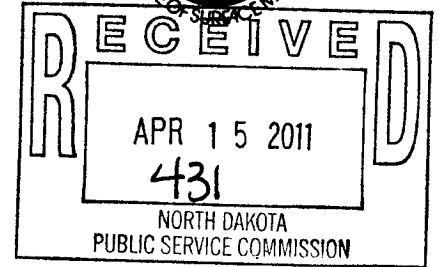




# United States Department of the Interior

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



April 12, 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:

OSM has reviewed the categorical exclusion certification regarding the subsidence discovered along Highway 36, southeast of Wilton, ND and determined that the project conforms with exclusion criteria in 516 DM6, Chapter 13, and is excluded from further NEPA compliance. Accordingly, pursuant to section 4-160-40D.3 of the Federal Assistance Manual, you are authorized to proceed with this project and expend Federal funds in accordance with AML grant terms and conditions.

Sincerely,

Jeffrey Fleischman, Director  
Casper Field Office

Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Wetlands Protection) or The Fish and Wildlife Coordination Act?

No [x] Yes [ ]

Threaten to violate a Federal, State, Tribal or local law or requirement imposed for the protection of the environment?

No [x] Yes [ ]

**III. RESOURCE IMPACT EXCEPTIONS**

Are there any unresolved issues, or adverse effects requiring specialized mitigation, for any of the following resources? If yes, check the ones that apply.

No [x] Yes [ ]

- Topography
- Land Use (includes prime farmland)
- Soils
- Vegetation (includes wetlands)
- Hydrology
- Fish and Wildlife
- Historic and Cultural
- Recreation
- Air Quality
- Noise
- Other (includes socioeconomics)

**IV. ATTACH CONSULTATION LETTERS AND A LOCATION MAP**

**V. RESPONSIBLE OFFICIAL CERTIFICATION**

Signature: William E Dodd Date: April 12, 2011

Name and Title: William E. Dodd, Assistant Director, AML Division

**VI. OSM DETERMINATION**

This project conforms with the exclusion criteria in 516 DM 6, Appendix 8, and is excluded from further NEPA compliance.

This project does not conform with the exclusion criteria in 516 DM 6, Appendix 8, and requires an environmental assessment.

Signature: Dale Herbert Date: 4/12/2011

Name and Title: DALE HERBERT  
AML PROGRAM SPECIALIST