



## Public Service Commission State of North Dakota

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April 22, 2008

Mr. Jeff Fleischman, Director  
OSM Casper Field Office  
PO Box 11018  
Casper, WY 82602-5004

### Re: Eligibility Determination for 2008 Williston (Njos) Emergency Site

Dear Mr. Fleischman:

This letter is submitted under 30 CFR 874.12 as the required eligibility determination for reclamation of the land included in the proposed 2008 Williston (Njos) Emergency Site. This site is located in the NE¼ of Section 20, T154N, R100W, approximately two miles east of Williston, ND.

#### 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 prior to 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 statutes of the State of North Dakota or the government of the United States?

Based upon available information, I find that the described real property was mined for coal, that the coal mining activity occurred prior to 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,

William W. Binck  
Chief Counsel

## **AML EMERGENCY INVESTIGATION**

**Type of Problem:** Subsidence  
**Reported by:** Representative Gary Sukut on behalf of David Njos  
**Address:** Williston, ND, 58801  
**Telephone:** 701-572-7345 (Njos)  
**Date Complaint Received:** April 11, 2008  
**Person Notified of Complaint:** Commissioner Susan Wefald  
**Address of Complaint:** South side of Highway 1804  
**City:** Williston  
**County:** Williams  
**State:** North Dakota

### **SITE INVESTIGATION**

**Date:** April 15, 2008  
**Time:** 3:30-6:00 P.M.  
**Name of State Investigators:** Bill Dodd, AML Division  
**OSM Representative(s) Present:** None  
**Others Present:** David Njos, Gary Sukut, Arvid Barstad

**Name of others contacted (Local, State, Federal, Insurance Agencies, Utilities, etc.):**  
Alan Boehms - OSM, was contacted by phone on April 12 and 17, 2008

### **LOCATION OF SITES**

#### **Directions of locations (Describe Route):**

The David Njos property is located in the NE¼ of Section 20, T154N, R100W, Williams County, on the south side of ND Highway 1804 approximately 2 miles east of Williston, North Dakota.

**USGS Quadrangle Name:** Williston East, N. Dakota  
**Coordinates:** 48.147184N, 103.565210W

### **MINE INFORMATION**

**Mined by:** unknown  
**Duration of Mining:** unknown  
**Type of Mining:** Underground  
**Seam Name:** Avoca      **Thickness of Seam:** approximately 9 feet

**CONTINUING RECLAMATION RESPONSIBILITY**

**Permitted Operation:** No    **Permit Number(s):** N/A  
**Bond Status:** Returned, Forfeited, Available: N/A  
**Amount:** N/A  
**Date:** N/A

**PRESENT OWNER(S)**

**Surface Owner's Name:** David and Mary Njos  
**Address:** 2409 6<sup>th</sup> Ave. E  
**City:** Williston  
**State:** North Dakota  
**Zip Code:** 58801  
**Telephone:** 701-572-7345

**Were the Property Owners Involved in the Mining:** No  
**If yes, explain:**

**Date Property Acquired by Owner:** 1990  
**If Potential Subsidence, Do Owners Have Insurance:** No  
**If yes,**  
**Agency:**  
**Agent:**  
**Address:**  
**Phone Number:**  
**Mineral Owner's Name:** Unknown

**AFFECTED PARTIES**

This is a shop used by David Njos in his business. Customers and others routinely visit this shop.

**SITE INFORMATION**

**Date that problem began or was first noticed:**  
David Njos said he first noticed this problem in early April 2008.

**Is there any active mining or related activities in or around the area:** Yes  
The GeoResources, Inc. Leonardite Mine is located within a mile, but has no effect on this site.

**Name of Operator(s):**  
GeoResources, Inc.

**Nature of problem:**

Void, Shafts, Slope, Entries, etc.

**Source of problem:**

Underground Mine

**Potentially Affecting:**

**Persons:** Estimated Number: 10+

**Housing:** a nearby cabin could potentially be affected

**Building:** one business shop and driveway

**Estimated acres affected:** less than 1

**PROBLEM DESCRIPTION**

**Describe the problem (Detail: size, shape; Is problem spreading, expanding; first noticed, etc.)**

On Friday April 11, 2008, Commissioner Wefald (NDPSC) was notified by State Representative Gary Sukut of a potential abandoned mine lands emergency on property owned by David Njos near Williston. There was an apparent underground mine collapse feature directly beneath a concrete driveway and shop floor. The AML Division conducted limited exploratory drilling near this driveway in 1995 and confirmed that it was undermined.

On Tuesday, April 15, 2008, Bill Dodd (NDPSC) inspected the site. There appeared to be a void beneath the expansion joint between the driveway and shop floor, directly below an overhead door. Mr. Njos inserted a rod into the expansion joint and it went down about three feet. With minimal pressure, the rod went down about five feet.

Mr. Njos is very concerned that the driveway and shop could cave in. He installed a piece of square metal pipe (see photo) across the shop floor in order to stabilize a load-bearing footing. He also cored through the shop floor (see photo) in a couple of locations and the dirt beneath those holes seemed solid. There is some cracking in the driveway near the overhead door (see photo) but Mr. Njos said those cracks had been there a long time.

I believe there is a mine void beneath the Njos shop and driveway and it does constitute an AML emergency. We plan to conduct emergency drilling and grouting in conjunction with the 2008 Williams County Road 9 Phase 3 Project. This will be the timeliest, most effective and inexpensive means to address this hazardous mine related problem.

**OTHER INFORMATION**

**Describe any other information available and its location (i.e., maps, inspections, reports, etc.)**

The AML Division conducted limited exploratory drilling at this location in 1995 and has drilling logs and drill hole location maps for this site.

### **ELIGIBILITY**

**Declaration of eligibility from State:** ND Public Service Commission

**Name:** William W. Binek, Chief Counsel

**Address:** 600 E Blvd Ave., Dept. 408

**City:** Bismarck

**State:** North Dakota

**Zip Code:** 58505-0480

**Telephone:** (701)328-2400

Oral Date **Written X** Date April 21, 2008

**Eligible:** YES X (an eligible site must be mine related, abandoned with inadequate reclamation prior to August 3, 1977, and no continuing reclamation responsibility.)

### **REMARKS**

The North Dakota SHPO was contacted concerning potential cultural or historical resources in conjunction with the 2008 Williams County Road 9 Project.

### **ADDED VALUE**

It is doubtful that reclamation of this site will add significant value to the property. However, remedial action to eliminate the hazards will be a help to the property owners. Eliminating the hazard will increase the safety to Mr. Njos and any other users of the property.

### **PROPOSED REMEDIAL ACTION:**

- Conduct drilling near the building and driveway to locate and characterize any mine voids.
- Inject cementitious grout to fill mine voids and stabilize the surface from collapse.
- Clean up and restore the area.

**ESTIMATED COST:** \$35,000-\$50,000 not to exceed \$75,000

**Investigator:** William E. Dodd  
**Address:** 600 E Blvd Ave., Dept. 408  
**City:** Bismarck  
**State:** North Dakota  
**Zip code:** 58505-0480  
**Telephone:** (701) 328-4101

**Signature:** William E. Dodd

**Project Title:** 2008 Njos Emergency (Williston)  
**Number:** to be assigned