

## United States Department of the Interior



OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
Casper Area Office  
PO Box 11018  
100 East B Street, Room 4100  
Casper, WY 82602



### Authorization to Proceed

January 12, 2026

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 2026 New Salem 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 ND000054 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 12<sup>th</sup>, 2026.
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 IIJA grants S24AF00018 and S25AF00127. 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

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Jeffrey Fleischman, Chief  
Denver Field Division

## FINDING OF NO SIGNIFICANT IMPACT

2026 New Salem  
Abandoned Mine Reclamation Project  
PAD #: ND000054  
County: Morton County  
State: North Dakota

This project proposes utilizing pressurized remote backfilling to stabilize abandoned coal mine workings along Old Highway 10 and other infrastructure, near the town of New Salem, ND. This project is a continuation of work conducted as part of the 2024 and 2025 Exploratory Drilling Projects. The project is located in Sections 16 and 21, Township 139N, Range 85 W, in Morton County, ND. Previous drilling has identified that the undermined area is larger than previously expected. The McCormick Deep Mine operated in this area at depths ranging from 190 to 240 feet, from approximately 1922 until 1951. The environmental assessment (EA) for this project was completed in January of 2026.

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 31, 2025. In the letter, NDSHPO concurred with a "No Adverse Effect" determination for the proposed project. No significant impacts to surface water quality or quantity are anticipated. A response letter from NDDEQ, dated December 18, 2025, stated that planned activities are not likely to 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 16, 2025, from FWS concurred with that determination.

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.

Morton 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 includes gravel or asphalt 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 18, 2025, 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**

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John Sieving, Physical Scientist  
Casper Area Office

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Date

OSMRE Authorized Official

**JEFFREY  
FLEISCHMAN**

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Jeff Fleischman, Chief  
Denver Field Division

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Date