



Public Service Commission

Sheri Haugen-Hoffart

Randy Christmann

Julie Fedorchak

600 East Boulevard Ave
Dept 408
Bismarck, ND 58505-0480
701-328-2400
ndpsc@nd.gov

sent via email only

November 15, 2024

Mr. Jeff Fleischman, Chief
Denver Field Division
Office of Surface Mining
P.O. Box 11018
Casper, WY 82601

RE: Request for Authorization to Proceed for the 2025 Exploratory Drilling AML Project in North Dakota.

Dear Mr. Fleischman:

Enclosed is the documentation to support our Request for Authorization to Proceed for the 2025 Exploratory Drilling AML Project in New Salem, North Dakota. The categorical exclusion is attached for the proposed project.

We have requested concurrence for our proposed 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.

All affected property owners for this project have been contacted and consents for right-of-entry will be executed before any work begins.

The e-AMLIS Problem Areas Description numbers, names, and project type for the proposed sites are:

ND000054 – New Salem – 2025 Exploratory Drilling Project

The proposed grant for funding this project is S23AF00108 (FY2023 North Dakota State Fee Grant). We have posted updated priority documentation for this project in the documents section in e-AMLIS. If you need more information or have any questions, please call Matt Fischer at 701-328-4779 or me at 701-328-4094.

Sincerely,

Jonathan Emmer

Director
Reclamation and AML Divisions

Enclosures

5 AM-24-354 Filed 11/15/2024 Pages: 29
Authorization to Proceed Request Letter and Attachments

cc via email only: John Sieving

Public Service Commission
Jonathan Emmer

AML\2025\Exploratory Drilling\ATP\Requests sent to OSMRE\1 2025_Auth_to_Proceed_11-15-24

List of Attachments

A brief narrative about the proposed 2025 Exploratory Drilling AML Project.

Categorical Exclusion Determination (NEPA 6.6) for the proposed 2025 Exploratory Drilling AML Project.

Requests for concurrence for the 2025 Exploratory Drilling AML Project and the responses received from:

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 2025 Exploratory Drilling AML Project.

Project Narrative

The 2025 Exploratory Drilling AML Project: This project will locate and characterize underground mine workings beneath public roads and other infrastructure. This investigatory project will be conducted near New Salem, North Dakota between December 2024 and June 2025. This project is a continuation project of the 2024 Exploratory Drilling AML Project. Surface disturbance for this type of project is minimal as the contractor will backfill the four-inch holes with drill cuttings at the completion of the project. The estimated cost for this project is \$325,000.

AML\2025\Exploratory Drilling\ATP\Requests sent to OSMRE\2 Project Narrative

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

**ABANDONED MINE LANDS
CATEGORICAL EXCLUSION DETERMINATION**

State: North Dakota PA # ND000054

Project Name: 2025 Exploratory Drilling

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

The 2025 Exploratory Drilling AML Project will locate and characterize underground mine workings beneath public roads and other infrastructure. This investigatory project will be conducted near New Salem, North Dakota between December 2024 and June 2025. This project is a continuation project of the 2024 Exploratory Drilling AML Project. Surface disturbance for this type of project is minimal as the contractor will backfill the four-inch holes with drill cuttings at the completion of the project. The estimated cost for this project is \$325,000.

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: 11/14/24

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: _____

Name and Title: _____

Signature: _____ Date: _____

Name and Title: _____



Public Service Commission

Sheri Haugen-Hoffart

Randy Christmann

Julie Fedorchak

600 East Boulevard Ave
Dept. 408
Bismarck, ND 58505-0480
701-328-2400
ndpsc@nd.gov

sent via email only

October 8, 2024

Kathy Duttonhefner
Natural Resources Management Coordinator
ND Parks & Recreation Department
604 East Boulevard Ave. Dept. 750
Bismarck, ND 58503
kgduttonhefner@nd.gov

Dear Ms. Duttonhefner:

The Public Service Commission is planning reclamation activities in 2025 at an Abandoned Mine Lands (AML) Site in New Salem, North Dakota. 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 **November 8, 2024**.

