



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 Maintenance Project, located at various sites throughout 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 Maintenance Project  
Abandoned Mine Reclamation Project  
Various locations, 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:

During 2009, The AML Division plans to conduct sinkhole maintenance at sites near the cities of Noonan, Dickinson, Wilton, and Beulah/Zap. Additional sinkholes may be filled at other sites if a danger to the public is determined. Tree planting maintenance may also be conducted at previous project sites, including the Hazen-West Site.

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 areas. Reclamation activities will be conducted in a manner that should have no significant effect on ground water quality or quantity.

The project is not within any identified floodplain and reclamation activities will be designed in a way that will not diminish the size or wildlife value of any wetlands. 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 areas." 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 areas. Reclamation activities will be designed in a way that will not diminish the integrity or utility or prime farmland.

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 areas are not in or near a Class I air quality region. Reclamation will be conducted in a manner that minimizes any disruption to farming and

ranching operation that are proximity to the project areas. 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

9-9-09  
Date