



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

sent via email and regular mail

August 5, 2022

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

Mr. Jeff Fleischman, Chief
Denver Field Division
Office of Surface Mining
P.O. Box 11018
Casper WY 82602-5004
jfleischman@osmre.gov

RE: Request for Authorization to Proceed for the 2022 Wilton Emergency Sinkhole Project in North Dakota.

Dear Mr. Fleischman:

Enclosed is the documentation to support our Request for Authorization to Proceed for the 2022 Wilton Emergency Sinkhole Project in North Dakota. A categorical exclusion is attached for the proposed project.

We have requested concurrence for the project from the State Historical Society of North Dakota, U.S. Fish and Wildlife Service, North Dakota Parks and Recreation Department and the North Dakota Department of Environmental Quality. Copies of our letters and the response we received are attached. Additional responses will be forwarded to you as they are received. Also included is an Eligibility Determination letter from our legal counsel.

The eAMLIS Problem Area Description number for this site is ND000001. We have posted updated priority documentation for the site in the documents section of the eAMLIS Problems within the Problem Area Description (PAD). If you need more information or have any questions, please call Joan Breiner at 701-328-2412 or me at 701-328-3403.

Sincerely,

Zanna A. Brinkman
Director, Reclamation and AML Divisions

Enclosures

cc via email only: John Sieving (jsieving@osmre.gov)
Charlie Kwak (ckwak@osmre.gov)

20 AM-21-143 Filed 08/05/2022 Pages: 26
Request for Auth. to Proceed with Wilton sinkhole emergency project
Public Service Commission

AML EMERGENCY INVESTIGATION

North Dakota Public Service Commission
3/2020

Project Title: 2022 Wilton Emergency Sinkhole Project

Type of Problem: S - SUBSIDENCE Date Reported: 7/29/2022

Reported by: Jay Bertsch Telephone: 701-400-7879 Email: n/a

Problem Location/Directions: Approx. 130' north of Hwy 36 centerline & approx. 310' east of existing field approach.

City: Wilton County: Burleigh Legal Description: Section 6 T 142 N R 79 W

PA Name: Wilton PA Number: ND000001

SITE INVESTIGATION

Investigator(s): _____ Mark Steele Date: 7/29/2022

Others Present: Jay Bertsch, BEK Communications

Property Owner: Gail A Bauer Address: PO Box 98

City: Wilton State: ND Zip Code: 58579 Telephone: _____ Email: _____

PROBLEM DESCRIPTION

Describe the problem & why this is an emergency. (Details: type of problem; size, shape; is problem spreading, expanding; first noticed, who/what is affected, estimate of number of persons, buildings, acres affected, etc.)

There is a large sinkhole present at the location specified above. This bell-shaped sinkhole is approximately 4 feet in width by 5 feet in length at the surface and approximately 15-20 feet deep. The hole is approximately 130 feet from the center line North Dakota Highway 36 near Wilton, North Dakota. There is an exposed BEK Communications fiber-optic line as well as what's believed to be a small diameter water line 3 to 4 feet below the surface, along the north 'edge' of the hole. Both lines appear to be intact and undamaged. This sinkhole is considered to be an emergency due to the exposed communications cable, pipe and close proximity to Highway 36. The sinkhole and immediate surrounding area has been closed off with survey lathe and high-visibility ribbon by the PSC.

MINE INFORMATION

Mine Name: Washburn Lianite #2 Type of Mining: Underground Dates of Mining: 1916-1946

Permitted Operation: **No** Bond Status: Returned/Forfeited/Available: **None**

CONSULTATIONS AND OTHER CONTACTS

Agency: ND Parks and Recreation Contact Date: 8/4/2022 Response Received: _____

Agency: ND Dept. of Environmental Quality Contact Date: 8/4/2022 Response Received: _____

Agency: ND State Historical Society Contact Date: 8/4/2022 Response Received: 8/4/2022

Agency: US Game and Fish Contact Date: 8/4/2022 Response Received: _____

Other: _____ Contact Date: _____ Response Received: _____

Other: _____ Contact Date: _____ Response Received: _____

Other: _____ Contact Date: _____ Response Received: _____

PROPOSED ACTION

Scope of Work (including non-emergency work), Project Schedule, Goals, Estimated Costs

Immediate actions:

- Erect a fence to prevent people and livestock from falling into the sinkhole.

Actions to repair the sinkholes:

- Remove all available topsoil from around the sinkholes.
- Excavate the sinkhole with an excavator or backhoe carefully to not break or damage pipes or fiber optic or electric lines.
- Fill the excavated sinkholes with fill dirt and compact to the best extent possible.
- Regrade the areas to re-establish drainage.
- Respread topsoil over the areas.
- Reseed the disturbed areas where needed.

Estimated Cost: \$3,000

Additional work to be included: To be cost effective, seven hazardous but non-emergency sinkholes in the Problem Area will also be filled at an estimated total cost of \$2,000. Additional hazardous sinkholes discovered in the Problem Area may also be reclaimed.

Young Gun Construction, LLC is already contracted with the ND PSC for sinkhole filling and will conduct the work.

OTHER INFORMATION

Describe any other information available and its location (i.e., maps, inspections, reports, etc.)

[Empty box for other information]

NEPA REQUIRED

Categorical Exclusion

Environmental Assessment

ADDED VALUE

It is doubtful that reclamation of this site will add significant value to the property. However, remedial action to eliminate the hazard will help protect the property owner and the public. It is likely that mine subsidence will continue and additional sinkhole filling may be required at or near this location in the future.

AUTHORIZED APPROVAL

Signature: Joan Breiner Date: 8/5/2027

Name: Joan Breiner Title: Assistant Director, AML Telephone: 701-328-2412 Email: jobreiner@nd.gov

Abandoned Mine Lands Division
North Dakota Public Service Commission
600 E Blvd Ave., Dept. 408
Bismarck, North Dakota 58505-0480

