

# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

Julie Fedorchak  
Randy Christmann  
Sheri Haugen-Hoffart

600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

*sent via email only*

November 25, 2022

William Peterson, Ph.D.  
State Historic Preservation Officer  
State Historical Society of North Dakota  
612 East Boulevard Avenue  
Bismarck, ND 58505-0830  
[billpeterson@nd.gov](mailto:billpeterson@nd.gov)

Dear Dr. Peterson:

The Public Service Commission is planning reclamation activities in 2023 at an Abandoned Mine Land (AML) Site near Garrison. All project work will be completed by Contractors selected through competitive bidding.

As part of the project approval process, our office requests concurrence that our proposed reclamation work will not adversely affect any historical or archaeological resources. Please reply regarding this proposed project by **December 23, 2022**.

The 2023 Garrison Phase 6 AML Project: This remote backfilling project will stabilize abandoned underground coal mine workings along McLean County Highway 15 and other infrastructure located less than one mile south of Garrison. This project is a continuation of the 2022 Exploratory Drilling and the 2022 Garrison Phase 5 AML projects. The 2022 projects revealed the extent of the underground mines in Garrison is larger than expected. AML staff has estimated 3,500 cubic yards of grout will be pumped into these mine workings. Work is expected to be conducted between June and August 2023. The estimated cost for this project is \$1,250,000.00. The attached map provides more information and shows the proposed project location.

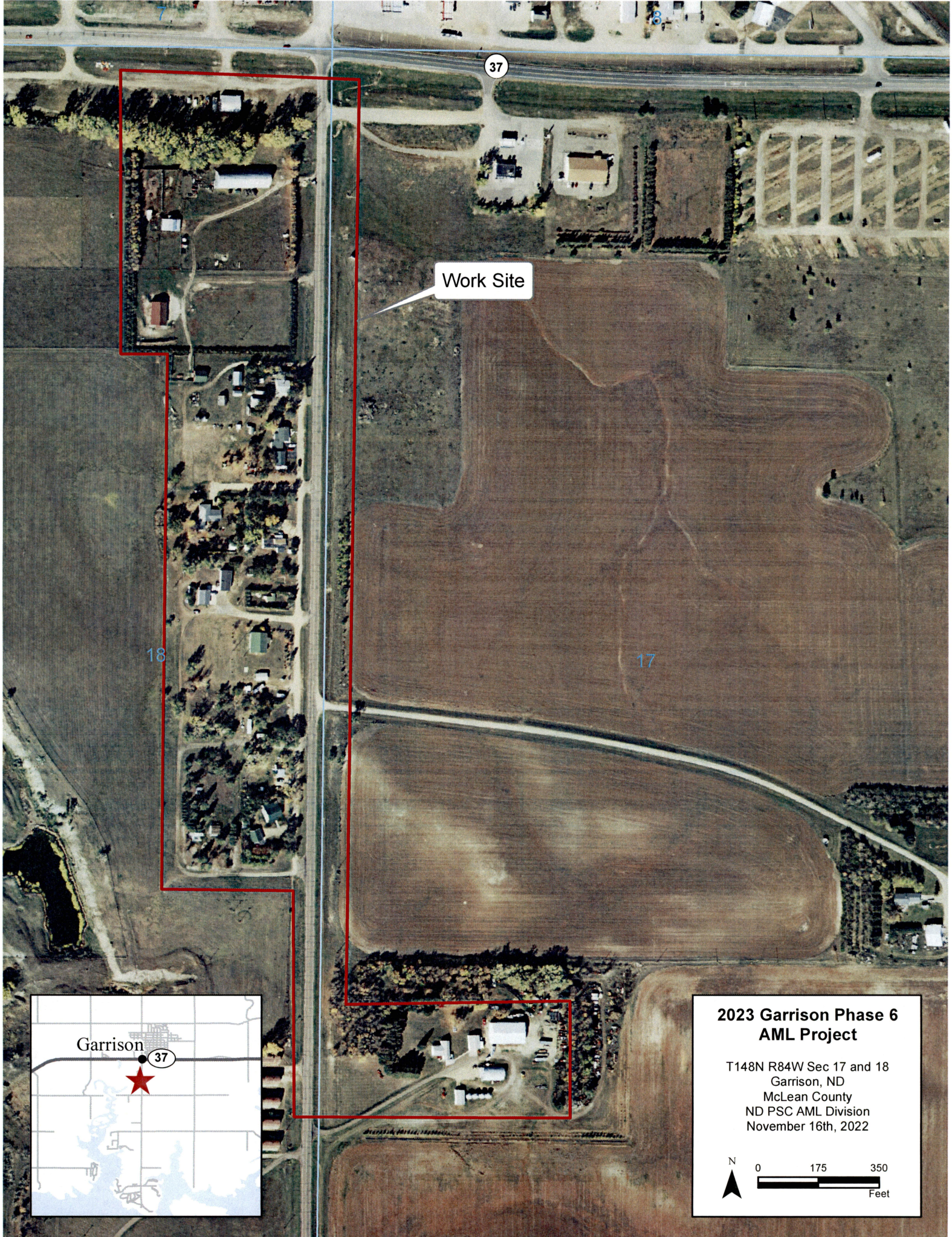
Thank you for your assistance in this matter. If you have any questions or need more information, please contact me at [jobreiner@nd.gov](mailto:jobreiner@nd.gov) or 701.328.2412.

