

# 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

January 4, 2023

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 2023 Garrison Phase 6 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 ND000019 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 January 4<sup>th</sup>, 2023.
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

2023 Garrison Phase 6 AML Project  
Abandoned Mine Reclamation Project  
PAD #: ND000019  
County: McLean County  
State: North Dakota

This project proposes to identify and stabilize underground coal mine workings located directly south of the city of Garrison, ND. The 2023 Garrison Phase 6 AML Project is a continuation of the 2022 Exploratory Drilling and 2022 Garrison Phase 5 AML Projects. Phase 6 of this project will take place within Sections 17 and 18, T148N, R84W, in McLean County, ND. Drilling and remote backfilling will take place along roads and structures in a residential subdivision and along a ditch of County Highway 15. It is estimated that approximately 3,500 cubic yards of grout will be pumped into underground mine workings. Previously drilled and cased boreholes will be utilized, and additional drilling may be conducted as needed. The environmental assessment (EA) specific to Phase 6 of this project was completed in December of 2022.

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 December 1, 2022. In the letter, NDSHPO concurred with a “No Historic Properties Affected” determination for the proposed project. No significant impacts to surface water quality or quantity are anticipated. The North Dakota Public Service Commission’s AML Division (AMLD) will remain in continual consultation with the North Dakota Department of Environmental Quality (NDDEQ), Division of Water Quality, regarding ground water quality and water well monitoring will be conducted before and after grout injection. A response letter from NDDEQ, dated December 2, 2022, stated no objections to the proposed project. Reclamation activities are not planned on or near wetlands or near identified floodplains.

The AMLD utilized the U.S. Fish and Wildlife Service’s (FWS) IPaC database to make a “may effect, but not likely to adversely affect” determination regarding listed species. A response letter dated December 6, 2022, from FWS acknowledged concurrence with this determination and the conclusion of informal consultation. Reclamation activities will be designed in a way that will not diminish fish or wildlife habitat. No impact is anticipated for any prime or unique farmland.

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 AMLD and all governing and private entities potentially impacted by this project are open and ongoing. A public meeting to discuss the project was held on November 1, 2021, and notices were mailed to landowners.

Vegetative cover varies with land use, but primarily includes asphalt or gravel driveways, grass yards and highway 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 December 14, 2022, 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 NDDEQ. Noise pollution issues may be present near occupied buildings and roadways. If problems are encountered, the NDDEQ will be consulted for remedial action. No significant direct or indirect impact on minority or low-income populations is expected.

OSMRE Environmental Reviewer

\_\_\_\_\_  
John Sieving, Physical Scientist  
Casper Area Office

\_\_\_\_\_  
Date

OSMRE Authorized Official

\_\_\_\_\_  
Jeff Fleischman, Chief  
Denver Field Division

\_\_\_\_\_  
Date