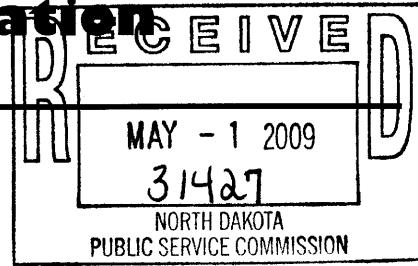


Dakota Westmoreland Corporation



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

April 30, 2009

FROM DIRECTOR - RECLAMATION DIV.

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

Date: _____

Action: _____

Info. Only: _____

Info & File: _____

Dear Mr. Deutsch:

RE: Notice of Violation 0902
Permit KRSB-8802

Pursuant to Guy Welch's telephone call on April 24 regarding NOV 0902, and in an effort to prevent any future erosion; Dakota Westmoreland Corporation (DWC) reclaimed as much affected soils as possible.

With respect to the Brush Creek Haulroad, two sumps have been installed at the eastern end of Brush Creek. One sump has also been installed at the western end of the haulroad (before entering the Gold Pit area). All of these sumps have silt fences controlling the outflow. The berms directing road runoff have been re-established. The sumps will essentially act as a secondary BMP measure in the event the haulroad berms are breached. In addition to the construction of the BMP's, DWC has also dredged the sumps located at the base of the haulroad. Plans are to hydro mulch the newly constructed road slope in the near future.

With respect to the North Red Pit drainage area, although repair efforts have been initiated, they have been limited. The area is currently over-saturated; thus, until the area dries, equipment operating within the area will only worsen reclamation efforts.

When conditions allow, the area will be reshaped according to the original design plan. This will be followed with planting the appropriate seed mix and the placement of a special high-velocity erosion control blanket – specially designed for drainage flows.

At this time DWC respectfully requests an informal hearing.

Should you need additional information, please contact me at 229 or Jeff Frohlich at extension 208.

Sincerely,


Jesse Noel
Manager,
Engineering and Environmental

Pig
Enclosure
c: Randy Becker
Jeff Frohlich
Jesse Noel
Larry Schnaidt
Gerry Schatz
Dave Simpson
Bill Weaver