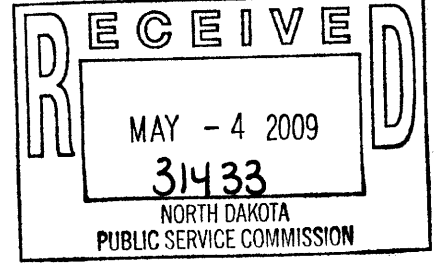


DAKOTA WESTMORELAND
CORP.

REVISION NO 25
PERMIT KR5B-8802

CASE NO RC-08-612



FROM DIRECTOR - RECLAMATION DIV.

Date: _____

Action: _____

Info. Only: _____

Info & File: _____

April 29, 2009

State of North Dakota
Public Service Commission

Dear Sirs:

I am Darell Herman, Personal Representative for the Marguerite Herman Estate which owns the West $\frac{1}{2}$ of Section 19-143-87 in Oliver County. I am responding and expressing disappointment to the Dakota Westmoreland Surface Coal Mining Permit KR5B-8802 at the Beulah Mine.

Your letter of March 25, 2009 states that there is significant changes to the post-mine topography of this property. I have met with representatives of the Dakota Westmoreland and do not agree with the huge elevation differences that they are proposing for the property. The family has owned the property for many years and I have farmed this land since 1970 prior to mining and am currently farming the portion of land that is not being mined.

I do feel that Dakota Westmoreland has a legal obligation to bring the W $\frac{1}{2}$ of 19-143-87 closer to original topography levels.

I appreciate the notice from the Public Service Commission sharing my concerns about the post-mine topography of Section 19-143-87 and would like to meet with someone from the PSC staff to review the drainage issues and the major elevation changes. Thank you for any consideration given this letter.

Sincerely,

A handwritten signature in black ink that reads "Darell Herman". The signature is written in a cursive style.

Darell Herman
Personal Rep.
Marguerite Herman Estate