

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



November 1, 2022

Authorization to Proceed

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 Sinkhole Filling AML Project has met the following criteria:

1. The project sites have been entered into the Enhanced Abandoned Mine Land Inventory System (e-AMLIS) as PADs ND000001, ND000003, ND000004, ND000006, ND000012, ND000014, ND000019, ND000024, ND000025, ND000029, ND000031, ND000033, ND000054, ND000111 and ND000528 in compliance with Directive AML-1.
2. Environmental documents, including compliance information for the National Environmental Policy Act (NEPA) and other environmental requirements and documented with a Finding of No Significant Impact (FONSI) on November 1, 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 Sinkhole Filling Project

Abandoned Mine Reclamation Project

2022 Site PADs: ND000001, ND000003, ND000004, ND000006, ND000012, ND000014, ND000019, ND000024, ND000025, ND000029, ND000031, ND000033, ND000054, ND000111 and ND000528

Counties: Bowman, Burke, Burleigh, Divide, McLean, Mercer, Morton, Stark, Ward, Williams
State: North Dakota

This project involves the reclamation of hazardous sinkholes caused by the collapse of underground mine workings. The North Dakota AML Program has conducted projects to abate hazardous mine related sinkholes since inception of the program, and anticipates the need to respond to these hazards long into the future. Reclamation of sinkholes typically involves excavation and filling with approved fill materials. Where possible, topsoil is saved and used for tilling and seeding. As needed, this project will encompass emergency and maintenance AML work.

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 it adequately discusses the environmental issues and impacts for OSMRE abandoned mine lands reclamation construction activities authorization purposes. The Environmental Assessment (EA) for this project was completed in September of 2022. Project documentation and requests for concurrence were distributed to appropriate agencies to determine compliance with Section 7 of the Endangered Species Act and Section 106 of the National Historic Preservation Act of 1986.

While it is impossible to determine exactly where sinkholes will occur in the future, it is likely that the majority will occur in historic mining areas where sinkhole filling projects have previously been conducted. The Environmental Assessment referenced for this project encompasses most of these historic mining areas. If the scope of work or project locations deviate from those described in the Environmental Assessment prepared for this project in September of 2022 then additional documentation will be required for OSMRE authorization to expend federal funds.

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 resources and threatened or endangered species clearances have been properly obtained. The State Historic Society of North Dakota responded to state inquiries on October 26, 2022, citing a determination of "No Historic Properties Affected".

A response letter from the North Dakota Department of Environmental Quality (NDDEQ, formerly the North Dakota Department of Public Health), dated September 20, 2022, included maps showing the proposed project areas in relation to aquifers, wellhead protection areas, and existing wells, and stated that reclamation activities should be conducted in a manner that minimizes potential impacts to these features. Reclamation activities will be designed in a way that they will not adversely affect any identified floodplains, nor will they diminish the size or function of any wetlands. 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" for each prospective project site regarding listed species, precluding the need for further FWS consultation. FWS followed up with a reply on September 16, 2022, stating that informal consultations have concluded. Reclamation activities will be designed in a way that they will not diminish the integrity or utility of any prime 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. The proposed project areas are not in or near any Class I air quality regions.

Potential socioeconomic factors such as noise, traffic control and dust suppression will be negligible as most sinkhole filling is expected to occur on undeveloped agricultural land. Any impacts to farming and ranching operations should be positive in nature. Avenues of communication between NDPSC and all governing and private entities potentially impacted by this project are open and ongoing.

Long term effects on existing vegetation should be minimal. Reclamation will be conducted in a way that should have no significant impact on threatened or endangered plant or animal species. A response letter from the North Dakota Parks and Recreation Department (NDPRD), dated September 14, 2022, indicated there are plant and animal species of concern and other significant ecological communities known to occur within or adjacent to the project areas. The response included maps for reference and stated that the project does not appear to affect properties that NDPRD owns, leases, or manages. The project does not appear to affect any properties protected under Section 6(f) of the Land and Water Conservation Fund.

While no off-site borrow or disposal issues are anticipated with this project, any unanticipated issues will be addressed through the NDDEQ. Noise pollution issues are also not anticipated; however, any unanticipated issues will be addressed through the NDDEQ. No significant direct or indirect impact on minority or low income populations is expected. Any short term impacts on 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 Sieving, Physical Scientist
OSMRE Environmental Reviewer

Nov. 1, 2022
Date


Jeffrey Fleischman, DFD Chief
OSMRE Authorizing Official

11-1-22
Date