

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

December 9, 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 Exploratory Drilling AML Project has met the following criteria:

1. The project has been entered into the Enhanced Abandoned Mine Land Inventory System (e-AMLIS) as PADs ND0000004, ND000014, ND000019, ND000024 and ND000029 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 Categorical Exclusions on December 9, 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 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

acting for
Moria Russell
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 # ND004, ND014, ND019, ND024, ND029

Project Name: 2022 Exploratory Drilling AML Project

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

The 2022 Exploratory Drilling AML Project will locate and characterize hazardous underground mine workings beneath public roads and occupied residences. This investigatory project is expected to be conducted near the cities of Beulah, Dickinson, Garrison, Noonan and Velva, North Dakota. Drilling will generally be done in road rights-of-way and residential areas. Surface disturbance will be very minimal. This project is to be conducted between April and July 2022. The estimated cost for this project is \$925,000.

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: 12/3/2021
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.

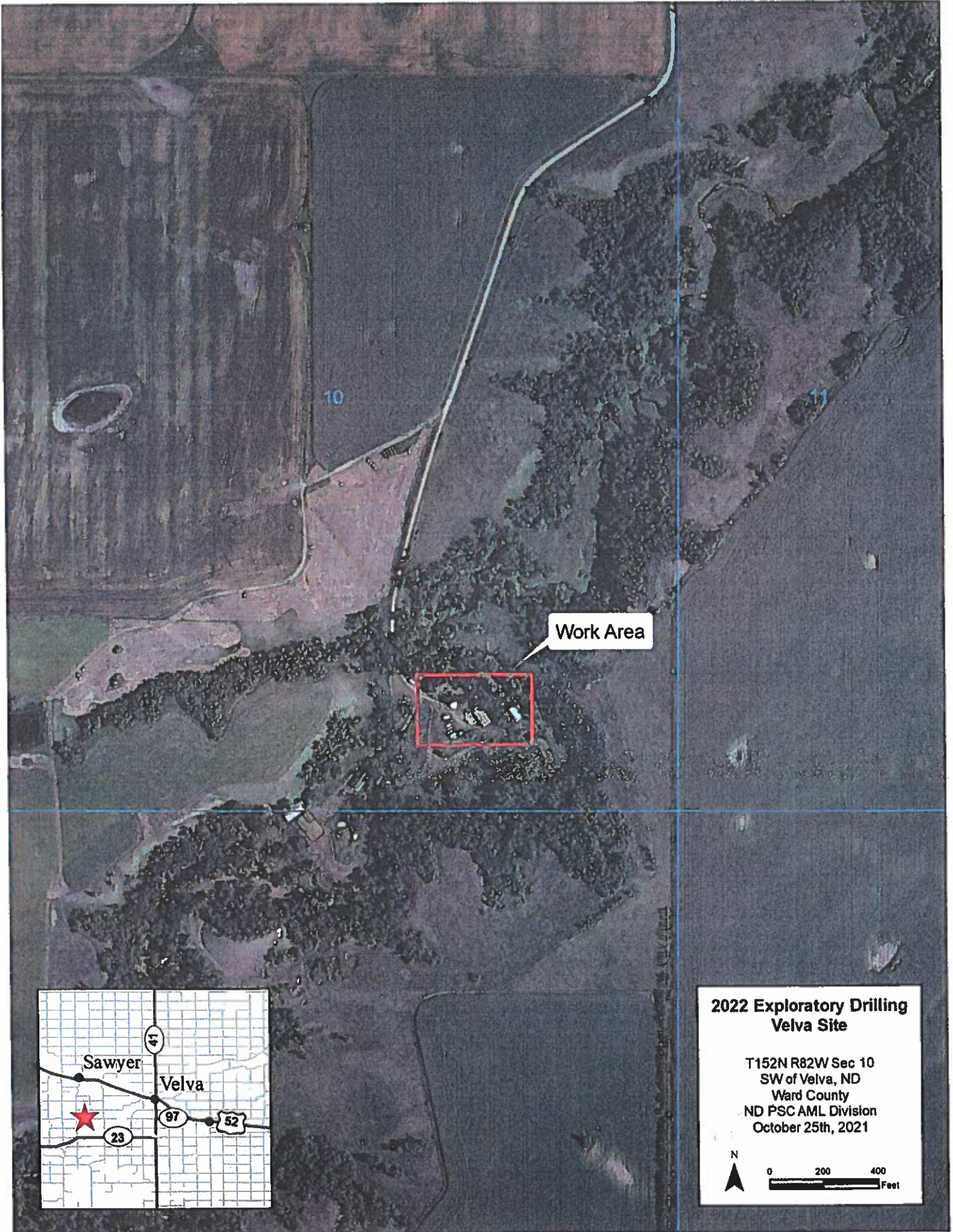
This project does not conform with the exclusion criteria in 516 DM Chapter 13, and requires an Environmental Assessment. As such, OSMRE will complete an *Evaluation of a Proposed Action* template (see Appendix 4.1 of OSMRE's NEPA Handbook (2019)).

