures. (JAR)
17. Exhibit 3.2.1 (Water Management Plan Map) depicts sediment ponds 104, 105, and 106 as temporary structures. Please update Exhibit 3.2.1 to depict sediment ponds 104, 105, and 106 as permanent structures. (JAR)
18. Please depict the diversion along the north side of the dragline dismantling site on Exhibit 3.2.1 (Water Management Plan Map), and clarify how surface water runoff from the dragline site is being managed in an applicable section of the narrative in Section 3.2 (Water Management Plan). (GAW)
19. Please revise the narrative on page 3.2.40 in Section 3.2 (Water Management Plan) to state that WBM will obtain a landowner maintenance agreement for Pond 113 prior to bond release. WBM has requested that Pond 113 be retained as a permanent pond, but it contains a riser and an emergency spillway which requires a landowner maintenance agreement. (WWS)
20. Exhibit 3.2.54 (Mitigation Wetland Design for SE1/4 Section 20 (SE20-1)) and Exhibit 3.2.59 (Mitigation Wetland Design for SE1/4 Section 20 (SE20-2)) depict mitigation wetlands SE20-01 and SE20-02, but they appear to be different designs of the same wetland basin. Mitigation wetland SE20-02 is not depicted on the post mining land use map. Please review and revise to provide clarity. (GAW)

Section 3.5 – Backfilling and Grading

21. Please label the elevations of the major contour lines on lands not disturbed by mining in Exhibit 3.5.3 (Post Mining Topography) so that one can realize how the post-mining topography of mined lands blend into areas not disturbed by mining. (GAW)
22. Please revise Exhibit 3.5.3 (Post Mining Topography) to show the area occupied by grade approval Gold-3-2015, dated August 5, 2015 and revised August 6, 2015, as an area where field approved

final regrade has been achieved. This area should be cross hatched as depicted in the legend and the postmining contour lines should reflect the topography that was approved. The 2015 Beulah Annual Mine Map labels this area 2d, meaning an area where grade approval has been approved, subsoil has been respread, and only topsoil remains to be respread. (GAW)

23. Revision 36 is proposing a ridge and drainageway in the southeast corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22 that does not appear suitable for cropland, the intended postmining land use. This drainageway does not tie in well with the adjacent reclaimed cropland to the north. Please revise the topography of this area so that it blends appropriately into the field to the north and has slopes suitable for cropland, meaning not exceeding 9 percent. The previously approved topography in this area appears more suitable for cropland than the topography proposed with Revision 36. (GAW)
24. Please revise the prime farmland polygon in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22 in Exhibit 3.5.3 (Post Mining Topography) so that it lies parallel to the contour lines beyond the recreated drainageway. The Reclamation Division believes that prime farmland landscapes should not be bisected by drainageways, which may impede the potential of these land uses. (GAW)
25. Similar to Item No. 24 above, WBM is proposing a drainageway in reclaimed cropland in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22. The Reclamation Division is concerned that a grass waterway may be needed in this drainageway to prevent erosion. It is likely the surface owner would prefer not to have a grass waterway to farm around in this cropland field. Please review the proposed postmining topography of this area and consider eliminating this drainageway or revising as depicted on the January 2025 version of Exhibit 2.2.7 (Surface Water Monitoring Map). Swinging this drainageway to the west will reduce slope length, increase slope length in the bottom of the drainage, and intersect the native grassland in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22 where steeper slopes are allowed. (GAW)
26. Please revise the post-mining topography to show a suitably sloped drainageway immediately southwest of sediment pond P112. A drainageway in this area is not well defined in Exhibit 3.5.3 (Post Mining Topography), and it appears intermittent stream flow is expected to flow over a slope exceeding 22 percent. (GAW)
27. Please depict the embankment of Pond 104 DWR in Exhibit 3.5.3 (Post Mining Topography). (GAW)
28. WBM recently requested approval to remove soil from two undisturbed areas above pond P85. Exhibit 3.5.3 (Post Mining Topography) should be revised at this time if WBM is planning to remove overburden from these areas to reconstruct County Road No. 12. (GAW)
29. Please review the proposed post mining topography in the NE $\frac{1}{4}$ of Section 19 to ensure the contours are consistent with the Silver-01-2025 grade approval request. Topographical changes should not be proposed in areas not disturbed by mining. Ideally, the contour elevation lines in areas not disturbed by mining would be depicted like the pre-mine topography beyond the disturbance boundary. (GAW)
30. Please depict the potential prime farmland reclamation areas on Exhibit 3.5.4(b) (Area Slope Map, Post-mining Slopes) to provide a visual analysis that slopes in the prime farmland tracts are less than 6 percent. (GAW/MLJ)

