

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 LeHigh Road Phase X 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 ND000024 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 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. This project is expected to utilize funds from grants S23AF00108 and S24AF00084. 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 LeHigh Road Phase X
Abandoned Mine Reclamation Project
PAD #: ND000024
County: Stark County
State: North Dakota

This project proposes to utilize pressurized remote backfilling to stabilize abandoned coal mine workings along LeHigh Road and other infrastructure near the town of Dickinson, ND. Phase X of this project is a continuation of previous drilling and grouting projects conducted in 1996-2003, 2022, 2023 and 2024. The project is located in Sections 7, 8, 17, and 18, Township 139N, Range 95 W, in Stark County, ND. Previous drilling has identified numerous mine voids beneath LeHigh Road and adjacent roads. Phase X of this project is a continuation of the 2024 LeHigh Road Phase IX AML Project. Since neither the scope nor location of the project has changed, all NEPA documentation and clearances remain valid for Phase X of this project. 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 January 8, 2024, stated that it does not appear the proposed project will significantly impact groundwater quality. No reclamation activities are 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 "no affect" determination regarding listed species. A response letter dated December 7, 2023, from FWS stated no comments or concerns 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. The proposed project area is not in or near a Class I

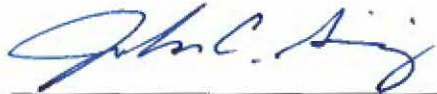
air quality region. Reclamation will be conducted in a manner that minimizes any disruption of socioeconomic factors.

Stark County has 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. City and County officials have expressed support for the project.

Vegetative cover varies with land use, but primarily includes asphalt road and driveways, grass yards and highway ditches. Long term effects on vegetation should be minimal. 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

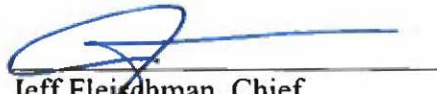


John Sieving, Physical Scientist
Casper Area Office

11-25-2024

Date

OSMRE Authorized Official



Jeff Fleischman, Chief
Denver Field Division

11-25-24

Date