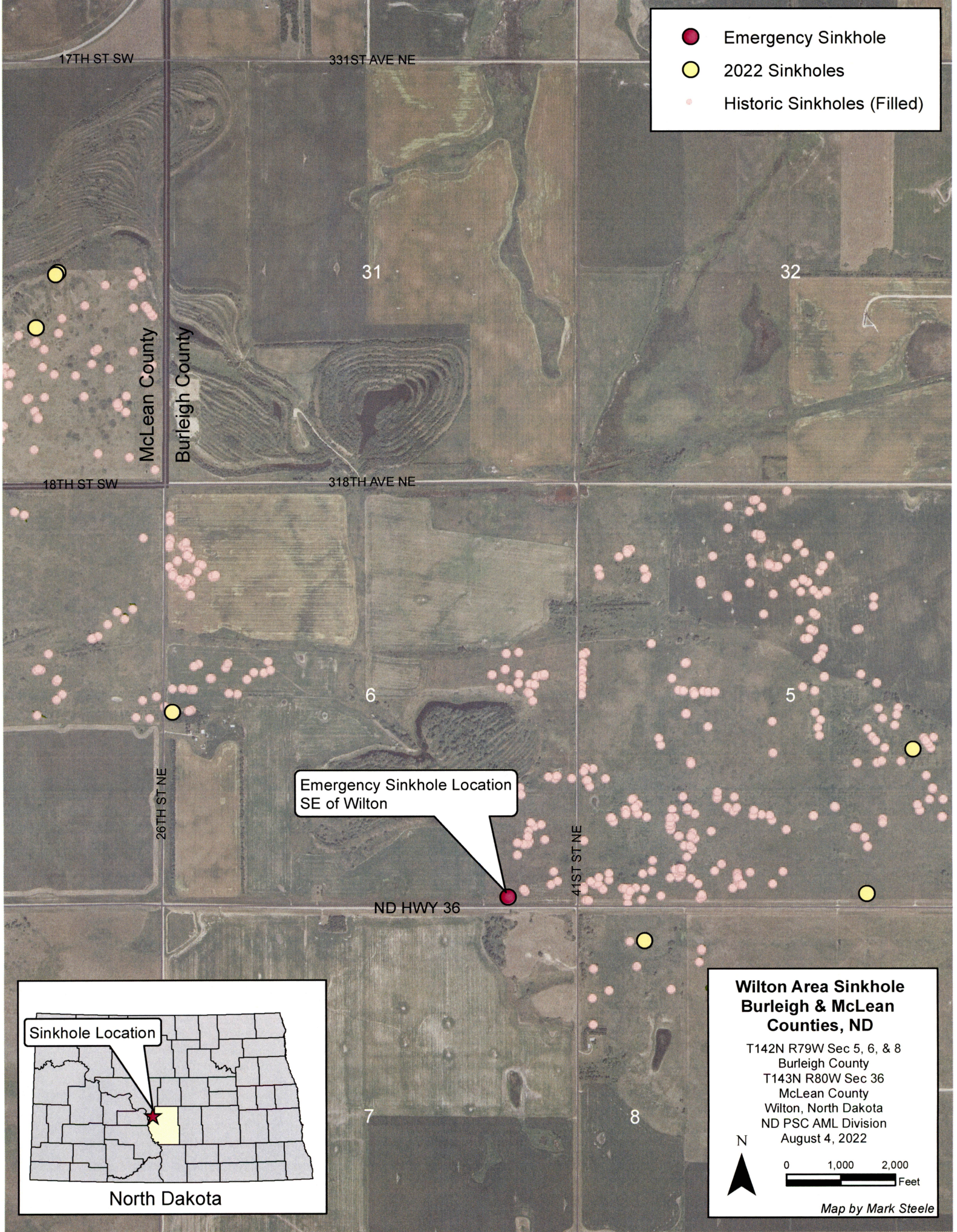
DECLARATION OF ELIGIBILITY = See attached letter of Eligibility Determination - JMB 8/5/22

Eligible: **YES** (an eligible site must be mine related, abandoned with inadequate reclamation prior to August 3, 1977, and no continuing reclamation responsibility.)

John M. Schuh
Special Assistant Attorney General
ND Public Service Commission
600 E Blvd Ave., Dept. 408
Bismarck, North Dakota 58505-0480
701.328.2421

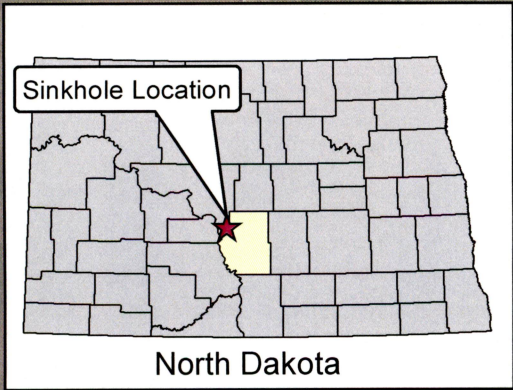
Date: _____

ATTACHMENTS



- Emergency Sinkhole
- 2022 Sinkholes
- Historic Sinkholes (Filled)

Emergency Sinkhole Location
SE of Wilton



**Wilton Area Sinkhole
Burleigh & McLean
Counties, ND**

T142N R79W Sec 5, 6, & 8
Burleigh County
T143N R80W Sec 36
McLean County
Wilton, North Dakota
ND PSC AML Division
August 4, 2022

N

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Feet

Map by Mark Steele

APPENDIX 6.6 AML CATEGORICAL EXCLUSION DETERMINATION FORM
(REVISED JULY 2019)

ABANDONED MINE LANDS
CATEGORICAL EXCLUSION DETERMINATION

State: North Dakota PA # ND001

Project Name: 2022 Wilton Emergency Sinkhole Project

Project Description/Proposed Action: *[Provide a detailed description of the project proposed action (include what will be done and how)]*

On July 29, 2022 the AML Division received a report of a sinkhole near Highway 36 that contained an exposed fiber optic line. Upon inspection, the sinkhole was noted to be bell-shaped with an opening of 4 to 5 feet in diameter and widening to about 10 feet in diameter. The hole is approximately 15-20 feet deep. It is approximately 130 feet from the center line of North Dakota Highway 36 in Section 6, T142N R79W in Burleigh County, North Dakota. PSC staff marked the hole with survey lathe and high-visibility ribbon.

Immediate actions:

- Erect a fence to prevent people and livestock from falling into the sinkhole.

Actions to repair the sinkholes:

- Remove all available topsoil from around the sinkholes.
- Excavate the sinkhole with an excavator or backhoe carefully to not break or damage pipes or fiber optic or electric lines.
- Fill the excavated sinkholes with fill dirt and compact to the best extent possible.
- Regrade the areas to re-establish drainage.
- Respread topsoil over the areas.
- Reseed the disturbed areas where needed.

Estimated Cost: \$3,000

Additional work to be included: To be cost effective, seven hazardous, but non-emergency sinkholes in the Problem Area will also be filled at an estimated total cost of \$2,000. Additional hazardous sinkholes discovered in the Problem Area may also be reclaimed.

Yes responses require submission of an Environmental Assessment (EA).

I. GENERAL EXCEPTIONS

Does the project type specifically require an EA in 516 DM Chapter 13, as specified in Item I of Appendix 6.5 of OSMRE's NEPA Handbook (2019)?

No Yes

II. DEPARTMENT OF THE 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? No Yes

If yes, check the ones that apply.

Parks (State, Local, or National)

Wild or Scenic Rivers

- Recreation or Refuge Lands
- Wetlands
- Wilderness Areas
- Floodplains
- Ecologically Significant or Critical Areas
- Sole or Principal Drinking Water
- Prime Farmland
- 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 Yes
- Threaten to violate a Federal, State, Tribal or local law or requirement imposed for the protection of the environment? No Yes
- Involve unresolved conflicts concerning alternative uses of available resources (NEPA Sec. 102(2)(E))? No Yes
- Have a disproportionate, significant adverse effect on low income or minority populations (EO 12898)? No Yes
- Restrict access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites (EO 13007) No Yes
- Contribute to the introduction, continued existence, or spread of noxious Weeds or non-native invasive species known to occur in the area or actions

that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and EO 13112)?

No 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 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: Joan Breiner Date: 8/5/2022
 Name and Title: Joan Breiner / Assistant Director

VI. OSMRE DETERMINATION

This project conforms with the exclusion criteria in 516 DM Chapter 13, and is excluded from further NEPA compliance.

