



United States Department of the Interior



FISH AND WILDLIFE SERVICE Mountain-Prairie Region

IN REPLY REFER TO:
Coyote Creek Mining Company
Revision No. 11

North Dakota Ecological Services
3425 Miriam Avenue
Bismarck, North Dakota 58501

August 13, 2021

Mr. Dean K. Moos
Director, Reclamation Division
Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0408

Dear Mr. Moos:

Thank you for your letter of July 29, 2021, requesting comments and/or concurrence on Coyote Creek Mining Company's Revision Application No. 11 to Surface Coal Mining Permit NACC-1302 in Mercer County, ND. The U.S. Fish and Wildlife Service (FWS) has the following comments.

You requested Service concurrence with your "may affect, not likely to adversely affect" determination for the threatened Dakota skipper (*Hesperia dacotae*). In accordance with Section 7 of the Endangered Species Act of 1973, as amended (ESA) (16 U.S.C. 1531 *et seq.*), we concur with your determination.

Thank you for the opportunity to comment on this project. The FWS's concurrence is based on the information provided. Pursuant to the implementing regulations of the ESA (50 CFR 402.13), this letter concludes informal consultation on the project. If changes are made in the project plans or operating criteria, or if additional information, including new species listings, becomes available, the FWS should be informed so that the above determinations can be reconsidered. If you have any additional questions or comments, please contact Lauren Toivonen of my staff via email at Lauren_Toivonen@fws.gov, or contact me at (701) 355-8512 or Drew_Becker@fws.gov.

Sincerely,

Drew Becker
ND Ecological Services Supervisor