



Public Service Commission

State of North Dakota

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November 29, 2010

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

Dear Mr. Frohlich:

The Reclamation Division has reviewed DWC's latest response to our October 8th letter on the application for Revision 25 to Permit KRSB-8802. The following must be corrected/clarified before we will recommend Commission approval of the revision:

1. Follow-up to Item No. 2: Please update Table 3.7.1, which is located on page 3.7.2, to clarify that SPGM respreading will be completed by the end of 2014 (as stated on page 3.7.7) rather than 2015. In addition, we recommend adding a statement to the first paragraph on page 3.7.7 that DWC will submit quarterly progress reports to the Reclamation Division, within 30 days of the end of each quarter, on progress of reclamation work in the final Orange and Charlie Pit areas that will include the approximate cubic yards of material backfilled into the final pits and the quantities of subsoil and topsoil respread on these areas during each quarter. (If such a statement is not added to Section 3.7, we plan to attach a condition to the approval of the revision to require the submittal of these quarterly progress reports.) (GAW & JRD)
2. The discussion on pages 3.7.6 and 3.7.7 under Part B, Associated Mining Disturbance Schedules, now includes more details on the reclamation schedule for the final Orange and Charlie Pit areas as well as some specific associated disturbances. The heading for Part B should be updated accordingly. Also, this section should include proposed reclamation schedules for all associated disturbances (ponds, haul roads, soil stockpiles, etc.) that are located in areas east of Highway 49. (JRD)

If you have any questions, please contact this office.

Sincerely,

James R. Deutsch
Director
Reclamation Division

cc: Mercer and Oliver County Auditors