



United States Department of the Interior

OFFICE OF SURFACE MINING
Reclamation and Enforcement
Casper Field Office
PO Box 11018
150 East B Street, RM 1018
Casper, WY 82602



May 31, 2011

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 2011 Columbus Phase 11 and 12 Project, located in Burke County, near the town of Columbus, 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.

We concur with the "Adverse Effect" determination for historic site 32BK92, resulting from the Class III Cultural Resource Survey recommended by the State Historical Society (SHPO). We also agree that site mitigation will be needed and that a Memorandum of Agreement (MOA) needs to be drawn up between OSM, ND PSC, and ND SHPO. Adherence to the MOA should be achieved within three years of the date of this letter. Since the necessary mitigation can be achieved off-site, reclamation may proceed prior to completion of the MOA.

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.

Pending adherence to the above stated stipulations, and 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

2011 Columbus Phase 11 and 12 Projects
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 eleventh and twelfth phases of reclamation for this abandoned surface mine site. The principal objective of this project is to reclaim potentially hazardous portions of a surface mine located within Sections 20, 21, 28, and 29, T162N, R93W approximately four miles southeast of Columbus, in Burke County, North Dakota. Historically, the Columbus Problem Area is characterized by dangerous highwalls near roads and other AML hazards. Phases 11 and 12 of this project will be a continuation of work performed in 1988, 1995, 1997, 2000, 2003, 2004, 2006, 2007, 2008, and 2009. There have been two documented deaths attributable to the abandoned mine and the potential for additional problems is inherent due to its proximity to roads and the town of Columbus.

The State Historic Preservation Office (SHPO) recommended a Class III survey. The site has been assigned an "adverse effect" determination and is potentially eligible for the National Register of Historic Places. The ND SHPO agrees that a Memorandum of Agreement (MOA) should be drawn up between OSM, ND PSC, and the ND SHPO. Since the necessary mitigation can be achieved off-site, reclamation may proceed prior to completion of the MOA. The ND SHPO concurs that the OSM Authorization to Proceed can be executed prior to completion of the MOA.

There are no streams or wetlands present on or near the proposed project area. 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". The ND Park and Recreation Department recommended that any impacted areas be revegetated with native species. There are no prime farmlands within the project area. 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. A public meeting was held in Columbus on January 13, 2011. No threatened or endangered plant species have been identified within the project area. There will be no off-site borrow or disposal areas relative to the project. No project work will be conducted closer than 5,000 feet from the nearest residential or commercial population. If noise pollution problems are encountered, the 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

5-31-2011

Date



OSM Field Office Director
Casper Field Office

5-31-11

Date