

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, 2021

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 Morton County Phase 3 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 ND000100 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 December 9th, 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

acting for?

Jeffrey Fleischman, Chief
Denver Field Division

FINDING OF NO SIGNIFICANT IMPACT

2022 Morton County Phase 3 AML Project
Abandoned Mine Reclamation Project
PAD #: ND000100
County: Morton County
State: North Dakota

This project is a continuation of previous efforts to reclaim potentially hazardous surface and underground coal mine workings located approximately 6 miles northwest of New Salem, in Morton County. Phase 3 of this project will address a former surface mine, referred to as the Youngstown Site. This former coal mine is located in the SW1/4 of Section 19, T140N, R85W. The project site encompasses approximately 12.5 acres and includes four separate highwalls. It is estimated that approximately 3,200 feet of dangerous highwalls will be addressed by backfilling the highwalls with material from adjacent spoil piles. The environmental assessment (EA) specific to Phase 3 of this project was completed in November 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 November 12, 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 November 16, 2021. NDDEQ stated that the proposed project will require coverage under the North Dakota Pollutant Discharge Elimination System (NDPDES) general construction permit if more than one acre of soil is to be disturbed. Greater than one acre of soil disturbance is anticipated. Reclamation activities are not planned on or near wetlands and will have no significant effect on any identified floodplains.

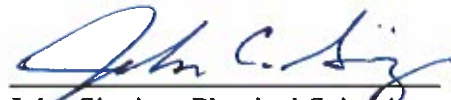
The North Dakota Public Service Commission (NDPSC) utilized the U.S. Fish and Wildlife Service's (FWS) IPaC database to make a "no effect" determination regarding listed species. A response letter dated November 10, 2021, from FWS acknowledged concurrence with this determination. Reclamation activities will be designed in a way that will not diminish fish or wildlife habitat. No prime or unique farmland has been identified in the 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. 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.

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 public meeting to discuss the project is scheduled for December 13, 2021 and notices have been mailed to landowners. Vegetation varies with land use, but primarily includes cropland, tame grass and legume pastures, native grassland, and road ditches. 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 November 16, 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

12-9-2021
Date

OSMRE Authorized Official

acting for. 
Jeff Fleischman, Chief
Denver Field Division

12/9/2021
Date