



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

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

December 28, 2022

Mr. Jeff Fleischman, Chief
Denver Field Division
Office of Surface Mining
P.O. Box 11018
Casper, WY 82602-5004
jfleischman@osmre.gov

RE: Request for Authorization to Proceed for the 2023 Garrison Phase 6 Project in North Dakota.

Dear Mr. Fleischman:

Enclosed is the documentation to support our Request for Authorization to Proceed for the 2023 Garrison Phase 6 Project in North Dakota. The environmental assessment is attached for the proposed project.

We have requested concurrence for our proposed 2023 project from the State Historical Society of North Dakota, the U.S. Fish and Wildlife Service, the North Dakota Parks and Recreation Department and the North Dakota Department of Environmental Quality. Copies of our letters and the responses we received are attached.

A public meeting was held at Garrison, ND, on November 1, 2021, regarding proposed work near Garrison. All affected property owners for these proposed 2023 AML Projects have been or will be contacted, and consents for right-of-entry will be executed before any work begins.

The e-AMLIS Problem Area Description number for the proposed Garrison site is ND000019. The proposed grants for funding this project are S21AF0025 until expended and then grant S22AF00047. We have posted updated priority documentation for the 2023 site in the documents section in e-AMLIS. If you need more information or have any questions, please call Joan Breiner at 701-328-2412 or me at 701-328-3403.

Sincerely,

A handwritten signature in blue ink that reads "Zanna Brinkman".

Zanna Brinkman
Director, Reclamation and AML Divisions

Enclosures

List of Attachments

A brief narrative about the proposed 2023 Garrison Phase 6 AML Project.

Standardized environmental assessment for the proposed 2023 Garrison Phase 6 Project.

Requests for concurrence for the 2023 proposed Garrison Phase 6 AML Project and the responses received to date:

- ND State Historical Society (response included).
- ND Department of Environmental Quality (response included).
- ND Parks & Recreation Department (response included).
- U.S. Fish and Wildlife Service (response included).

Eligibility determination for the proposed 2023 Project.

AMLIS PAD Numbers for Proposed 2023 Project Site:

PAD No.	Name	Project
ND000019	Garrison	Drilling & Remote Backfilling

PROJECT NARRATIVE FOR 2023

The 2023 Garrison Phase 6 AML Project: The 2023 Garrison Phase 6 AML Project is a remote backfilling project to 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.

STANDARDIZED ENVIRONMENTAL ASSESSMENT

2023 Garrison Phase 6 AML Project

ND000019

McLean County, North Dakota

Prepared by

North Dakota Public Service Commission

In Cooperation With

**United States Department of the Interior
Office of Surface Mining Reclamation and Enforcement
Casper Field Office**

December 2022

Table of Contents

Chapter 1	3
Purpose and Need for the Proposal	3
A. Need for the Action	3
B. Project Background	3
Chapter 2	5
Proposed Action and Appropriate Alternatives	5
A. No Action Alternative	5
B. Proposed Action	5
C. Other Reasonable Alternatives	5
Chapter 3	6
Environmental Impacts	6
A. Cultural or historic resource values	6
B. Water quality values	6
C. Wetlands values	6
D. Floodplain values	6
E. Wildlife	6
F. Prime and unique farmland values	7
G. Recreational resource values	7
H. Air quality	7
I. Socioeconomic factors	7
J. Political factors	7
K. Existing vegetative cover	7
L. Threatened and endangered plant species	8
M. Anticipated dates of reclamation	8
N. Estimated cost of reclamation	8
O. Offsite borrow and disposal areas	8
P. Noise pollution	8
Q. Environmental justice policy	8
Chapter 4: Consultation and Coordination	9
Preparers	9

Chapter 1

Purpose and Need for the Proposal

A. Need for the Action

The principal objective of the Abandoned Mine Lands (AML) Division of the North Dakota Public Service Commission (PSC) is to reclaim potentially hazardous portions of abandoned surface and underground coal mines in North Dakota.

