



Public Service Commission  
State of North Dakota

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MAY 28 2008

PUBLIC SERVICE COMMISSION

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
web: www.nd.gov/psc  
e-mail: ndpsc@nd.gov  
TTY 800-366-6888 or 711  
Fax 701-328-2410  
Phone 701-328-2400

May 28, 2008

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

**Re: Eligibility Determination for 2008 Wilton (Highway 36) 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 Wilton (Highway 36) Emergency Site. This site is located in the SW¼ of Section 5, T142N, R79W, approximately three miles southeast of Wilton, 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,

Jim Deutsch  
Director, AML Division

## **AML EMERGENCY INVESTIGATION**

**Type of Problem:** Subsidence  
**Reported by:** Kevin Levi, NDDOT District Engineer  
**Address:** Bismarck, ND, 58505  
**Telephone:** 701-328-6955  
**Date Complaint Received:** May 23, 2008  
**Person Notified of Complaint:** Bill Dodd  
**Address of Complaint:** North ditch of ND Highway 36  
**City:** Wilton  
**County:** Burleigh  
**State:** North Dakota

### **SITE INVESTIGATION**

**Date:** May 23, 2008  
**Time:** 9:45 – 10:45 A.M.  
**Name of State Investigators:** Bill Dodd, AML Division  
**OSM Representative(s) Present:** None  
**Others Present:** Curt Anderson, BEK Communications  
**Name of others contacted (Local, State, Federal, Insurance Agencies, Utilities, etc.):**  
Alan Boehms - OSM, was contacted by phone (left message) and e-mail May 23, 2008

### **LOCATION OF SITES**

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

In the north ditch of ND Highway 36, approximately 3 miles east of the junction with ND Highway 83, about 3 miles southeast of Wilton.

**USGS Quadrangle Name:** Grass Lake, N. Dakota  
**Coordinates:** 47.14836N, -100.727931E

### **MINE INFORMATION**

**Mined by:** Washburn Lignite Coal Company  
**Duration of Mining:** 1916-46  
**Type of Mining:** underground  
**Seam Name:** unknown      **Thickness of Seam:** approximately 10 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:** ND Department of Transportation  
**Address:** 608 E Boulevard Ave.  
**City:** Bismarck  
**State:** North Dakota  
**Zip Code:** 58505-0700  
**Telephone:** 701-328-6955

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

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

**AFFECTED PARTIES**

The sinkhole is in the right-of-way of a public highway and could potentially affect anyone using the highway or operating motorcycles or four-wheelers in the ditch.

**SITE INFORMATION**

**Date that problem began or was first noticed:**  
May 22, 2008.

**Is there any active mining or related activities in or around the area:** NO  
The nearest active mine is about 25 miles away.

**Name of Operator(s):**

**Nature of problem:**  
Void, Shafts, Slope, Entries, etc.

**Source of problem:**  
Underground Mine

**Potentially Affecting:**

**Persons:** Estimated Number: 10+  
**Housing:** none  
**Building:** none  
**Estimated acres affected:** less than 1

### **PROBLEM DESCRIPTION**

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

On May 23, 2008, Kevin Levi, NDDOT, notified Bill Dodd of a dangerous sinkhole in the north ditch of Highway 36 near Wilton, North Dakota. A contractor for BEK Communications was trenching a fiber optic line in the highway ditch and dropped the wheel of a tractor into a sinkhole on May 22. The trenching contractor surrounded the hole with orange snow fence to keep people out of it.

An inspection was conducted on May 23. The sinkhole was about 2' diameter at the surface but belled out to about 10 feet in diameter and was at least 13 feet deep. The hole was in the ditch about 60 feet north of the road surface but appeared to trend southward toward the road. I believe this sinkhole is a serious and immediate hazard to the public and meets criteria as an AML emergency.

### **OTHER INFORMATION**

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

Mine information and maps are available for this site.

### **ELIGIBILITY**

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

**Name:** Jim Deutsch, AML Director

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

**City:** Bismarck

**State:** North Dakota

**Zip Code:** 58505-0480

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

Oral Date Written ☒ Date May 28, 2008

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

### **REMARKS**

Since this sinkhole is located on a highway right-of-way and reclamation will be limited to the immediate area of the sinkhole, no environmental resources will be affected.

