



United States Department of the Interior



FISH AND WILDLIFE SERVICE
North Dakota Ecological Services Field Office
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In Reply Refer To:
2022-CPA
Coteau Revision 37

March 22, 2021

Ms. Zanna A. Brinkman, Director
Public Service Commission
Reclamation Division
600 East Boulevard, Department 408
Bismarck, North Dakota 58505-0480

Dear Ms. Brinkman:

Thank you for your letter of March 10, 2022, please reference the Renewal Application No. 6 and Revision No. 37 from the Coteau Properties Company for Surface Coal Mining Permit NACT-9101 at the Freedom Mine in Mercer County, North Dakota, PSC Cases RC-21-447 & RC-21-448.

The U.S. Fish and Wildlife Service (Service) offers the comments under the authority of and in accordance with the Endangered Species Act (ESA) (16 U.S.C. 1531 *et seq.*). The Service would recommend using the USFWS IPAC tool to obtain a current species list for the project area. New species ranges have been developed to determine if a species may be found in an area.

The Dakota skipper is a small prairie butterfly listed as a threatened species under ESA. Dakota skippers are obligate residents of high quality prairie ranging from wet-mesic tallgrass prairie to dry-mesic mixed grass prairie. In Northwestern North Dakota, Dakota skippers inhabit dry-mesic hill prairies with abundant purple coneflower (*Echinacea angustifolia*).

The Service would offer the following recommendations in relation to these proposed permit revisions. The coordinates provided for the proposed mining indicates that the operations would impact undisturbed native prairie grasslands. Surveys for Dakota skipper butterflies with positive results for occupancy have been conducted near the proposed mining activities. The Service would recommend habitat surveys on the permitted areas to identify areas of suitable habitat per the 2018 Dakota skipper Survey protocol be completed. In the event that suitable habitat is observed, the Service would recommend occupancy surveys prior to mining. Information relative to positive occupancy surveys should be shared with the Service for

consultation. Avoidance of impacts to native prairie habitat is recommended to reduce the risk of adverse effects to this species.

The Service appreciates the opportunity to work with the PSC to ensure the conservation of natural resources. Should you have any questions regarding these comments, please have your staff contact Jerry Reinisch of my staff at (701) 425-2133, or contact myself at (701) 319-0127.

Sincerely,

Drew N. Becker
ND Ecological Services Supervisor

Cc: Greg Link, ND Game and Fish Department