



138 Rosebud Ln.
Colstrip, MT 59323
406-748-5100
www.westmoreland.com

November 27, 2023

Dan Walsh
Mining Bureau, Bureau Chief
Department of Environmental Quality
1520 East Sixth Ave
PO Box 200901
Helena, MT 59620

Permit ID: C1985003C
Revision Type: Bond Release
Permitting Action: N/A
Subject: SL 23; Bond Release Application

Dear Mr. Walsh:

Westmoreland Rosebud Mining LLC (WRM) is requesting a Phase I Bond Release on approximately 71.0 acres within the Rosebud Mine – Area C (C1985003C) permit located near Colstrip, Montana. The request is specifically for liability release for Phase I reclamation and meets the requirement for a bond release application as committed to within Section 17.24.313 (1)(c) of the permit. Present bond liability for Area C of the Rosebud Mine is \$41,250,000. The purpose of this bond release request is to document the progress of reclamation by WRM at the Rosebud Mine. Further information regarding this bond release can be found in the attached Bond Release Application dated November 15, 2023.

Please contact Noelle Boyer at (720) 440-6369 or NBoyer@westmoreland.com for any questions or concerns.

Sincerely,

Russ Batie, P.E.
Environmental Manager
Westmoreland Rosebud Mining LLC
Phone: (406) 748-5179
Fax: (406) 748-5181
Email: RBatie@westmoreland.com

Attachment

Gilbert, Sharona

From: Boyer, Noelle <NBoyer@westmoreland.com>
Sent: Monday, November 27, 2023 2:52 PM
To: DEQ AEMD Coal
Subject: [EXTERNAL] Westmoreland Rosebud Mining LLC (WRM) C1985003C SL 23 Bond Release Application
Attachments: C1985003C SL23 Phase I App 2023-11.pdf

Hello,

Westmoreland Rosebud Mining LLC (WRM) have enclosed Area C Bond Release Application SL 23 permit number C1985003C.

Please let me know if you have any further questions,

Thank you,

Noelle Boyer



Westmoreland Mining LLC

Noelle Boyer, *Permitting and Regulatory Compliance Analyst*

10375 Park Meadows Drive Suite 400, Lone Tree, CO 80124

Direct: 720-440-6369

Employee Email: NBoyer@westmoreland.com | Website: www.westmoreland.com [link.shetrk.com] [lc3.shetrk.com]

This email is confidential and may be privileged. If you have received it in error, please notify us immediately and then delete it. The integrity and security of this email cannot be guaranteed over the Internet. Please do not copy it, disclose its contents or use it for any purpose.

BOND RELEASE

APPLICATION

SL23

AREA C

Phase I

C1985003C

November 2023

TABLE OF CONTENTS	Page #
BOND RELEASE APPLICATION FORM	1
LEGAL DESCRIPTION	3
INTRODUCTION	4
REQUEST FOR PARTIAL BOND RELEASE	5
ARM 17.24.1111 BOND RELEASE APPLICATION CONTENTS	5
ARM 17.24.1112 BONDING: ADVERTISEMENT OF RELEASE APPLICATIONS AND RECEIPT OF OBJECTIONS	5
ARM 17.24.1116 BONDING: CRITERIA AND SCHEDULE FOR RELEASE OF BOND	6
DRAFT LANDOWNER NOTIFICATION LETTER	7
DRAFT PUBLIC NOTICE	8

BOND RELEASE APPLICATION FORM

DEQ COAL SECTION • PO BOX 200901 • HELENA MT 59620-0901 • PHONE: 406-444-4970 • FAX: 406-444-4988 • EMAIL: DEQCoal@mt.gov

Montana Department of Environmental Quality Coal Section's Application for Bond Release of Strip or Underground Mining Permit

INSTRUCTIONS-See rules and regulations pursuant to the following: This application form is pursuant to Title 82, Chapter 4, Part 2, MCA requiring permits for mining coal and uranium.

The applicant agrees to:

1. If federal minerals or surface are involved, send 1 complete copy to OSM, Casper Field Office Director and 1 complete copy to OSM, Denver Program Support Division Manager. Yes N/A
2. If there are no federal acres involved, send 1 complete copy of this application and attachments to OSM, Casper Field Office Director. Yes N/A
3. File application during the appropriate time or season pursuant to ARM 17.24.1111(2). Yes
4. Submit Affidavit of Publication following the publication of Public Notice. Yes

Attach any support documents that are referenced in this application and check the appropriate boxes below to indicate those attached.