Sincerely,

Joan Breiner, Ph.D.  
Assistant Director  
Abandoned Mine Lands Division

Attachment

AML\2023\2023\_Garrison\_Phase\_6\Authorization\_to\_Proceed\Advrsy\_ltr\_11-25-22



37

Work Site

18

17



**2023 Garrison Phase 6  
AML Project**

T148N R84W Sec 17 and 18  
Garrison, ND  
McLean County  
ND PSC AML Division  
November 16th, 2022

N  
0 175 350  
Feet



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Julie Fedorchak  
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*sent via regular mail*

November 25, 2022

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Kathy Duttonhefner  
Natural Resources Management Coordinator  
ND Parks & Recreation Department  
1600 East Century Ave. Suite 3  
Bismarck, ND 58503

Dear Ms. Duttonhefner:

The Public Service Commission is planning reclamation activities in 2023 at an Abandoned Mine Land (AML) Site near Garrison. All project work will be completed by Contractors selected through competitive bidding.

As part of the project approval process, our office requests concurrence that the following proposed reclamation work will not adversely affect any threatened, endangered or rare plant species. Please reply regarding this proposed project by **December 23, 2022**.

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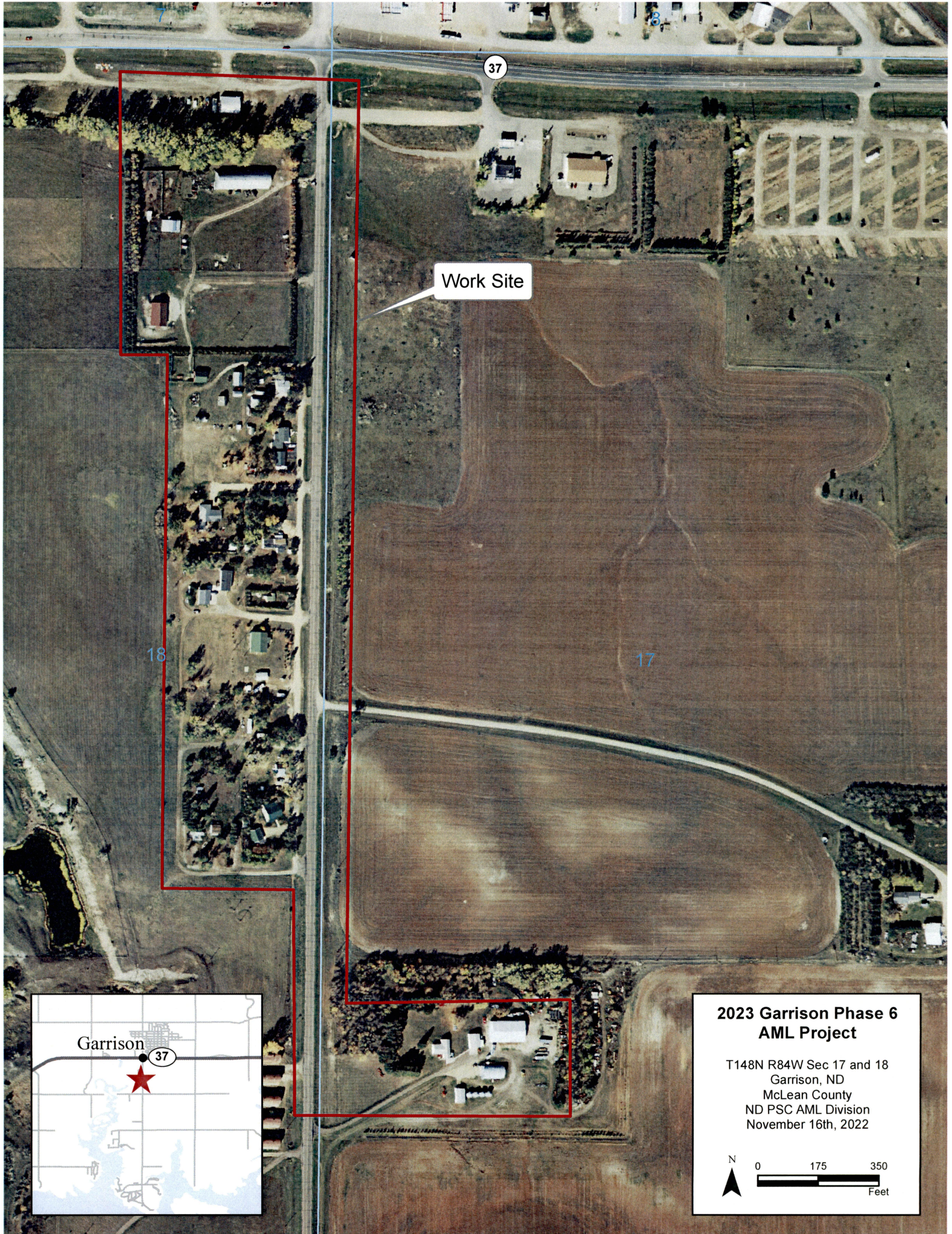
Thank you for your assistance in this matter. If you have any questions or need more information, please contact me at [jobreiner@nd.gov](mailto:jobreiner@nd.gov) or 701.328.2412.

Sincerely,

Joan Breiner, Ph.D.  
Assistant Director  
