



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

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February 12, 2013

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

Dear Mr. Deutsch:

RE: BNI Coal, Ltd.'s Surface Coal Mining Permit BNCR-1101

The North Dakota Game and Fish Department has reviewed this permit for wildlife concerns. Based on the summary land use tables by tract in Appendix 4.12-2, it would appear that a large portion of the native grasslands in the permit area would be converted to cropland. However, we were not able to substantiate this elsewhere in the document. While there is a single table showing pre-mine land use acreages in Section 3.5, it does not appear that a similar table exists with post-mine land use acreages.

Native prairie is considered the most endangered ecosystem in North America, with over 80% of North Dakota's grasslands having already been lost. We understand that land use changes are often considered at the landowners' request, but we do not believe many of these areas have the potential to be more than marginal cropland. Additionally, cropland is not an adequate substitute for native grassland from a wildlife perspective. While cropland does provide a seasonal food source for wildlife, its habitat values are minimal.

We would prefer there be no net loss of native grassland between pre-mining and post-mining land usage. If a significant conversion of native grassland is proposed, we would ask that more habitat enhancements be implemented into the permit to benefit wildlife.

Sincerely,

(for) Greg Link
Chief
Conservation & Communication Division

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