



Public Service Commission

State of North Dakota

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August 19, 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 completeness review of Revision No. 25 to Permit KRSB-8802 in accordance with NDAC 69-05.2-05-01(2). This revision was submitted in response to our April 30, 2008 midterm review of the permit and also modifies the mining and reclamation plans for the cessation of mining east of Highway 49. The following items must be addressed before this application will be considered complete.

1. Due to the mine plan changes, the Reclamation Division has determined that this revision application is a significant alteration to the approved operations and reclamation plan and is therefore subject to the notice, hearing and procedural requirements of chapters NDAC 69-05.2-10 and NDCC 38-14.1-18. Please include a copy of the public notice that is to be published for this revision. The notice must indicate that the revision includes final closure plans for the Orange and Charlie Pit areas east of Highway 49. (GAW/WTG)
2. Please revise the Contour Interval Topographic Maps, Post Mining Topography Map, Exhibit 3.5.3, Proposed Wetland Construction Maps, Exhibits 3.2.4, to show 5 foot contour intervals as required by NDAC 69-05.2-08-02(3). (MDB/GAW)

Please send us an additional three complete copies of this revision so that we can mail copies to Advisory Committee Member agencies. In addition, we would greatly appreciate receiving AutoCAD drawings of the postmine topography and cross sections used for worst case bonding as this will help speed our review of the application.

If you have any questions, please contact this office.

Sincerely,

James R. Deutsch
Director
Reclamation Division