

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Dakota Westmoreland Corporation
Mining Along State Highway 49
Revision No. 24, Permit No. KRSB-8802
Approval

Case No. RC-08-162

NOTICE OF OPPORTUNITY FOR PUBLIC HEARING

July 30, 2008

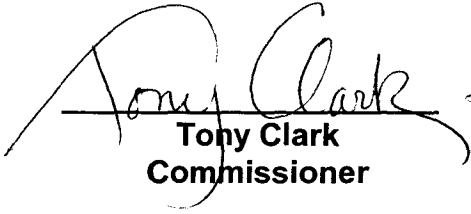
The Dakota Westmoreland Corporation (DWC) is requesting Public Service Commission (Commission) approval to conduct surface coal mining activities within 100 feet of the right-of-way of North Dakota Highway 49 south of Beulah. The request is for the construction of a temporary dragline crossing over Highway 49 and for other mining related activities within 100 feet of the highway right-of-way. A temporary detour will be utilized while the dragline crosses the highway. These plans are part of DWC's application for Revision No. 24 to Surface Coal Mining Permit KRSB-8802. DWC's proposed mining related activities will be within 100 feet of the highway right-of-way on the east and west sides of Highway 49 between the SW¼ of Section 13 and SE¼ of Section 14, T143N, R88W.

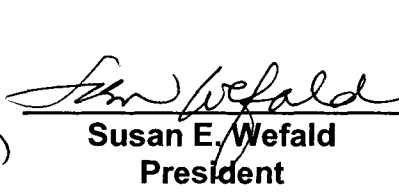
DWC is requesting North Dakota Department of Transportation (DOT) approval to conduct mining activities within 100 feet of the Highway 49 right-of-way in these areas. DWC has also submitted plans for the temporary detour to be used when the dragline crossing is being utilized. Since the DOT approval process for these activities does not provide the opportunity for a public hearing, the Commission is required by North Dakota Administrative Code 69-05.2-04-01.3(3) to provide opportunity for comment and for interested persons to request a public hearing in the locality of the proposed mining operation to determine whether the interests of the public and affected landowners will be protected.

Any person with concerns on the mining activities proposed to be conducted within 100 feet of the highway right-of-way may request a public hearing on the matter. Comments or a request for a hearing must be filed in writing with the Commission by August 25, 2008.

Any comments or a request for a hearing request must be addressed to the Public Service Commission, 600 E Boulevard Ave Dept 408, Bismarck ND 58505-0480. For more information, you may contact the Commission at the following telephone number: 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY.

Public Service Commission


Tony Clark
Commissioner


Susan E. Wefald
President


Kevin Cramer
Commissioner

Recdata/dkm/beulah/8802/rev.24 notice