

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

July 27, 2021

Mr. Dean Moos, Director
Reclamation & AML Divisions
North Dakota Public Service Commission
600 E. Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480

Dear Mr. Moos:

The Office of Surface Mining Reclamation and Enforcement (OSMRE) has determined that the 2021 DeuPue Coal Refuse 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 ND000004 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 July 27th, 2021.
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 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

2021 DePue Coal Refuse Fire AML Project
Abandoned Mine Reclamation Project
PAD #: ND000004
County: Ward County
State: North Dakota

This project involves remediation of a coal refuse fire located along the section line between the NW1/4 of Section 1, T151N, R81W and the SW1/4 of Section 36, T152N, R81W, in Ward County. The project will include the removal and stockpiling of topsoil, excavation of a receiving trench and the transfer of approximately 500 linear feet of burning coal refuse. 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 July of 2021.

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 July 2, 2021. In the letter, NDSHPO concurred with a "No Historic Properties Affected" determination for the proposed project. No significant impacts to surface or groundwater resources are anticipated. A response letter from the North Dakota Department of Environmental Quality (NDDEQ), Division of Water Quality (formerly the North Dakota Department of Health) was dated July 26, 2021. NDDEQ stated that care should be taken to avoid spills of any material that may have an adverse effect on groundwater quality. No significant effects to surface of groundwater quality or quantity are anticipated, resulting from this project. Reclamation activities should have no significant impact on wetlands and no activities are located within identified floodplains.

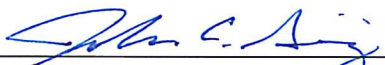
The North Dakota Public Service Commission (NDPSC) utilized the U.S. Fish and Wildlife Service's (FWS) IPaC database to produce a Section 7 compliant biological assessment, dated June 30, 2021, and made a "no effect" determination regarding listed species, precluding the need for further FWS consultation. FWS followed up with a stamped reply on July 21, 2021, concurring that the proposed project will not adversely affect the listed species. Reclamation activities will be designed in a way that will not diminish fish or wildlife habitat. No prime farmland has been identified within or nearby the planned project area. 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 area is not in or near a Class I air quality region.

State, county, and local townships have zoning jurisdiction over the project area. Avenues of communication between NDPSC and all governing and private entities potentially impacted by this project are open and ongoing. A portion of the project area is privately owned. Vegetation is predominantly cropland and tame grasses, but varies with land use and includes legume pastures, native grasslands, road ditches, driveways, parking lots and yards. 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 July 12, 2021, 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 North Dakota Department of Environmental Quality. Noise pollution issues are also not anticipated; however, any unanticipated issues will also be addressed by the NDDEQ. No significant direct or indirect impact on minority or low income populations is expected.


OSMRE Environmental Reviewer



John Sieving, Physical Scientist
Casper Area Office

7-27-2021
Date

OSMRE Authorized Official



Jeff Fleischman, Chief
Denver Field Division

7-27-21
Date