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May 28, 2009

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

RE: BNI Coal, Ltd. Application to Renew Surface Coal Mining Permit BNCR-8202

Dear Sir or Madam:

FROM DIRECTOR - RECLAMATION DIV.

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

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

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

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

The North Dakota Parks and Recreation Department has reviewed the above referenced proposal from BNI Coal, Ltd. to renew a surface coal mining permit with lands located in Section 22 and 26, T142N, R84W, Oliver 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, there are no known occurrences within or adjacent to the project area.

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. We would appreciate receiving a hard copy or digital copy of the wildlife and botanical surveys and evaluations for the project area.

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 Duttonhefner (701-328-5370 or [kgduttonhefner@nd.gov](mailto:kgduttonhefner@nd.gov)) of our staff. Thank you for the opportunity to comment on this proposed project.

Sincerely,

*JH*

Jesse Hanson, Coordinator  
 Planning and Natural Resources Division

R.USNDNHI\*2009-130

7 RC-09-142 Filed 06/12/2009 Pages: 1  
 Comments filed on the Renewal Application  
 North Dakota Parks & Recreation Department  
 Jesse Hanson

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*Play in our backyard!*