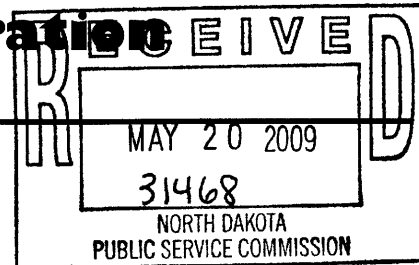


Dakota Westmoreland Corporation



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

May 19, 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:

RE: Notice of Violation 0902
Permit KRSB-8802

Pursuant to the PSC letter dated May 6, 2009, Dakota Westmoreland Corporation (DWC) plans to reclaim the North Red Pit topsoil as mentioned in our previous letter dated April 30, 2009. DWC will infill topsoil where necessary, then re-seed the affected areas. DWC will then place and replace erosion control blanket material along the affected drainage and sides.

Per your request, DWC plans to reconstruct both rock and check structures as follows. The dams will be infilled with rocks ranging from approximately 2 inches to 12 inches in diameter. The check structures currently contain rock ranging from a couple of inches to several feet in diameter. Upon inspection of the check structures after the spring runoff event, neither structure contained any large voids that would have allowed water to jet through. It appears as though the structures functioned as intended, by releasing a portion of the flow through the structure and slowing the flow of the runoff event. Long-term, the addition of the smaller rocks will reduce the porosity of the structure even further, and reduce the possibility of water jetting through the structure. This infilling project abides by recommendations made to your reference of Kenneth N. Brooks' book titled *Hydrology and the Management of Watersheds* (pages 195 through 198).

Each structure is currently keyed to a depth of seven feet, standing three feet above the channel bottom and having a top width of approximately 5 feet. The height and keyed depth of the structures match well with the recommendation referenced in the NRCS guidelines. The width of the structure is slightly above the recommended 3 feet, but the additional width will enhance the long-term stability of the structures.

DWC also plans to curlex over the structure to ensure that a hydraulic jump is not created between the edge of the curlex and the upstream side of the structure, thus minimizing headcutting on the upstream edge of the structure.

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

Sincerely,

Jesse Noel
Manager, Engineering and Environmental

plg

c: Randy Becker Gerry Schatz
 Jeff Frohlich Dave Simpson
 Larry Schnaidt Bill Weaver

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Letter Submitted with Additional Details on Erosion Control Measures
Dakota Westmoreland Corporation
Jesse Noel