31. The Gunch tables on Exhibit 3.5.4(b) (Area Slope Map, Post-mining Slopes) reveal an average post-mining slope steeper than the average pre-mining slope. To the extent feasible, please revise Exhibit 3.5.3 (Post Mining Topography) such that the average post-mining slope does not exceed the average pre-mining slope, or have an average slope percentage value greater than that which was previously approved. Moreover, the Gunch table for the E½SW¼ of Section 22 on Exhibit 3.5.4b indicates that 79 percent (17.4/22.1) of the tract has slopes in the 6 to 9 percent slope range but most of the tract is shaded orange on Exhibit 3.5.4b which represents slopes in the 3 to 6 percent slope range. Please review and revise, as necessary. (GAW)
32. The “slope class” colors on Exhibit 3.5.3 (Post Mining Topography) do not appear to accurately reflect the slope of the post-mine topography (PMT). The entirety of the PMT was not analyzed but there appears to be a large discrepancy between the 0-3% and 3-6% classes. Please recalculate the slopes, replot the exhibit, and update the tables to reflect the updated exhibit. (SMN)

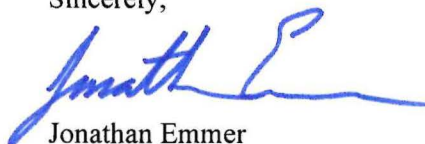
Section 3.8 – Time Schedules

33. Please revise Table 3.8.2 on page 6 of Section 3.8 (Time Schedules) to clarify when WBM is planning to reclaim the Special Variance Zone No. 7, the dragline corridor in S½N½ of Section 21, and the haul road through Brush Creek. Please also provide a timeline when WBM is planning to reconstruct the disturbed portions of 63rd Avenue SW and 64th Avenue SW and finish constructing County Road No. 12. (GAW)
34. Please revise the entirety of Subsection C of Section 3.8 (Time Schedules) to ensure that all remaining variances are properly identified and that the applicable timelines are accurately reflected. (PJR)
35. Please specify a definitive deadline for the dismantling or removal of the dragline in Section 3.8 (Time Schedules). The Reclamation Division approved the designated disassembly area on March 6, 2024. Reclamation efforts in Section 16 are currently being delayed while the dragline remains. (WWS/GAW/PJR)
36. Table 3.8.2 (Time Schedules) states that most regrading, SPGM respread, and seeding will not be completed for the permit area until the years 2030 and 2031. Please provide a detailed narrative explaining why reclamation of these areas is projected to require the next five to six years for completion. According to NDAC 69-05.2-21-01(2), rough backfilling and grading activities are typically required to be completed within 180 days. Furthermore, under NDCC 38-14.1-24(14), all reclamation activities through initial planting on any land within the permit area must be completed by the operator no later than three years following the completion of mining. The Reclamation Division has previously granted multiple extensions for the completion of reclamation activities throughout the mine and we are requesting a more definitive and practicable schedule for approval. (PJR/AAC)

Mr. David Kuzara
October 20, 2025
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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)
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Beulah Mine (Dakota Westmoreland)\Permits\KRSB - 8603\Revisions\Rev_36\Rev36_Tech2_rvw_itr_10-20-25