### **ADDED VALUE**

It is doubtful that reclamation of this site will add significant value to the property. However, remedial action to eliminate the hazard will protect the public.

**PROPOSED REMEDIAL ACTION:**

- Remove all available topsoil from around the sinkhole
- Excavate the sinkhole with a backhoe
- Fill the excavated sinkhole with fill dirt and compact to the best extent possible
- Regrade the area to re-establish drainage
- Respread topsoil over the area
- Reseed the disturbed area

**ESTIMATED COST:**        \$1000

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

**Project Title:** 2008 Wilton (Highway 36) Emergency  
**Number:** to be assigned

2008 Wilton Emergency Site  
SW1/4 Sect. 5, T142N, R79W  
Approx Coord. 47.14836/-100.727931

2008 Wilton Emergency Site  
SW1/4 Sect. 5, T142N, R79W  
Approx Coord. 47.14836/-100.727931







NOV 24 2007 9:01



IN REPLY REFER TO

## United States Department of the Interior

### OFFICE OF SURFACE MINING

Reclamation and Enforcement  
Casper Field Office  
150 East "B" Street, Rm 1018  
Casper, Wyoming 82601

May 28, 2008

### STATE OF NORTH DAKOTA

### AML EMERGENCY PROJECT

2008 Wilton Highway 36

### FINDING OF FACT AND DECLARATION OF EMERGENCY

Documentation has been received from the Abandoned Mine Lands (AML) Division of the North Dakota Public Service Commission (PSC) describing an AML coal emergency at T142N, R79W, SW1/4 Section 5 in Burleigh County. The facts submitted by the PSC to the Casper Field Office (CFO) May 23, 2008, are as follows:

The CFO was initially alerted by both telephone and e-mail May 23, 2008, of a potential emergency due to a subsidence feature (sinkhole) located in the right-of-way of ND Highway 36 property owned by the North Dakota Department of Transportation. The sinkhole is located in the north ditch of ND Highway 36, approximately 3 miles east of the junction with ND Highway 83, approximately three miles southeast of Wilton, North Dakota. The AML Investigation Report, describing the May 23, 2008 emergency investigation conducted by the PSC, was electronically transmitted to the CFO on May 23, 2008.

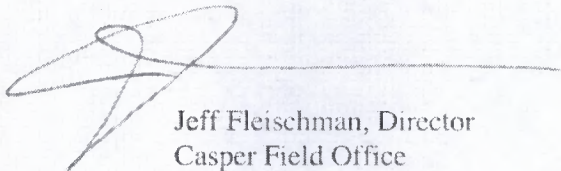
The incident involves a sinkhole resulting from pre-SMCRA underground mining conducted by the Washburn Lignite Coal Company. The area affected by the sinkhole, located in the ditch of the highway right-of-way, is approximately 2 feet in diameter at the surface, bells out to 10 feet in diameter below the surface and is at least 13 feet deep. This sinkhole is located 60 feet north of the road surface trending southward toward the road. The subsidence feature is likely to become worse and further endanger the general public. Approximately 10 people are potentially affected by the serious hazard in the immediate area. Eliminating the hazard will increase the safety to motorists of the public highway in addition to pedestrians and operators of motorcycles and all-terrain vehicles who utilize the ditch.

The PSC plans to remove all available topsoil from around the sinkhole, excavate the sinkhole with a backhoe, fill and compact the excavated hole with fill dirt, regrade the affected area to re-establish drainage, respread topsoil over the area, and reseed the disturbed area. The estimated cost to abate the problem is \$1,000.

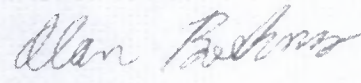
The North Dakota State Historic Preservation Officer (SHPO) was contacted concerning potential cultural or historical resources. The SHPO concurred May 27, 2008 with a "No Historic Properties Affected" determination.

The CFO was again alerted by e-mail May 28, 2008, of another possible sinkhole located in the right-of-way of ND Highway 36 property owned by the North Dakota Department of Transportation. This second sinkhole is reported to be located in the north ditch of ND Highway 36, approximately 300 feet east of the aforementioned sinkhole.