Abandoned Mine Lands Division

Enclosure

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*sent via regular mail*

November 25, 2022

Jerry Reinisch  
U.S. Fish and Wildlife Service  
Ecological Services  
3425 Miriam Avenue  
Bismarck, ND 58501-7926

Dear Mr. Reinisch:

The Public Service Commission is planning reclamation activities in 2023 at an Abandoned Mine Land (AML) Site near Garrison. All project work will be completed by Contractors selected through competitive bidding.

As part of the project approval process, our office requests concurrence that our proposed reclamation work will not adversely affect any threatened, endangered or rare animal or plant species. Please reply regarding this proposed project by **December 23, 2022**.

The 2023 Garrison Phase 6 AML Project: This remote backfilling project will stabilize abandoned underground coal mine workings along McLean County Highway 15 and other infrastructure located less than one mile south of Garrison. This project is a continuation of the 2022 Exploratory Drilling and the 2022 Garrison Phase 5 AML projects. The 2022 projects revealed the extent of the underground mines in Garrison is larger than expected. AML staff has estimated 3,500 cubic yards of grout will be pumped into these mine workings. Work is expected to be conducted between June and August 2023. The estimated cost for this project is \$1,250,000.00. The attached map shows the proposed project location. Section 2 Species Effects Analysis from the Biological Assessment (as prepared using IPaC) is also attached.

