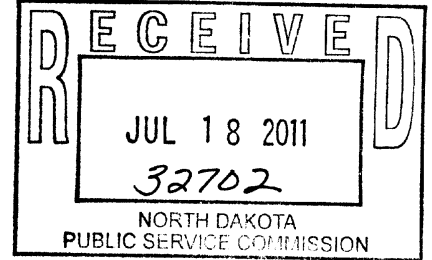


Dakota Westmoreland Corporation

Beulah Mine - P.O. Box 39 • Beulah, North Dakota 58523-0039

Phone: (701) 873-4333 • Fax: (701) 873-7784



July 15, 2011

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

Dear Mr. Deutsch:

Re: Revision No. 24 and Renewal No. 5
Permit KRSB-8603

The following information is submitted in response to the technical review letter of July 11, 2011. Individual comments are set forth below followed by Dakota Westmoreland's response and a list of the revised information. Three CD copies of the permit are enclosed.

Section 1.4 -Business Entity Information

1. Several issues were noted on the updated coal and surface leases in Exhibit 1.4.2 as follows:
(MDB)
 - a. In the surface mining lease executed on December 29, 2010 between Casey and Julie Voigt and DWC, the notary statement indicates that both Casey and Julie signed on January 5, 2010. We believe this date to actually be January 5, 2011.
 - Please refer to the attached letter (photocopy, original sent separately to the PSC) from our General Counsel, Westmoreland Coal Company.
 - b. In the surface mining lease executed on December 29, 2010 between Donald Voigt, Shawn Voigt, Kenneth Voigt, Kari Trappen, Karmen Eslinger, Dean Voigt and DWC, the notary statement indicates that William Weaver of DWC signed on December 30, 2011. We believe this date to actually be December 30, 2010.
 - Please refer to the attached letter (photocopy, original sent separately to the PSC) from our General Counsel, Westmoreland Coal Company.
 - c. In the surface mining lease executed on December 29, 2010 between Patience Sayler and DWC, the notary statement indicates that William Weaver of DWC signed on December 30, 2011. We believe this date to actually be December 30, 2010.
 - Please refer to the attached letter (photocopy, original sent separately to the PSC) from our General Counsel, Westmoreland Coal Company.



Section 3.5 - Backfilling and Grading

2. Follow up to Item No. 9: A conference call was held during the week of June 27th to discuss updating the permit narrative to clarify the change in topography beyond the coal removal boundary in the N½S½ and the S½NW¼ of Section 20. Rather than updating the appropriate narratives in the permit as discussed, DWC updated Exhibit 3.1.2, Pit Layout and Facilities Map, to depict no mining south of the drainage in the N½SE¼ of Section 20 or in Section 21. Exhibit 3.1.1, Extended Mine Plan and 5 Year Subareas, however, depicts mining south of the current permit boundary and within a portion of the currently permitted area in Sections 20 and 21 during the next permit term in 2014, 2015 and 2016. While this is acceptable, please be aware that we plan to condition the approval of Revision 24 to limit mining/coal removal to those only areas depicted on Exhibit 3.1.2. We are aware that DWC plans to develop mining plans (including water management plans) for the 2015-2016 areas within the current permit area when additional area to the south of the current permit boundary is added to the permit in the future. We also noted that some topographic changes as shown for in areas not currently approved for mining in Sections 20 and 21. We are requesting that DWC add the appropriate narrative to indicate these changes were made in anticipation of future mining and to show how the postmine topography will tie into the areas that have already been approved for mining. However, in the event that these areas are not mined, DWC will need to revise the postmine topography accordingly. NDAC 69-05.2-09-02(3). (GAW,MDB & DKM)
- Language has been added to page 3.5.6, Backfilling and Grading, to address this concern.

<u>Section</u>	<u>Revised Information and Instructions</u>
3.5	Replace entire narrative (Highlighting and strikethrough designations from the March submittal have been removed for this submittal.)

If you have any questions, please contact this office.

Sincerely,



Jeff P. Fröhlich
Manager,
Engineering and Environmental

plg
Enclosures

WESTMORELAND COAL COMPANY

2 North Cascade Avenue, 2nd Floor, Colorado Springs, CO 80903
Phone: (719) 442-2600

July 14, 2011

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

Dear Mr. Deutsch:

Re: Dakota Westmoreland Corporation
Revision No. 24 and Renewal No. 5
Permit KRSB-8603

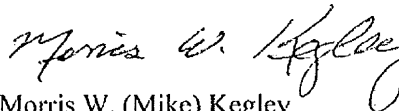
In response to the Public Service Commission's technical deficiency letter dated July 11, 2011, specifically items 1.a, 1.b, and 1.c, with respect to the above-referenced permit revision and renewal, I provide the following legal opinion.

The notary date is immaterial to the validity of the documents. The notary is only necessary for recordation, not for the document itself. Further, all three documents were recorded on 2/11/2011 in the County of Mercer, State of North Dakota, signed by the County Recorder and co-signed by the Deputy. The legal purpose for recordation of a lease is to provide constructive notice of the lease; and, since the leases were in fact recorded they serve that purpose, notwithstanding the minor date error. The verbiages where the notaries were to place their signature and stamp had been pre-typed and are simply typographical errors.

To have the signatures re-notarized would not make the documents any more valid, it would only serve to make the documents more confusing.

If you would like to discuss this, please contact me at 719-448-5845 or Paula Gores at the Beulah Mine, 701-873-4333, extension 3926.

Sincerely,



Morris W. (Mike) Kegley
Westmoreland Coal Company
General Counsel - Mining and Operations

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