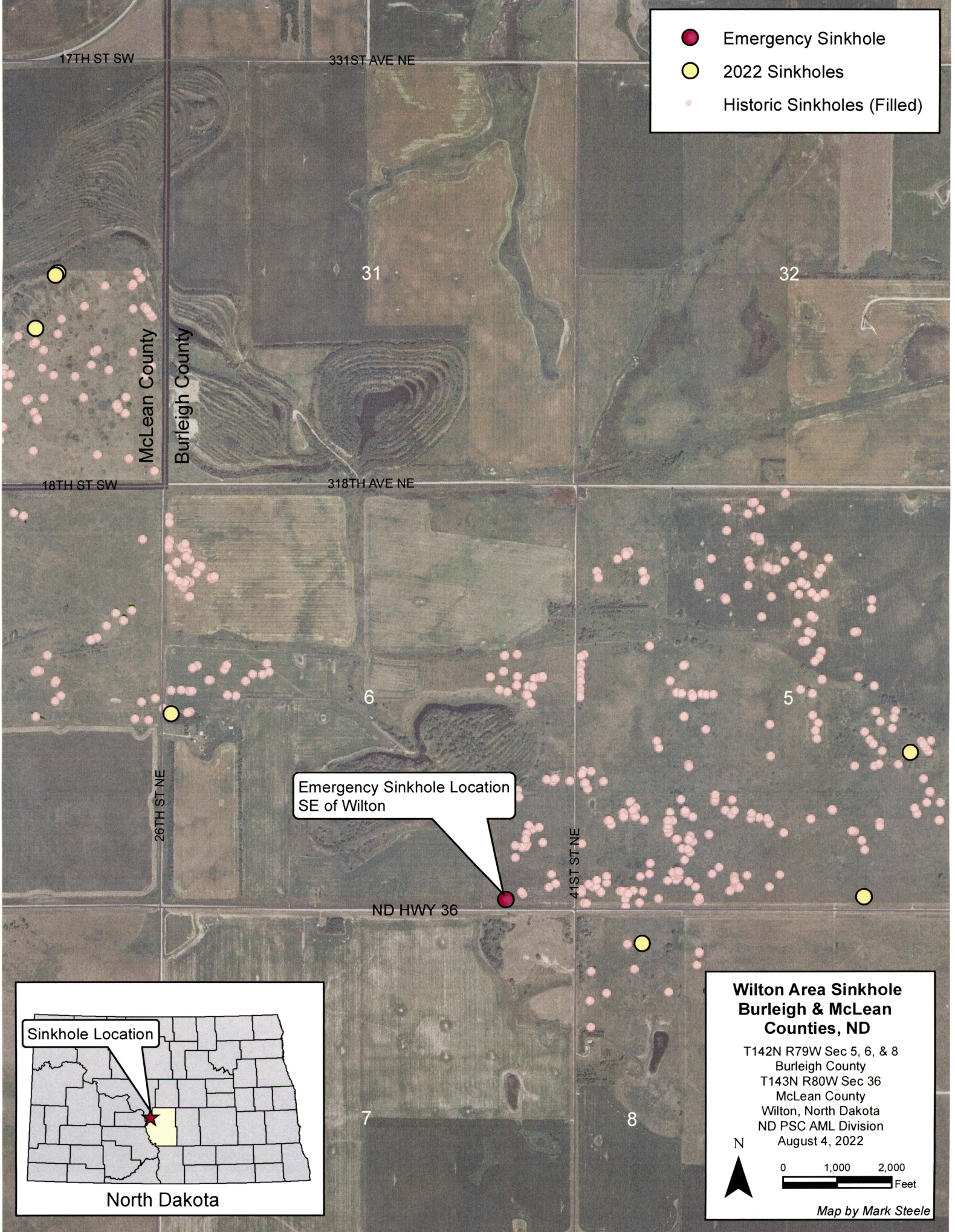
This project does not conform with the exclusion criteria in 516 DM Chapter 13, and requires an Environmental Assessment. As such, OSMRE will complete an *Evaluation of a Proposed Action* template (see Appendix 4.1 of OSMRE's NEPA Handbook (2019)).

OSMRE Reviewer Signature: _____ Date: _____

Name and Title: _____

Signature: _____ Date: _____

Name and Title: _____



- Emergency Sinkhole
- 2022 Sinkholes
- Historic Sinkholes (Filled)

Emergency Sinkhole Location
SE of Wilton



**Wilton Area Sinkhole
Burleigh & McLean
Counties, ND**

T142N R79W Sec 5, 6, & 8
Burleigh County
T143N R80W Sec 36
McLean County
Wilton, North Dakota
ND PSC AML Division
August 4, 2022

N

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Feet

Map by Mark Steele



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State of North Dakota

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Randy Christmann
Sheri Haugen-Hoffart

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Fax: 701-328-2410
TDD: 800-366-6888 or 711

August 5, 2022

Mr. Jeff Fleischman, Chief
Denver Field Division
Office of Surface Mining
P.O. Box 11018
Casper WY 82602-5004

RE: Eligibility Determination for the 2022 Wilton Emergency Sinkhole Project in Burleigh County, North Dakota.

Dear Mr. Fleischman:

This letter is submitted under 30 CFR 874.12 as the required eligibility determination for land included in the 2022 Wilton Emergency Sinkhole Project at sites in Burleigh County as noted below:

Washburn Lignite Coal Co. #2	Portions of Sections 5, and 6 of Township 142 North, Range 79 West
Ecklund/Backman	Section 8, Township 142 North, Range 79 West
Unknown Mine	Section 36 of Township 143 North, Range 80 West

Eligibility Determination - 30 CFR 874.12

The requirements of this section of the Abandoned Mine Reclamation Program set forth the following criteria for eligibility for reclamation activities (paraphrased):

- a. Was the real property subjected to coal mining and related processes?
- b. Did the coal mining processes on the real property occur before August 3, 1977, and was said real property left or abandoned in an unreclaimed or inadequately reclaimed condition? and,
- c. Is there continuing responsibility for reclamation by the operator, permittee or agent of the permittee under the statutes of the State of North Dakota or the government of the United States?

Mr. Jeffrey Fleischman
August 3, 2022
Page 2 of 2

Based upon available historical information, I find that the described real properties were mined for coal; that the coal mining activity occurred before August 3, 1977; and, that the property has been left in an abandoned and unreclaimed state. I further find that there is no continuing responsibility for reclamation by the operator, permittee or agent of the permittee under statutes of the State of North Dakota or the government of the United States.

Based on these findings, it is my opinion that the described real properties meet the eligibility requirements of 30 CFR 874.12 for abandoned mine reclamation.

Sincerely,



John M. Schuh
General Counsel



August 4, 2022

Joan Breiner
Abandoned Mine Lands Division
600 E Boulevard, Dept 408
Bismarck, ND 58505-0480

ND SHPO Ref.: 22-0300 Wilton Sinkhole Emergency in portions of [T142N R79W Sections 5, 6, & 8 and T143N R80W Section 36] in Burleigh and McLean Counties, North Dakota

Dear Joan,

We reviewed ND SHPO Ref.: 22-0300 Wilton Sinkhole Emergency in portions of [T142N R79W Sections 5, 6, & 8 and T143N R80W Section 36] in Burleigh and McLean Counties, North Dakota. We would concur with a determination of "No Historic Properties Affected" for this project provided it takes place in the location and in the manner described in the documentation.

Thank you for the opportunity to review this project. Please include the ND SHPO Reference number listed above in further correspondence for this specific project. If you have any questions, please contact Lorna Meidinger, Historic Preservation Specialist at (701) 328-2089 or lbmeidinger@nd.gov

Sincerely,

for William D. Peterson PhD
State Historic Preservation Officer
(North Dakota)

22-0300



Public Service Commission State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
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Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

sent via email and regular mail

August 4, 2022

Kathy Duttenhefner
Natural Resources Management Coordinator
ND Parks & Recreation Department
1600 East Century Ave. Suite 3
Bismarck, ND 58503
kgdutzenhefner@nd.gov

Dear Ms. Duttenhefner:

The Public Service Commission has been notified of a sinkhole that has been identified as an emergency near Highway 36 in Section 6, T142N R79W in Burleigh County. The bell-shaped sinkhole has a surface opening of about four feet by five feet that increases to about ten feet in diameter deeper in the hole. The hole is approximately 15-20 feet deep. An exposed BEK Communications fiber-optic line and another utility line are visible in the hole. Both appear to be intact and undamaged. This hole is approximately 130 feet north of the center line of North Dakota Highway 36. Seven additional holes have been identified in the area and will be filled concurrently. The contractor for our sinkhole filling project will conduct the project.

