

United States Department of the Interior



FISH AND WILDLIFE SERVICE

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



IN REPLY REFER TO:
Revision 42 to NAFK-
8405
Falkirk Mining

July 22, 2022

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

Dear Ms. Brinkman:

This letter is in response to the notice of Receipt of Revision Application dated June 1, 2022 for comments regarding the revision of permit NAFK-8405 for the Falkirk Mine located near Underwood, North Dakota.

The Threatened and Endangered Species list for McLean County, North Dakota can be generated by using the IPAC tool from the US Fish & Wildlife Service (FWS). The current listings include: Endangered; Whooping crane, Pallid sturgeon, Threatened; Piping plover and its critical habitat, Rufus red Knot, Northern long-eared bat and Dakota Skipper. The FWS does not concur on "No Effect" determinations for species, but ask that documentation be placed in your administrative record for those species.

New populations of Dakota skippers have been observed in McLean County during the past two flight periods. Information defining suitable habitat for Dakota skippers is included in the 2022 Dakota skipper Survey Protocol. The United States Fish and Wildlife Service (FWS) recommends that habitat surveys be conducted. Areas of suitable habitat then could be surveyed by permitted surveyors for Dakota skipper occupancy, prior to surface disturbance in the areas of concern covered by Revision 42 of Permit NAFK-8405. In past mine permit revisions and during review of recent wildlife management plans the discussion referencing monitoring of suitable Dakota skipper habitat has been emphasized.

The 2020 White Nose Syndrome distribution map now includes most of counties in North Dakota. We encourage that if any tree removal is necessary by the project, that such tree removal occur outside the northern long-eared bat active season. The active season in North Dakota is likely mid-April through mid-October and if tree removal cannot be avoided during that time we encourage that trees not be removed during the maternity season for northern long-eared bats, particularly June and July.

If changes are made in the project plans or operating criteria, or if additional information becomes available, the FWS should be informed so that the above comments can be reconsidered.

The FWS appreciates the opportunity to provide comments to the PSC and Falkirk Mining Company. If you have any questions on these comments, please contact Jerry Reinisch of my staff at 701-425-2133 or me at 701-319-0127

Sincerely,

Drew N. Becker
ND Ecological Services Office Supervisor

cc: Greg Link, North Dakota State Game and Fish Department
Jason Frye, Falkirk Mining Company, North American Coal Corporation