



November 25, 2025

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

Re: Environmental Review – Surface Coal Mining Permit NAFK-9503– 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 NAFK 9503 for Falkirk Mining Company 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 does not appear to impact any properties protected under Section 6(f) of the LWCF.
- A query of the North Dakota Natural Heritage biological conservation database indicates several 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). See 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 black ink that reads "Kathy Duttenhefner". The signature is written in a cursive, flowing style.

Kathy Duttenhefner
Chief, Natural Resources Division

12 RC-25-254 Filed 11/25/2025 Pages: 4
Revision 39 Advisory Review Response Letter

North Dakota Parks & Recreation Department
Kathy Duttenhefner

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

PHONE: 701-328-5357 | FAX: 701-328-5363 | EMAIL: parkrec@nd.gov | WEBSITE: www.parkrec.nd.gov

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
<i>Charadrius melodus</i>	Piping Plover	S1S2	G3	LE,LT	144N084W - 15	McLean	1992	Medium	S
<i>Fraxinus pennsylvanica</i> - (ulmus americana) - acer negundo forest	Green Ash-elm-boxelder Floodplain Forest	S1S2	GNR		144N084W - 16; 144N084W - 15; 144N084W - 08; 145N084W - 35; 144N084W - 10; 144N084W - 05; 145N084W - 34; 144N084W - 17; 144N084W - 09; 144N084W - 04	McLean	2007-07-12	Low	
<i>Fraxinus pennsylvanica</i> - (ulmus americana)/prunus virginiana woodland	Green Ash Upland Woodland	S3	GNR		144N084W - 03; 144N084W - 12; 144N084W - 02; 144N084W - 11; 144N084W - 13; 144N083W - 19; 144N084W - 24; 144N084W - 14; 144N084W - 10	McLean	2007-07-12	Medium	
<i>Fraxinus pennsylvanica</i> - (ulmus americana)/prunus virginiana woodland	Green Ash Upland Woodland	S3	GNR		145N084W - 26; 145N084W - 24; 145N084W - 25	McLean	2007-07-10	Low	
<i>Fraxinus pennsylvanica</i> - (ulmus americana)/prunus virginiana woodland	Green Ash Upland Woodland	S3	GNR		144N083W - 10; 144N083W - 14; 144N083W - 13; 144N083W - 02; 144N083W - 11; 144N083W - 03	McLean	2007-07-19	Medium	
<i>Fraxinus pennsylvanica</i> - ulmus americana/symphoricarpos occidentalis forest	Western Floodplain Forest	S3	GNR		144N084W - 04	McLean	2007-07-12	Very High	
<i>Pascopyrum smithii</i> - bouteloua gracilis/carex filifolia prairie	Western Wheatgrass Prairie	S3S4	GNR		144N083W - 13; 144N083W - 23; 144N083W - 10; 144N083W - 14; 144N083W - 11	McLean	2007-07-19	Medium	
<i>Pascopyrum smithii</i> - stipa comata prairie	Central Mixed Grass Prairie	S2	GNR		145N084W - 27; 145N084W - 24; 145N084W - 26; 145N084W - 23; 145N084W - 22; 145N084W - 25	McLean	2007-07-10	Low	
<i>Pascopyrum smithii</i> - stipa comata prairie	Central Mixed Grass Prairie	S2	GNR		145N084W - 10	McLean	2007-07-10	Low	
<i>Populus deltoides</i> - fraxinus pennsylvanica forest	Cottonwood-green Ash Floodplain Forest	S3	GNR		145N084W - 16; 145N084W - 15; 145N084W - 08; 145N084W - 10; 145N084W - 04; 145N084W - 05; 145N084W - 09	McLean	2007-07-10	Low	
<i>Populus deltoides</i> - fraxinus pennsylvanica forest	Cottonwood-green Ash Floodplain Forest	S3	GNR		144N083W - 28; 144N083W - 19; 144N083W - 22; 144N084W - 25; 144N084W - 13; 144N083W - 32; 144N083W - 29; 144N083W - 21; 144N084W - 23; 144N083W - 30; 144N083W - 33; 144N084W - 14; 144N084W - 24; 144N084W - 15	McLean	2007-07-12	Low	S
<i>Schizachyrium scoparium</i> - bouteloua spp. (curtipendula, gracilis) prairie	Western Little Bluestem Prairie	S2	GNR		144N084W - 13; 144N084W - 24; 144N083W - 19; 144N084W - 14; 144N084W - 11	McLean	2007-07-12	Low	
<i>Shepherdia argenta</i> shrubland	Buffaloberry Shrubland	S4	GNR		144N083W - 22; 144N083W - 15; 144N083W - 16	McLean	2007-07-19	Medium	
<i>Shepherdia argenta</i> shrubland	Buffaloberry Shrubland	S4	GNR		144N083W - 20; 144N083W - 17; 144N083W - 18	McLean	2007-07-19	Medium	
<i>Sterna antillarum</i>	Least Tern	S1	G4	PS:LE	144N084W - 15	McLean	1991-06	Medium	S
<i>Stipa comata</i> - bouteloua gracilis/carex filifolia prairie	Needle-and-thread Mixed Grass Prairie	S2	GNR		144N083W - 18; 144N084W - 02; 144N084W - 10; 144N084W - 11; 145N084W - 36; 144N084W - 24; 144N084W - 14; 144N084W - 04; 144N084W - 13; 144N084W - 12; 144N084W - 03; 144N083W - 19	McLean	2007-07-12	Low	

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
<i>Stipa comata</i> - <i>bouteloua gracilis</i> /carex filifolia prairie	Needle-and-thread Mixed Grass Prairie	S2	GNR		144N083W - 22; 144N083W - 15; 144N083W - 16	McLean	2007-07-19	Medium	
<i>Stipa comata</i> - <i>bouteloua gracilis</i> /carex filifolia prairie	Needle-and-thread Mixed Grass Prairie	S2	GNR		144N083W - 29; 144N083W - 17; 144N083W - 20	McLean	2007-07-19	Low	
<i>Symphoricarpos occidentalis</i> shrubland	Buckbrush Shrubland	S4	GNR		144N084W - 04; 145N084W - 36	McLean	2007-07-12	Low	
<i>Symphoricarpos occidentalis</i> shrubland	Buckbrush Shrubland	S4	GNR		144N083W - 17; 144N083W - 20; 144N083W - 18	McLean	2007-07-19	Medium	

North Dakota Parks and Recreation Department

North Dakota Natural Heritage Inventory