As part of the project approval process, our office requests concurrence that the proposed reclamation work will not adversely affect any threatened, endangered or rare plant species. Please reply as soon as possible.

We expect this project to be completed expeditiously in August 2022 at a cost of approximately \$5,000. The attached map provides additional information and shows the eight sinkholes to be addressed.

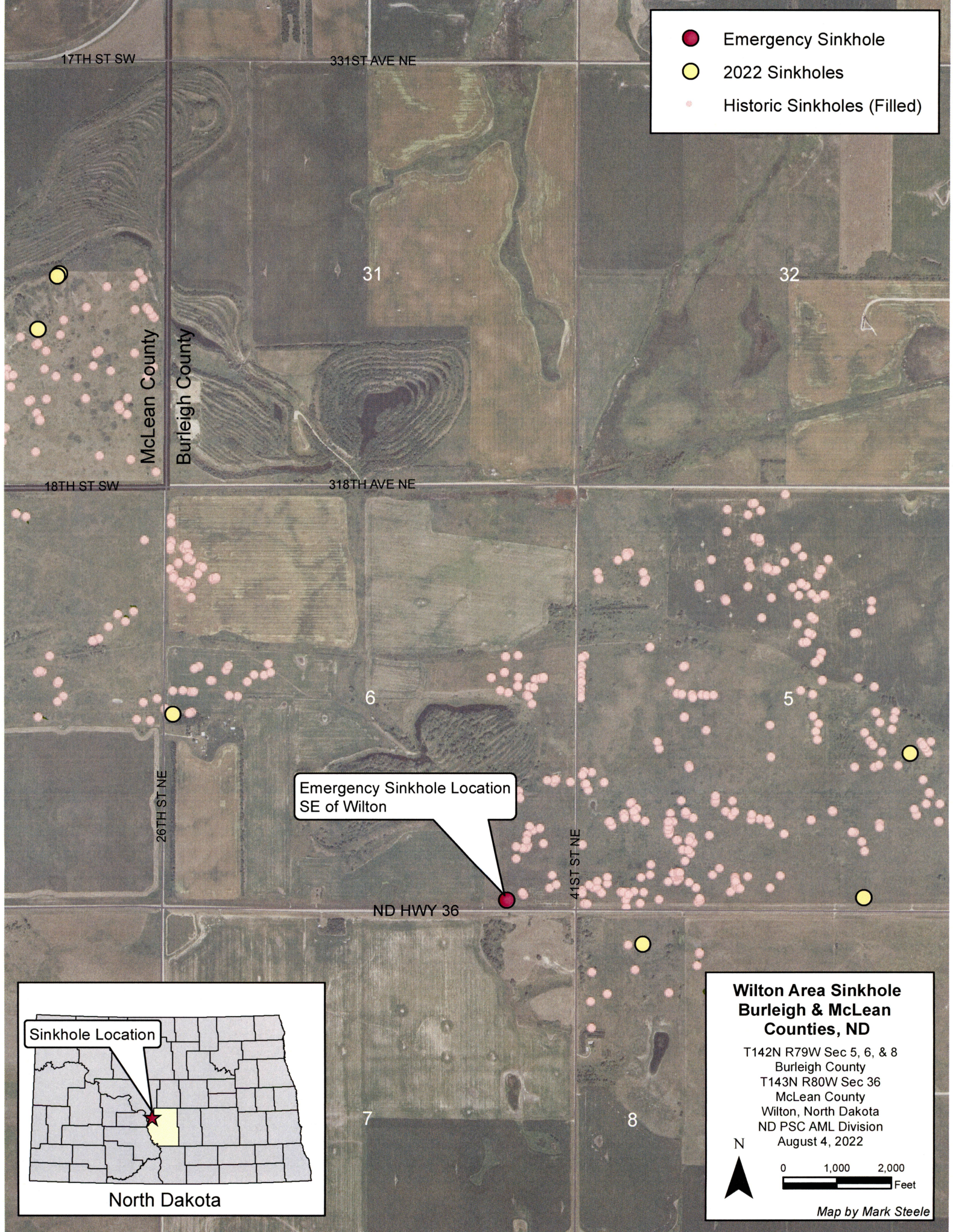
Thank you for your assistance in this matter. If you have any questions or need more information, please contact me at jobreiner@nd.gov or 701.328.2412.

Sincerely,

A handwritten signature in blue ink that reads "Joan Breiner".

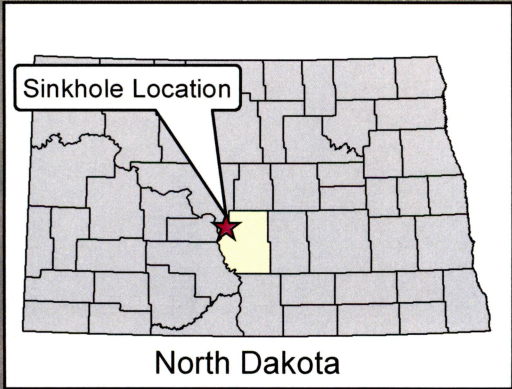
Joan Breiner, Ph.D.
Assistant Director
Abandoned Mine Lands Division

Enclosures



- Emergency Sinkhole
- 2022 Sinkholes
- Historic Sinkholes (Filled)

Emergency Sinkhole Location
SE of Wilton



**Wilton Area Sinkhole
Burleigh & McLean
Counties, ND**

T142N R79W Sec 5, 6, & 8
Burleigh County
T143N R80W Sec 36
McLean County
Wilton, North Dakota
ND PSC AML Division
August 4, 2022

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Map by Mark Steele



Public Service Commission

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sent via email and regular mail

August 4, 2022

William Peterson, Ph.D.
State Historic Preservation Officer
State Historical Society of North Dakota
612 East Boulevard Avenue
Bismarck, ND 58505-0830
billpeterson@nd.gov

Dear Dr. Peterson:

The Public Service Commission has been notified of a sinkhole that has been identified as an emergency near Highway 36 in Section 6, T142N R79W in Burleigh County. The bell-shaped sinkhole has a surface opening of about four feet by five feet that increases to about ten feet in diameter deeper in the hole. The hole is approximately 15-20 feet deep. An exposed BEK Communications fiber-optic line and another utility line are visible in the hole. Both appear to be intact and undamaged. This hole is approximately 130 feet north of the center line of North Dakota Highway 36. Seven additional holes have been identified in the area and will be filled concurrently. The contractor for our sinkhole filling project will conduct the project.

As part of the project approval process, our office requests concurrence that our proposed reclamation work will not adversely affect any historical or archaeological resources. Please reply as soon as possible.

We expect this project to be completed expeditiously in August 2022 at a cost of approximately \$5,000. The attached map provides additional information and shows the eight sinkholes to be addressed.

Thank you for your assistance in this matter. If you have any questions or need more information, please contact me at jobreiner@nd.gov or 701.328.2412.

