



# Public Service Commission

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*sent via email only*

April 21, 2026

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 fourth technical review after Westmoreland Beulah Mining LLC's (WBM) March 30, 2026, response for 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. Please note that follow-up items reference the item as numbered in the Reclamation Division's January 14, 2026, technical review letter.

## **Section 3.2 – Water Management Plan**

1. Follow-up to Item No. 5: 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. WBM staff recently indicated that an engineering consultant has provided design information for this sediment pond. (GAW)
2. Follow-up to Item No. 7: 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. WBM staff recently indicated that an engineering consultant has provided this information to WBM. (GAW)

## **Section 3.5 – Backfilling and Grading**

3. Follow-up to Item No. 8: Approximately 80 percent of the disturbed acreage in the E½SW¼ of Section 22 was cropland prior to mining, and Exhibit 3.5.4b (Area Slope Map, Post-mining Slopes) provides that 81 percent (18.6 acres) of the disturbed acreage had a pre-mine slope gradient of less than 3 percent. Therefore, as verbally requested by Mr. Gunsch and for compliance with NDCC 38-14.1-24 (3), please revise the post-mining topography of the cropland in the E½SW¼ of Section 22 such that the drainageway southeast of sediment pond P112 is less prominent. (GAW)
4. Follow-up to Item No. 9: Please revise Exhibit 3.5.3 (Post Mining Topography) to show a suitable gradient in the drainageway immediately southwest of sediment pond P112. 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, and WBM

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must restore a stream longitudinal profile and cross section that approximates pre-mining stream channel characteristics as required by NDAC 69-05.2-16-07(4)(c). Exhibit 3.5.4b (Area Slope Map, Post-mining Slopes) will need to be updated after Exhibit 3.5.3 is revised. (GAW)

### **Section 3.8 – Time Schedules**

5. Follow-up to subsection 3 of Item No. 14: No information regarding how the proposed reclamation schedule aligns with or departs from the statutory reclamation timeframes was provided. Information was only provided on the historical timeline and how Dakota Westmoreland departed from the statutory reclamation timeframes. Please update Section 3.8 (Time Schedules) accordingly. (AAC/PJR)

If you have any questions, please contact this office.

Sincerely,

Jonathan Emmer

Digitally signed by Jonathan  
Emmer  
DN: c=US, e=jemmer@nd.gov,  
o=North Dakota Public Service  
Commission, cn=Jonathan Emmer  
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Jonathan Emmer  
Director  
Reclamation Division

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