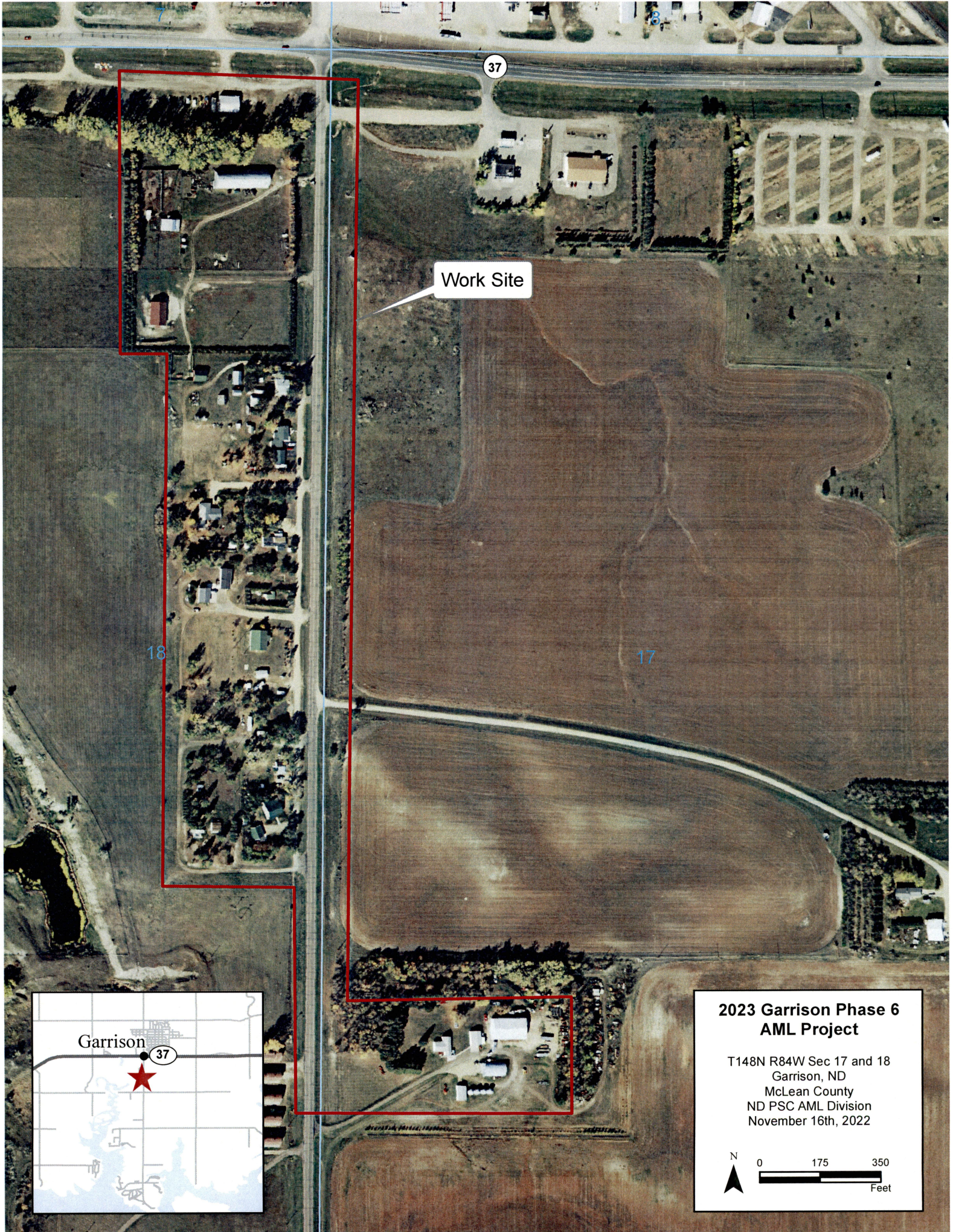
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Sincerely,