OSMRE Reviewer Signature: John Siering Date: 12-9-2021

Name and Title: John Siering, Physical Scientist

Signature: Maira Russell Date: 12/9/2021

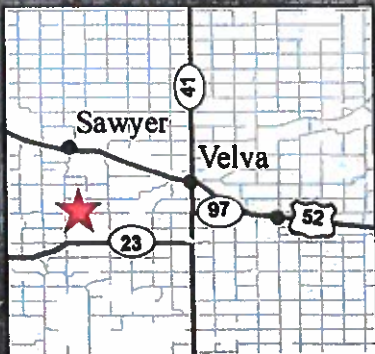
Name and Title: Maira Russell, AML & Regulatory Prog. Spec. / Acting CAD Manager



Work Area

10

11



**2022 Exploratory Drilling
Velva Site**

T152N R82W Sec 10
SW of Velva, ND
Ward County
ND PSC AML Division
October 25th, 2021



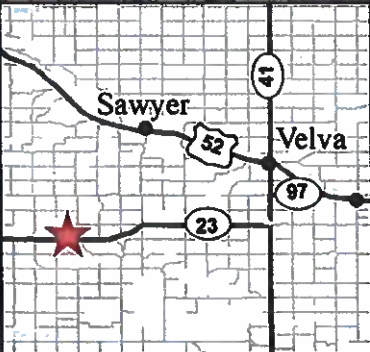
0 200 400
Feet



Work Area

Work Area

Clean Harbors Environmental Landfi



2022 Exploratory Drilling

Sawyer Site

T152N R82W

Sec 13, 14, 15, 22, 23, 24

SW of Sawyer, ND

Ward County

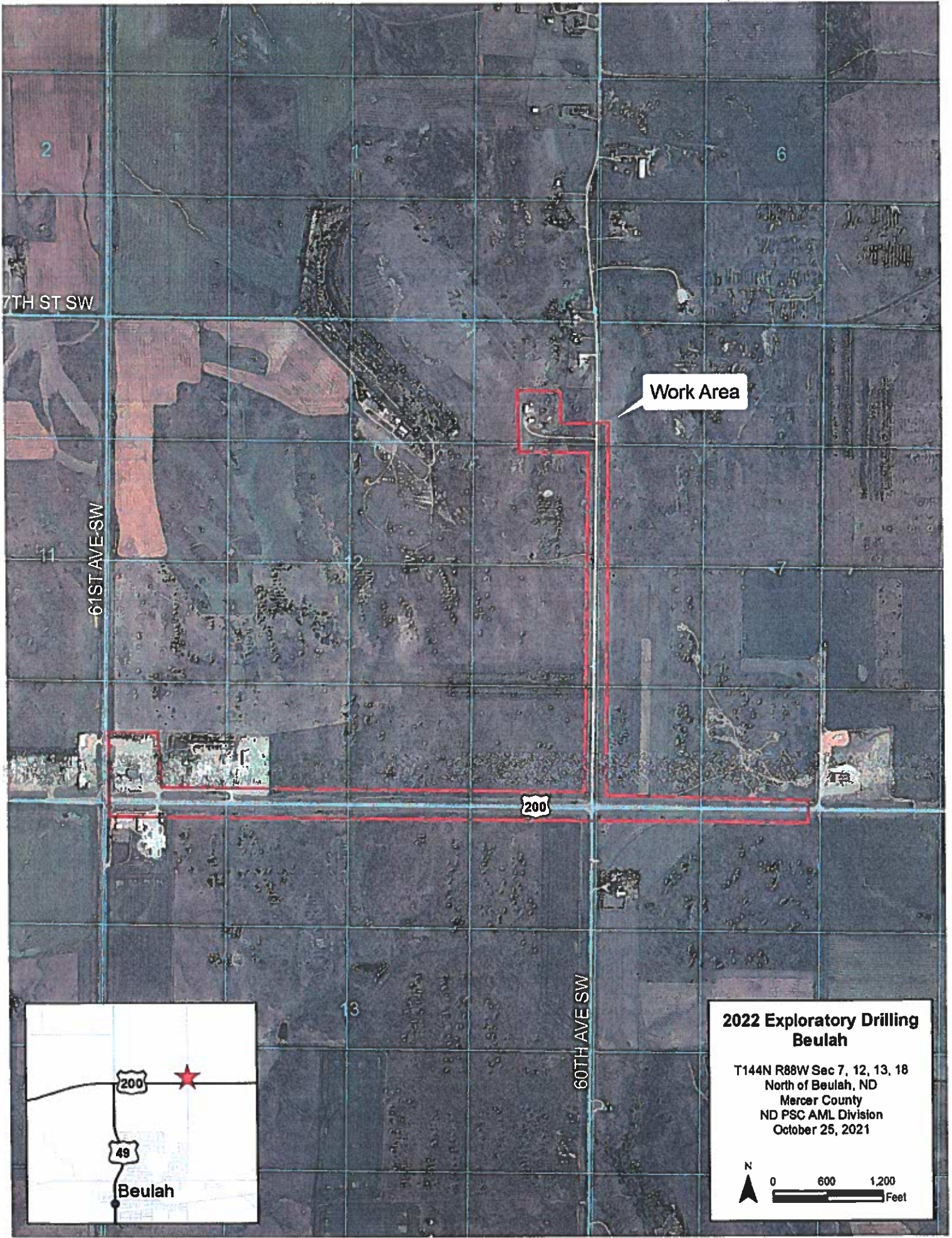
