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March 30, 2026

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 review letter dated January 14, 2026, regarding the 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,

A handwritten signature in blue ink, appearing to read "David Kuzara", with a long, sweeping underline.

David Kuzara
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Cc: Juris Ore
Todd Briggs

sent via email only

March 30, 2026

**Comment/Response to January 14, 2026, PSC Letter
Revision 36**

Section 2.5 – Wildlife Inventory and Plan

1. *Follow-up to item No. 4 of our technical review letter dated October 20, 2025: Subsection G, Endangered and Special Status Species, of Section 2.5 (Wildlife Inventory and Plan) was updated to include the most recent information from IPaC. However, the Pallid Sturgeon is not a listed species for the permit area and does not need to be included in the permit application. The Monarch Butterfly, Western Regal Fritillary, and Suckley's Cuckoo Bumble Bee are proposed species for the permit area, but were not listed in the Insects section of Subsection G. Please revise Section 2.5 accordingly. (AAC)*

Response: Subsection G has been updated as requested.

2. *Follow-up to item No. 5 of our technical review letter dated October 20, 2025: The Monarch Butterfly is missing from Subsection O, Revision No. 36, narrative of Section 2.5 (Wildlife Inventory and Plan). Please update Subsection O with a narrative on the Monarch Butterfly. (AAC)*

Response: The Monarch Butterfly has been included in Subsection O as requested.

3. *According to the USFWS IPaC, the Northern Long-eared Bat is no longer a listed species that could occur in the permit area. The narrative for the Northern Long-eared Bat in Subsection O, Revision No. 36, of Section 2.5 (Wildlife and Inventory Plan) can be removed. The Northern Long-eared Bat may also be removed from Table 2.5.12. (AAC)*

Response: The Northern Long-eared Bat has been removed from the narrative in Section O.

Section 2.7 – Land Use

4. *Reclaimed lands west of sediment ponds P112 and P113 are being managed as hayland, and it is believed that these areas have never been seeded to the approved native grassland seed mixture. On November 20, 2025, Mr. Ronald Gunsch verbally indicated he would prefer to have as much cropland as possible reclaimed in the NW¼ of Section 22. Please review the cropland/native grassland land use boundary in the NW¼ of Section 22 and revise this boundary if WBM and Mr. Gunsch believe it is necessary. Pending grade approval Gold-4-2025 currently includes only 2.2 acres of cropland west of sediment pond P113 so a land use boundary in this area may affect the Gold-4-2025 grade approval request. In addition, the Gold-4-2025 grade approval contains a drainage that Mr. Gunsch requested be eliminated or made less prominent, so the Reclamation Division is planning to delay approval of this grade approval request until we are satisfied with the post-mining topography changes proposed with pending Revision No. 36 to KRSB-8603. (GAW)*

Response: Mr. Gunsch has not submitted a landowner preference statement requesting a post-mine land use change in the NW1/4 of Section 22 therefore, WBM is not proposing any land use changes at this time. Should this change, the suggestion will be taken into consideration and addressed in a future revision.

Section 3.2 – Water Management Plan

5. *Follow-up to Item No. 14 of our technical review letter dated October 20, 2025: Please include design information for Sump 86 in Section 3.2 (Water Management Plan) to demonstrate it meets the sediment pond performance standards in NDAC 69-05.2-16-09. Design information is provided in Exhibits 3.2.1 through 3.2.72 for all other ponds and sumps in Permit KRSB-8603. (GAW)*

Response: WBM has hired an engineering consultant to provide design information for Sump 86. This information, along with an As-Built, will be provided during the Mid Permit Review.

6. *Please include design information for the sump created by a pit in the E½NE¼ of Section 22 in Section 3.2 (Water Management Plan) to demonstrate it meets the sediment pond performance standards in NDAC 69-05.2-16-09, unless the area is going to be reclaimed in the next few months. This sump is located east of grade approval Gold-3-2015 which is where topsoil stockpile 16-13-1 is located. We apologize for not requesting this information during our initial review. (GAW)*

Response: This area will be reclaimed in the first quarter of 2026. A plan will be submitted as discussed with Mr. Guy Welch.

7. *Follow-up to Items No. 14 and 19 of our technical review letter dated October 20, 2025: Please depict the boundaries of the watersheds in the S½ of Section 16, SW¼ of Section 15 and N½ of Section 21 on the Water Management Plan Map (Exhibit 3.2.1) consistent with the post mining topography. The Water Management Plan Map incorrectly shows a portion of the SE¼ of Section 16 bypassing sediment pond P86, the watershed above Sump 86 is dissected by Diversion 81W, and it is not clear how surface water runoff from the northern portion of the N½ of Section 21 is being managed. (GAW)*

Response: WBM has hired an engineering consultant to provide design information for Sump 86. Watershed boundaries will be included on the As-Built and will be provided during the Mid Permit Review.

Section 3.5 – Backfilling and Grading

8. *Follow-up to Item No. 25 of our technical review letter dated October 20, 2025: As stated in our November 20, 2025, mine inspection report, Mr. Ronald Gunsch has expressed concerns with several proposed drainages on his property in the W½ of Section 22. This would include a drainage southeast of sediment pond P113, a drainage immediately west of sediment pond P112 and a drainage southeast of sediment pond P112. Mr. Gunsch said that he believes these drainages will not accommodate farm equipment and he asked if they could be eliminated or made less prominent. Please revise the Post-Mining Topography Map (Exhibit 3.5.2) to address Mr. Gunsch's concerns. (GAW)*

Response: The proposed drainages on Mr. Gunsch's property existed premine and are within native grassland boundaries as shown on Exhibit 2.7.1, Postmining Land Use. In review of premine aerial images, these areas were never farmed. WBM is not proposing any land use changes at this time. Should this change, this suggestion will be taken into consideration.

