

**PUBLIC SERVICE COMMISSION TESTIMONY**

**On Falkirk Mining Company Permit Revision No. 13, Permit NAFK-9601**

**July 1, 2010**

**North Dakota Game and Fish Department**

**Terry Steinwand, Director**

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The North Dakota Department of Transportation 's (NDDOT) acquisition of the Coal Lake tract, through direct donation from Falkirk Mine, is the final but exceptionally important step in an important process developed and endorsed by numerous agencies and groups, supported by the public, and approved and authorized by the Fifty-eighth Legislative Assembly in 2003. With the acquisition of Coal Lake by the North Dakota Department of Transportation and the subsequent management of this area by the North Dakota Game and Fish Department, the transfer of this property provides numerous benefits including 1.) a final and effective solution to the highly controversial and long time contentious issue of no-mow highway mitigation; 2.) an economical and cost-effective compromise for delivering DOT's habitat mitigation commitment; 3.) a dependable and easily accessible source of livestock forage for ranchers in McLean County and other counties where no mow mitigation areas have been in place for over two decades; and 4.) a valuable and unique area of wildlife habitat that will be managed for the use and enjoyment of the public and will be a permanent asset to the local community and neighboring producers who may be farmer cooperators on the tract.

After two decades of dealing with the frustrations of local livestock producers and negative public relations associated with the agreement requiring no-mow areas along specified highway rights-of-way as habitat mitigation for past federal highway projects in the state, DOT and local wildlife and conservation groups were eager to find an effective alternative .

A creative initiative was devised to couple acres acquired via the purchase of several "low-return" state school tracts with the donation by Falkirk Mine (Great River Energy) of the 740



acres of Coal Lake tract as replacement habitat mitigation. The public and 2003 Legislative Assembly saw the value and benefit of this concept. House Bill 1012 was introduced and passed authorizing NDDOT to pursue this approach to resolve this long-standing contentious issue. The PSC approval of Falkirk Mining Company's request concerning Coal Lake is the final step in completing this process. We would urge the PSC to support Falkirk's request.

The Game and Fish Department will be managing the area as part of the statewide wildlife management area system. We will be paying full taxes on the property, as required by law, and will be responsible for weed control and road right of way maintenance, as is the case with any other landowner in McLean County. Our Department will manage the area for wildlife production, public hunting, and other compatible uses. Most of the area was undisturbed during mining operations and is in native prairie, woodlands, wetlands, or other idle lands. This is exceptional wildlife habitat and its best and highest use would be for wildlife conservation and public hunting.

The 86 acres of tillable and hay land in question are in scattered smaller tracts which make them less than ideal for standard farming and ranching operations but are nearly perfect as wildlife food plots and grazing areas. It is our intention to work with area farmers and ranchers to keep these areas in production as a source of food for wildlife. This is a common practice on many of our wildlife management areas and in most cases we work with neighboring landowners on a hay rotation schedule for the hay lands and offer crop share opportunities on the tillable acres. Typically the crop share agreement allows the cooperator to harvest 70% of the crop while leaving the remaining 30% standing as a food source for wildlife.

In closing, we would again take this opportunity to urge the Public Service Commission to approval Falkirk Mining Company's request and allow them to donate this area in full to the state of North Dakota. Coal Lake Wildlife Management Area will be a benefit to state, the state's wildlife and especially the citizens of McLean County and to its many visitors who come to the area each fall in search of quality hunting and fishing opportunities.