ND PSC AML Division

November 9th, 2021

N



0 810 1,620 Feet



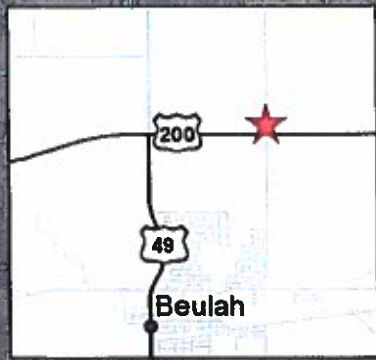
Work Area

200

60TH AVE SW

61ST AVE SW

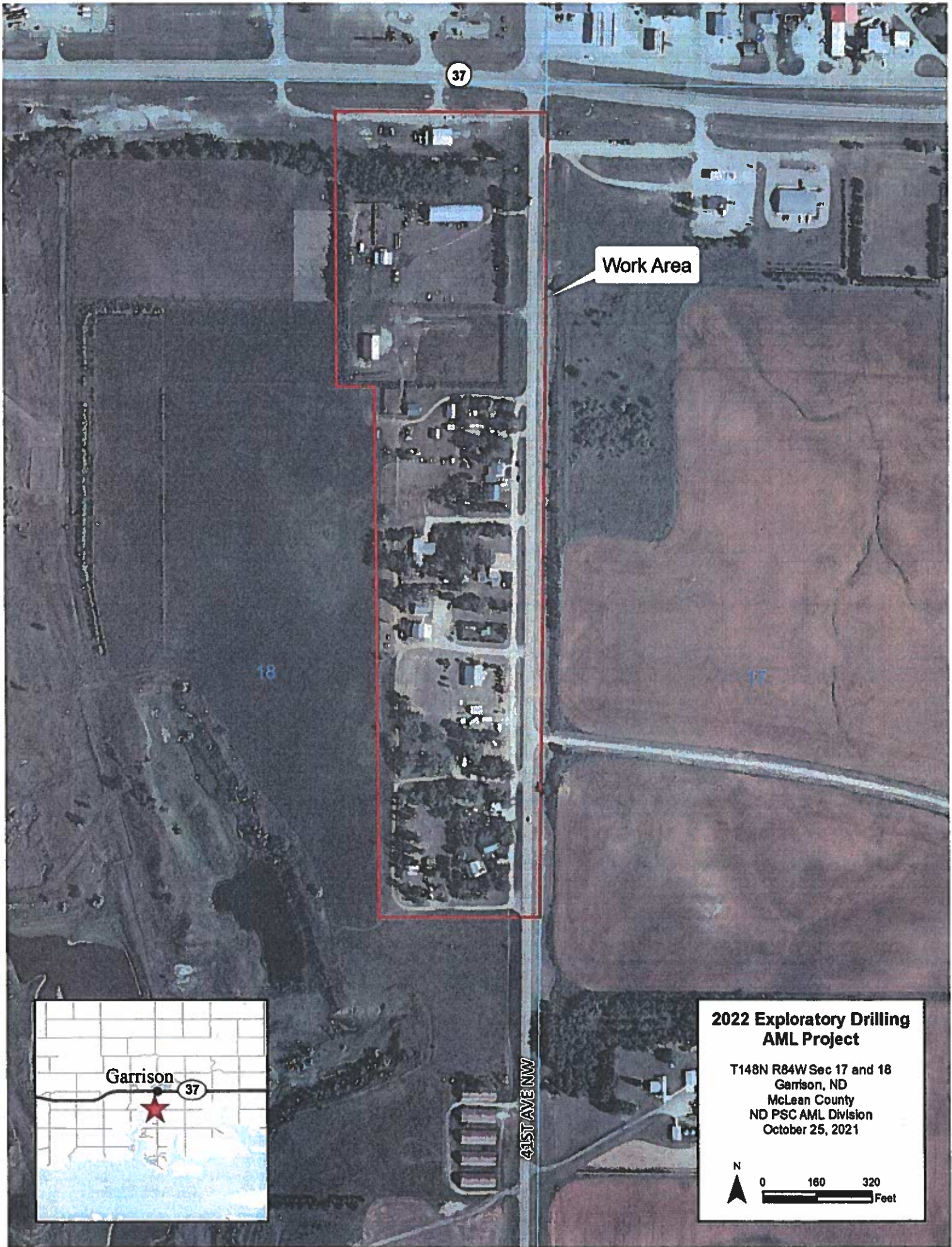
7TH ST SW



**2022 Exploratory Drilling
Beulah**

T144N R88W Sec 7, 12, 13, 18
North of Beulah, ND
Mercer County
ND PSC AML Division
October 25, 2021