The 2025 Exploratory Drilling AML Project: This project will locate and characterize underground mine workings beneath public roads and other infrastructure. This investigatory project will be conducted in New Salem, North Dakota between January and August 2025. Surface disturbance for this type of project is minimal. The contractor will drill four-inch holes and backfill the holes with drill cuttings upon completion. The estimated cost for this project is \$650,000. The attached map shows the proposed project location.

Thank you for your assistance in this matter. If you have any questions or need more information, please contact the project manager, Brett Job, at bjob@nd.gov or 701-989-4041.

Sincerely,

A blue ink signature of Jonathan Emmer, written in a cursive style.

Jonathan Emmer
Director
Abandoned Mine Lands Division

Enclosure

AML\2025\Exploratory Drilling\ATP\Concurrence Letters\2025_Advsry_auth_to_proceed_ltr_10-824

2025 Exploratory Drilling

T139N R85W
New Salem, ND
Morton County
ND PSC AML Division



Work Area

20

21



October 18, 2024

ND Public Service Commission
State Capitol, 13th Floor
600 East Blvd. Ave.
Bismarck, ND 58505-0480

Re: 2025 AML –Site in New Salem

Dear Commission,

The North Dakota Parks and Recreation Department (NDPRD) has reviewed the above-referenced proposed Abandoned Mine Lands site in New Salem, 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 projects may affect properties protected under Section 6(f) of the LWCF.

Several LWCF projects have been identified near the proposed project's vicinity. Attached is a map identifying the approximate locations. Properties that have received funding from the LWCF program have a designated 6(f) property boundary that carries restrictions on modifications to the property, including but not limited to utilities or any divestiture of land. For additional information regarding LWCF properties, don't hesitate to contact Char Langehaug, ND Parks and Recreation's Department's Grants Coordinator, at clangehaug@nd.gov or 701-328- 5364.

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 within 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.

604 E Boulevard Ave Dept. 750 | Bismarck, ND 58505

PHONE: 701-328-5357 | FAX: 701-328-5363 | EMAIL: parkrec@nd.gov | WEBSITE: www.parkrec.nd.gov



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

Sincerely,

A handwritten signature in black ink that reads "Kathy Duttonhefner".