1. Copies of letters sent to landowners
2. Appropriate narrative and/or tables addressing 82-4-232(6)(a) and (b) MCA, ARM 17.24.1111 and 17.24.1116
3. Proposed Public Notice pursuant to 82-4-232(6)(a) MCA
4. Maps (as necessary to evaluate the reclamation)
5. Other (Please describe): _____

SECTION A – APPLICANT INFORMATION

A1.

1. Permit ID Number: [C1985003C](#)
 Site Name: [Rosebud Mine - Area C](#)
 Date Permit Approved: [August 20, 1982](#)
2. Name of Applicant: [Westmoreland Rosebud Mining LLC](#)
 Address: [PO Box 99](#)
 City: [Colstrip](#) State: [MT](#) Zip Code: [59323](#)

SECTION B – BOND RELEASE

B1.

1.

Name of Bonding Agent	Address	City	State	Zip Code	Bond No(s)
Zurich American Insurance Company	1299 Zurich Way	Schaumburg	IL	60196-1056	09316506

2. Current bond amount in effect: [\\$41,250,000.00](#)
3. Total amount of bond requested for release: [\\$0.00](#)
4. Bond Remaining if total release is granted: [\\$41,250,000.00](#)
5. Type of Disturbance : Mine Level Associated Facilities

6.

Phase	Acres *no decimals	Legal Description	Dollar Amount Requested

DEQ COAL SECTION • PO BOX 200901 • HELENA MT 59620-0901 • PHONE: 406-444-4970 • FAX: 406-444-4988 • EMAIL: DEQCoal@mt.gov

Phase I: (Defined in ARM 17.24.1116(6)(a))	67	See Attachment #2	\$0.00
Phase II: (Defined in ARM 17.24.1116(6)(b))			\$0.00
Phase III: (Defined in ARM 17.24.1116(6)(c))			\$0.00
Phase IV: (Defined in ARM 17.24.1116(6)(d)) <input type="checkbox"/> Check box if Phase IV includes undisturbed acres. If so, how many acres are undisturbed: 0	0		\$0.00
Acreage to be Released *no decimals	Permit Acreage Mineral	Permit Acreage Surface	
Federal:	45	0	
Tribal:	0	0	
State:	0	0	
Private:	26	71	
County:	0	0	
Total:	71	71	

7. Check all that apply:

Mineral Ownership

Federal State Tribal Private County Other

Surface Ownership

Federal State Tribal Private County Other

SECTION C – CERTIFICATION *MUST BE CONSISTENT WITH DESIGNATION OF AGENT FORM

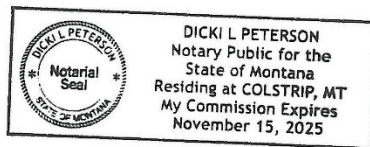
Pursuant to ARM 17.24.1111(4), I, the undersigned, hereby certify that all applicable reclamation requirements have been achieved in accordance with the Act, and the approved reclamation plan.

Signature: 

Title: Environmental Manager

Date: November 15, 2023

Subscribed and sworn to before me, the undersigned, a Notary Public for the State of Montana this 15th day of November, 2023.



(SEAL)



Notary Public for the State of: _____
 Residing at: _____
 My Commission expires: _____

Attachment #2 – **LEGAL DESCRIPTION**

Legal Description				Surface Owner
T1N, R40E	Sec.	3	N½	WPP LLC
		10	S½	Booth Land and Livestock

INTRODUCTION

Westmoreland Rosebud Mining LLC (Westmoreland), owns and operates the Rosebud Mine, located in Rosebud County, Montana, under Surface Mining Permit No. C1985003C (renewed 8/20/2022) issued by the Montana Department of Environmental Quality. The Area C permit of the Rosebud Mine is located west of Colstrip, Montana.

This document is a request by Westmoreland for Phase I Partial Release on approximately 71.0 acres of Rosebud Mine – Area C near Colstrip, Montana. The request is specifically for liability only release of approximately 71.0 acres of reclaimed lands in the permit area. Present bond liability for Area C of the Rosebud Mine is \$41,250,000. The purpose of this bond release request is to document the progress of reclamation by Westmoreland at the Rosebud Mine.

This application was prepared in compliance with the Montana Strip and Underground Mine Reclamation Act and the Permanent Regulatory Program pursuant to the Act. The submittal specifically addresses the portions of ARM 17.24.1111 through 17.24.1116, which apply to bond release applications.

