



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

June 28, 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 and supporting documentation regarding the subsidence discovered at the Scranton Equity Exchange bypass road and along 133rd Avenue, near Scranton, 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,

Alan Boehman, acting for

Jeffrey Fleischman, Director
Casper Field Office

**ABANDONED MINE LANDS
CATEGORICAL EXCLUSION DETERMINATION**

State: ND PA# ND003 (South Scranton)

Project Name: 2011 Scranton DOT Emergency

Project Description: Abandoned Underground Mine Sinkhole Filling

Yes responses require submission of an environmental assessment.

I. GENERAL EXCEPTIONS

Does the project type specifically require an EA in 516 DM 6,
Appendix 8, as specified in Item I of the attached instructions? No Yes

II. DEPARTMENT OF INTERIOR EXCEPTIONS

Will the project have any of the following:

A significant adverse effect on public health or safety? No Yes
An adverse effect on any of the following unique geographic characteristics?

If yes, check the ones that apply. No Yes

- | | |
|---|---|
| <input type="checkbox"/> Parks (State, Local, or National) | <input type="checkbox"/> Wild or Scenic Rivers |
| <input type="checkbox"/> Recreation or Refuge Lands | <input type="checkbox"/> Wetlands |
| <input type="checkbox"/> Wilderness Areas | <input type="checkbox"/> Floodplains |
| <input type="checkbox"/> Ecologically Significant or Critical Areas | <input type="checkbox"/> Sole or Principal Drinking Water |
| <input type="checkbox"/> Prime Farmlands | <input type="checkbox"/> Aquifers |

Highly controversial environmental effects? No Yes

Highly uncertain and potentially significant environmental effects or
unique or unknown environmental risks? No Yes

A precedent for future action or a decision in principle about future
actions with potentially significant environmental effects? No Yes

Directly related to other actions with individually insignificant but
cumulatively significant environmental effects? No Yes

Adverse effects on properties listed or eligible for listing on the National
Register of Historic Places? No Yes

Adverse effects on species listed or proposed to be listed on the List of
Endangered or Threatened Species, or have adverse effects on designated
Critical Habitat for these species? No Yes

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 []

- | | |
|---|--|
| <input type="checkbox"/> Topography | <input type="checkbox"/> Historic and Cultural |
| <input type="checkbox"/> Land Use (includes prime farmland) | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Soils | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Vegetation (includes wetlands) | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Hydrology | <input type="checkbox"/> Other (includes socioeconomics) |
| <input type="checkbox"/> Fish and Wildlife | |

IV. ATTACH CONSULTATION LETTERS AND A LOCATION MAP

V. RESPONSIBLE OFFICIAL CERTIFICATION

Signature: William E. Dodd Date: June 22, 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: John C. Sieving Date: 6-28-2011

Name and Title: JOHN SIEVING, Physical Scientist