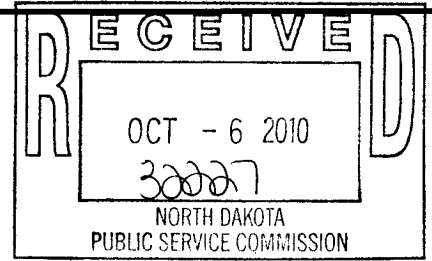


# Dakota Westmoreland Corporation

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



FROM DIRECTOR - RECLAMATION DIV.

October 6, 2010

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: Renewal No. 4 and Revision No. 26  
Permit KRSB-8802

The following information is submitted in response to the technical review letter of September 20, 2010. Individual comments are set forth below followed by Dakota Westmoreland's responses and a listing of revised information. Four copies of all revised data are enclosed.

## Section 1.4 - Business Entity Information

1. Please correct the page numbering in this section. There are two pages numbered 1.4.1 and many pages numbered 1.4.2. Please correct. (SAS)
  - The page numbering has been corrected.
2. The coal ownership listing for the NE¼ and N½SE¼ and S½SE¼ of Section 13 do not agree with the Ownership Map in Exhibit 1.4.1. Please correct as necessary. (SAS)
  - Exhibit 1.4.1 has been corrected to reflect the narrative.
3. The coal ownership listing for the SE¼ of Section 14 does not agree with the Ownership Map in Exhibit 1.4.1. Please correct as necessary. (SAS)
  - Exhibit 1.4.1 has been corrected to reflect the narrative.
4. There appears to be a column alignment error with the names of the coal and mineral owners for the S½ of Section 7 on page 15. Please correct as necessary (SAS)
  - The column alignment error has been corrected.

5. It appears that the "Family Mineral Trust" in the surface and coal ownership listings for the NE¼ of Section 11 is misaligned under the wrong columns. Please correct as necessary. (SAS)
  - The "Family Mineral Trust" was misaligned and has been corrected.
6. The "Kristjanson, Esther Syrup" listing in the surface ownership column for the N½ of Section 17 appears to be misaligned. Please correct as necessary. (SAS)
  - The "Kristjanson, Esther Syrup" was misaligned and has been corrected.
7. The coal ownership of the NE¼ of Section 25 (Contiguous Area) does not agree with the Ownership Map. Please review and correct. (SAS)
  - The coal ownership has been corrected on Exhibit 1.4.1 to reflect the narrative.
8. The contiguous ownerships listed for Sections 5 and 6 are not needed since they lie more than ¼ mile outside the permit boundary. You may remove them. (SAS)
  - The contiguous ownerships for Sections 5 and 6 on Exhibit 1.4.1 have been removed.
9. Please correct the mailing address for Rose M. Heth on the Names and Addresses of Apparent Surface and Subsurface Owners of Record table in Section 1.4.2. The certified letter that was mailed to this address was returned and the correct mailing address was emailed to us on September 8, 2010. (GAW)
  - The updated address for Rose M. Heth has been corrected in the narrative.
10. JoAnn Wiest is listed on the Names and Addresses of Apparent Surface and Subsurface Owners of Record table (NW¼ of Section 18) in Section 1.4.2, but our notification letter was returned and DWC subsequently informed us via email that her interest has been sold to Leland Erickson. Please correct as necessary. (GAW)
  - Per our email of September 8, JoAnn Wiest has been removed from the NW¼ of §18 and the list of names and addresses. Leland Erickson's name was already in-place.
11. Certified mail receipt cards indicated address changes for Abbey Family Partnership and E. Wayne Boland. Please review and correct Section 1.4 as necessary. (GAW)
  - The address for the Abbey Family Partnership is as shown on the names and addresses list (Abbey Family Partnership, c/o Don Wetzel, 206 9<sup>th</sup> St NW, Beulah ND 58523). In speaking with Alan Abbey, he thinks that Don Wetzel's name may have been inadvertently left off the envelope. Alan Abbey and Don Wetzel are brothers-in-law. Alan signed for the certified mail and delivered it to Don Wetzel.

As of today, Mr. Boland stopped at the mine office to give us his correct mailing address: PO Box 849, Beulah ND 58523. His address has been corrected in the narrative listing (copy attached).

**Exhibit 1.4.1 - Surface and Mineral Ownership Map**

12. Please change the name of Northwestern Corporation to Northwestern Energy where the Coyote Partners are listed in the Legend to agree with the changes made in the ownership listings. (SAS)

- Northwestern Corporation has been changed to Northwestern Energy on Exhibit 1.4.1.

**Exhibit 3.1.1 - Extended Mine Plan and 5 Year Subareas**

13. The Legend indicates that the extended mine plan boundary is outlined on this exhibit; however, it is not depicted on this map. Please depict the extended mine plan boundary on this map. (SAS)

- The extended mine plan boundary on Exhibit 3.1.1 has been added.

The new bond is being submitted under separate cover in response to the Public Service Commission letter dated September 1. A complete list of the revised information and (revised) instructions, to include the three submittals, is provided in an effort reduce confusion.

<u>Section</u>	<u>Revised Information and Instructions</u>
1.4	Replace entire narrative section & exhibit 1.4.1
3.1	Replace exhibit 3.1.1

If you have any questions, please contact this office.

Sincerely,



Paula Koble Gores  
Permit Coordinator

/s/

c: Mercer County Auditor  
Oliver County Auditor