9. *Follow-up to Item No. 26 of our technical review letter dated October 20, 2025: Please revise the Post-Mining Topography Map (Exhibit 3.5.2) to show a suitable gradient in the drainageway immediately southwest of sediment pond P112. WBM is proposing an 18.6 percent slope in this drainageway, which is unacceptable. WBM must revise the post-mining topography of this drainageway to show that runoff from a 100-year 6-hour precipitation event will not have a stream velocity exceeding 5 feet per second. The pre-mine topographic map (Exhibit 3.1.3) documents that this drainageway had a 3.1 percent slope prior to mining and Exhibit 3.2.70 provides that runoff from about 160 acres will pass through this drainageway. (GAW)*

Response: WBM has hired an engineering consultant to model and evaluate the stream flows for the drainage. If the model indicates the velocities exceed the recommended flow rate, WBM will design and construct erosion control measures in the drainage to reduce the flow velocity. The heavily vegetated, flat topography and large wetland feature in the upstream watershed will reduce the volume and slow the flow rate down the drainage, and the light, consistent spring-fed flow of water will promote the growth of dense, wetland vegetation in the drain providing stability to the soil and additionally slowing the flow of water. Erosion control measures will be addressed in a future revision if they are deemed necessary to reduce the flow of water to meet the recommended rate.

10. *The post-mine cropland in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 22, contains slopes exceeding 9%. Please adjust these areas, where possible, to minimize the steeper slopes (SMN)*

Response: Post-mine cropland in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 22 has been adjusted to not exceed 9% slopes.

11. *Follow-up to Item No. 30 of our technical review letter dated October 20, 2025: 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 the slopes in the prime farmland tracts are less than 6 percent. The prime farmland should also be depicted on the Post-Mining Land Use Map (Exhibit 2.7.1) (GAW/MLJ)*

Response: The potential prime farmland reclamation areas are now shown on Exhibit 2.7.1, Post-Mining Land Use, and Exhibit 3.5.4(b) Area slope Map, Post-Mining Slopes, as requested.

12. *Follow-up to Item No. 31 of our technical review letter dated October 20, 2025: The Post-mine Slope Contours Map (Exhibit 3.5.4b), shows areas of 9 to 12 percent slope on cropland in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22. Please revise the Post-Mining Topography (Exhibit 3.5.2) to eliminate slopes exceeding 9 percent on cropland in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22. (GAW)*

Response: The Post-Ming Topography has been adjusted in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 22 has been adjusted to eliminate slopes on cropland to less than 9%.

13. *On November 20, 2025, Mr. Ronald Gunsch expressed that he would prefer cropland rather than native grassland east of the drainage in the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 22. If WBM is planning any changes to the post-mining land uses in this area, please make those changes with Revision No. 36.*

It appears that about 25 acres in this area could be converted to cropland with minor topographic changes. (GAW)

Response: WBM is not proposing any land use changes, at this time. Should this change, this suggestion will be taken into consideration.

Section 3.8 – Time Schedules

14. *Follow-up to Item No. 36 of our technical review letter dated October 20, 2025: The response provided does not adequately address the concerns raised regarding the extended reclamation timeline presented in Table 3.8.2 (Time Schedules). The table continues to indicate that the majority of regrading, salvaged topsoil/SPGM respread, and seeding activities will not be completed until the years 2030 and 2031. No substantive justification or detailed explanation was provided to support why reclamation of these areas is projected to require an additional five to six years for completion. As stated in the original comment, North Dakota Administrative Code (NDAC) § 69-05.2-21-01(2) generally requires rough backfilling and grading to be completed within 180 days following mining, unless otherwise approved. In addition, North Dakota Century Code (NDCC) § 38-14.1-24(14) requires that all reclamation activities through initial planting be completed no later than three years following completion of mining. The Reclamation Division notes that multiple extensions have previously been granted for reclamation activities across the mine; however, the current submittal does not provide a definitive, practicable, or enforceable schedule that demonstrates compliance with these statutory requirements or justifies further delay.*

During the past couple of years, the Reclamation Division has requested WBM to develop a comprehensive final closure plan and map for the Beulah Mine. During the October 24, 2025 meeting between WBM and the Reclamation Division, WBM presented a final closure map, but this map was not included in WBM's December 5, 2025 response for Revision 36. Please revise Section 3.8 to address the items below (PJR/AAC):

1. *Include a comprehensive final closure plan and map for the Beulah Mine, similar to the map presented during the October 24, 2025 meeting, so one can visually realize the sequence and timing of final reclamation. The plan should depict the anticipated sequence of the remaining reclamation activities, with interim milestones, including backfilling, grading, SPGM respread, seeding, pond removal, and road removal.*

Response: Narrative in Section 3.8 has been updated to include final closure plan. Two new exhibits, Exhibit 3.8.3, Leveling Timing Map and Exhibit 3.8.4 Soil Replacement Timing Map, have been included as requested.

2. *The specific operational, technical, or environmental factors necessitating the extended reclamation timeframe shown in Table 3.8.2*

Response: Section 3.8 has been revised to explain reasons for the extended reclamation timeframe as requested

3. *How the proposed reclamation schedule aligns with or departs from the statutory reclamation timeframes cited above.*

Response: Section 3.8 has been revised provide a historical timeline as to how WBM has departed from the statutory reclamation timeframes, as requested.