Joan Breiner, Ph.D.  
Assistant Director  
Abandoned Mine Lands Division

Enclosures

AML\2023\2023\_Garrison\_Phase\_6\Authorization\_to\_Proceed\Advsvy\_ltr\_11-25-22



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Garrison

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# 2023 Garrison Phase 6 AML Project

## Biological Assessment

Prepared using IPaC

Generated by Ross Edison (redison@nd.gov)

November 22, 2022

The purpose of this Biological Assessment (BA) is to assess the effects of the proposed project and determine whether the project may affect any federally threatened, endangered, proposed or candidate species. This BA is prepared in accordance with legal requirements set forth under Section 7 of the Endangered Species Act (16 U.S.C. 1536 (c)).

In this document, any data provided by U.S. Fish and Wildlife Service is based on data as of November 16, 2022.

Prepared using IPaC version 6.83.2-rc4

## **2 Species Effects Analysis**

*This section describes, species by species, the effects of the proposed action on listed, proposed, and candidate species, and the habitat on which they depend. In this document, effects are broken down as direct interactions (something happening directly to the species) or indirect interactions (something happening to the environment on which a species depends that could then result in effects to the species).*

*These interactions encompass effects that occur both during project construction and those which could be ongoing after the project is finished. All effects, however, should be considered, including effects from direct and indirect interactions and cumulative effects.*

### **2.1 Monarch Butterfly**

***This species has been excluded from analysis in this environmental review document.***

#### **Justification for exclusion**

The monarch butterfly could potentially occupy this area if the area developed milkweed and other flowering plants.

This project will be conducted in areas that have already been previously developed. This includes the right of way of a county highway and residences along that highway in a subdivision. The project itself will minimally disturb the ground surface or vegetation. Additionally, the vegetation that exists there is mostly mowed grass. Some patches of trees and brush are nearby but those will not be disturbed.

## **2.2 Northern Long-Eared Bat**

*This species has been excluded from analysis in this environmental review document.*

### **Justification for exclusion**

The northern long-eared bat is about 3 to 3.7 inches long with a wingspan of 9 to 10 inches. As its name suggests, it is distinguished by its long ears, particularly compared to other bats in its genus, *Myotis*. It emerges at dusk to fly primarily through the understory of forest areas, feeding mostly on moths, flies, leafhoppers, caddisflies and beetles. It catches these insects while in flight using echolocation or by using gleaning behavior, catching motionless insects from vegetation. Northern long-eared bats predominantly spend winter hibernating in caves and abandoned mines, collectively called hibernacula. During summer months, they roost alone or in small colonies underneath bark or in cavities or crevices of both live and dead trees.

Abandoned underground mines in North Dakota are not known to be good habitats for bats. No trees or shrubs in the project site will be affected. Again this project is taking place in an area that has already been developed.



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Randy Christmann  
Sheri Haugen-Hoffart

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November 25, 2022

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Mr. Karl Rockeman, P.E.,  
Director, Division of Water Quality  
North Dakota Department of Environmental Quality  
4201 Normandy Street  
Bismarck, ND 58503-1324

Dear Mr. Rockeman:

The Public Service Commission is planning reclamation activities in 2023 at an Abandoned Mine Land (AML) Site near Garrison. All project work will be completed by Contractors selected through competitive bidding.

As part of the project approval process, our office requests concurrence that our proposed reclamation work will not adversely affect any surface or groundwater resources. Please reply regarding this proposed project by **December 23, 2022**.

