



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 26, 2010

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 2010 Buechler/Velva Project, located in Ward County, near Velva, 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

2010 Buechler/Velva Project
Abandoned Mine Reclamation Project
Ward 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:

The objective of this project is to reclaim potentially hazardous portions of two surface mines located within the W1/2 of Section 27, Section 28 and the NE1/4 of Section 30, T152N, R81W approximately seven to nine miles southwest of Velva, North Dakota, population 1,049. The surface mine located in Sections 27 and 28 contains dangerous highwalls near trails. Erosional gullies are also cutting into adjacent farmland. On the west side of the surface mine located in Section 30, there are steep final pit highwalls ranging in height up to approximately 90 feet, and showing signs of instability. About 150 acres of surface mine land will be reclaimed with this project, but the entire problem area site is much larger. There have been no instances of death or personal injury attributed to these abandoned mines; however, their location makes the potential for harm inherent.

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 determined that a NDPDES permit for stormwater runoff and construction dewatering would not be required for this project. No streams are present on or near the proposed project area, so no adverse effects on water quality 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 the project "will have no significant impact on fish and wildlife resources" and that "no endangered or threatened species are known to occupy 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 or adjacent to the project area. No prime farmland has been identified on the proposed project site. There are no wilderness areas, areas being studied for wilderness, parks, 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 and there are no conditions on the site of the proposed project that affect air quality of the nearby area. No adverse socioeconomic effects are anticipated from reclamation of this site. A public meeting was held on January 20, 2010, in Minot, North Dakota to discuss this project with local residents, city and county officials and the general public. No off-site borrow or disposal area concerns are anticipated, however, should any issues arise, applicable environmental regulations will be addressed through the North Dakota Department of Health. 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

1-26-10
Date


OSM Field Office Director
Casper Field Office

1-26-10
Date