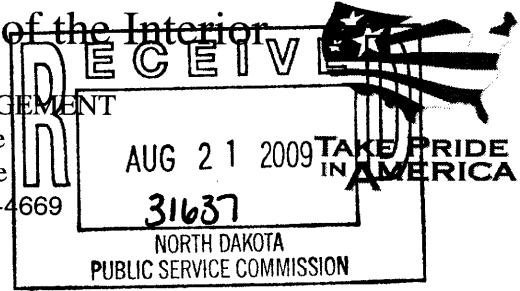




United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Montana State Office
5001 Southgate Drive
Billings, Montana 59101-4669
<http://www.blm.gov/mt>



In Reply To:

NDM041765
3482 (921)

August 19, 2009

FROM DIRECTOR - RECLAMATION DIV.

Date: _____

Action: _____

Info. Only: _____

Info & File: _____

Mr. James R. Deutsch
Director Reclamation Division
Public Service Commission
State of North Dakota
600 E. Boulevard Avenue
Department 408
Bismarck, North Dakota 58505-0480

Re: Dakota-Westmoreland Corporation, Beulah Mine, Topsoil Salvage from Private Surface over a yet to be leased Federal Coal Tract

Dear Mr. Deutsch:

Dakota-Westmoreland Corporation (DWC) has a pending 240 acre federal lease modification in Section 20 of T.143 N., R.88 W., 5th P.M. at their Beulah Mine, Mercer County, North Dakota. The Bureau of Land Management (BLM) anticipates offering this lease modification to DWC later this fall. It has come to our attention that it will be necessary for DWC to salvage topsoil up to a distance of 300 feet into Section 20 to facilitate mining future operations there and on adjacent non-federal tracts prior lease modification and federal mining plan approval.

The Bureau of Land Management has no objection to the salvage of topsoil from private surface over unleased Federal coal provided it does not hinder future mining of the coal and DWC has the necessary regulatory authority and surface owner permissions.

If you have any questions, please contact Anne Allen at (406)896-5082 or Bob Giovanini at (406) 896-5084. Thank you for your assistance.

Sincerely,

Phillip C. Perlewitz, Chief
Branch of Solid Minerals

CC Senior Project Manager for North Dakota, OSM
Paula Gores, Dakota-Westmoreland Corporation