

May 8, 2023

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

Re: Surface Coal Mining Permit No. BNCR-8106- Oliver County

The North Dakota Parks and Recreation Department (NDPRD) has reviewed the above-proposed surface coal mining permit filed by BNI Coal, Ltd, 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 projects may affect properties protected under Section 6(f) of the LWCF.

Several LWCF projects have been identified near the proposed project's vicinity. Attached is a map identifying the approximate locations. Properties that have received funding from the LWCF program have a designated 6(f) property boundary that carries restrictions on modifications to the property, including but not limited to utilities or any divestiture of land. For additional information regarding LWCF properties, don't hesitate to contact Char Langehaug, ND Parks and Recreation's Department's Grants Coordinator, at cbinstock@nd.gov or 701-328-5364.

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, contact Natural Resources Division Chief Kathy Duttenhefner at 701-328-5370, 701-220-3377 (cell), or kgdutzenhefner@nd.gov.

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

Sincerely,



Kathy Duttenhefner, Chief Natural Resources Division

15 RC-22-420 Filed 05/08/2023 Pages: 4
Response to Advisory Review Request Letter
North Dakota Parks & Recreation Department
Kathy Duttenhefner

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

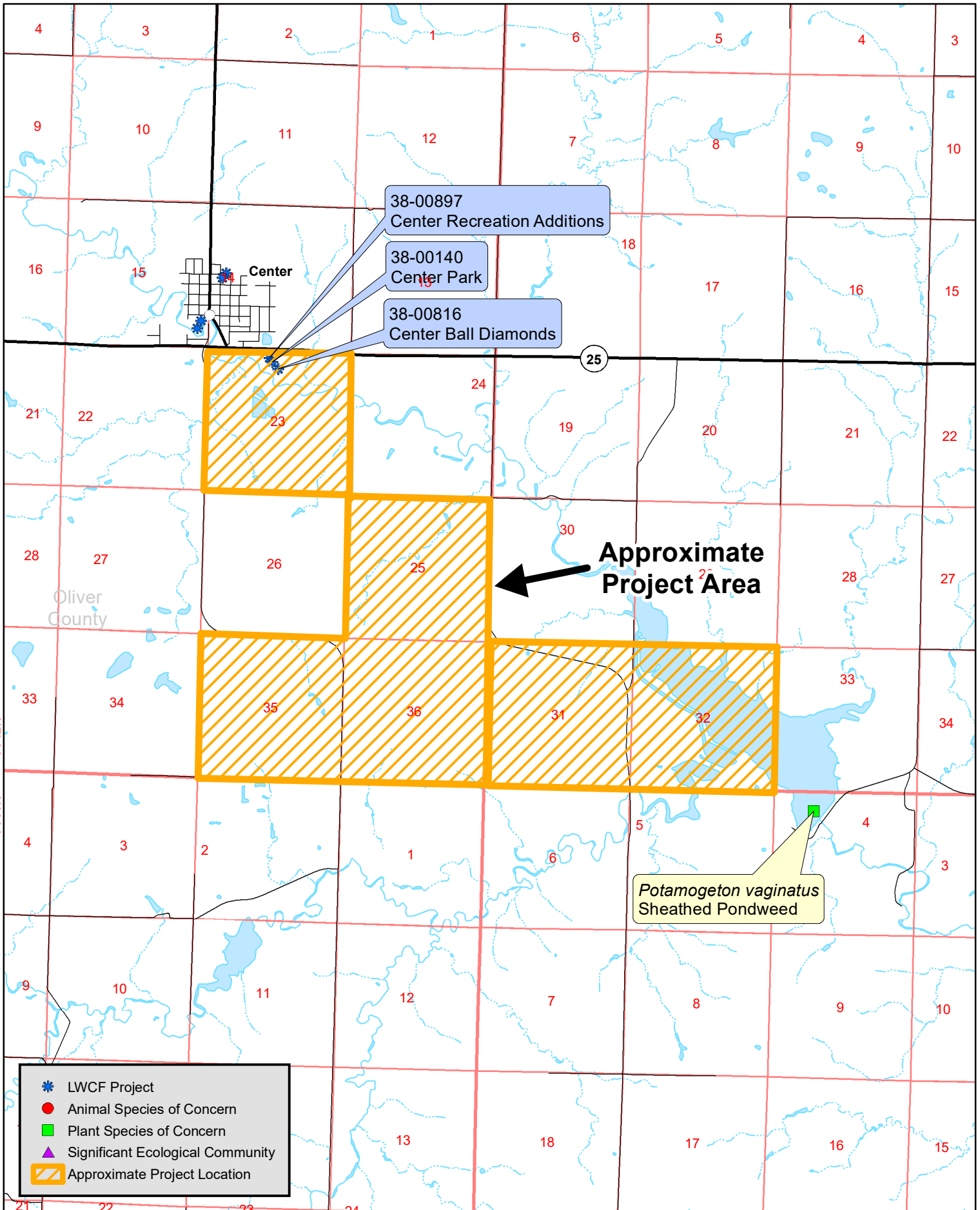
North Dakota Natural Heritage Inventory
Rare Animal and Plant Species and Significant Ecological Communities

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

Land and Water Conservation Fund Projects

<u>Project Name</u>	<u>Project Number</u>
Center Ball Diamonds	38-00816
Center Park	38-00140
Center Recreation Additions	38-00897

North Dakota Parks and Recreation Department North Dakota Natural Heritage Inventory



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