

Dakota Westmoreland Corporation

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SEP 30 2008
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PUBLIC SERVICE COMMISSION

September 29, 2008

Mr. James R. Deutsch
Director, Reclamation Division
Public Service Commission
600 E Boulevard Ave, Dept. 408
Bismarck ND 58505-0480

FROM DIRECTOR - RECLAMATION DIV.

Date: _____

Action: _____

Info. Only: _____

Info & File: _____

Dear Mr. Deutsch:

Re: Revision No. 24, KRSB-8802

The following information is submitted in response to the concerns brought forth in your letter of September 8, 2008. Individual comments are set forth below followed by Dakota Westmoreland's responses and a listing of revised information. Three sets of the revised information are enclosed.

Permit-wide item

- 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. 2. (DKM)
 - Recent design specification changes by the DOT concerning placement of road signs requires DWC to revise Exhibit 3.1.8a. The design of the actual detour location has been accepted by the DOT. When the approval arrives, exhibit 3.1.8a will be modified to reflect the approval.

- 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, this 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 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?
 - Exhibit 3.1.6 represents all facilities not including supportive hydrologic facilities and legal information (as written in the narrative). You are correct in ascertaining that some features required by NDAC 69-05.2-08-02 were not shown on the exhibit. Railroads, public roads, and cemeteries were all added to the exhibit. The following summary of NDAC 69-05.2-08-02(1) should clarify the particulars:

Sub-Section	Brief Description	Location Within Permit
(a)	land owners	Exhibit 1.4.1
(b)	legal boundaries	Exhibit 1.4.1
(c)	permit area	Exhibit 1.3.1
(d)	drill hole information	Exploration: Exhibit 2.1.4 Hydrology: Exhibit 2.3.1

(e)	buildings/residences	ON MAP
(f)	infrastructure	Transmission: ON MAP Roads: ON MAP Railroads: ON MAP
(g)	public roads	ON MAP
(h)	cemeteries	ON MAP
(i)	monitoring stations	Wildlife: Exhibit 2.5.2 Hydrology: Exhibit 2.3.1
(j)	underground mines	None present
(k)	previously mined areas	None present
(l)	mining surface structures	Ponds only: ON MAP
(m)	oil and gas wells	None present
(n)	public parks	None present

- 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 Exhibit 2.10.8 of the permit. (DKM)
- A copy of the State Historical Society's letter of acceptance of the report is included with the revised information and should be added to Exhibit 2.10.8.
- 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)
- Section 3.1 has been appended with a general description of construction plans relative to SPGM handling. The crossing of Highway 49 should not take more than one month from beginning to end. Drainage in the ditches will be controlled by Pond 52. BMPs will be used to reduce the sediment load going into Pond 52. Exhibit 3.4.1 has been revised to show the detour route. Respreading the detour and road ditches along with seeding and stabilizing would be completed as soon as possible.
- 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)
- The narrative has been revised to include the current listing of the various mine signs and markers used within the permit area.

If you have any questions, please contact this office.

Sincerely,



Paula Koble Gores
Permit Coordinator

/s/

Enclosures: 3 sets of revised information