Kathy Duttonhefner, Chief Natural Resources Division

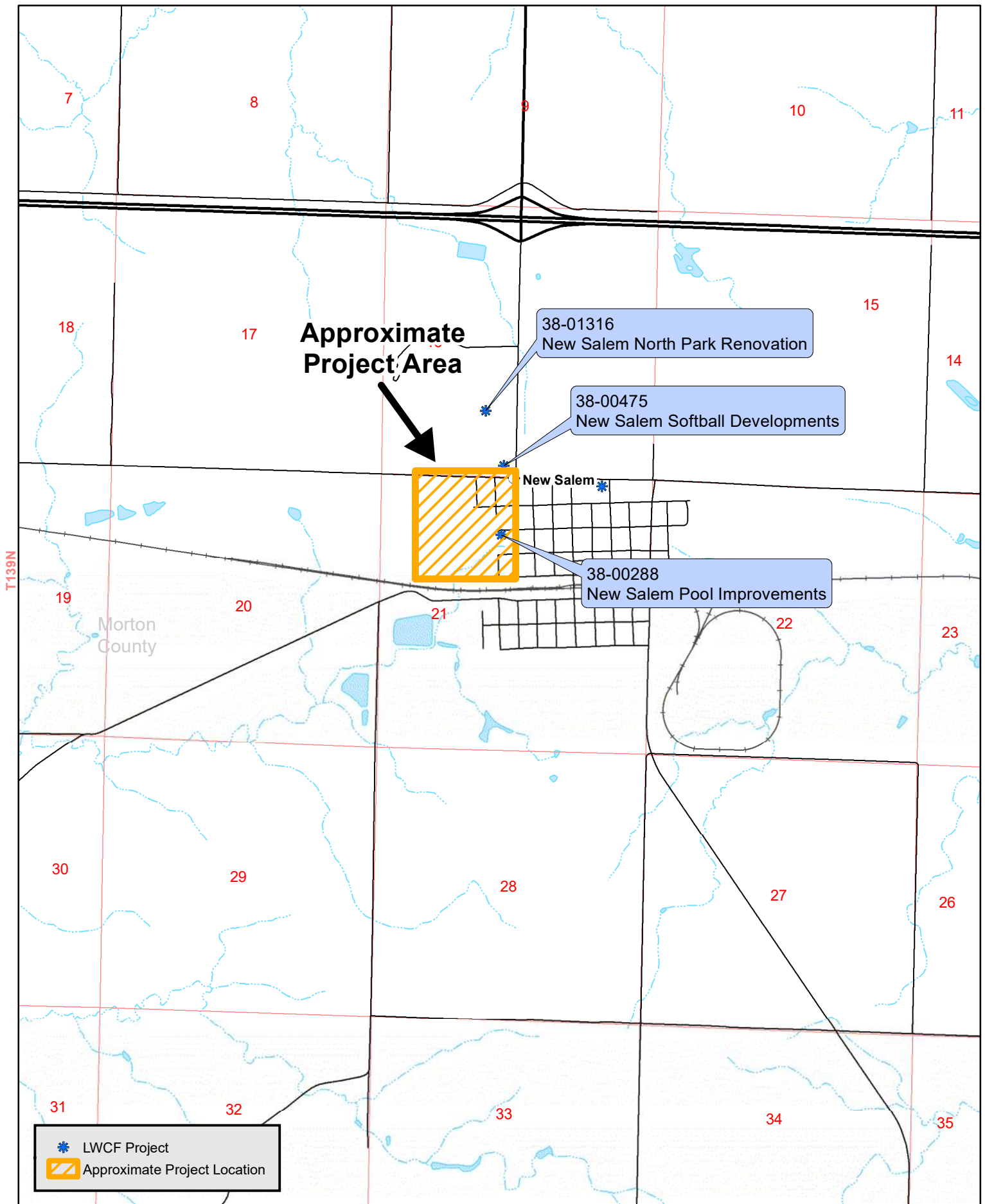
604 E Boulevard Ave Dept. 750 | Bismarck, ND 58505

PHONE: 701-328-5357 | FAX: 701-328-5363 | EMAIL: parkrec@nd.gov | WEBSITE: www.parkrec.nd.gov

Land and Water Conservation Fund Projects

<u>Project Name</u>	<u>Project Number</u>
New Salem North Park Renovation	38-01316
New Salem Pool Improvements	38-00288
New Salem Softball Developments	38-00475

North Dakota Parks and Recreation Department North Dakota Natural Heritage Inventory





Public Service Commission

Sheri Haugen-Hoffart

Randy Christmann

Julie Fedorchak

600 East Boulevard Ave
Dept. 408
Bismarck, ND 58505-0480
701-328-2400
ndpsc@nd.gov

sent via email only

October 8, 2024

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 2025 at an Abandoned Mine Lands (AML) Site in New Salem, North Dakota. 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 historical or archaeological resources. Please reply regarding this proposed project by **November 8, 2024**.

The 2025 Exploratory Drilling AML Project: This project will locate and characterize underground mine workings beneath public roads and other infrastructure. This investigatory project will be conducted in New Salem, North Dakota between January and August 2025. Surface disturbance for this type of project is minimal. The contractor will drill four-inch holes and backfill the holes with drill cuttings upon completion. The estimated cost for this project is \$650,000. The attached map shows the proposed project location.

Thank you for your assistance in this matter. If you have any questions or need more information, please contact the project manager, Brett Job, at bjob@nd.gov or 701-989-4041.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan Emmer".

