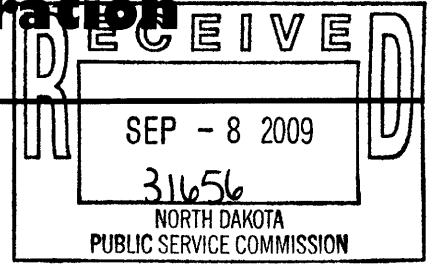


Dakota Westmoreland Corporation



Beulah Mine – P.O. Box 39, Beulah, North Dakota 58523-0039
Phone: (701) 873-4333 • Fax: (701) 873-7784

September 4, 2009

FROM DIRECTOR - RECLAMATION DIV.

Date: _____

Action: _____

Info. Only: _____

Info & File: _____

Mr. James R. Deutsch
Director, Reclamation Division
Public Service Commission
600 E Boulevard Ave, Dept 408
Bismarck ND 58505-0480

Dear Mr. Deutsch:

Subject: Resource Recovery and Protection Plan, Federal Coal Lease 041765
Revision #22, KRSB-8603

As discussed with you, enclosed are three copies of Dakota Westmoreland Corporation's Resource Recovery and Protection Plan (R2P2) as submitted to the Bureau of Land Management, in anticipation of our federal lease amendment approval. As is stated in the cover letter to the Bureau of Land Management, (copy attached) this R2P2 has not been officially accepted. However, at this time we have been told the Bureau sees no problems with the R2P2 as submitted.

If you have any questions, please call me at extension 208.

Sincerely;

A handwritten signature in cursive script that reads "Paula Koble Gores".

Paula Koble Gores
Permit Coordinator

/s/

Enclosures

c: Robert Giovinini
Jeff Frohlich
Bill Weaver

March 20, 2009

Mr. Phillip Perlewitz, Chief
Branch of Solids Minerals
Bureau of Land Management
5001 Southgate Drive
Billings, MT 59101-4669

Dear Mr. Perlewitz,

Enclosed is the Resource Recovery and Protection Plan as required by 43 CFR 3482.1 for the federal coal lease NDM 014765. With mining progressing faster than anticipated, our current dragline schedule now predicts we would start removing overburden on this tract in early 2010 and coal removal following shortly thereafter. With this being said, Dakota Westmoreland is diligently trying to manage the upcoming necessary revisions and associated timeframes (PSC and BLM mine plan revisions and approvals) needed to obtain mining approval as close to this date as possible. We are aware the federal lease is needed prior to the review of the R2P2 and respective PSC revisions, but would greatly appreciate any early reviews that may help us achieve approval before mining commences in this area.

Thank you for your time in reviewing this request. If you have any questions or need further information, please contact me at extension 229.

Sincerely,

Jesse Noel, P.E.
Manager
Engineering and Environmental

plg
Encl/