To our knowledge, no deaths, or serious personal injuries attributable to the abandoned mines in the Garrison project area have been reported. However, the presence of abandoned underground mines is a hazard. Several hazardous sinkholes have been documented at the project area within the last few years. AML drilling done in 2021 and 2022 indicates the continuing presence of hazardous abandoned underground mines.

B. Project Background

The project area is located within portions of Sections 17 and 18, T148N, R84W, McLean County, less than one mile south of the city of Garrison (population 1,623). Drilling and remote backfilling will occur near roads and other infrastructure in the work area outlined on the attached map.

Work began in Garrison with a sinkhole filling project in 1983. In 1997 an exploratory drilling project located abandoned underground mine voids. Five drilling and grouting projects followed as well as emergency sinkhole filling projects. The latest drilling and grouting project was the 2022 Garrison Phase 5 AML Project.

A handful of cased holes from the 2005 project as well as 124 holes cased in the 2021 and 2022 Exploratory Drilling projects remain on site. Additional drilling will be done as needed.

A public meeting was held on November 1, 2021, in Garrison, ND to discuss proposed project work at the site. Seven attended the meeting including residents, contractors, and AML staff.

The following table shows the project types, year, feet drilled, total grout pumped, and cost:

Project Type	Year	Feet Drilled	Total Grout Pumped	Total cost
Sinkhole Filling	1983	--	--	\$16,237.75
Exploratory Drilling	1997	11,371	--	\$24,426.80
Sinkhole Filling	1999	--	--	\$4,124.88
Drilling and Grouting	2002	22,062	1,055	\$120,939.76
Exploratory Drilling	2003	20,100	--	\$55,000.00
Drilling and Grouting	2004	14,585	1,720	\$217,069.70
Drilling and Grouting	2005	17,985	2,024	\$304,223.50
Emergency Sinkhole Filling	2006	--	--	\$350.00
Sinkhole Filling	2009, 2011, 2014, 2017	--	--	\$26,969.00
Exploratory Drilling	2021	7,239	--	\$130,938.00
Exploratory Drilling	2022	20,072		\$260,726.06
Drilling and Grouting	2022	4,889	2139	\$721,511.00
Total		118,303	6,938	\$1,882,516.45

Chapter 2

Proposed Action and Appropriate Alternatives

A. No Action Alternative

The no action option does not solve the potentially hazardous AML conditions.

B. Proposed Action

The preferred method to stabilize overburden from collapse at abandoned underground coal mines in North Dakota is by pressurized remote backfilling. Backfilling begins with drilling injection holes about every 10 linear feet, depending upon mine specific conditions. The relatively close spacing of drill holes is essential to target the mine workings. Tunnels and workings were often 10 feet wide or less. Angle or directional drilling may be used to drill under buildings, utilities, or roads. Drilled holes that intercept mine workings or rubble are cased from the ground surface to within five feet of the voids with 3" diameter Schedule 40 PVC Pipe. Casing the holes allows for mine inspection with a borehole camera and serves as the conduit for pumping the grout and filling both open voids and tight rubble. This material stabilizes the overburden to prevent a collapse of the mine workings.

C. Other Reasonable Alternatives

Gravity backfilling is an alternative method for abandoned underground mine reclamation. A sand-water slurry is poured through large diameter holes drilled into the mine workings. This method works well with intact mine workings. It will not penetrate the rubble and differential levels of the voids that have been encountered through exploratory drilling at this site.

Another alternative would be "daylighting" or over-excavation. In this process, the overburden is removed to expose the mine. Once the mine has been fully opened, the overburden is replaced. Prohibitive costs of overburden removal and infrastructure relocation render this alternative impractical.

Other alternatives include property buy-out, condemnation, or relocation by a political subdivision or no action at all. Buy-outs with demolition, removal, or relocation of existing structures, roads, and utilities are generally cost-prohibitive. Also, the greater area contains a substantial amount of abandoned underground mining, making nearby relocation difficult without encountering other undermined areas. Additionally, these options do not solve the existing inherently dangerous abandoned mine problems and are not considered viable options.

