

April 28, 2026

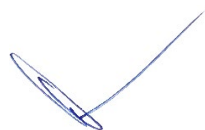
Jonathan Emmer
Director Reclamation Division
North Dakota Public Service Commission
600 E Boulevard Ave, Dept. 408
Bismarck, ND 58505-0480

Dear Mr. Emmer:

The following is in response to your review letter dated April 21, 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,



David Kuzara
Manager, Environmental and Regulatory Affairs
Westmoreland Mining, LLC
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Cc: Juris Ore
Todd Briggs

sent via email only

April 28, 2026

**Comment/Response to April 21, 2026, PSC Letter
Revision 36**

Section 1.4 – Business Entity Information

All but one page of Exhibit 1.4.4, Temporary Roadway & Section Line Closures, were inadvertently removed by WBM during Revision 32. Per the request of the PSC, Exhibit 1.4.4 is now included in its entirety with this submittal. No changes were made during this revision, Revision 36.

Section 2.2 – Surface Water Hydrology Inventory and Monitoring

Exhibit 2.2.7, Surface Water Monitoring Map, has been updated to include the revised post mining topography and revised watershed.

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)

Response: Design information for Sump 86 has been included in Section 3.2, Water Management Plan. A new exhibit, Exhibit 3.2.73, Sump 86, is also included in Section 3.2, as requested.

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)

Response: Exhibit 3.2.1, Water Management Plan, has been revised and updated to include the watershed boundaries, as requested.

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)

Response: Portions of the drainage slope in the E½SW¼ of section 22 going into Pond 112 has been reduced as requested.

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 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)

Response: The drainage, from the southwest, flowing into P112 has been revised per discussions between the PSC and WBM during April 2026 field inspections.

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)

Response: Section A., Mine Related Disturbance Schedules, has been updated to discuss how the reclamation schedule departs from the statutory reclamation timeframes.