I conclude the sinkholes are associated with collapsing voids from pre-SMCRA underground coal mines, area suddenly occurring and previously unknown events constituting a threat to the community, and are an emergency eligible for funding under the AML program. The North Dakota AML Division of the PSC is hereby authorized to expend AML emergency funding to abate the health and safety hazards associated with the sinkholes and any other sinkholes found or known to exist in the immediate area of the right-of-way of ND Highway 36.



Jeff Fleischman, Director  
Casper Field Office



Alan Boehms  
AML Program Specialist

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MAY 27 2008

PUBLIC SERVICE COMMISSION

John Hoeven  
Governor of North Dakota

May 27, 2008

North Dakota  
State Historical Board

Mr. William Dodd  
AML Division  
PSC  
600 East Boulevard Avenue  
Dept 408  
Bismarck ND 58505-0480

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Grand Forks - President

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Bismarck - Vice President

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Secretary of State

Douglass Prchal  
Director  
Parks and Recreation  
Department

Francis Ziegler  
Director  
Department of Transportation

ND SHPO Ref.:08-0834 Mine-collapse sinkhole in north ditch of HWY 36 about 3 miles southeast of Wilton- portion of SW 1/4 [T142N R79W Section 5] Burleigh County, North Dakota

Dear Mr. Dodd:

We reviewed ND SHPO Ref.:08-0834 Mine-collapse sinkhole in north ditch of HWY 36 about 3 miles southeast of Wilton- portion of SW 1/4 [T142N R79W Section 5] Burleigh County, North Dakota. We concur with a "No Historic Properties Affected" determination provided the project is of the nature specified and takes place as mapped in your correspondence. Additionally, any borrow fill must come from an approved source, that is, one surveyed by an archaeologist and found to contain no significant cultural resources. If federal agencies are involved, please also consult with them regarding cultural resources.

Thank you for the opportunity to review this project to date. Please include the ND SHPO Reference number listed above in further correspondence for this specific project. If you have any questions please contact Susan Quinnell at (701) 328-3576 or [squinnell@nd.gov](mailto:squinnell@nd.gov)

Sincerely,

Merlan E. Paaverud, Jr.  
State Historic Preservation Officer (North Dakota)

c: Ms. Susan Wefald, North Dakota Public Service Commission

Accredited by the  
American Association  
of Museums



# Public Service Commission

## State of North Dakota

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Bismarck, North Dakota 58505-0480  
web: [www.nd.gov/psc](http://www.nd.gov/psc)  
e-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
TTY 800-366-6888 or 711  
Fax 701-328-2410  
Phone 701-328-2400

**To:** Prospective Bidders

**From:** Abandoned Mine Lands Division, NDPSC

**Date:** May 27, 2008

**Subject:** 2008 Wilton Emergency Reclamation Project

Enclosed for your consideration is an Invitation for Bids to reclaim a sinkhole at an abandoned underground coal mine site in the north ditch of Highway 36 near Wilton, North Dakota. This project will entail excavation, backfilling, grading and seeding of a surface sinkhole caused by underground mine collapse.

The Abandoned Mine Lands Division (AML) of the North Dakota Public Service Commission (PSC) is interested in receiving bids from qualified construction firms to achieve reclamation within this selected project area. Contractors are required to understand that project work will be conducted over inherently dangerous collapsing underground mines. All precautionary measures shall be taken by the contractor to adequately protect his working force and equipment.

Project legal description, fill material status, estimated volume, landowner contacts, standard requirements and the bid form are included in the following pages. Bids shall be submitted on a per cubic yard basis of the estimated quantities as stipulated. The contractors per cubic yard bid (and mobilization) shall cover all costs associated with the project. No additional payment will be made for fuel, recontouring, utility location, seeding, traffic control, cleanup or anything else. Prior to beginning work, the successful bidder shall provide a valid North Dakota Contractors License within the classification value of the project bid amount, and a liability insurance policy of no less than \$250,000 per person and \$1,000,000 per occurrence with provisions required by the contract.