Chapter 3

Environmental Impacts

A. Cultural or historic resource values (the Archaeological Resources Protection Act of 1979; the Archaeological and Historic Preservation Act of 1974; the National Historic Preservation Act of 1986, as amended; the Antiquities Act of 1906, Executive Order 11593, concerning the protection and enhancement of the cultural environment; the American Indian Religious Freedom Act of 1978; the Historic Sites Act of 1935; and OMB Circular A-102).

Reclamation activities will be conducted in a manner that should have no significant effect on cultural or historic resources.

B. Water quality values (Clean Water Act, as amended)

Garrison Creek is located less than one mile from the project site. Garrison creek flows into Lake Sakakawea which is part of the Missouri River system. The Missouri River flows into the Mississippi River which terminates in the Gulf of Mexico. Reclamation will be conducted in a manner that should have no significant effect on surface water quality or quantity. Groundwater can be affected by pressurized grout remote backfilling, however, water contained in abandoned underground mines and coal seams is of poor quality and is not generally used for human consumption. The AML Division remains in continual consultation with the North Dakota Department of Environmental Quality to monitor the performance and environmental aspects of the use of fly-ash, especially as it concerns groundwater. Water well monitoring will be conducted before and after pressurized grout injection at this site.

C. Wetlands values (Clean Water Act, Executive Order 11990, and Army/EPA Memorandum of Agreement (MOA) Concerning the Determination of Mitigation under the Section 404(b) (1) Guidelines)

No reclamation activities are planned on or near wetlands in the project area.

D. Floodplain values (Executive Order 11988)

No reclamation activities in the project area are planned on or near an identified floodplain.

E. Wildlife (Endangered Species Act and Fish and Wildlife Coordination Act)

Reclamation activities will be conducted in a manner that should have no significant effect on fish or wildlife. Threatened (T), endangered (E) or candidate (C) species in McLean County identified by the U.S. Fish and Wildlife Service include; Dakota Skipper (*Hesperia dacotae*) (T), Monarch Butterfly (*Danaus plexippus*) (C), Northern Long-Eared Bat (*Myotis septentrionalis*) (T), Piping

Plover (*Charadrius melodus*) (T), Red Knot (*Canutus rufa*) (T) and Whooping Crane (*Grus americana*) (E). The project is not likely to significantly impact any of these species.

F. Prime and unique farmland values (Farmland Protection Policy Act)

Reclamation will not affect prime or unique farmland values.

G. Recreational resource values (Wild and Scenic Rivers Act, Clean Air Act)

No lands in the proposed project area are classified as Wilderness Areas or lands being studied for wilderness designation.

No lands in the proposed project area are identified as areas of critical environmental concern.

No lands in the proposed project area are included in the Wild and Scenic Rivers category.

No parks or areas of critical ecological or aesthetic concern are found in the proposed project area.

H. Air quality (Clean Air Act)

The proposed project area is not in or near a Class I air quality region, and this project should not adversely affect air quality.

I. Socioeconomic factors

Factors such as noise, traffic control, and dust suppression will be addressed in the solicitation package. Reclamation will be conducted in a manner that minimizes any disruption of socioeconomic factors.

J. Political factors

Portions of the project area are under zoning jurisdictions of McLean County, the City of Garrison, township authorities, and the State of North Dakota, as well as private ownership. Meetings between the North Dakota Public Service Commission and all governing and private entities are ongoing and will continue throughout the project's completion. A public meeting was held on January 7, 2002, at the McLean County Courthouse in Washburn. Subsequent meetings were held on January 6, 2003, and November 1, 2021, at the Garrison City Hall. Notices of these meetings were mailed to landowners, governmental authorities, and other interested parties, and public service announcements were placed in local newspapers and on radio stations.

K. Existing vegetative cover

Existing vegetation varies with land use in the project area. It includes gravel or asphalt driveways, grass yards, and highway ditches. Long term effects of the project on vegetation should be minimal.