Jonathan Emmer
Director
Abandoned Mine Lands Division

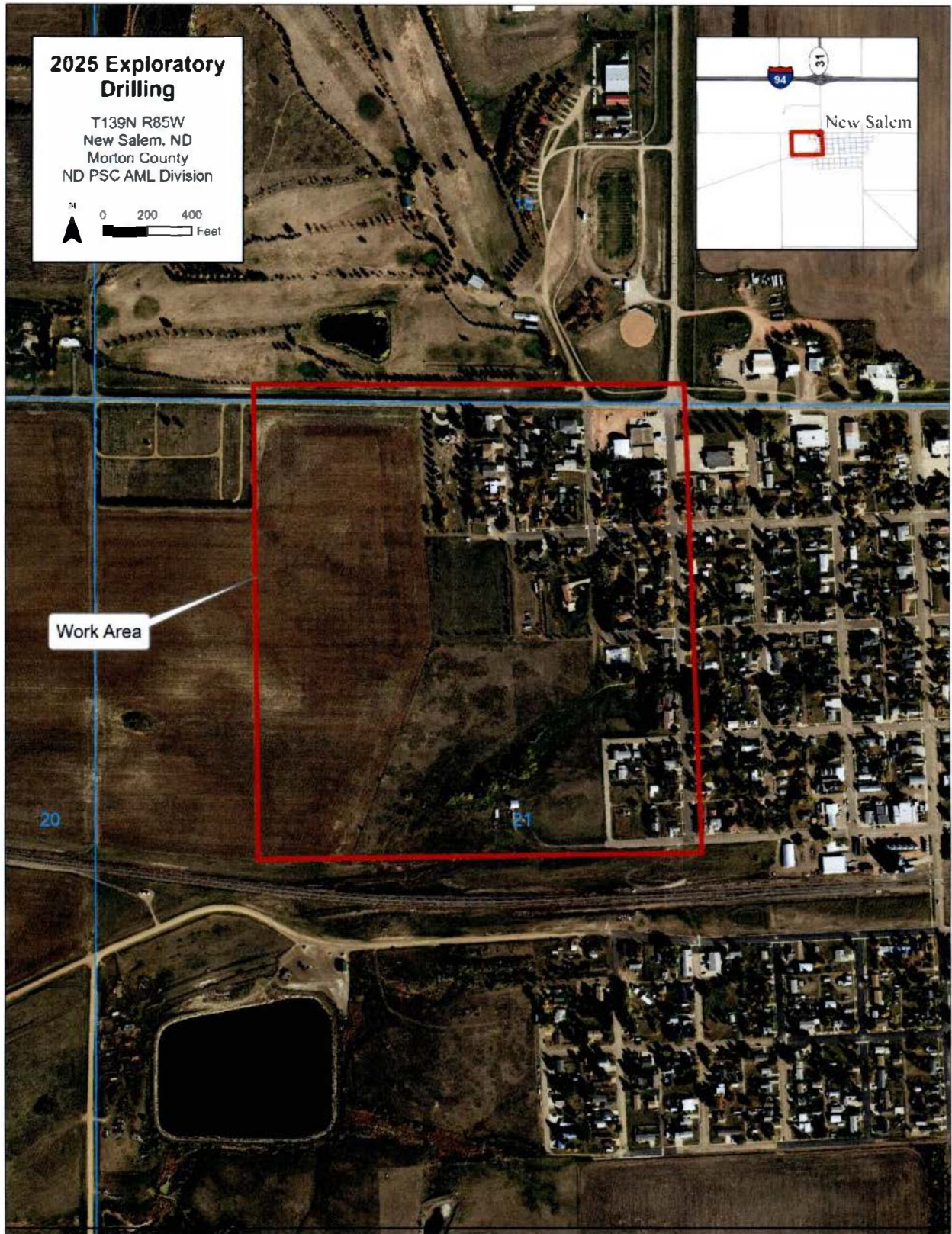
Enclosure

2025 Exploratory Drilling

T139N R85W
New Salem, ND
Morton County
ND PSC AML Division



Work Area





October 31, 2024

Jonathan Emmer
Abandoned Mines Division
600 East Boulevard, Dept 408
Bismarck, ND 58505

