



IN REPLY REFER TO:

United States Department of the Interior

OFFICE OF SURFACE MINING

Reclamation and Enforcement
Casper Field Office
150 East "B" Street, Rm 1018
Casper, Wyoming 82601

January 28, 2009

Mr. James Deutsch, Director
Reclamation & AML Divisions
North Dakota Public Service Commission
600 E. Boulevard Ave., Dept 408
Bismarck, ND 58505-0480

Dear Mr. Deutsch:

The Office of Surface Mining (OSM) has reviewed the updated environmental assessment and supporting documentation for the 2009 Williams County Road 9 Phase 4 Project, located in Williams County, North Dakota. We have determined that the documentation adequately discusses the environmental issues and impacts associated with the project. Based on the analysis of these documents, I have determined that reclamation of this site would not have significant effects on the quality of the human environment, and therefore conclude that no environmental impact statement (EIS) is necessary.

Accordingly, pursuant to section 5-11-20D.3 of the Federal Assistance manual, you are hereby authorized to proceed with this project.

Sincerely,

Jeffrey Fleischman, Director
Casper Field Office

FINDING OF NO SIGNIFICANT IMPACT

2009 Williams County Road 9 Phase 4
Abandoned Mine Reclamation Project
Williams County, North Dakota

OSM had thoroughly reviewed the environmental assessment and associated documents for the above referenced project, which was prepared by the North Dakota Public Service Commission, Abandoned Mine Lands Division. The Casper Field Office has determined that this documentation adequately discusses the environmental issues and impacts for OSM abandoned mine land reclamation construction activities authorization purposes.

Based on the analysis of this documentation, I find that reclamation of this project will not have significant effects on the quality of the human environment. I therefore conclude that no detailed statement (EIS) is necessary.

My specific reasons are as follows:

This is the fourth phase of reclamation for this abandoned surface coal mine site. The objective of this project is to reclaim potentially hazardous portions of underground mines located beneath and adjacent to Williams County Road 9, several township roads and residential areas near Williston, North Dakota. Drilling information indicates approximately 4350 linear feet of road surface within the project area could be undermined. The preferred method of reclamation is pressure grout backfilling to stabilize overburden from collapse.

Cultural resources and threatened or endangered species clearances have been properly obtained. The North Dakota State Historic Preservation Officer concurred with a "No Historic Properties Affected" and "No Significant Sites Affected" determination. The North Dakota Department of Health indicated no concerns regarding surface water, and the project is not expected to have any significant impact on groundwater resources or private wells located within the project area. The project is not within any identified floodplain and no reclamation activities are planned on or near wetlands within the project area. The U.S. Fish and Wildlife Service determined that "there will be no significant impact on fish and wildlife resources and that no endangered or threatened species are known to occupy the project area." The project area is confined to the right-of-way of County Road 9, adjacent township roads and residential areas, so reclamation efforts should have no effect on prime and unique farmland values. There are no wilderness areas, parks, or areas of critical ecological or aesthetic concern, wild and scenic rivers, or other recreational resources of critical environmental concern that will be impacted. The proposed project area is not in or near a Class I air quality region. Impacts to noise pollution are not anticipated, however, should problems arise, the North Dakota Department of Health will be consulted for remedial action. Reclamation activities will have no significant direct or indirect impact on minority or low-income populations. Any short term impacts of the reclamation activities will be far outweighed by the long-term safety, health and environmental benefits for post reclamation use of the site by the general public.


OSM Environmental Reviewer

1-28-2009
Date


OSM Field Office Director
Casper Field Office

1-28-9
Date