L. Threatened and endangered plant species

To the best of our knowledge, no threatened or endangered plant species have been identified within the project area. The only federally-listed threatened (T) or endangered (E) plant species known to exist in North Dakota is the Western Prairie Fringed Orchid (*Platanthera praeclar*) (T). Known locations of this plant are within moist, tall grass prairie and sedge meadows of the Sheyenne National Grasslands in the southeastern corner of the state. This plant has not been seen and is not likely to inhabit the project area.

M. Anticipated dates of reclamation

Five phases of AML drilling and grouting projects and two exploratory drilling projects have been completed. The 2023 Garrison Phase 6 AML project is a continuation of those projects. The anticipated work period is between June and August 2023. Reclamation may continue beyond 2023.

N. Estimated cost of reclamation

The 2023 Garrison Phase 6 AML Project is estimated at \$1,250,000.00.

O. Offsite borrow and disposal areas

If offsite borrow or disposal issues arise, applicable environmental regulations will be addressed through the North Dakota Department of Environmental Quality. Aggregate used for this project will be taken only from locations that comply with the North Dakota Department of Transportation (NDDOT) material source requirement. Material Source Certificates of Approval may be found on the NDDOT website.

P. Noise pollution

Project work may be conducted near occupied buildings and roadways. If noise pollution problems arise, the North Dakota Department of Environmental Quality will be consulted for remedial action.

Q. Environmental justice policy

Construction work may result in a slight increase in employment and revenues, but no significant direct or indirect impact on minority or low-income populations is expected.

Chapter 4: Consultation and Coordination

A letter to the U.S. Fish and Wildlife Service was sent on November 25, 2022, requesting concurrence for the 2023 Garrison Phase 6 Project. A response dated December 6, 2022, indicated “may affect, but not likely to adversely affect” the threatened northern long-eared bat (*Myotis septentrionalis*). No other endangered or threatened species are known to occupy the project area as described.

A letter was sent to the State Historical Society of North Dakota on November 25, 2022, requesting concurrence for the 2023 Garrison Phase 6 Project. The response dated December 1, 2022, concurred with the “No Historic Properties Affected” determination for the project.

A letter was sent to the North Dakota Department of Environmental Quality on November 25, 2022, requesting concurrence for the 2023 Garrison Phase 6 Project. The response dated December 2, 2022, indicated “no objection to the proposed project”. The AML Division will remain in consultation with NDDEQ and will provide the NDDEQ with a copy of the Invitation for Bid and any requested reports.

A letter was sent to the North Dakota Parks and Recreation Department (NDPRD) on November 25, 2022, requesting concurrence for the 2023 Garrison Phase 6 Project. The response dated December 14, 2022, indicated that planned activities do not appear to affect any properties that NDPRD owns, leases, or manages. The response also stated that planned activities do not appear to affect any properties protected under Section 6(f) of the Land and Water Conservation Fund.

