



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

September 9, 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 Columbus Phase 10 Project, located in Burke 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 Columbus Phase 10 Project  
Abandoned Mine Reclamation Project  
Burke 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.

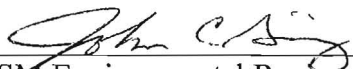
My specific reasons are as follows:

This is the tenth phase of reclamation for this abandoned surface coal mine site. The objective of this project is to reclaim potentially hazardous portions of a surface mine located within the SE1/4 of Section 21, T162N, R93W approximately six miles south of Columbus, North Dakota. The surface mine encompasses 1,280 acres and contains dangerous highwalls near roads. At least two deaths have been attributed to the abandoned mine.

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" determination. The North Dakota Department of Health failed to reply by the indicated deadline of August 31, 2009, regarding any possible impact on groundwater resources or private wells located within the project area. As project work will be conducted no closer than 5,000 feet from the nearest residential or commercial population, no such impacts are anticipated. 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 "from the information provided, the Service is not aware of federally listed species in the project area." The North Dakota Parks and Recreation Department reviewed the North Dakota Natural Heritage biological conservation database and determined that no known occurrences of any plant or animal species of concern or other significant ecological communities are known to occur within a one-mile radius of the project area. No prime farmland has been identified on the proposed project site.

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. No adverse socioeconomic effects are anticipated from reclamation of this site. County officials and landowners have expressed interest in reclamation of the proposed area. Impacts to noise pollution are not anticipated, however, should problems arise, 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

9-9-2009  
Date

  
OSM Field Office Director  
Casper Field Office

9-9-9  
Date