



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 Williams County Road 9, Phase 5 Project, located in Williams County, near Williston, 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 Williams County Road 9, Phase 5 Project
Abandoned Mine Reclamation Project
Williams 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 fifth 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 Williams County Road 9 and several township roads and residential areas, near Williston, North Dakota. The proposed project area is located within portions of Sections 5, 6, 7, 8, 17, 18, 19, 20, and 21, T154N, R100W, and Section 36, T155N, R101W, Williams County, North Dakota. There have been no instances of death or personal injury attributed to these abandoned mines; however, their location beneath public roadways 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. Several drainages and the Little Muddy River are located within close proximity to the reclamation site. Seven groundwater monitoring wells have been installed in the project area and have been monitored for water quantity and quality since 2007. 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. This project is located within the right-of-ways of County Road 9, adjacent township roads and residential areas and should have no impact on any prime or unique 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). City, township and county officials have expressed support in reclamation of the proposed project. Public meetings were held on December 13, 2009, and February 7, 2008 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, 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