Reclamation Phase I [ARM 17.24.1116(6)(a)] shall be deemed completed when all drill holes not approved for retention or completely mined are plugged and backfilling, regrading, and drainage control has been finished in accordance with the approved reclamation plan. It is Westmoreland Rosebud's belief that it has met these requirements.

Enclosed is a narrative describing the types of reclamation work, which were completed to meet the requirements of Phase I bond release. An exhibit showing the requested area, approximately 71.0 acres, is included. The reclamation work described was completed in accordance with the approved reclamation plan described in C1985003C.

REQUEST FOR PARTIAL BOND RELEASE

This request for partial release was prepared in compliance with the Montana Strip and Underground Mine Reclamation Act and the Permanent Regulatory Program pursuant to the Act. The submittal specifically addresses the portions of ARM 17.24.1111 through 17.24.1116, which apply to bond release applications.

17.24.1111 BONDING: BOND RELEASE APPLICATION CONTENTS

- (1) Westmoreland Rosebud files this application for partial release from the permit liability for the completion of approved reclamation plans and included but was not limited to drill hole plugging, backfilling, regrading, drainage control, soil placement, and seeding.
- (2) The time of filing will allow the Department to properly evaluate the completed reclamation operations.
- (3) The application includes a copy of a letter to be sent to the following adjoining property owners, surface owners, local government bodies, planning agencies and sewage and water treatment facilities: WPP LLC, Booth Land & Livestock, the City of Colstrip, Rosebud County, and Westmoreland Rosebud Mining LLC. They will be notified of Westmoreland Rosebud's intention to seek partial bond release once the application is found complete. A copy of the draft notification letter is on page 7.
- (4) Notarized statement is on the application form.
- (5) A copy of the draft public notification is shown on page 8. Proof of publication of the advertisement will be submitted within 30 days of the final printing of the public notification.
- (6) Prospecting bond release is not applicable to this application.

17.24.1112 BONDING: ADVERTISEMENT OF RELEASE APPLICATIONS AND RECEIPT OF OBJECTION

- (1) (a) - (h) The public notification will be submitted to the Independent Press office in Forsyth, MT for advertisement in four consecutive weekly publications following the completeness review. It contains all the required items listed in sub-paragraphs (b) - (h).
- (2) The deadline for written objections, requests for informal conferences or requests for public hearings by affected persons related to this proposed bond release application is 30 days following the last advertisement.

17.24.1116 BONDING: CRITERIA AND SCHEDULE FOR RELEASE OF BOND

- (1) It is Westmoreland's belief that the requirements of the approved reclamation plans have been met. Therefore, Westmoreland requests liability release on approximately 71.0 acres of Phase II. The bond release fields are shown on Exhibit 1, as described in the application form.
- (2) Westmoreland recognizes that it would remain responsible for any corrective actions necessary to comply with the Act, sub-chapters 3 - 13 of the rules, and the permit until final bond release.
- (3) Westmoreland is requesting release from the bond liability on the application parcels for completion of backfill, regrade, drainage control, soil placement, seeding and land use in accordance with the approved alternate reclamation plan. All drill holes have been properly abandoned. Soils have been replaced, revegetation has been established, and noxious weeds are controlled in accordance with the approved alternate reclamation plan.
- (4) Westmoreland is requesting liability release of approximately 71.0 acres of Phase I reclamation at this time.
- (5) Westmoreland is not seeking a monetary reduction in the reclamation bond at this time. The total amount of bond in effect for the Area C permit is \$41,250,000.00.
- (6) This application is for Phase I reclamation acres.
 - (a) reclamation phase I is deemed to have been completed when the permittee completes backfilling, regrading, and drainage control in accordance with the approved reclamation plan and when all drill holes that are not approved to be retained as monitoring wells or that were not completely mined have been plugged in accordance with ARM 17.24.1005;
 - (b) Phase II bond release will be applied for in future applications.
 - (c) Phase III bond release will be applied for in future applications.
 - (d) Phase IV bond release will be applied for in future applications.
- (7) Information from annual reports and monitoring data, generated pursuant to ARM 17.24.645, 17.24.646, 17.24.723, and 17.24.1129, and from department inspection reports may be used or referenced to support applications for bond release.
- (8) Following final bond release, the department shall reassert jurisdiction under the Act and this chapter if it is demonstrated that the bond release or statement of reasons made pursuant to ARM 17.24.1114(4) was based upon fraud, collusion, or misrepresentation of a material fact.