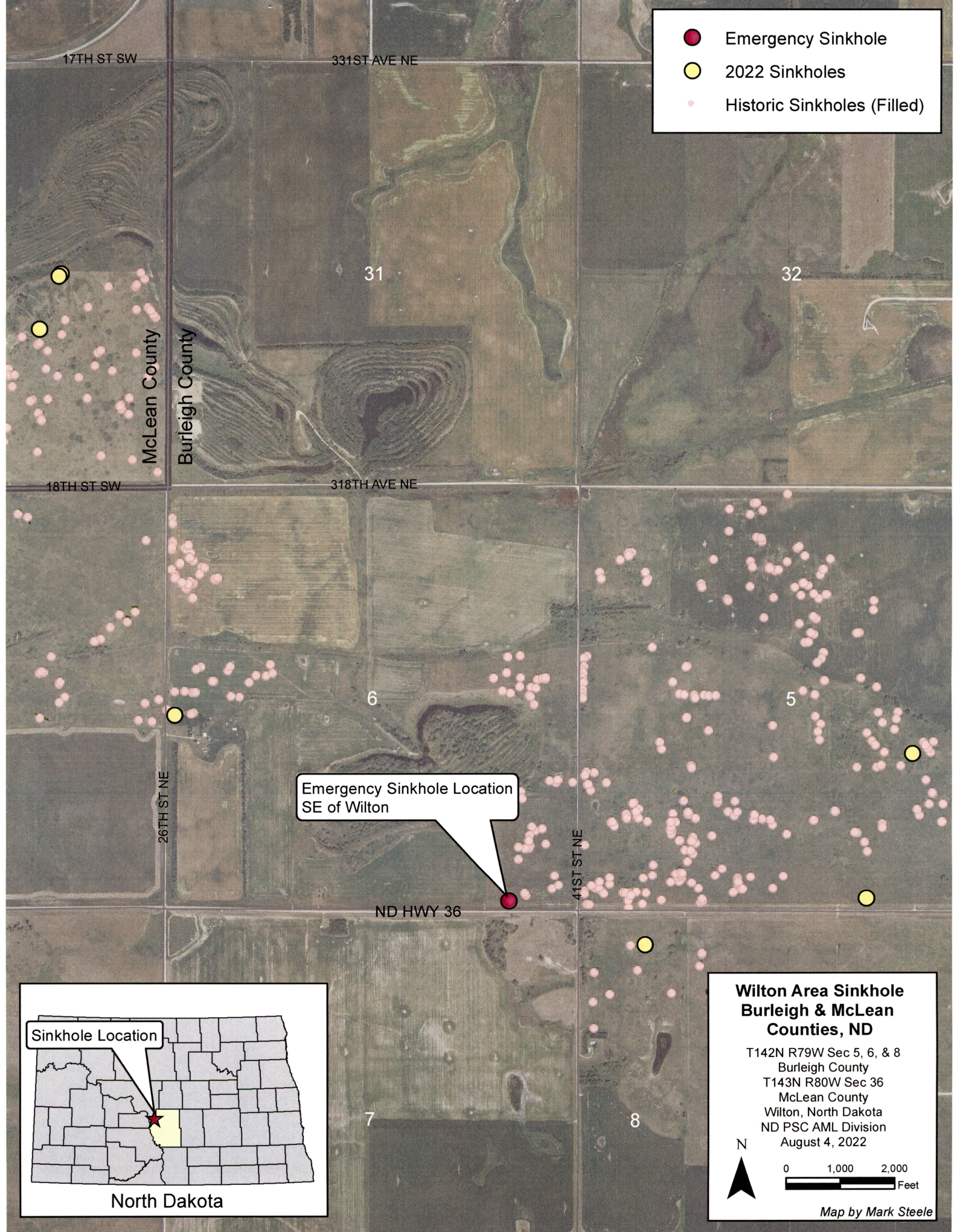
Sincerely,

Joan Breiner, Ph.D.
Assistant Director
Abandoned Mine Lands Division

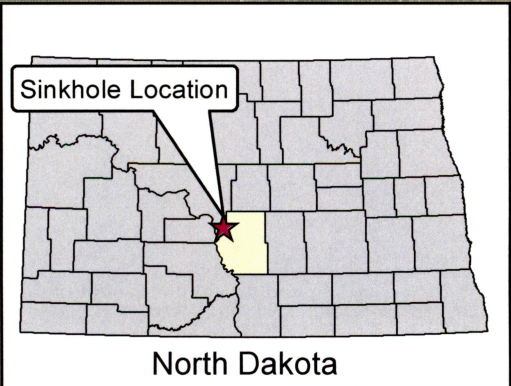
Enclosures

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- Emergency Sinkhole
- 2022 Sinkholes
- Historic Sinkholes (Filled)



Emergency Sinkhole Location
SE of Wilton



**Wilton Area Sinkhole
Burleigh & McLean
Counties, ND**

T142N R79W Sec 5, 6, & 8
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Map by Mark Steele



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TDD: 800-366-6888 or 711

sent via email and regular mail

August 4, 2022

Jerry D. Reinisch
U.S. Fish and Wildlife Service
3425 Miriam Avenue
Bismarck, ND 58501-7926
jerry_reinisch@fws.gov

Dear Mr. Reinisch:

The Public Service Commission has been notified of a sinkhole that has been identified as an emergency near Highway 36 in Section 6, T142N R79W in Burleigh County. The bell-shaped sinkhole has a surface opening of about four feet by five feet that increases to about ten feet in diameter deeper in the hole. The hole is approximately 15-20 feet deep. An exposed BEK Communications fiber-optic line and another utility line are visible in the hole. Both appear to be intact and undamaged. This hole is approximately 130 feet north of the center line of North Dakota Highway 36. Seven additional holes have been identified in the area and will be filled concurrently. The contractor for our sinkhole filling project will conduct the project.

As part of the project approval process, our office requests concurrence that our proposed reclamation work will not adversely affect any threatened, endangered or rare animal or plant species. Please reply as soon as possible.

We expect this project to be completed expeditiously in August 2022 at a cost of approximately \$5,000. The attached map provides additional information and shows the eight sinkholes to be addressed.

