

April 23, 2009

ND Public Service Commission  
600 East Boulevard Ave., Dept. 408  
Bismarck, ND 58505-0480

FROM DIRECTOR - RECLAMATION



Date: \_\_\_\_\_

Action: \_\_\_\_\_

Info. Only: \_\_\_\_\_

Info & File: \_\_\_\_\_

John Hoeven, Governor  
Douglass A. Prchal, Director  
1600 East Century Avenue, Suite 3  
Bismarck, ND 58503-0649  
Phone 701-328-5357  
Fax 701-328-5363  
E-mail [parkrec@nd.gov](mailto:parkrec@nd.gov)  
[www.parkrec.nd.gov](http://www.parkrec.nd.gov)

RE: Dakota Westmoreland Corporation Application to Revise Surface Coal Mining Permit KRSB-8802 Proposal

Dear Sir or Madam:

The North Dakota Parks and Recreation Department has reviewed the above referenced proposal from Dakota Westmoreland Corp. to revise a permit with lands located in Section 19, T143N, R87W, Oliver County; and Section 24, T143N, R88W, Mercer County.

Our agency scope of authority and expertise covers recreation and biological resources (in particular rare plants and ecological communities). The project as defined does not affect state park lands that we manage or Land and Water Conservation Fund recreation projects that we coordinate.

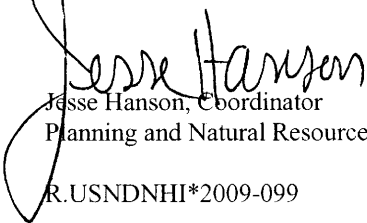
The North Dakota Natural Heritage biological conservation database has been reviewed to determine if any plant or animal species of concern or other significant ecological communities are known to occur within an approximate one-mile radius of the project area. Based on this review, we have records indicating that habitat may exist for *Vireo bellii* (Bell's vireo) in a section adjacent to the project area. Please see attached spreadsheet and map for more specific information. We defer further comments regarding animal species to the North Dakota Game and Fish Department and the United States Fish and Wildlife Service.

Because this information is not based on a comprehensive inventory, there may be species of concern or otherwise significant ecological communities in the area that are not represented in the database. The lack of data for any project area cannot be construed to mean that no significant features are present. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources.

The Department recommends that the project be accomplished with minimal impacts and that all efforts be made to ensure that critical habitats not be disturbed in the project area to help secure rare species conservation in North Dakota. Regarding any reclamation efforts, we recommend that any impacted areas be revegetated with species native to the project area.

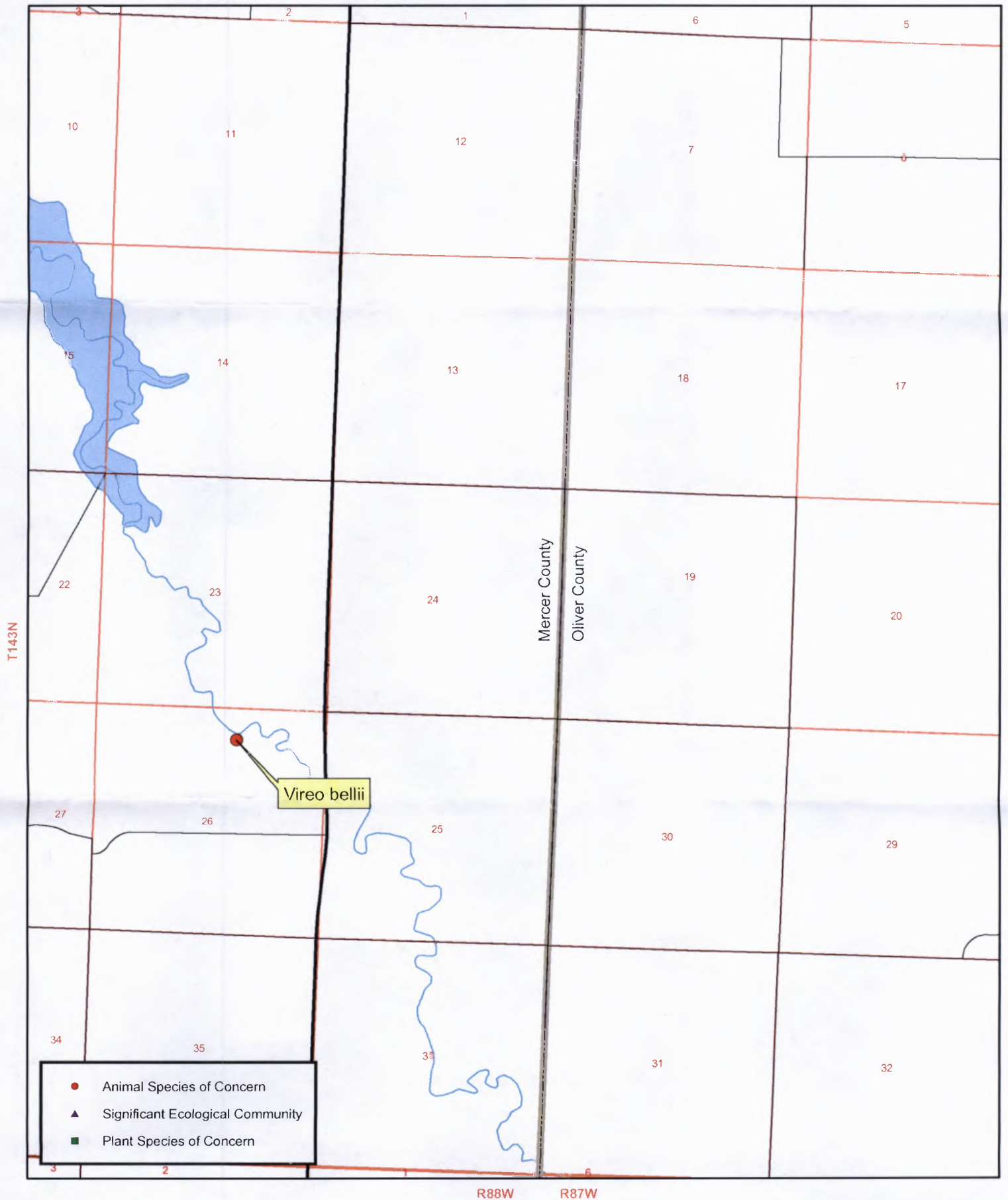
We appreciate your commitment to rare plant, animal and ecological community conservation, management and inter-agency cooperation to date. For additional information please contact Kathy Duttenehner (701-328-5370 or [kgduttenehner@nd.gov](mailto:kgduttenehner@nd.gov)) of our staff. Thank you for the opportunity to comment on this proposed project.