N
0 600 1200
Feet



37

Work Area

18

17

41ST AVE NW



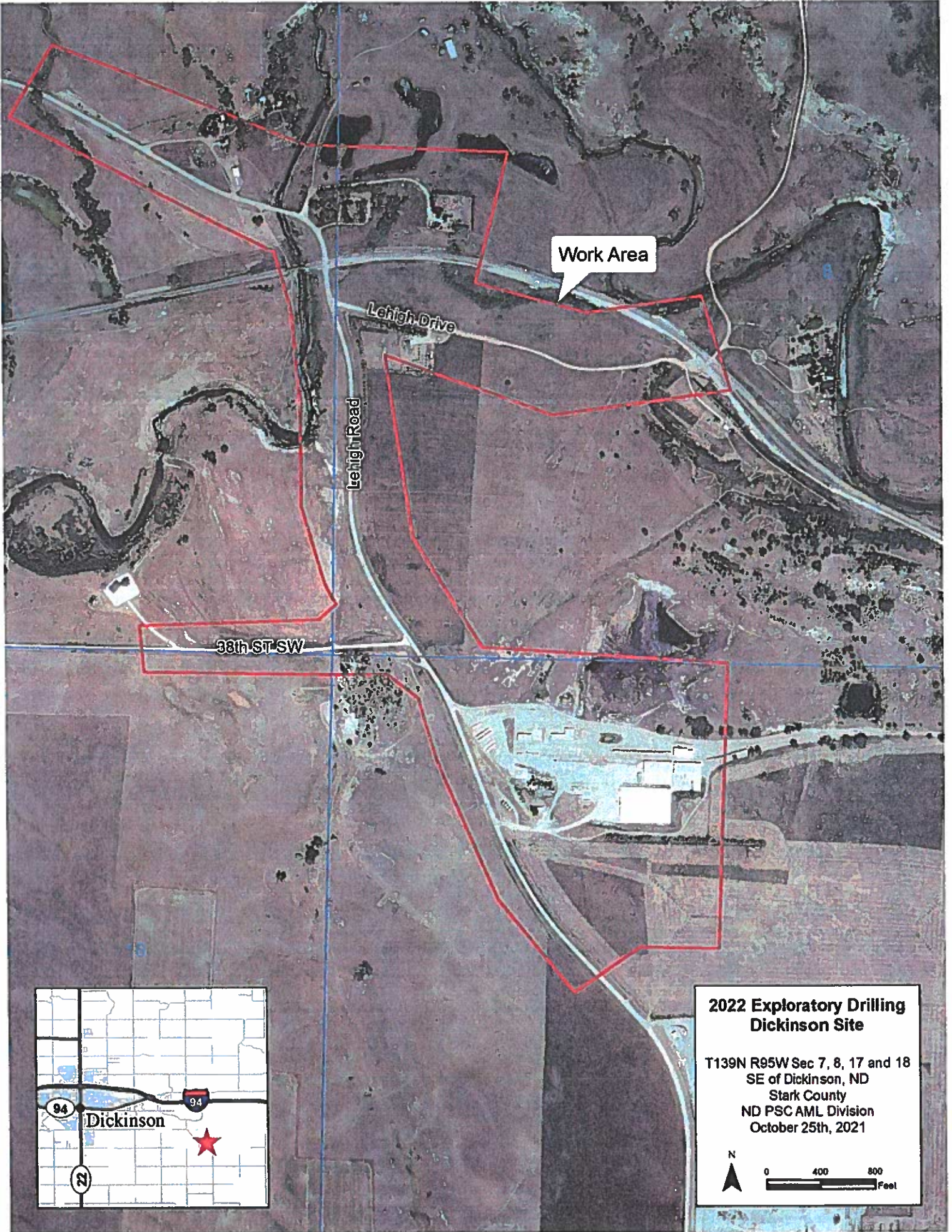
Garrison

37

**2022 Exploratory Drilling
AML Project**

T148N R84W Sec 17 and 18
Garrison, ND
McLean County
ND PSC AML Division
October 25, 2021

