



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



FEB 11 2013

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February 5, 2013

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:

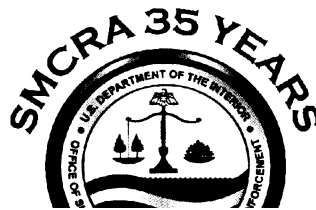
The Office of Surface Mining (OSM) has reviewed the environmental assessment and supporting documentation for the 2013 Richter Project. This project is located within NE ¼ of Section 13, T139N, R88W, approximately six miles northeast of Glen Ullin, in Morton County, North Dakota. We have determined that 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

2013 Richter Project
Abandoned Mine Reclamation Project
Morton 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 project primarily involves reclamation of potentially hazardous portions of a surface mine that contains dangerous highwalls that are located near roads. There have been no instances of death or personal injury attributed to abandoned mine; however, the potential for death or injury is inherent due to the location of the abandoned mine near a roadway.

Cultural resources and threatened or endangered species clearances have been properly obtained. The State Historic Society of North Dakota responded to inquiries with a "No Historic Properties Affected" and a "No Significant Sites" determination. There are no streams present on or near the proposed project area and reclamation should have no significant effect on surface water quality. A response letter from the North Dakota Department of Health indicates that planned activities will likely not adversely affect surface or groundwater resources. The project is not within any identified floodplain and no wetlands are present. 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". No prime farmland has been identified on the proposed project site. 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. No adverse socioeconomic or political factors are anticipated from this site. A public meeting will be held on January 29, 2013, in New Salem, ND. Some spoil is highly sodic and clayey and may not be ideal for establishment of most graminoid species. No threatened or endangered plant species have been identified within the project area. A response from the North Dakota Parks and Recreation Department, recommends that any impacted areas be re-vegetated with native species. While no off-site borrow or disposal issues are anticipated with this project, any unanticipated issues will be addressed through the North Dakota Department of Public Health. Noise pollution issues are also not anticipated; however, any unanticipated issues will be addressed through the North Dakota Department of Public Health. 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.

John C. [Signature]
OSM Environmental Reviewer

2/5/13
Date

[Signature]
OSM Field Office Director
Casper Field Office

2/5/13
Date