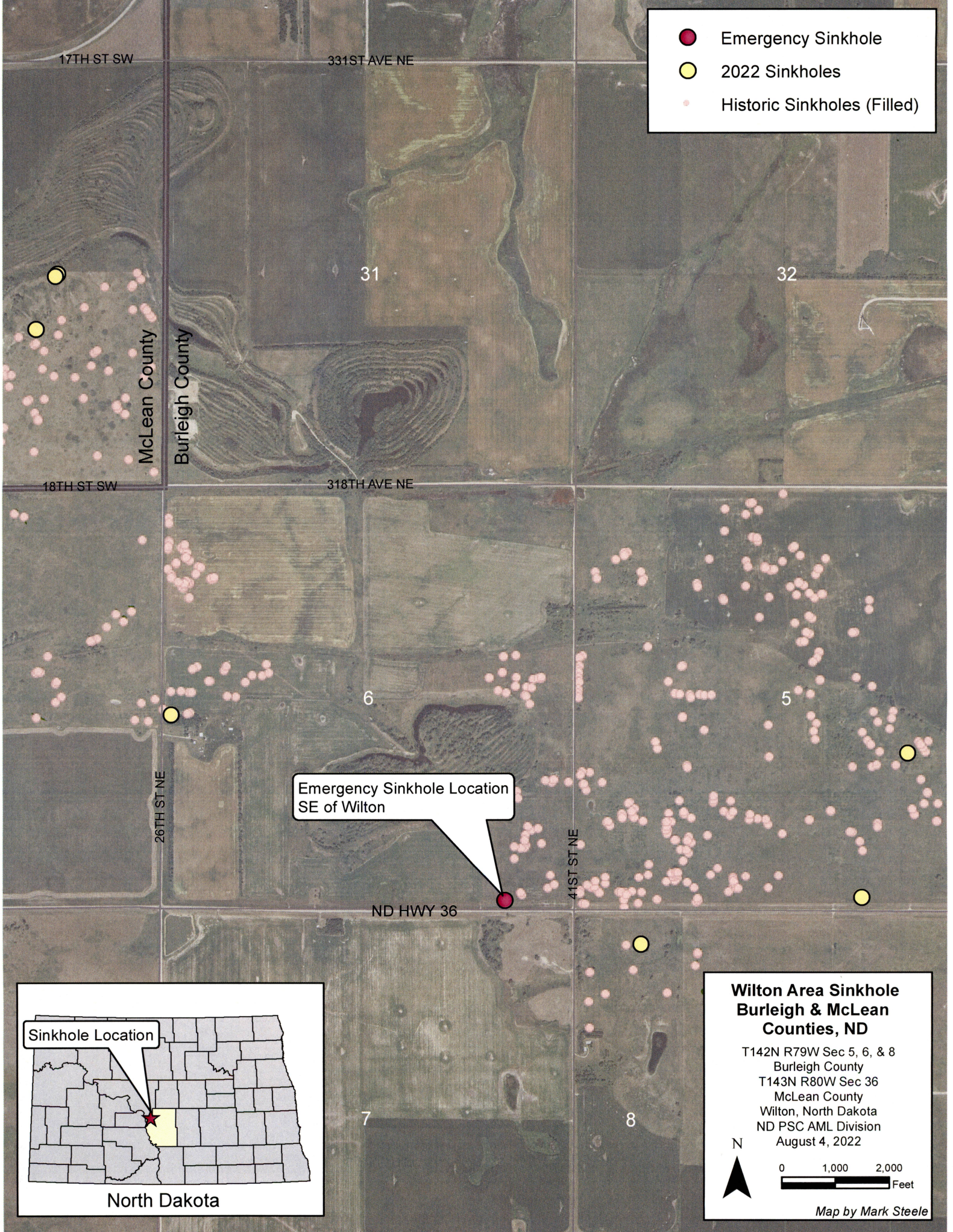
Thank you for your assistance in this matter. If you have any questions or need more information, please contact me at jobreiner@nd.gov or 701.328.2412.

Sincerely,

A handwritten signature in blue ink that reads "Joan Breiner".

Joan Breiner, Ph.D.
Assistant Director
Abandoned Mine Lands Division

Enclosures



- Emergency Sinkhole
- 2022 Sinkholes
- Historic Sinkholes (Filled)

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SE of Wilton



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sent via email and regular mail

August 4, 2022

Mr. Karl Rockeman, P.E.,
Director, Division of Water Quality
North Dakota Department of Environmental Quality
918 East Divide Avenue
Bismarck, ND 58501-1947
krockema@nd.gov

Dear Mr. Rockeman:

The Public Service Commission has been notified of a sinkhole that has been identified as an emergency near Highway 36 in Section 6, T142N R79W in Burleigh County. The bell-shaped sinkhole has a surface opening of about four feet by five feet that increases to about ten feet in diameter deeper in the hole. The hole is approximately 15-20 feet deep. An exposed BEK Communications fiber-optic line and another utility line are visible in the hole. Both appear to be intact and undamaged. This hole is approximately 130 feet north of the center line of North Dakota Highway 36. Seven additional holes have been identified in the area and will be filled concurrently. The contractor for our sinkhole filling project will conduct the project.

As part of the project approval process, our office requests concurrence that our proposed reclamation work will not adversely affect any surface or groundwater resources. Please reply as soon as possible.

We expect this project to be completed expeditiously in August 2022 at a cost of approximately \$5,000. The attached map provides additional information and shows the eight sinkholes to be addressed.

Thank you for your assistance in this matter. If you have any questions or need more information, please contact me at jobreiner@nd.gov or 701.328.2412.

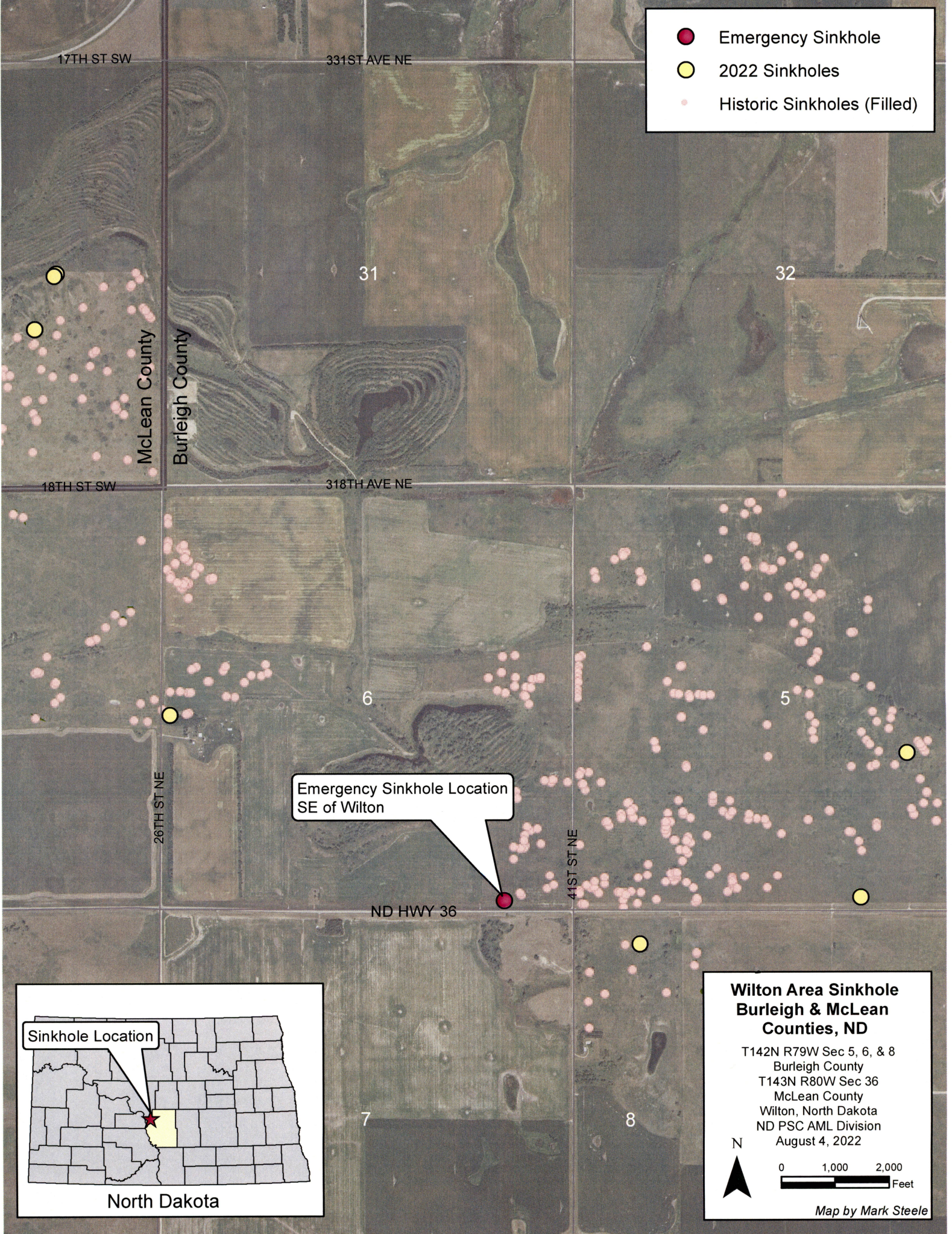
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Joan Breiner, Ph.D.
Assistant Director
Abandoned Mine Lands Division

