



Public Service Commission

State of North Dakota

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600 E. Boulevard Ave. Dept 408
Bismarck, North Dakota 58505-0480
web: www.nd.gov/psc
e-mail: ndpsc@nd.gov
TTY 800-366-6888 or 711
Fax 701-328-2410
Phone 701-328-2400

September 8, 2008

Mr. Jesse Noel, P.E.
Manager, Engineering & Environment
Dakota Westmoreland Corporation
Beulah Mine
P.O. Box 39
Beulah, ND 58523-0039

Dear Mr. Noel:

The Reclamation Division has conducted a review of your technical response dated August 17, 2008 for Revision No. 24 to Permit KRSB-8802. Although a majority of the deficiencies have been satisfactorily addressed, a few items require additional information or clarification before approval can be granted. Please address the following:

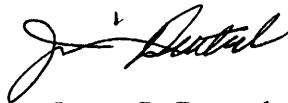
1. Follow-up to Original Item No. 3: If received, please provide copies of the DOT approval to conduct mining activities related to the construction of the dragline walkway within 100 feet of the outside right-of-way of Highway 49. If DOT approval is not received prior to revision approval, we will condition the approval of Revision No. 24 to not allow mining activities related to the construction of the dragline walkway within 100 feet of the outside right-of-way of Highway 49 until we receive a copy of that approval. Also, please update Exhibit 3.1.8a prior to approval of the revision as indicated in your response to Original Item No. 3. (DKM)
2. Follow-up to Original Item No. 4: DWC updated Exhibit 3.1.6, Facilities Area Map, in response to Original Item No. 4 and states that this exhibit contains all of the features listed in NDAC 69-05.2-08-02. However, the exhibit clearly does not show all of the features required by NDAC 69-05.2-08-02. For example, the cemetery located adjacent Highway 49 is not shown on this map nor are the pre-mine public roads. Please update the narrative in subsection 8 of Section 3.1 to clarify what this exhibit has been updated to represent. Does it represent only the manmade features described under subdivision f of subsection 1 of NDAC 69-05.2-08-02? (GAW)

3. Follow-up to Original Item No. 23: Although the recently completed cultural resource survey and inventory report was provided, please also provide a copy of the letter of acceptance of the report from the State Historical Society. This is needed to verify that they approve the report and concur with the findings and recommendations in the report. In the past, these approval/concurrence letters have been filed in Section 2.10.8 of the permit. (DKM)
4. New: The plans indicate a Highway 49 detour road will be constructed when the dragline walks across the highway; however, plans do not indicate what it will be constructed of, when it will be removed, what will be done with SPGM, and SPGM respread is not noted on Exhibit 3.4.1. Please include a narrative discussing the detour route and update the exhibit(s) accordingly. Also please include narrative for the temporary filling and the source of fill material for the county road ditches and the BMPs that will be used in this area. (MDB)
5. Following page 3.1.12, please add new pages with the list of the various signs and markers that will be used within the permit area. The current listing has been removed with the replacement pages. (MDB)

Prior to the approval of Revision No. 24, DWC will need to submit a completed SFN 14500 Stipulation to Increase Surety Bond for the additional acres being added to the permit. Attached is a copy of the form that needs to be used.

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch
Director
Reclamation Division

Attachment