ND SHPO Ref: 25-0003 2025 Abandoned Mine Lands Exploratory Drilling New Salem, North Dakota in portions of [T139N R85W Section 21] Morton County, North Dakota

Dear Jonathan,

We've reviewed project ND SHPO Ref: 25-0003 2025 Abandoned Mine Lands Exploratory Drilling New Salem, North Dakota in portions of [T139N R85W Section 21] Morton County, North Dakota as submitted to our office on October 8, 2024.

The project near New Salem, ND is within the boundaries of 32MOX340 (McCormick Mine). We concur with a determination of "No Adverse Effect" provided any historic surface features (foundations, equipment, building remains, etc.) are avoided if possible.

Please note the project's proximity to Graceland Cemetery in NW NW NW of T139N R85W Section 22 and refer to state laws regarding burials, NDCC 23-06-27 and NDAC 40-02-03.

Thank you for the opportunity to review this project. Please include the ND SHPO Ref number in future correspondence for this project. If you have any questions please contact Margie Patton, Research Archaeologist at 701-328-3576 or mmpatton@nd.gov.

Sincerely,

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

25-0003



Public Service Commission

Sheri Haugen-Hoffart

Randy Christmann

Julie Fedorchak

600 East Boulevard Ave
Dept. 408
Bismarck, ND 58505-0480
701-328-2400
ndpsc@nd.gov

sent via email only

October 8, 2024

Luke Toso
U.S. Fish and Wildlife Service
Ecological Services
3425 Miriam Avenue
Bismarck, ND 58501-7926
luke_toso@fws.gov

Dear Mr. Toso:

The Public Service Commission is planning reclamation activities in 2025 at an Abandoned Mine Lands (AML) Site in New Salem, North Dakota. 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 **November 8, 2024**.

The 2025 Exploratory Drilling AML Project: This project will locate and characterize underground mine workings beneath public roads and other infrastructure. This investigatory project will be conducted in New Salem, North Dakota between January and August 2025. Surface disturbance for this type of project is minimal. The contractor will drill four-inch holes and backfill the holes with drill cuttings upon completion. The estimated cost for this project is \$650,000. The attached map shows the proposed project location. The attached IPAC for the project area does not list any critical habitat. The reclamation activities for the 2025 Exploratory Drilling AML Project will not jeopardize or adversely affect any proposed, threatened, or endangered species or proposed or designated critical habitat.

Thank you for your assistance in this matter. If you have any questions or need more information, please contact the project manager, Brett Job, at bjob@nd.gov or 701-989-4041.

Sincerely,

Jonathan Emmer

Director

Abandoned Mine Lands Division

Enclosures

cc via email only: Jerry Reinisch (jerry_reinisch@fws.gov)