DRAFT LANDOWNER NOTIFICATION LETTER

Dear Sir:

Westmoreland Rosebud Mining LLC has applied for partial release of its reclamation bond to the Department of Environmental Quality. This request is for plugging of drill holes and completion of backfill and regrade under ARM 17.24.1116(6)(a) Reclamation Phase I of Montana's Permanent Program, Strip and Underground Reclamation Rules and Regulations.

The specific permit number and acreages are shown in the following table:

Mine Area	Phase I
C	71.0

The proposed release area, containing 71.0 acres more or less, is located within portions of the following legal descriptions:

Area C – Rosebud County

Phase I	
T1N, R40E	Sec. 3 and 10

The application is available for inspection at the Department of Environmental Quality office in Helena (1520 East Sixth Avenue). Electronic copies of the application may be requested by emailing DEQCoal@mt.gov.

Written comments, objections, or requests for informal conferences maybe submitted by any person with an interest that is or may be adversely affected within 30 days of the last published announcement to the Montana Department of Environmental Quality, Mining Bureau, PO Box 200901, Helena, Montana 59620-0901 or by emailing DEQCoal@mt.gov.

This letter is being sent to fulfill the requirements of ARM 17.24.1111(3) of Montana's Permanent Program, Strip and Underground Reclamation Rules and Regulations.

Sincerely,

Russell Batie
Environmental Manager

DRAFT PUBLIC NOTICE

PUBLIC NOTICE

Notice is hereby given that Westmoreland Rosebud Mining LLC, a Montana corporation with offices west of Colstrip, Montana, has filed a request for partial bond release for Phase I reclamation work in Area C (C1985003C) of the Rosebud Mine, Colstrip, Montana under the Montana Strip and Underground Mine Reclamation Act and Permanent Regulatory Program. The Area C Surface Mine Permit was originally approved on August 20, 1982.

The proposed release area, containing 71.0 acres, more or less, is located within portions of the following legal descriptions:

The area for which partial release is requested is located in portions of the following sections:

Area C – Rosebud County

Phase I	
T1N, R40E	Sec. 3 and 10

Westmoreland Rosebud is not requesting liability only reduction of the reclamation bond. The total amount of bond in effect for the permit area is \$41,250,000. All backfill and regrade was completed prior to and during 2020 in accordance with the approved plan. All drill holes have been properly abandoned.

The application is available for inspection at the Department of Environmental Quality office in Helena (1520 East Sixth Avenue). Electronic copies of the application may be requested by emailing DEQCoal@mt.gov.









Written comments, objections, or requests for informal conferences maybe submitted by any person with an interest that is or may be adversely affected within 30 days of the last published announcement to the Montana Department of Environmental Quality, Coal and Opencut Mining Program, PO Box 200901, Helena, Montana 59620-0901 or by emailing DEQCoal@mt.gov.

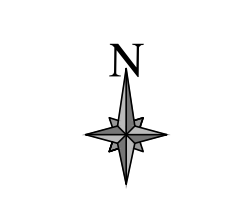
Date

PMT Topo - MR152
 Scale: 1"=1000'
 Contour Interval 10'

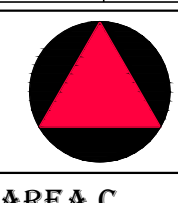
Existing Topo
 Scale: 1"=1000'
 Flight Topo 2023-07
 Contour Interval 10'

LEGEND

-  Permit Boundary
-  Disturbance Boundary
-  Quarter section line
-  Found Corner
-  Monument
-  Corner Markers as Established By Western Study Company, Or Protected From One Record
-  Phases 1 Application SL23 Bond Release Area
-  Phases 1 Released & Pending Release. Includes Areas of final bond release inside and outside our current Permit Boundary.



REVISION	DESCRIPTION	DATE	CAD DESIGNER	CHECKER

 **Westmorland Rosebud Mining LLC**
 A Subsidiary of WESTMORELAND MINING LLC
 P.O. Box 99, Colony, MT 59221 (406) 748-5100

AREA C **EXHIBIT 1**

Area C
Phases 1 Bond Release
SL23

GRAPHIC'S DESIGNER: TD	DATE COMPLETED: 11/2023
DESIGNED BY: RS	Base: as noted
SCALE: 1" = 1000'	Date Appointed: _____

CAD DRAWING: C-Bond Release SL23 Phase 1 Map 2023-11.dwg