Sincerely,

  
Jesse Hanson, Coordinator  
Planning and Natural Resources Division

R.USNDNHI\*2009-099

# North Dakota Natural Heritage Inventory Species of Concern and Significant Ecological Communities



North Dakota Natural Heritage Inventory  
Rare Animal and Plant Species Significant Ecological Communities

State Scientific Name	State Common Name	Township Range Section	State Rank	Global Rank	Federal Status	Last Observation	Estimated Representation Accuracy	Precision
Vireo bellii	Bell's Vireo	143N088W - 26; 143N088W - 03; 144N088W - 35; 143N088W - 34; 143N088W - 02; 143N088W - 15; 142N088W - 01; 143N088W - 05; 142N088W - 10; 143N088W - 14; 142N088W - 23; 143N088W - 04; 143N088W - 27; 142N088W - 16; 142N088W - 03; 143N087W - 16; 143N087W - 27;	S3	G5		1975		G

## **North Dakota Natural Heritage Inventory Biological and Conservation Data Disclaimer**

The quantity and quality of data collected by the North Dakota Natural Heritage Inventory are dependent on the research and observations of many individuals and organizations. In most cases, this information is not the result of comprehensive or site-specific field surveys; many natural areas in North Dakota have never been thoroughly surveyed, and new species are still being discovered. For these reasons, the Natural Heritage Inventory cannot provide a definite statement on the presence, absence, or condition of biological elements in any part of North Dakota. Natural Heritage data summarize the existing information known at the time of the request. Our data are continually upgraded and information is continually being added to the database. This data should never be regarded as final statements on the elements or areas that are being considered, nor should they be substituted for on-site surveys.

### **Estimated Representation Accuracy**

Value that indicates the approximate percentage of the Element Occurrence Representation (EO Rep) that was observed to be occupied by the species or community (versus buffer area added for locational uncertainty). Use of estimated representation accuracy provides a common index for the consistent comparison of EO reps, thus helping to ensure that aggregated data are correctly analyzed and interpreted.

Very high (>95%)

High (>80%, <= 95%)

Medium (>20%, <= 80%)

Low (>0%, <= 20%)

Unknown

(null) - Not assessed

### **Precision**

A single-letter code for the precision used to map the Element Occurrence (EO) on a U.S. Geological Survey (USGS) 7.5' (or 15') topographic quadrangle map, based on the previous Heritage methodology in which EOs were located on paper maps using dots.

S - Seconds: accuracy of locality mappable within a three-second radius; 100 meters from the centerpoint

M - Minute: accuracy of locality mappable within a one-minute radius; 2 km from the centerpoint

G - General: accuracy of locality mappable to map or place name precision only; 8 km from centerpoint

U - Unmappable