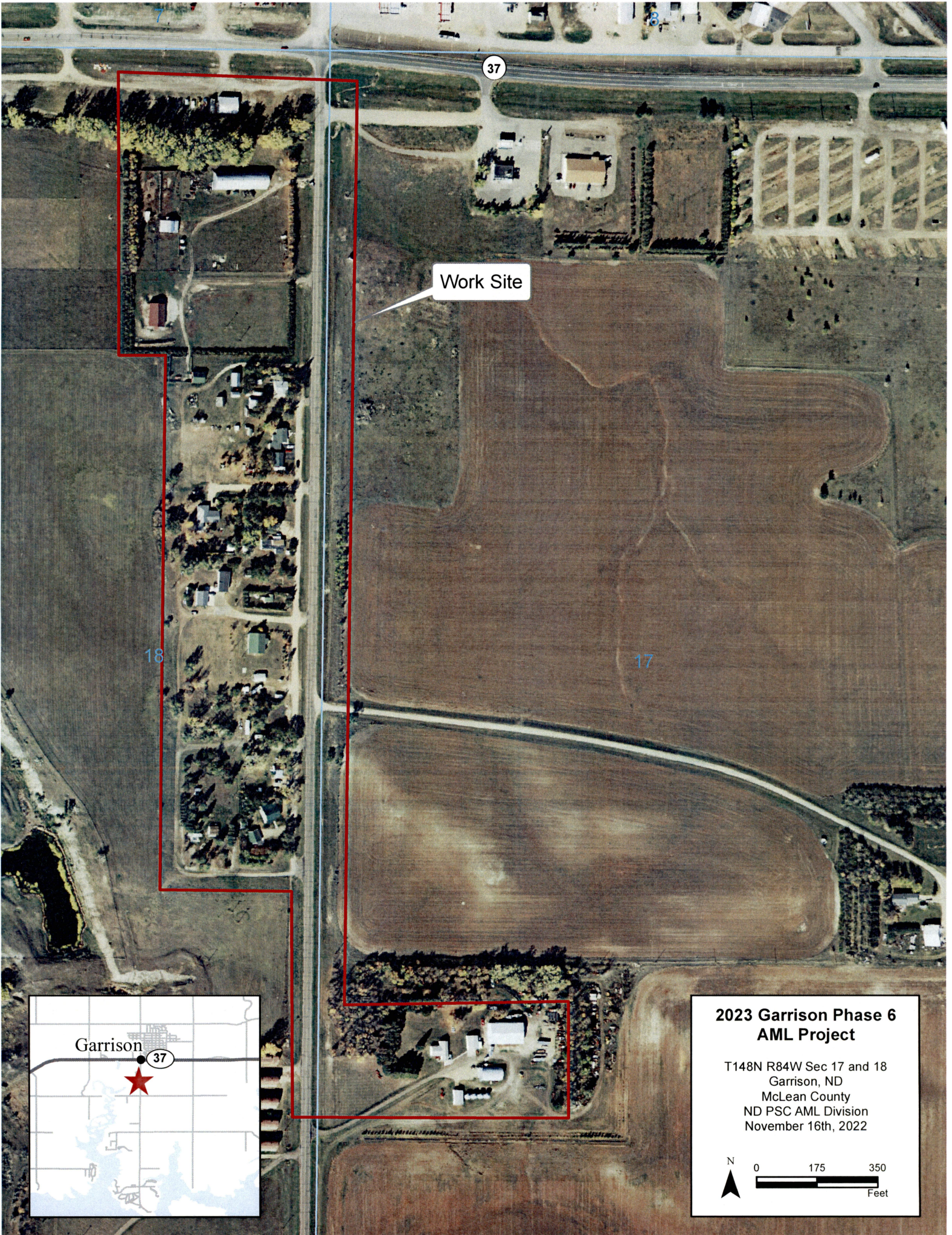
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Thank you for your assistance in this matter. If you have any questions or need more information, please contact me at [jobreiner@nd.gov](mailto:jobreiner@nd.gov) or 701.328.2412.

Sincerely,

Joan Breiner, Ph.D.  
Assistant Director  
Abandoned Mine Lands Division

Enclosure



Work Site



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