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MAR 12 2014

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NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

March 7, 2014

Randy Christmann  
Public Service Commission  
State Capitol  
Bismarck, ND 58505-0480  
4050 Garden View Suite 200  
Grand Forks, ND 58201

Re: Dakota Westmoreland Corporation Surface Coal Mining Permit KRSB-8603 - *Rev. 27*

Dear Mr. Christmann;

The North Dakota Parks and Recreation Department (the Department) has reviewed the above referenced proposed permit revision application in 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 (LWCF) project sites that we manage. A map with LWCF project locations has been attached.

The North Dakota Natural Heritage biological conservation database has been reviewed to determine if any current or historical 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, no plant, animal species of concern or significant ecological community occurrences have been identified within or adjacent to the project areas. Please see the attached spreadsheet and maps for more specific information on these species. 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.

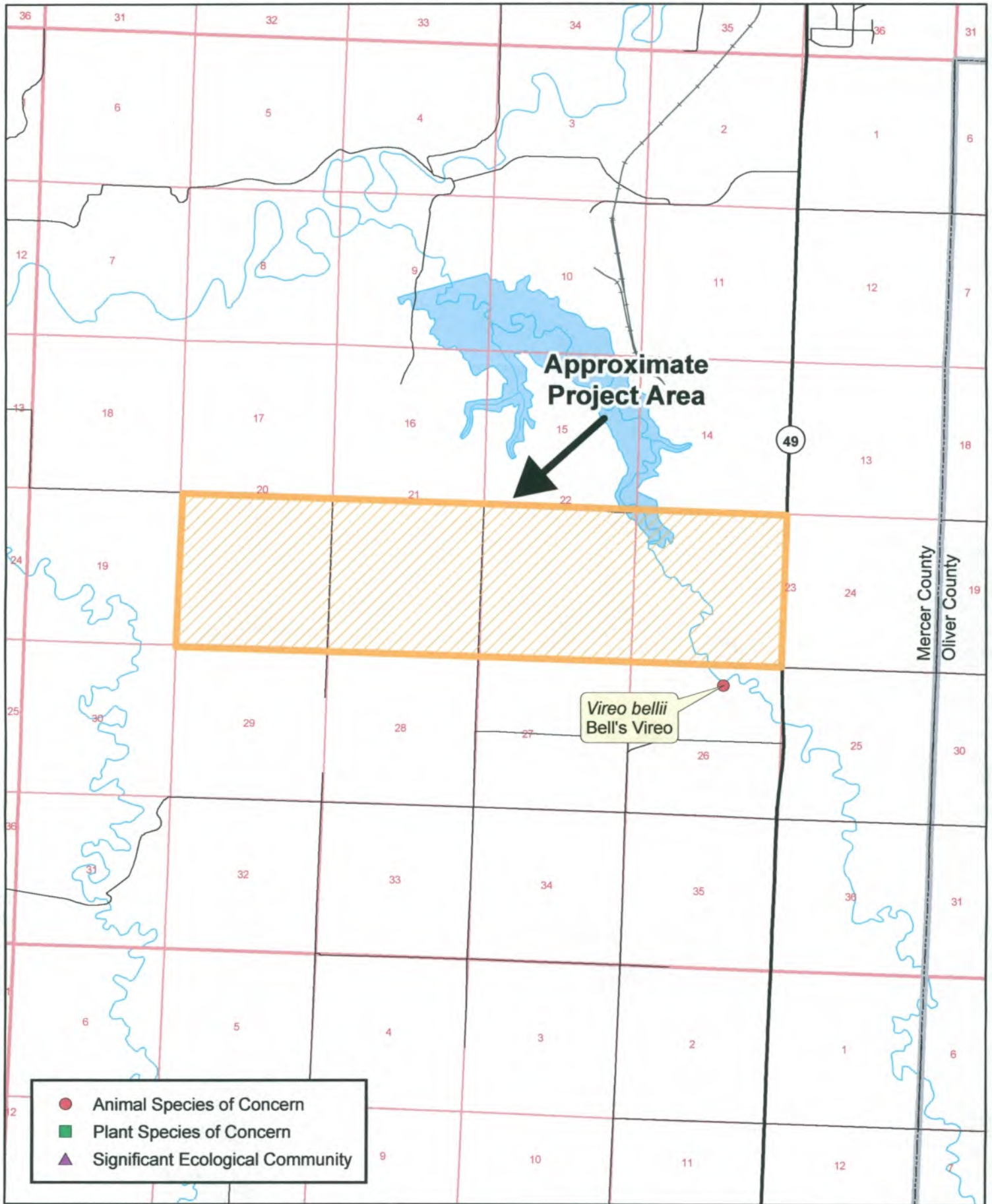
We appreciate your commitment to rare plant, animal and ecological community conservation, management and inter-agency cooperation to date. For additional information please contact Kathy Duttonhefner, (701-328-5370 or [kgduttonhefner@nd.gov](mailto:kgduttonhefner@nd.gov)) of our staff. Thank you for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

Sincerely,

Jesse Hanson, Manager  
Planning and Natural Resources Division

R.USNDNHI\*2014\_047KD3.7.2014/DL3.31.2014

North Dakota Parks and Recreation Department  
North Dakota Natural Heritage Inventory



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

State Scientific Name	State Common Name	State Rank	Global Rank	Federal Status	Township Range Section	County	Last Observation	Estimated Representation Accuracy	Precision
Vireo bellii	Bell's Vireo	S3	G5	PS	143N088W - 26; 142N088W - 09; 142N088W - 08; 143N088W - 31; 143N088W - 21; 143N088W - 30; 142N087W - 06; 143N087W - 10; 143N087W - 21; 143N087W - 32; 143N088W - 10; 143N087W - 22; 143N089W - 24; 143N088W - 32; 143N088W - 22; 143N087W - 34; 143N088W - 03;	Mercer, Oliver	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