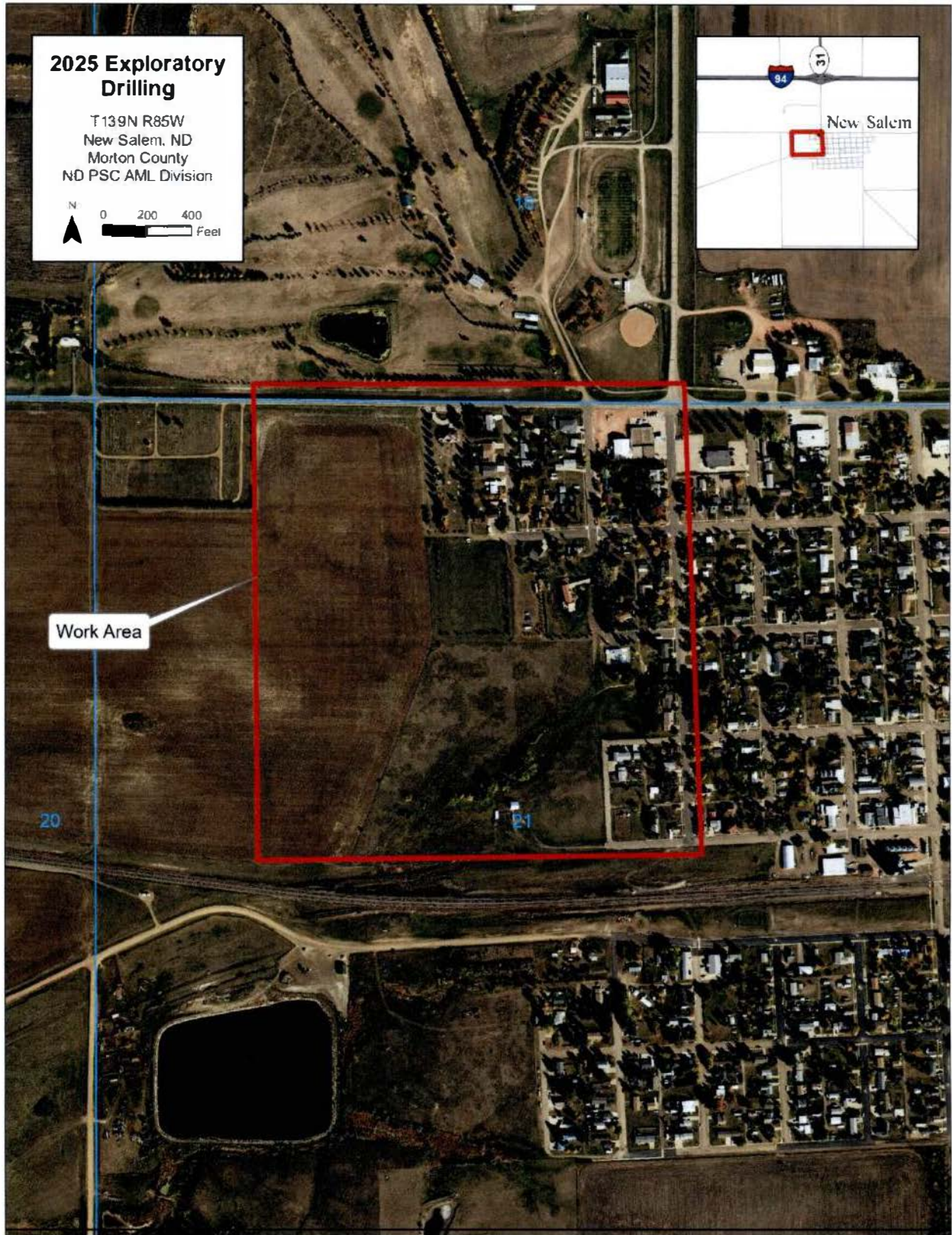
AML\2025\Exploratory Drilling\ATP\Concurrence Letters\2025_Advsry_auth_to_proceed_ltr_10-8-24

2025 Exploratory Drilling

T139N R85W
New Salem, ND
Morton County
ND PSC AML Division



Work Area





United States Department of the Interior

FISH AND WILDLIFE SERVICE
North Dakota Ecological Services Field Office
3425 Miriam Avenue
Bismarck, ND 58501-7926
Phone: (701) 250-4481 Fax: (701) 355-8513



In Reply Refer To:

10/04/2024 16:54:26 UTC

Project Code: 20250002014

Project Name: 2025 Exploratory Drilling

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

Section 7 of the Endangered Species Act

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The Act requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the Service *if they determine their project and associated actions "may affect" listed species or critical habitat*. If Federal agencies or their non-federal representatives determine their project and associated actions will have "no effect" on listed species, their habitats, or designated critical habitat, consultation is not required. However, if a "no effect" is determined, we recommend that you maintain a written record in support of your conclusion.

Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act

Additionally, while not all are listed as threatened or endangered, eagles and migratory birds

have protections under the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Act (MBTA). The BGEPA prohibits take which is defined as, "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb" (50 CFR 22.3). Disturb is defined in regulations as, "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.". The MBTA makes it unlawful without a waiver to pursue, hunt, take, capture, kill, or sell birds listed as migratory birds, including eagles. The statute does not discriminate between live or dead birds and also grants full protection to any bird parts including feathers, eggs, and nests.

Service Property Interests

As part of the National Wildlife Refuge System, the Service administers fee title Refuge and Waterfowl Production Areas, as well as wetland and grassland easements, throughout North Dakota. For exact locations of Service interest lands, please contact the appropriate Wetland Management Districts (WMD) for guidance regarding FWS easements.

Northwest ND WMD Complex: Kyle Flanery, (701) 768-2548

Eastern ND WMD Complex: Dave Azure, (701) 285-3341

Central ND WMD Complex (also covers south and west): Todd Luke, (701) 442-5474

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

North Dakota Ecological Services Field Office

3425 Miriam Avenue

Bismarck, ND 58501-7926

(701) 250-4481

PROJECT SUMMARY

Project Code: 2025-0002014

Project Name: 2025 Exploratory Drilling

Project Type: Subsurface Exploration - Coal

Project Description: This project will locate and characterize underground mine workings beneath public roads and other infrastructure. This investigatory project is expected to be conducted near New Salem, North Dakota between January and August 2025. Surface disturbance for this type of project is minimal as the contractor will fill the four-inch holes drilled in with the cuttings from drilling.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@46.84482605,-101.42104385139675,14z>



Counties: Morton County, North Dakota

ENDANGERED SPECIES ACT SPECIES

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

BIRDS

NAME

STATUS

Piping Plover *Charadrius melodus*

Threatened

Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered.

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

Species profile: <https://ecos.fws.gov/ecp/species/6039>

Rufa Red Knot *Calidris canutus rufa*

Threatened

There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat.

Species profile: <https://ecos.fws.gov/ecp/species/1864>

Whooping Crane *Grus americana*

Endangered

Population: Wherever found, except where listed as an experimental population

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

Species profile: <https://ecos.fws.gov/ecp/species/738>

INSECTS

NAME

STATUS

Monarch Butterfly *Danaus plexippus*

Candidate

No critical habitat has been designated for this species.

Species profile: <https://ecos.fws.gov/ecp/species/9743>

Western Regal Fritillary *Argynnis idalia occidentalis*Proposed
Threatened

No critical habitat has been designated for this species.

Species profile: <https://ecos.fws.gov/ecp/species/12017>

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

**USFWS NATIONAL WILDLIFE REFUGE LANDS
AND FISH HATCHERIES**

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

FRESHWATER POND

- PABFh

RIVERINE

- R4SBC

FRESHWATER EMERGENT WETLAND

- PEM1Ch

IPAC USER CONTACT INFORMATION

Agency: State of North Dakota
Name: Brett Job
Address: 600 E Boulevard Ave.
Address Line 2: 13th Floor Dept. 408
City: Bismarck
State: ND
Zip: 58505
Email: bjob@nd.gov
Phone: 7019894041

You have indicated that your project falls under or receives funding through the following special project authorities:

- BIPARTISAN INFRASTRUCTURE LAW (BIL) (OTHER)



Public Service Commission

Sheri Haugen-Hoffart

Randy Christmann

Julie Fedorchak

600 East Boulevard Ave
Dept. 408
Bismarck, ND 58505-0480
701-328-2400
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sent via email only

October 8, 2024

Luke Toso
U.S. Fish and Wildlife Service
Ecological Services
3425 Miriam Avenue
Bismarck, ND 58501-7926
luke_toso@fws.gov

The U.S. Fish and Wildlife Service currently has no comments or concerns regarding this project as described. If the project changes or new information becomes available, please contact this office again so potential impacts to federally listed species and other trust resources may be reevaluated.