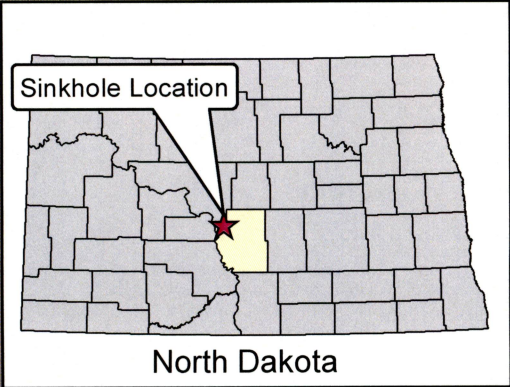
Enclosures

AML\2022\2022_Wilton_Emergency\2022_Advsry_Wilton_Emgey_auth_to_proceed_ltr_8-4-22

- Emergency Sinkhole
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SE of Wilton



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ND PSC AML Division
August 4, 2022

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Map by Mark Steele



United States Department of the Interior

FISH AND WILDLIFE SERVICE
North Dakota Ecological Services Field Office
3425 Miriam Avenue
Bismarck, North Dakota 58501
(701) 250-4481, ndfieldoffice@fws.gov

IN REPLY REFER TO: PSC-Emergency
Sink Holes, Wilton

August 10, 2022

Ms. Joan Breiner, Ph.D.
Assistant Director, Abandoned Mines Lands Division
State of North Dakota Public Service Commission
600 East Boulevard, Department 408
Bismarck, ND 58505-0480

Dear Ms. Breiner:

This is in response to the State of North Dakota Public Service Commission's (NDPSC) request from the Abandoned Mines Division for an Emergency Sinkhole Reclamation in Burleigh County near Wilton, North Dakota (Project). The proposed Project involves filling and reclamation of the above-named location and seven additional adjacent sinkholes concurrently. Your request for concurrence was received via email on August 4, 2022.

In accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (Act), you requested U.S. Fish and Wildlife Service (FWS) evaluation of your "no effect" determinations for the endangered whooping crane (*Grus americana*) and the threatened Dakota skipper (*Hesperia dacotae*) and northern long-eared bat (*Myotis septentrionalis*). There is no requirement under the implementing regulations of the Act (50 CFR Part 402) for action agencies to receive FWS concurrence with "no effect" determinations, therefore the responsibility for "no effect" determinations remains with the NDPSC Abandoned Mine Lands Division. Accordingly, we recommend the NDPSC retain the documentation for these listed resources in your decisional record for this federal action.

Pursuant to the implementing regulations of the Act (50 CFR 402.13), this letter concludes informal consultation. This consultation should be re-initiated if: (1) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not considered in this consultation; (2) the action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this

consultation; or (3) a new species is listed or critical habitat is designated that may be affected by this action.

We appreciate your efforts to ensure the conservation of listed and proposed species as part of our joint responsibilities under the Act. For further information, please have your staff contact Jerry Reinisch of my staff at (701) 226-7763 or me directly at (701) 355-8512 or at the letterhead address.

Sincerely,

Drew N. Becker
ND Ecological Services Supervisor

cc: Mr. Greg Link, North Dakota Game and Fish Department, Bismarck, ND

NORTH
Dakota | Environmental Quality
Be Legendary.™

August 12, 2022

Joan Breiner, Ph.D.
Assistant Director
Abandoned Mines Division
Public Service Commission
600 East Boulevard
Department 408
Bismarck, ND 58505—0480

Ms. Breiner,

The North Dakota Department of Environmental Quality (NDDEQ) has reviewed your August 4, 2022, letter discussing the Wilton Area Sinkhole Filling Project. It is our understanding that the sinkhole will be filled with materials obtained from a spoils pile located near the sinkhole site.

The location of the project area was mapped in relation to wellhead protection areas, glacial drift aquifers, and existing wells (map attached). Although the project site is not located over a defined glacial drift aquifer or within a sensitive groundwater area, there are several wells located in the vicinity of the project site.

We do not object to the proposed sinkhole filling project as long as the fill material does not contain contaminants that could negatively impact groundwater quality. In addition, care should be taken to avoid spills of any materials that may have an adverse effect on groundwater quality. All spills must be immediately reported to this Department and appropriate remedial actions performed.

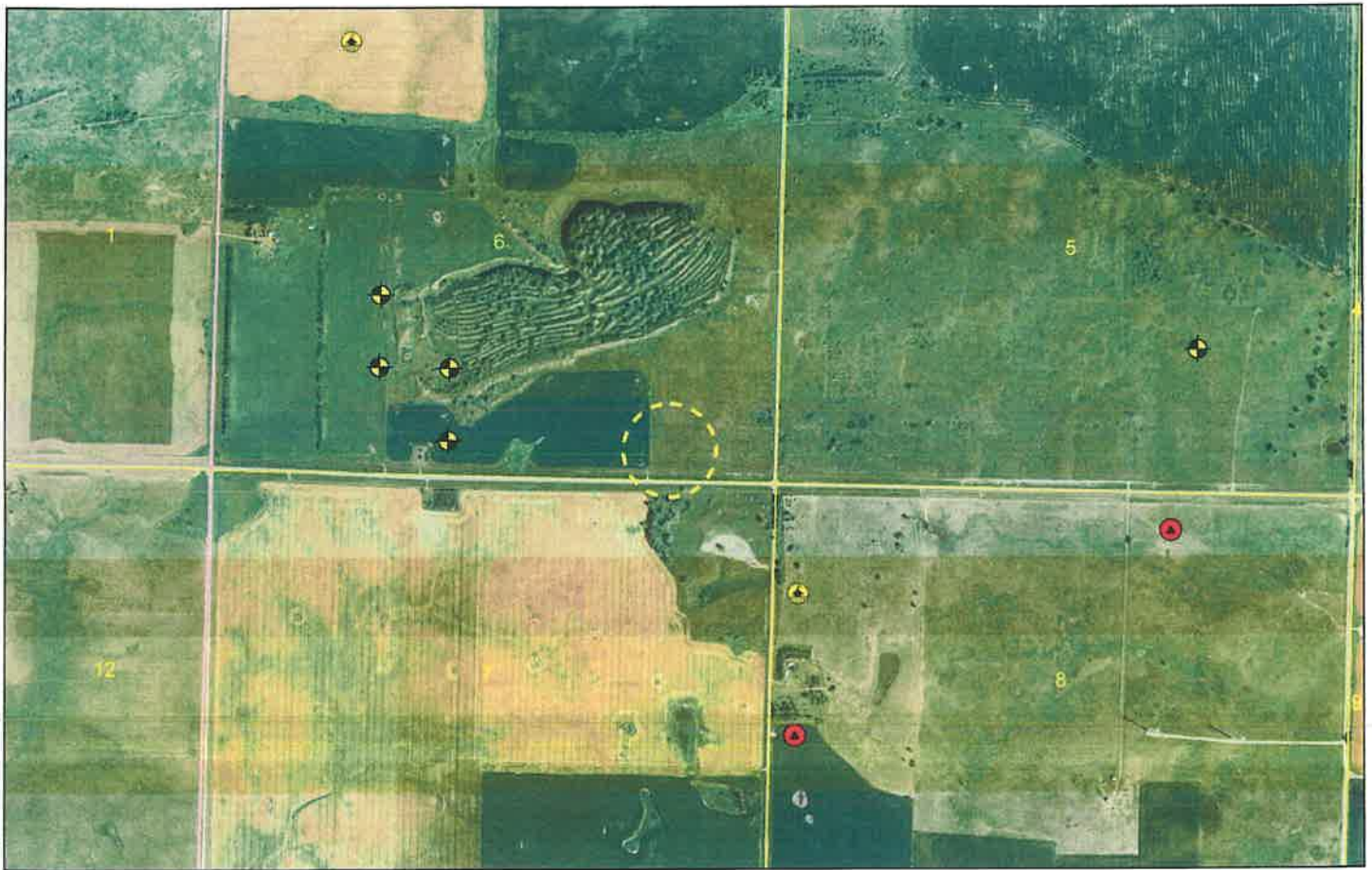
Please feel free to give me a call at 328-5213 if you have any questions.