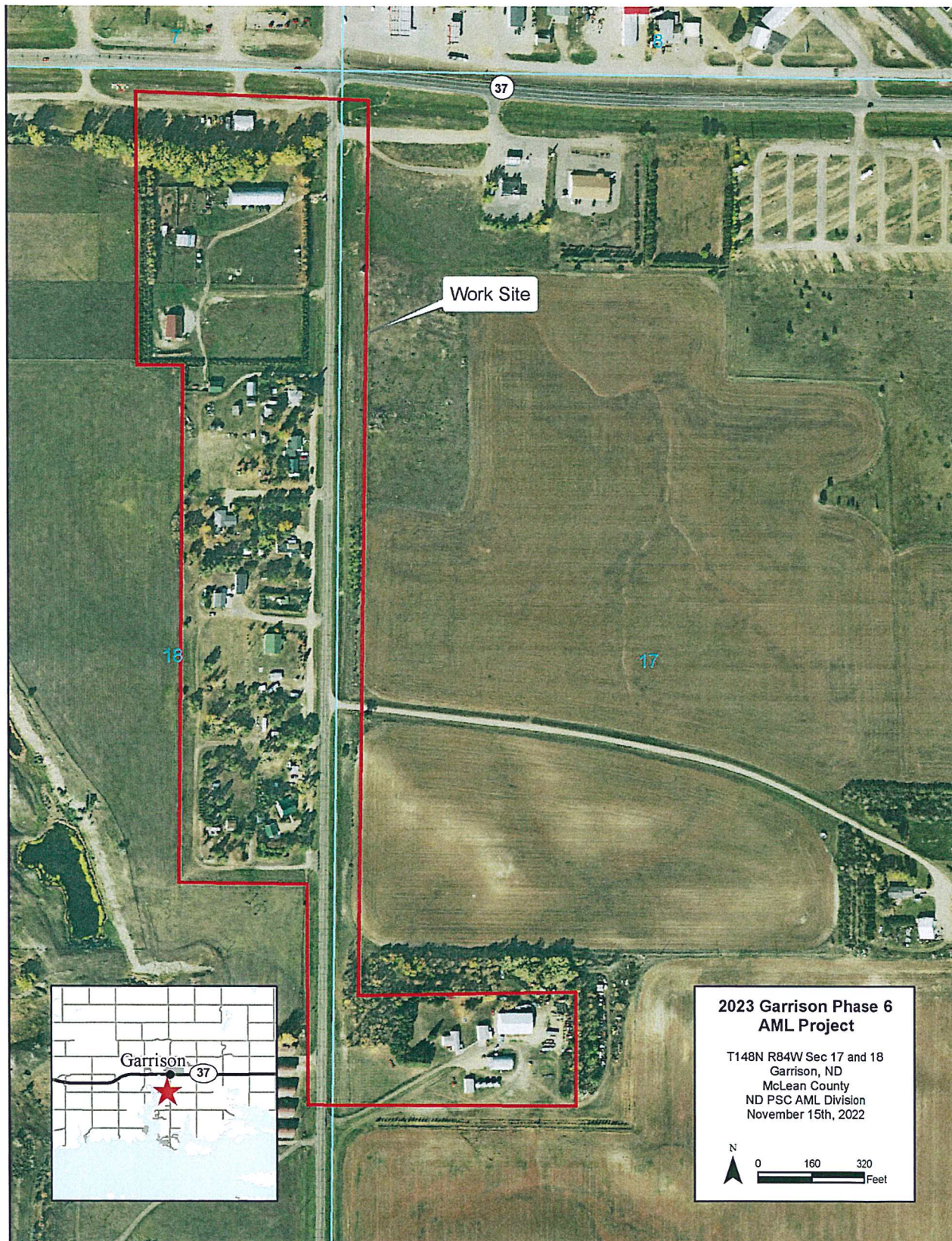
Preparers



Joan Breiner
Assistant Director - AML Division
ND Public Service Commission



Ross Edison
Environmental Scientist - AML Division
ND Public Service Commission





Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: 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 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.

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

Sincerely,

A handwritten signature in cursive script that reads "Joan Breiner".

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

Enclosures

AML\2023\2023_Garrison_Phase_6\Authorization_to_Proceed\Advrsy_Itr_11-25-22

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.



United States Department of the Interior

IN REPLY REFER TO: PSC- 2023
Garrison Phase 6 AML Project
2023-0019641

FISH AND WILDLIFE SERVICE
North Dakota Ecological Services Field Office
3425 Miriam Avenue
Bismarck, North Dakota 58501
(701) 250-4481, ndfieldoffice@fws.gov

December 6, 2022

Ms. Joan Breiner, Ph.D.
Assistant Director, Abandoned Mines Lands Division
State of North Dakota Public Service Commission
600 East Boulevard, Department 408
Bismarck, ND 58505-0480

Dear Ms. Breiner:

Thank you for your letter of November 25, 2022, regarding the State of North Dakota Public Service Commission's (NDPSC) request from the Abandoned Mines Division to conduct reclamation activities in McLean County near Garrison, North Dakota. The filling and reclamation activities of the 2023 Garrison Phase 6 AML Project are a continuation of the 2022 Exploratory Drilling and the 2022 Garrison Phase 5 AML Projects.

