

March 18, 2024

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

Re: Surface Coal Mining Permit No. BNCR-1101 BNI Coal, Ltd. Oliver County

The North Dakota Parks and Recreation Department (NDPRD) has reviewed the above-referenced proposed BNI Coal Ltd Surface Coal Mining Permit No. BNCR-1101 in Oliver County, North Dakota.

NDPRD's scope of authority and expertise covers properties that NDPRD owns, leases, or manages; properties protected under Section 6(f) of the Land and Water Conservation Fund (LWCF); rare plants; and ecological communities established through the Natural Heritage Program.

The project does not appear to affect properties NDPRD owns, leases, or manages.

The project does not appear to affect any properties protected under Section 6(f) of the LWCF.

A North Dakota Natural Heritage biological conservation database query determines 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 known plant and animal species of concern or significant ecological communities are documented within or immediately adjacent to the project site.

We appreciate your commitment to rare plant, animal, and ecological community conservation, management, and inter-agency cooperation. For additional information, please contact Kathy Duttenhefner at 701-328-5370, 701-220-3377 (cell), or [kgduttenehfer@nd.gov](mailto:kgduttenehfer@nd.gov).

Thank you for the opportunity to comment on the proposed project.

Sincerely,



Kathy Duttenhefner, Chief Natural Resources Division

604 E Boulevard Ave Dept. 750 | Bismarck, ND 58505

PHONE: 701-328-5357 | FAX: 701-328-5363 | EMAIL: [parkrec@nd.gov](mailto:parkrec@nd.gov) | WEBSITE: [www.parkrec.nd.gov](http://www.parkrec.nd.gov)

124 RC-20-438 Filed 03/18/2024 Pages: 3

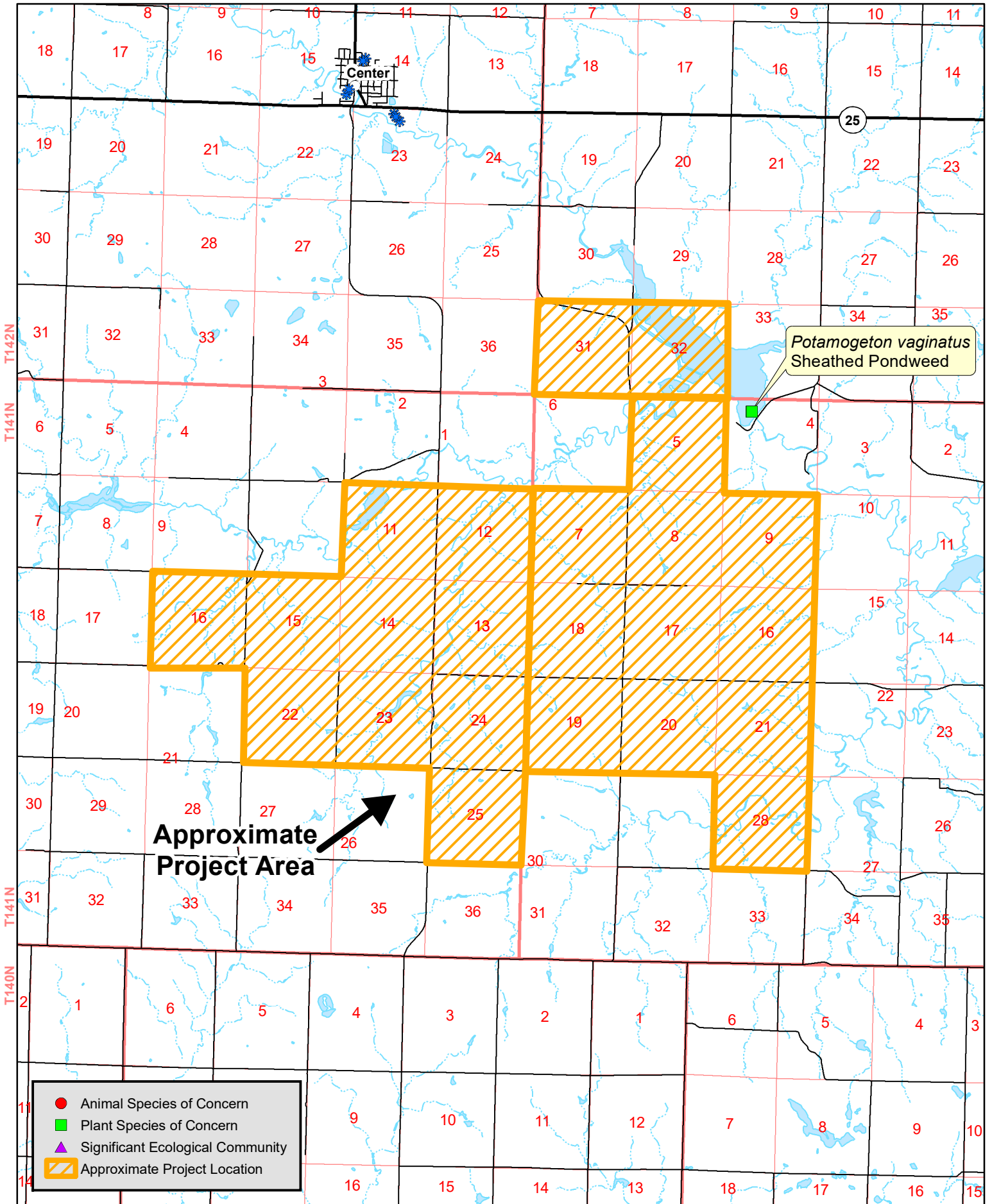
Revision 8 Approval Notice ND Parks and Rec Response Letter

North Dakota Parks & Recreation Department  
Kathy Duttenhefner

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
Potamogeton vaginatus	Sheathed Pondweed	S3	G5		141N083W - 03; 141N083W - 10; 141N083W - 08; 141N083W - 05; 142N083W - 28; 142N083W - 34; 142N083W - 29; 141N083W - 09; 142N083W - 32; 142N083W - 33; 141N083W - 04	Oliver	1978-07-31		M

# North Dakota Parks and Recreation Department North Dakota Natural Heritage Inventory



*Potamogeton vaginatus*  
Sheathed Pondweed

**Approximate Project Area**

- Animal Species of Concern
- Plant Species of Concern
- ▲ Significant Ecological Community
- Approximate Project Location