

# 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 29, 2024

Mr. Jonathan Emmer, Director  
Reclamation & AML Divisions  
North Dakota Public Service Commission  
600 E. Boulevard Ave., Dept. 408  
Bismarck, ND 58505-0480

Dear Mr. Emmer:

The Office of Surface Mining Reclamation and Enforcement (OSMRE) has determined that the 2024 Dakota Collieries 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 ND000014 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 29<sup>th</sup>, 2024.
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

2024 Dakota Collieries  
Abandoned Mine Reclamation Project  
PAD #: ND000014  
County: Mercer County  
State: North Dakota

This project proposes to backslope and backfill approximately 915 feet of dangerous highwall at a former surface and underground coal mining operation located approximately 4 miles west of Beulah, ND. This project will take place within Sections 31 and 32, T144N, R84W, and Section 36, T144N, R89W in Mercer County, ND. The project area includes approximately 30 acres and is characterized by highwalls approximately 50 feet in height. Tree removal is proposed between January and March 2024. Backsloping and backfilling of highwalls utilizing adjacent spoil piles is proposed between May and November 2024. The environmental assessment (EA) for this project was completed in January of 2024.

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 21, 2023. 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. A response letter from NDDEQ, dated December 6, 2023, stated the proposed project will require coverage under the North Dakota Pollutant Discharge Elimination System (NDPDES) general construction permit if more than one acres of soil is disturbed. Approximately 25 acres of soil disturbance is anticipated. No off-site pit dewatering is planned and 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 "will not adversely affect" determination regarding listed species. A response letter dated December 4, 2023, 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 January 8, 2024, and notices were mailed to landowners.

Vegetative cover varies with land use, but primarily includes cropland, tame grass, and legume pastures. Reclaimed areas will be returned to cropland or 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 20, 2023, indicated this project does not appear to affect any properties owned, leased or managed by NDPRD, or any properties protected under Section 6(f) of the LWCF. No plant or animal species of concern or significant ecological communities have been identified 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

1-29-2024

Date

OSMRE Authorized Official



Jeff Fleischman, Chief  
Denver Field Division

1-29-24

Date