Sincerely,



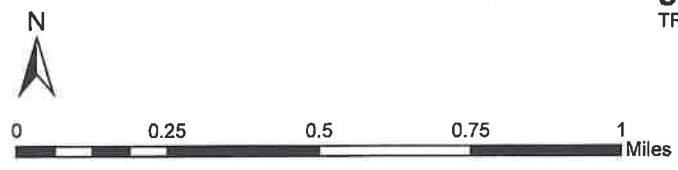
Carl Anderson
Groundwater Protection Program Manager
NDDEQ – Division of Water Quality

Attachments: Site Map



	Area of Interest		Domestic Well
	Aquifer		Observation Well
	Sensitive GW Area		Stock Well
	Twnshp & Rng		
	Section		

Wilton Emergency Sinkhole
 TRS: T142N R79W Sec. 6
 Burleigh County



8/4/2022
 C. Gleich

August 26, 2022

Joan Breiner
Public Service Commission
600 E. Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480

Re: Highway 36 Sinkhole

Dear Ms. Breiner,

The North Dakota Parks and Recreation Department (NDPRD) has reviewed the above-referenced sinkhole near Highway 36 in Burleigh County, North Dakota.

NDPRD's scope of authority and expertise covers properties that NDPRD owns, leases, or manages; properties protected under Section 6(f) of the Land and Water Conservation Fund (LWCF); rare plants; and ecological communities established through the Natural Heritage Program.

The project does not appear to affect properties NDPRD owns, leases, or manages.

The project does not appear to affect any properties protected under Section 6(f) of the LWCF.

A North Dakota Natural Heritage biological conservation database query determines if any current or historical plant or animal species of concern or other significant ecological communities are known to occur within an approximate one-mile radius of the project area. Based on this review, we have one known significant ecological communities documented adjacent to the project site. See the attached map for a reference regarding these occurrences.

We appreciate your commitment to rare plant, animal, and ecological community conservation, management, and inter-agency cooperation. For additional information, please me at 701-328-5370, 701-220-3377 (cell), or kgduttonhefner@nd.gov.

Thank you for the opportunity to comment on the proposed project.

Sincerely,

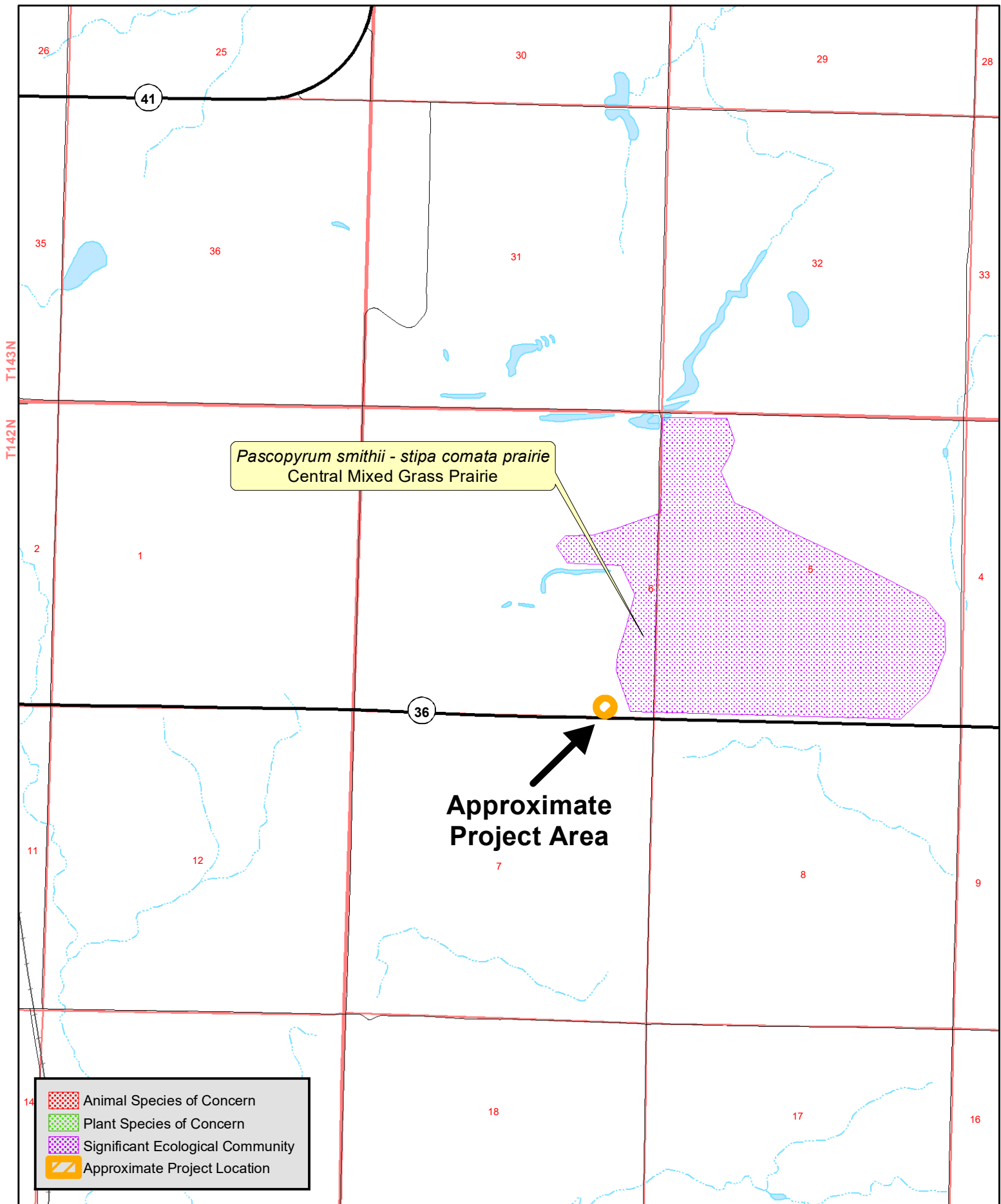






Kathy Duttonhefner, Chief Natural Resources Division

North Dakota Natural Heritage Inventory
Rare Animal and Plant Species and Significant Ecological Communities

State Scientific Name	State Common Name	State Rank	Global Rank	Federal Status	Township Range Section	County	Last Observation	Estimated Representation Accuracy	Precision
Pascopyrum smithii - stipa comata prairie	Central Mixed Grass Prairie	S2	GNR		142N079W - 05; 142N079W - 06	Burleigh	2010-08-10	Low	

North Dakota Parks and Recreation Department North Dakota Natural Heritage Inventory



-  Animal Species of Concern
-  Plant Species of Concern
-  Significant Ecological Community
-  Approximate Project Location