In accordance with section 7(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (Act), you requested U.S. Fish and Wildlife Service (FWS) concurrence of your "may affect, but not likely to adversely affect" determination for the threatened northern long-eared bat (*Myotis septentrionalis*). The FWS concurs with the "may affect, but not likely to adversely affect" determination for the above-described species.

The FWS's concurrence is based on the information provided in the Biological Assessment. Pursuant to the implementing regulations of the Act (50 CFR 402.13), this letter concludes informal consultation. This consultation should be re-initiated if: (1) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not considered in this consultation; (2) the action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this consultation; or (3) a new species is listed or critical habitat is designated that may be affected by this action.

We appreciate your efforts to ensure the conservation of listed and proposed species as part of our joint responsibilities under the Act. For further information, please have your staff contact Seth Jones of my staff at (701) 355-8508 or me directly at (701) 355-8512 or at the letterhead address.

Sincerely,

DREW BECKER Digitally signed by DREW BECKER
Date: 2022.12.07 07:55:04 -06'00'

Drew N. Becker
North Dakota Field Office Supervisor



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: 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

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 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



December 1, 2022

Joan Breiner, PhD
Abandoned Mine Lands Division
600 E Boulevard, Dept 408
Bismarck, ND 58505-0480

ND SHPO Ref.: 23-0075 2023 Garrison Phase 6 AML Project in portions of [T148N R84W Sections 17 and 18] in McLean County, North Dakota

Dear Joan,

We reviewed ND SHPO Ref.: 23-0075 2023 Garrison Phase 6 AML Project in portions of [T148N R84W Sections 17 and 18] in McLean County, North Dakota and we would concur with a determination of "No Historic Properties Affected" for this project provided it takes place in the location and in the manner described in the documentation.

Thank you for the opportunity to review this project. Please include the ND SHPO Reference number listed above in further correspondence for this specific project. If you have any questions, please contact Lorna Meidinger, Historic Preservation Specialist at (701) 328-2089 or lbmeidinger@nd.gov.

Sincerely,

for William D. Peterson, PhD
State Historic Preservation Officer
(North Dakota)

23-0075



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

sent via regular mail

November 25, 2022

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

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**.

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 or 701.328.2412.

Sincerely,

A handwritten signature in cursive script that reads "Joan Breiner".

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

Enclosure

December 2, 2022

RECEIVED

Joan Breiner, Ph.D.
Assistant Director
Abandoned Mines Division
Public Service Commission
600 East Boulevard
Department 408
Bismarck, ND 58505—0480

DEC - 5 2022

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Ms. Breiner,

The North Dakota Department of Environmental Quality (NDDEQ) has reviewed your November 25, 2022, letter discussing the 2023 Garrison Phase 6 AML Project. It is our understanding that grout will be injected underground to stabilize the underground mine workings and other infrastructure along McLean County Highway 15.

The location of the project area was mapped in relation to wellhead and source water protection areas, glacial drift aquifers, and existing wells (map attached). Although the project site is not located over a defined glacial drift aquifer, a portion of the project is within Garrison's Source Water Protection Area. Several water supply wells are also located near the project area.

We do not object to the proposed project provided that the grout material does not contain contaminants that could negatively impact groundwater quality. In addition, care should be taken to avoid spills of any materials that may have an adverse effect on groundwater or surface water quality. All spills must be immediately reported to this department and appropriate remedial actions performed.

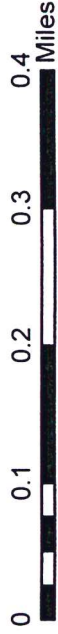
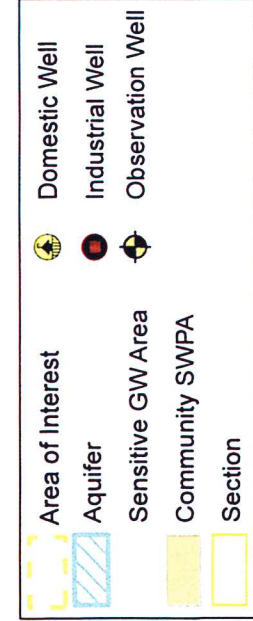
Please feel free to give me a call at 328-5213 if you have any questions.

