

# United States Department of the Interior



OFFICE OF SURFACE MINING  
RECLAMATION AND ENFORCEMENT  
Casper Area Office  
PO Box 11018  
150 East B Street, Room 1018  
Casper, WY 82602



## Authorization to Proceed

September 20, 2022

Ms. Zanna Brinkman, Director  
Reclamation & AML Divisions  
North Dakota Public Service Commission  
600 E. Boulevard Ave., Dept. 408  
Bismarck, ND 58505-0480

Dear Ms. Brinkman:

The Office of Surface Mining Reclamation and Enforcement (OSMRE) has determined that the 2022 Wilton Emergency Sinkhole AML Project has met the following criteria:

1. The project has been entered into the Enhanced Abandoned Mine Land Inventory System (e-AMLIS) as PAD ND0000001 in compliance with Directive AML-1.
2. Environmental documents, including compliance information for the National Environmental Policy Act (NEPA) and other environmental requirements are documented with a Categorical Exclusion on December 20, 2022.
3. The ATP request included an AML eligibility statement and basis for claiming AML eligibility.

Accordingly, pursuant to 30 CFR 886.16, you are authorized to proceed with this project and expend Federal funds from Grant No. S22AF00047 in accordance with AML grant terms and conditions. If this project provides funding to a subrecipient through a subaward, the subrecipient must be approved by OSMRE separately from this ATP. OSMRE subrecipient approval can be requested either through the initial award application or through a separate request.

Sincerely

Jeffrey Fleischman, Chief  
Denver Field Division

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

- |   |  |
|---|--|
| <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: 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: John C. Sieving Date: 9/19/2022

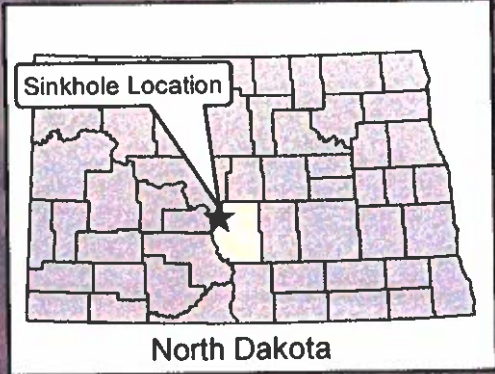
Name and Title: JOHN C SIEVING, Physical Scientist

Signature: J. Fleischman Date: 9-20-22

Name and Title: J. FLEISCHMAN FOD

- 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

0 1,000 2,000  
Feet

Map by Mark Steele

