



Public Service Commission State of North Dakota

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October 26, 2009

Mr. Jeff P. Frohlich
Manager, Engineering and Environmental
Dakota Westmoreland Corporation
Beulah Mine
P.O. Box 39
Beulah, ND 58523-0039

Dear Mr. Frohlich:

The Reclamation Division has conducted a review of Dakota Westmoreland Corporation's October 15, 2009 response to technical review deficiencies of the Coyote Creek Alluvial Valley Floor Study associated with proposed additional mining areas at the Beulah Mine with Revision No. 22 to Surface Coal Mining and Reclamation Permit KRSB-8603. The responses to technical review deficiencies were deemed adequate.

The Reclamation Division has completed its review and evaluation of the possible presence of alluvial valley floors within the AVF study area. Based upon review of your investigation information, as well as information obtained during a field investigation conducted by several members of the Reclamation Division on June 11, 2009, we have determined that those areas included within the East and West Segment Study Areas, as well as the valley of Coyote Creek within the study area, do not constitute an alluvial valley floor as defined in NDCC 38-14.1-02 and as outlined in NDAC 69-05.2-08-13.

As required by the Reclamation law and rules, please incorporate a copy of this determination into the final version of the application for Revision 22 to Permit KRSB-8603.

If you have any questions, please contact this office.

Sincerely,

James R. Deutsch
Director
Reclamation Division