LUKE TOSO

Digitally signed by LUKE
TOSO
Date: 2024.11.13 10:25:30
-06'00'

Supervisor, North Dakota Ecological Services Field Office

Date

Dear Mr. Toso:

The Public Service Commission is planning reclamation activities in 2025 at an Abandoned Mine Lands (AML) Site in New Salem, North Dakota. 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 **November 8, 2024**.

The 2025 Exploratory Drilling AML Project: This project will locate and characterize underground mine workings beneath public roads and other infrastructure. This investigatory project will be conducted in New Salem, North Dakota between January and August 2025. Surface disturbance for this type of project is minimal. The contractor will drill four-inch holes and backfill the holes with drill cuttings upon completion. The estimated cost for this project is \$650,000. The attached map shows the proposed project location. The attached IPAC for the project area does not list any critical habitat. The reclamation activities for the 2025 Exploratory Drilling AML Project will not jeopardize or adversely affect any proposed, threatened, or endangered species or proposed or designated critical habitat.

Thank you for your assistance in this matter. If you have any questions or need more information, please contact the project manager, Brett Job, at bjob@nd.gov or 701-989-4041.

Sincerely,

Jonathan Emmer
Director
Abandoned Mine Lands Division

Enclosures

cc via email only: Jerry Reinisch (jerry_reinisch@fws.gov)



Public Service Commission

Sheri Haugen-Hoffart

Randy Christmann

Julie Fedorchak

600 East Boulevard Ave
Dept. 408
Bismarck, ND 58505-0480
701-328-2400
ndpsc@nd.gov

sent via email only

October 8, 2024

Mr. Karl Rockeman, P.E.,
Director, Division of Water Quality
North Dakota Department of Environmental Quality
4201 Normandy Street
Bismarck, ND 58503
krockema@nd.gov

Dear Mr. Rockeman:

The Public Service Commission is planning reclamation activities in 2025 at an Abandoned Mine Lands (AML) Site in New Salem, North Dakota. 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 surface or groundwater resources. Please reply regarding this proposed project by **November 8, 2024**.

The 2025 Exploratory Drilling AML Project: This project will locate and characterize underground mine workings beneath public roads and other infrastructure. This investigatory project will be conducted in New Salem, North Dakota between January and August 2025. Surface disturbance for this type of project is minimal. The contractor will drill four-inch holes and backfill the holes with drill cuttings upon completion. The estimated cost for this project is \$650,000. The attached map shows the proposed project location.

Thank you for your assistance in this matter. If you have any questions or need more information, please contact the project manager, Brett Job, at bjob@nd.gov or 701-989-4041.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan Emmer".

Jonathan Emmer
Director
Abandoned Mine Lands Division

Enclosure

AML\2025\Exploratory Drilling\ATP\Concurrence Letters\2025_Advsry_auth_to_proceed_ltr_10-8-24

2025 Exploratory Drilling

T139N R85W
New Salem, ND
Morton County
ND PSC AML Division



Work Area



NORTH
Dakota | Environmental Quality
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November 12, 2024

Jonathan Emmer
Director
Abandoned Mine Lands Division
North Dakota Public Service Commission
600 E Boulevard Ave, Dept 408
Bismarck, ND 58505-0480

Mr. Emmer,

The North Dakota Department of Environmental Quality (NDDEQ) has reviewed your October 8, 2024, letters discussing your proposed reclamation projects near New Salem and Velva. We do not object to the proposed projects as long as the planned activities do not result in the release of contaminants that could negatively impact groundwater quality. All spills must be immediately reported to this Department and appropriate remedial actions should be 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



Public Service Commission

Sheri Haugen-Hoffart

Randy Christmann

Julie Fedorchak

600 East Boulevard Ave
Dept. 408
Bismarck, ND 58505-0480
701-328-2400
ndpsc@nd.gov

October 29, 2024

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

Dear Mr. Fleischman:

This letter is submitted under 30 CFR 874.12 as the required eligibility determination for land included in the 2025 Exploratory Drilling Project.

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 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 "Brian Johnson".

Brian Johnson
Special Assistant Attorney General
North Dakota Public Service Commission