Sincerely,



Carl Anderson
Groundwater Protection Program Manager
NDDEQ – Division of Water Quality

Attachments: 2023 Garrison Phase 6 AML Project Map



2023 Garrison Phase 6 AML Project

TRS: T148N R84W Sec. 17 & 18
 McLean County
 ND PSC AML Division



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

sent via regular mail

November 25, 2022

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

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**.

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 or 701.328.2412.

Sincerely,

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

Enclosure

AML\2023\2023_Garrison_Phase_6\Authorization_to_Proceed\Advrsy_ltr_11-25-22

December 14, 2022

Joan Breiner
NDPSC
600 East Blvd. Dept 408
Bismarck, ND 58505-0480

Re: 2023 Garrison Phase 6 AML Project

Dear Joan,

The North Dakota Parks and Recreation Department (NDPRD) has reviewed the above-referenced proposed 2023 Garrison Phase 6 AML Project along McLean County Highway 15, south of Garrison, North Dakota.

NDPRD's scope of authority and expertise covers properties that NDPRD owns, leases, or manages; properties protected under Section 6(f) of the Land and Water Conservation Fund (LWCF); rare plants; and ecological communities established through the Natural Heritage Program.

The project does not appear to affect properties NDPRD owns, leases, or manages.

The project does not appear to affect any properties protected under Section 6(f) of the LWCF.

A North Dakota Natural Heritage biological conservation database query determines if any current or historical plant or animal species of concern or other significant ecological communities are known to occur within an approximate one-mile radius of the project area. Based on this review, no known plant and animal species of concern or significant ecological communities are documented on or immediately adjacent to the project site.

We appreciate your commitment to rare plant, animal, and ecological community conservation, management, and inter-agency cooperation. For additional information, please contact Kathy Duttonhefner at 701-328-5370, 701-220-3377 (cell), or kgduttonhefner@nd.gov.

Thank you for the opportunity to comment on the proposed project.

Sincerely,



Kathy Duttonhefner, Chief Natural Resources Division



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

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

December 21, 2021

Mr. Jeff Fleischman, Chief
Denver Field Division
Office of Surface Mining
P.O. Box 11018
Casper WY 82602-5004

RE: Eligibility Determination for the 2023 Garrison Phase 6 Project in North Dakota.

Dear Mr. Fleischman:

This letter is submitted under 30 CFR 874.12 as the required eligibility determination for land included in the 2023 Garrison Phase 6 Project.

2023 Garrison Phase 6 Project: Segments of McLean County Highway 15 and infrastructure located in Sections 17 and 18, T148N, R84W in McLean County, North Dakota.

Eligibility Determination - 30 CFR 874.12

The requirements of this section of the Abandoned Mine Reclamation Program set forth the following criteria for eligibility for reclamation activities (paraphrased):

- a. Was the real property subjected to coal mining and related processes?
- b. Did the coal mining processes on the real property occur before August 3, 1977, and was said real property left or abandoned in an unreclaimed or inadequately reclaimed condition? and,
- c. Is there continuing responsibility for reclamation by the operator, permittee or agent of the permittee under the statutes of the State of North Dakota or the government of the United States?

Based upon available historical information, I find that the described real properties were mined for coal; that the coal mining activity occurred before August 3, 1977; and, that the property has

Mr. Jeffrey Fleischman
December 21, 2022
Page 2 of 2

been left in an abandoned and unreclaimed state. I further find that there is no continuing responsibility for reclamation by the operator, permittee or agent of the permittee under statutes of the State of North Dakota or the government of the United States.

Based on these findings, it is my opinion that the described real properties meet the eligibility requirements of 30 CFR 874.12 for abandoned mine reclamation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John M. Schuh', with a long, sweeping horizontal line extending to the right.

John M. Schuh
General Counsel