

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 Exploratory Drilling 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 ND000003, ND000054, and ND000528 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 Categorical Exclusion on January 29th, 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

APPENDIX 6.6 AML CATEGORICAL EXCLUSION DETERMINATION FORM
(REVISED JULY 2019)

ABANDONED MINE LANDS
CATEGORICAL EXCLUSION DETERMINATION

State: North Dakota PA # ND000003, ND000528, ND000054

Project Name: 2024 Exploratory Drilling

Project Description/Proposed Action: *[Provide a detailed description of the project/proposal action (include what will be done and how)]*

The 2024 Exploratory Drilling AML Project will locate and characterize hazardous underground mine working beneath public roads and other infrastructure. The investigatory project is expected to be conducted near the cities of New Salem & Scranton, North Dakota between June and September 2024. Drilling will generally be done in road right-of-ways and industrial areas. Surface disturbance will be very minimal. The estimated cost for this project is \$300,000.

Yes responses require submission of an Environmental Assessment (EA).

I. GENERAL EXCEPTIONS

Does the project type specifically require an EA in 516 DM Chapter 13, as specified in Item I of Appendix 6.5 of OSMRE's NEPA Handbook (2019)?

No Yes

II. DEPARTMENT OF THE INTERIOR EXCEPTIONS

Will the project have any of the following:

A significant adverse effect on public health or safety? No Yes

An adverse effect on any of the following unique geographic characteristics? No Yes

If yes, check the ones that apply.

Parks (State, Local, or National)

Wild or Scenic Rivers

- Recreation or Refuge Lands
- Wetlands
- Wilderness Areas
- Floodplains
- Ecologically Significant or Critical Areas
- Sole or Principal Drinking Water
- Prime Farmland
- Aquifers

- Highly controversial environmental effects? No Yes
- Highly uncertain and potentially significant environmental effects or unique or unknown environmental risks? No Yes
- A precedent for future action or a decision in principle about future actions with potentially significant environmental effects? No Yes
- Directly related to other actions with individually insignificant but cumulatively significant environmental effects? No Yes
- Adverse effects on properties listed or eligible for listing on the National Register of Historic Places? No Yes
- Adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species? No Yes
- Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Wetlands Protection) or The Fish and Wildlife Coordination Act? No Yes
- Threaten to violate a Federal, State, Tribal or local law or requirement imposed for the protection of the environment? No Yes
- Involve unresolved conflicts concerning alternative uses of available resources (NEPA Sec. 102(2)(E))? No Yes
- Have a disproportionate, significant adverse effect on low income or minority populations (EO 12898)? No Yes
- Restrict access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites (EO 13007)? No Yes
- Contribute to the introduction, continued existence, or spread of noxious Weeds or non-native invasive species known to occur in the area or actions

that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and EO 13112)?

No Yes

III. RESOURCE IMPACT EXCEPTIONS


Are there any unresolved issues, or adverse effects requiring specialized mitigation, for any of the following resources? If yes, check the ones that apply.

No Yes

- Topography
- Land Use (includes prime farmland)
- Soils
- Vegetation (includes wetlands)
- Hydrology
- Fish and Wildlife
- Historic and Cultural
- Recreation
- Air Quality
- Noise
- Other (includes socioeconomics)

IV. ATTACH CONSULTATION LETTERS AND A LOCATION MAP



V. RESPONSIBLE OFFICIAL CERTIFICATION

Signature:  Date: 1/23/24
 Name and Title: Director of AML and Reclamation Divisions

VI. OSMRE DETERMINATION

This project conforms with the exclusion criteria in 516 DM Chapter 13, and is excluded from further NEPA compliance.

This project does not conform with the exclusion criteria in 516 DM Chapter 13, and requires an Environmental Assessment. As such, OSMRE will complete an *Evaluation of a Proposed Action* template (see Appendix 4.1 of OSMRE's NEPA Handbook (2019)).

OSMRE Reviewer Signature:  Date: 1-29-2024
 Name and Title: John C. Siering, Physical Scientist
 Signature:  Date: 1-29-24
 Name and Title: FLEISCHMAN ODFD