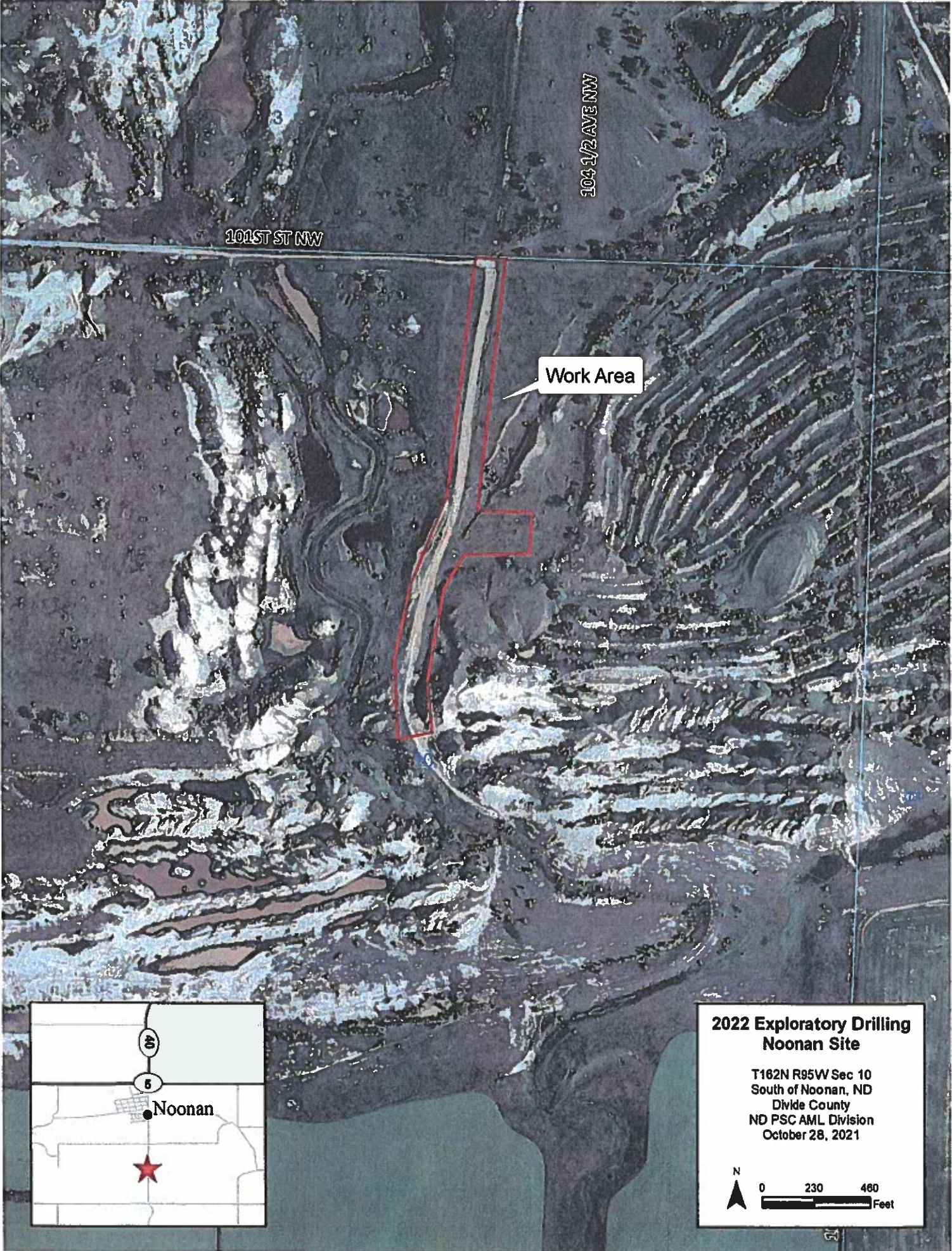




**2022 Exploratory Drilling
Dickinson Site**

T139N R95W Sec 7, 8, 17 and 18
SE of Dickinson, ND
Stark County
ND PSC AML Division
October 25th, 2021

N
0 400 800
Feet



**2022 Exploratory Drilling
Noonan Site**

T162N R95W Sec 10
South of Noonan, ND
Divide County
ND PSC AML Division
October 28, 2021

N
0 230 460
Feet