

Dakota Westmoreland Corporation

Beulah Mine – P.O. Box 39, Beulah, North Dakota 58523-0039
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February 25, 2009

Mr. James R. Deutsch
Director, Reclamation Division
Public Service Commission
600 E Boulevard Ave, Dept 408
Bismarck ND 58501-0480

Dear Mr. Deutsch:

Re: Revision No. 25, KRSB-8802

The following is submitted in response to the Commission's completeness review letter of February 3, 2009. The individual deficiency comments are set forth below followed by Dakota Westmoreland's responses and a listing of revised information.

1. Please update the public advertisement to address the following:
 - a. Please list coal owners Delton Herman and Diane Grosz (listed in the permit on page 1.4.20) for the SW $\frac{1}{4}$ of Section 17, T143N, R87W. (SAS)
 - Delton Herman and Diane Grosz have been removed from the list of coal owners for the SW $\frac{1}{4}$ of Section 17, T143N, R 87W
 - b. The surface and coal ownership for the NE $\frac{1}{4}$ of Section 18 and coal ownership for the SE $\frac{1}{4}$ of Section 18, Stephanie Ann Reich is listed in the ad and Stephanie Ann Keltner is listed in the permit on page 1.4.21. Please correct as necessary. (SAS)
 - Stephanie Ann Reich is now Stephanie Ann Keltner and listed as such on page 1.4.21 as well as the public advertisement for Revision 25.
 - c. The State of North Dakota is not listed as a coal owner for the NE $\frac{1}{4}$ of Section 19 although permit page 1.4.21 indicates they are a coal owner. Please correct. (SAS)
 - The State of North Dakota has been listed as a coal owner in the NE $\frac{1}{4}$ of Section 19 on the public advertisement.
 - d. Please update the advertisement to include additional detail of what is occurring with this revision. Clearly state that mining will be discontinued east of Highway 49 and that the revision proposes changes to the post-mine topography from what is currently approved. Also, any additional major items from the midterm review should also be mentioned. (DKM)
 - The public advertisement now clearly indicates that mining will be discontinued east of Highway 49 and the post-mine topography has been changed to accommodate the change in final pit.

FROM DIRECTOR - RECLAMATION DIV.

Date: _____

Action: _____

Info. Only: _____

Info & File: _____

- e. Please show additional features on the map to allow local residents to readily identify the permit area. The distance to the City of Beulah and the county road along the north side of the permit area should be shown. (SAS)
 - The public advertisement map now gives reference to the City of Beulah and also shows county roads in the proximity of the KRSB-8802 permit boundary.

Responses to Guy Welch's questions sent via e-mail on Friday, February 6:

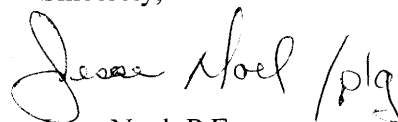
1. William C. Heth is listed in the advertisement but Section 1.4.22 of the permit only lists a William G. Heth. Same person?
 - Yes, this is the same person. The correct name is William C. Heth. The narrative has been updated with the correction.
2. Northwestern Public Service is listed in the advertisement but a company called Northwestern Corporation is listed in Section 1.4.22 of the permit. Same entity?
 - After several corporate name changes, the company's correct name is "Northwestern Energy". All references to the name within the Section 1.4 narrative and the public notice have been updated.
3. Assume Rose Heth is also known as Rose M. Heth?
 - Correct, Rose Heth is also known as Rose M. Heth.

Responses to Bill Gunnerson's questions sent via e-mail on Friday, February 12:

1. DWC's KRSB-8802 permit boundary shown on the Revision 25 public notice map does not agree with our permit boundary in Section 7. The map is also lacking data as required in North Dakota Century Code 28-14.1-18.
 - The permit boundary on the Revision 25 public notice map has been corrected to not include the bond release #3 area in the N $\frac{1}{2}$ of Section 7.
 - Dakota Westmoreland's name and business address were added to the title block of the Revision 25 public notice map.
 - Brush Creek and the Rose Hill Cemetery were added to the public notice map.

Four sets of revised pages 1.4.16 – 1.4.24, 1.4.31 and 1.4.38 – 1.4.39 are enclosed. The listing of landowners and mineral owners has been updated and the public notice has been added at the end of the narrative. If you have any questions, please contact me at extension 208.

Sincerely,



Jesse Noel, P.E.
Manager,
Engineering and Environmental

plg
Encl.