



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 Hazen-West Phase 2 Project, located in Mercer County, near Hazen, 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.

The State of North Dakota Public Service Commission, Abandoned Mine Lands Division should ensure that all applicable laws, clearances, permits, or requirements are met prior to expending funds.

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 Hazen-West Phase 2
Abandoned Mine Reclamation Project
Mercer County, North Dakota

OSM has 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 second phase of reclamation for this abandoned surface coal mine site. The entire Hazen-West AML site encompasses approximately 185 acres, of which about 40 acres will be addressed by Phase 2. Approximately 4,500 feet of hazardous highwall will be backfilled with material from adjacent spoil piles. Erosional drainage channels will be repaired and re-established to a non-erosive slope. To the degree possible, topsoil will be salvaged from the disturbed area and respread. The disturbed area will then be fertilized, seeded and mulched.

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. Any appropriate permits from the North Dakota Department of Health, requiring compliance with water quality standards, will be obtained prior to initiation of reclamation activities. The project is not within any identified floodplain and the U.S. Army Corps of Engineers addressed wetland values by approving a permit under Nationwide Permit No. 27 for this project. The U.S. Fish and Wildlife Service determined that "no endangered or threatened species are known to occupy the project area and that the project will have no significant impact on fish and wildlife resources." There have been no prime or unique farmland or recreational resources identified in the project area. 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. 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

1-28-09
Date