

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

November 25, 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 2025 Buechler Velva Phase 3 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 ND000004 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 November 25th, 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. This project is expected to utilize funds from grant S23AF00108. 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

2025 Buechler Velva Phase 3 AML Project
Abandoned Mine Reclamation Project
PAD #: ND000004
County: Ward County
State: North Dakota

This project involves backsloping and backfilling approximately 2,900 feet of dangerous highwall, ranging up to 40 feet in height, on an abandoned surface coal mine located approximately 9 miles southwest of Velva, North Dakota, in Ward County. Previous reclamation projects have been conducted near to or adjacent to this site in 2010 and 2021. The project is located in the E ½ of Section 1, Township 151N, Range 81 W, in Ward County, ND. Both surface and underground mining have been at this site from about 1910 until 1970, with coal seams ranging from 11 to 14 feet in height. A tree removal phase is planned for December 2024 through March 2025 and construction is anticipated between May and November of 2025. Backfilling will utilize material from adjacent spoil and disturbed areas will be seeded with locally adapted grass species. The environmental assessment (EA) for this project was completed in November 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. Reclamation activities will be conducted in a manner that should have no significant effect on cultural or historic resources. A response letter from the North Dakota State Historical Society (NDSHPO), dated October 31, 2024, stated concurrence with a determination of "No Historic Properties Affected". No significant impacts to surface water quality or quantity are anticipated. A response letter from NDDEQ, dated November 12, 2024, stated no objections to the proposed project, providing no contaminants are released that could impact groundwater quality. No reclamation activities are planned on or near wetlands or near identified floodplains.

Reclamation activities will be designed in a way that will not diminish fish or wildlife habitat. The AMLD utilized the U.S. Fish and Wildlife Service's (FWS) IPaC database to make a "no affect" determination regarding listed species. A response letter dated October 22, 2024, from FWS stated concurrence with the "no effect: determination and concluded informal consultation. 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. The proposed project area is not in or near a Class I air quality region. Reclamation will be conducted in a manner that minimizes any disruption of socioeconomic factors.

Ward County has zoning jurisdiction over portions of the project area. The project area also includes several township authorities, the State of North Dakota and private owners. Avenues of communication between AMLD and all governing and private entities potentially impacted by this project are open and ongoing. A public meeting will be held in November of 2024 to discuss the project.

Vegetative cover varies with land use, but primarily includes hayland, tame grass, legume pastures, and farm trails. Long term effects on vegetation should be minimal. NDPSC conducted a Land Use/Habitat Evaluation inspection of the project area on October 18, 2022 and determined the action area is not native prairie grassland. 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 October 18, 2024, 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.

A response letter from the U.S. Army Corps of Engineers, dated February 2, 2024 indicated that planned activities are non-jurisdictional and do not meet the definition of waters of the United States.

OSMRE Environmental Reviewer



John Sieving, Physical Scientist
Casper Area Office

11-25-2024

Date

OSMRE Authorized Official



Jeff Fleischman, Chief
Denver Field Division

11-26-24

Date