



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 Beulah/Zap, Phase 11 Project, located in Mercer County, near the cities of Beulah and Zap, 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 Beulah/Zap, Phase 11 Project
Abandoned Mine Reclamation Project
Mercer 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 eleventh phase of reclamation for this abandoned underground mine site. The objective of this project is to reclaim potentially hazardous underground mines located beneath and adjacent to North Dakota Highway 200 and several township roads and residential areas near the towns of Beulah and Zap, North Dakota. The proposed project area is located within portions of Townships T144N, R187W, T144N, R88W, and T144N, R89W in Mercer County, North Dakota. Historically, the Beulah/Zap area has been one of the most heavily mined areas in the state. Phase 11 of this project will be a continuation of work performed in 2004, 2005, and 2006 to stabilize undermined segments of public roads near Beulah and Zap. There have been no instances of death or personal injury attributed to abandoned mines in the Beulah/Zap area; however, the wide extent of underground mining and the proximity of those mines to public roads create the potential for harm.

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. Several streams, drainages, stock ponds, and other bodies of water are located on or near the Beulah/Zap AML area. The AML Division, in consultation with the North Dakota Health Department, monitors the performance and environmental aspects of the use of fly ash-grout, especially as it concerns groundwater. Grout samples were collected and analyzed in 2000. Groundwater samples were collected and analyzed in 2000, 2001, and 2002. The North Dakota Department of Health indicated concurrence that this project will not adversely affect surface waters and determined that NDPDES permits would not be required for this project. 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. There are prime farmlands within the project area. Reclamation will be conducted as to not destroy the integrity or utility of prime farmland. There are no wilderness areas, lands 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. Factors such as noise, traffic control and dust suppression will be addressed in the Information Bidders Package (IBF). Public meetings were held on November 26, 1996, December 9, 1999, and January 28, 2009, to discuss reclamation plans. If any off-site borrow or disposal area concerns are encountered, applicable environmental regulations will be addressed through the North Dakota Department of Health. If noise pollution problems are encountered, the North Dakota Department of Health will be consulted for remedial action. Construction work may result in a slight increase in employment and revenues, but no significant or indirect impact on minority or low-income populations is expected. 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