If interested, please submit your bid for the project (on the bid form provided) by **1:00 p.m. Central Time, Wednesday May 28, 2008**. Bids may be Faxed to the Commission (701-328-2133) and a hard copy sent to; North Dakota Public Service Commission, Abandoned Mine Lands Division, 600 East Boulevard Ave., Dept. 408, Bismarck, North Dakota 58505-0480. The successful bidder is expected to submit the required documents, sign a contract and begin work as directed by the Commission Project Manager. This project must be completed as soon as possible but no later than May 30, 2008. The Commission reserves the right to reject any or all bids or waive any irregularities in bids received. Contractors will be required to comply with all terms, conditions and requirements contained in the contract for this project. Questions regarding project work may be directed to Bill Dodd of the Abandoned Mine Lands Division at (701) 328-4101.

### Standard Requirements for Sinkhole Filling

1. Remove and stockpile topsoil or suitable plant growth material from around/within sinkhole
2. Excavate the sinkhole (as directed) with a backhoe or excavator
3. Backfill sinkhole with approved fill material, compaction with backhoe bucket required between lifts
4. Grade area to blend with adjacent topography and re-establish drainage
5. Respread topsoil over disturbed areas and finish-grade
6. Seed (broadcast spreader allowed) disturbed areas with required mixture
7. Drag the seeded areas with a spike-tooth harrow or equivalent

Contract payment will be determined using actual fill volume computed at the bid price on a per cubic yard basis. After each working day, the contractor shall submit measured volumes of material quantities utilized. There will be no allowance given for swell or shrinkage and measurement will be based on truck load and/or scraper load quantities. The final contract price will be determined using actual final volume computed at the bid price on a per cubic yard basis. The Commission reserves the right to estimate volumes based on hourly equipment rates. The contractor is allowed to provide the equipment of his choice, however, **an excavator or backhoe must be provided for required topsoil removal, excavation and compaction of the sinkhole.**

Bidders are encouraged to visit the site and take other steps reasonably necessary to ascertain the nature and location of the work and the local conditions that can affect the work or cost. Failure to do so will not relieve bidders from their responsibility of properly estimating the difficulty or cost of successfully performing the work. Please note, the volume estimate is not guaranteed. The Project Manager may increase or decrease quantities as conditions warrant.

## BID FORM

North Dakota Public Service Commission  
Abandoned Mine Lands Division  
2008 Wilton (Hwy 36) Emergency Project

<u>Bid Item</u>	<u>Unit</u>	<u>Quantity</u>		<u>Unit Price</u>		<u>Total</u>
Mobilization* Lump Sum		1	X	_____	=	_____
Sinkhole FillingCubic Yard		60	X	_____	=	_____
<b>Total (In Numbers)</b>				_____		

\* This bid item shall not exceed 20% of the total bid

I agree to perform the work as described at the specified project sites for the price I have submitted.

Name of Bidder (Print) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Tax ID Number (If not Incorporated) \_\_\_\_\_

Phone and Fax Number \_\_\_\_\_

Signed and Dated \_\_\_\_\_

\*\*\*\*\* Please detach this form and submit with any other required bidding documents \*\*\*\*\*

### Site Description for 2008 Wilton (Hwy 36) Emergency Project

- **Wilton (Hwy 36) Site**

Location: Burleigh County, T142N, R79W, Section 5, SW¼, in the north Ditch of Highway 36 approximately 3 miles east of its junction with Highway 83

Fill Material: Available near site, approximate haul distance ½ mile. Estimated volume of **60 cubic yards**

Landowner Contact: Kevin Levi, District Engineer NDDOT, 328-6955

### Bidders List for 2008 Wilton (Hwy 36) Emergency Project

**Basaraba Excavating and Dirt Works**

PO Box 125

Wilton, ND 58579

Phone 734-8143

FAX 734-6965

**Hanson's Excavating**

9515 198<sup>th</sup> St. SW

Des Lacs, ND 58733

Phone 725-4364

FAX 725-4365

**Unlimited Excavating**

1107 Pleasant Ln,

Washburn, ND 58577

Phone 462-8366, 220-2532

FAX 462-8366 (call first – Jason or Cindy)