



November 25, 2025

NDPSC
Public Service Commission
600 East Blvd. Dept 408
Bismarck, ND 58505

Re: Environmental Review – Surface Coal Mining Permit NAFK08405 – McLean County Falkirk Mining Company

Dear Public Service Commission,

The North Dakota Parks and Recreation Department (NDPRD) has completed its review of the proposed Surface Coal Mining Permit NAFK08405 for Falkirk Mining Company for sites in McLean County North Dakota. Our review considered:

1. NDPRD Jurisdictional Properties – Properties owned, leased, or managed by NDPRD.
2. Land and Water Conservation Fund (LWCF) Section 6(f) Properties – Areas protected under federal funding agreements.
3. Natural Heritage Program Resources – Documented occurrences of rare plants, animals, and significant ecological communities within the project vicinity.

Findings:

- The proposed project does not appear to affect properties owned, leased, or managed by NDPRD.
- The proposed project may impact properties protected under Section 6(f) of the Land and Water Conservation Fund (LWCF). However, a LWCF project has been identified in the vicinity of the proposed project area. A map is attached identifying the approximate location. Please note that properties that have received LWCF funding have a designated 6(f) boundary, which carries restrictions on modifications to the property — including, but not limited to, the installation of utilities or any divestiture of land. For additional information regarding LWCF properties, please contact Char Langehaug, Grants Coordinator for the North Dakota Parks and Recreation Department, at clangehaug@nd.gov or 701-328-5364. Refer to attached map.
- A query of the North Dakota Natural Heritage biological conservation database indicates documented occurrences of plant or animal species of concern, or significant ecological communities, within or immediately adjacent to the project area (approximately one-mile radius). Refer to attached map.

We appreciate your commitment to conserving North Dakota’s natural resources and your cooperation in the environmental review process. If you have questions or require further information, please contact me at (701) 328-5370, (701) 220-3377 (cell), or by email at kgduttenhefner@nd.gov.

Thank you for the opportunity to comment on this project.

Sincerely,

A handwritten signature in cursive script that reads "Kathy Duttenhefner".

Kathy Duttenhefner Chief Natural Resources Division

16 RC-25-241 Filed 11/25/2025 Pages: 4
Revision 45 Advisory Review Response Letter

North Dakota Parks & Recreation Department
Kathy Duttenhefner

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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
Charadrius melodus	Piping Plover	S1S2	G3	LE,LT	146N082W - 25; 146N082W - 26; 146N082W - 24; 146N082W - 23	McLean	1996-06-04	Medium	S

Land and Water Conservation Fund Projects

Project Name

Underwood Comfort Station

Project Number

38-00290

