

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

October 31, 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 New Leipzig Coal Fire 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 ND000030 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 Finding of No Significant Impact (FONSI) on October 31, 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 North Dakota's FY2022 AML Grant (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

FINDING OF NO SIGNIFICANT IMPACT

2022 New Leipzig Coal Fire AML Project
Abandoned Mine Reclamation Project
PAD #: ND000030
County: Grant County
State: North Dakota

This project involves remediation of a coal refuse fire located at the New Leipzig municipal landfill, at W1/2 NW1/4 SW1/4 of Section 26, T134N R090W, in Grant County. The landfill is the former site of the underground coal mining operations from at least 1929 until 1951, and surface coal mining operations from 1952 until 1957. Historically, mine names include the Roberts Coal Mine, the Banning & Webb Mine, and the Ketterling Mine. The fire is smoldering at the surface and subsidence features are present, indicating burning at depth. Dry grassland and inert waste are under threat of ignition, and three residences are within $\frac{3}{4}$ of a mile of the site. The project will include the removal and stockpiling of topsoil, excavation of a receiving trench and the transfer of burning material. The burning refuse will be mixed with soil and packed until extinguished. The area will be re-graded and topsoiled. The environmental assessment (EA) for this project was completed in October of 2022.

OSMRE has thoroughly reviewed the environmental assessment and associated documents for the above referenced project prepared by the North Dakota Public Service Commission, Abandoned Mine Lands Division, and determined that they adequately discuss the environmental issues and impacts for OSMRE abandoned mine lands reclamation construction activities authorization purposes.

Based on the analysis of this documentation, I find that reclamation of the abandoned mine sites as currently described by this project, would 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:

Cultural or historic resource clearances have been properly attained. A response letter from the North Dakota State Historical Society (NDSHPO) was dated October 20, 2022. In the letter, NDSHPO concurred with a "No Adverse Effect" determination for the proposed project. No significant impacts to surface or groundwater resources are anticipated. A response from the North Dakota Department of Environmental Quality (NDDEQ), Division of Water Quality (formerly the North Dakota Department of Health) was dated October 19, 2022. NDDEQ included maps of nearby water resources and stated that it is unlikely that reclamation work on the landfill will impact any surface or groundwater resources. Reclamation activities will not affect any wetland areas and will have no adverse effect on any identified floodplains.

The North Dakota Public Service Commission (NDPSC) utilized the U.S. Fish and Wildlife Service's (FWS) IPaC database to make a "no effect" determination regarding listed species. A response letter dated October 20, 2022, from FWS acknowledged concurrence with this determination. Reclamation activities will be designed in a way that will not diminish fish or

wildlife habitat. No impact is anticipated for any prime or unique farmland. There are no wilderness areas, lands being studied for wilderness designation, parks, areas of critical ecological or aesthetic concern, wild and scenic rivers, or other recreational resources of critical environmental concern that will be impacted. Reclamation will be conducted in a manner that minimizes any disruption of socioeconomic factors. The proposed project area is not in or near a Class I air quality region.

County, and local townships have zoning jurisdiction over the project area. The property is privately owned and used for the New Leipzig city landfill. The project is being conducted at the request of the City of Leipzig. The project is located in a landfill pit and vegetation is sparse. Topsoil will be saved to the extent possible and respread after the fire is extinguished. Reclaimed areas will be seeded with locally adapted grass species native to North Dakota. No threatened or endangered plant species have been identified within the project area. A response letter from the North Dakota Parks and Recreation Department (NDPRD), dated October 20, 2022, indicated no plant or animal species of concern or significant ecological communities within or adjacent to the project area.


Any off-site borrow or disposal issues will be addressed through the NDDEQ. Noise pollution issues may be present near occupied buildings and roadways. If problems are encountered, the NDDEQ will be consulted for remedial action. No significant direct or indirect impact on minority or low-income populations is expected.

OSMRE Environmental Reviewer


John Sieving, Physical Scientist
Casper Area Office

10-31-2022
Date

OSMRE Authorized Official


Jeff Fleischman, Chief
Denver Field Division

11-1-22
Date