



Public Service Commission

State of North Dakota

COMMISSIONERS

Kevin Cramer
Tony Clark
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Executive Secretary
Darrell Nitschke

600 E. Boulevard Ave. Dept 408
Bismarck, North Dakota 58505-0480
Web: www.nd.gov/psc
E-mail: ndpsc@nd.gov
Phone 701-328-2400
Toll Free 1-877-245-6685
Fax 701-328-2410
TDD 800-366-6888 or 711

August 7, 2009

Jeffrey W. Fleischman, Director
OSM Casper Field Office
PO Box 11018
150 East "B" Street, Room 1018
Casper, WY 82602-5004

RE: Request for Authorization to Proceed for 2009 Columbus Phase 10 and 2009 Maintenance Projects in North Dakota.

Dear Mr. Fleischman:

Please find enclosed documentation to support our Request for Authorization to Proceed with the 2009 Columbus Phase 10 and 2009 Maintenance Projects.

An updated environmental assessment for the 2009 Columbus Project is attached. A generalized environmental assessment, project plan summaries and maps are also attached for the 2009 Maintenance Project. Both of these projects are continuations of reclamation conducted in previous reclamation projects. Also enclosed is an eligibility determination letter.

We have requested concurrence for these projects from the North Dakota Historical Society, U.S. Fish and Wildlife Service, North Dakota Parks and Recreation Department, North Dakota Game and Fish Department, and the North Dakota State Department of Health. The responses to these requests for concurrence will be forwarded to you as we receive them.

If any additional information is needed or you have any questions, feel free to call Bill Dodd or me at 701-328-2251.

Sincerely,

James R. Deutsch
Director
Abandoned Mine Lands Division

List of Attachments

1. Standardized Environmental Assessment for Columbus AML (August 2009)
2. Standardized Environmental Assessment for 2009 AML Maintenance (August 2009)
3. 2009 Proposed Sinkhole Maintenance Project Plan
4. Requests for Concurrence for 2009 Columbus and Maintenance Projects
5. Eligibility Determination for 2009 Columbus and Maintenance Projects

STANDARDIZED ENVIRONMENTAL ASSESSMENT

**Columbus
Abandoned Mine Lands Project
ND031
Burke County, North Dakota**

Prepared by

North Dakota Public Service Commission

In Cooperation with

**United States Department of Interior
Office of Surface Mining Reclamation and Enforcement
Casper Field Office**

(August, 2009)

Section 1 Introduction

A. Need for the Action

The principal objective of the Public Service Commission's 2009 Columbus Phase 10 project is to reclaim potentially hazardous portions of a surface mine located within the SE¹/₄ of Section 21, T162N, R93W approximately six miles south of Columbus, North Dakota, population 151. The surface mine contains dangerous highwalls near roads. The entire surface mine is 1,280 acres in size.

To our knowledge, there have been two instances of death attributable to the abandoned mine. The first occurred in the late 1960's when a vehicle went off an abandoned haul road killing the driver. The second happened in the late 1970's when a person drowned in a water-filled abandoned surface mine pit after falling off a steep highwall. The potential for additional deaths or injuries is inherent due to the location of the abandoned mine.

B. Project Background

The Columbus problem area is composed of an extensive surface coal mine located in Burke County, T162N, R93W, Sections 19, 20, 21, 22, 27, 28 and 29 and T162N, R94W, Sections 14, 23 and 24. This AML site is characterized by dangerous highwalls near roads.

The Columbus AML site is within three miles of the corporate limits of Columbus, North Dakota, and encompasses approximately 1,280 acres. Mining was conducted from the 1920's to the 1960's. Current land use of the area is designated as agricultural (farming and grazing land). Anticipated land use of the area will remain agricultural (grazing land).

Section II

Description of the Proposed Project and Alternatives

The proposed reclamation project for this site will be beneficial to the general public and meets the requirements of federal and state law for reclamation. Besides the elimination of a severe hazard to the general public, as well as the landowner, parameters with other beneficial effects are land use, vegetation, wildlife and topography.

The plan of action for proposed reclamation activity will be to backfill hazardous highwalls with material from adjacent spoil piles. Erosional drainage channels, which flow over the steep dangerous highwalls, will be repaired and reestablished to a nonerosive slope.

To the degree possible, topsoil will be salvaged from the disturbed areas and respread once the dirt work has been completed. Approximately 700 feet of hazardous highwall would be eliminated through proposed reclamation operations. The disturbed area will be seeded and mulched. Revegetation would be done with a seed mixture compatible to the quality of available plant growth material.

Options or alternatives include backfilling, fencing of hazard areas or no action. Backfilling is the preferred option. The no action does not solve the AML problems at the site and is not considered a viable option. The proposed reclamation activities should have no long term adverse effects on the environment. The temporary disruption of wildlife habitat will be a short term effect.

The approved North Dakota Abandoned Mine Lands State Reclamation Plan identifies backfilling as an effective reclamation technique.

Section III

Existing Environmental Documents

OSM-EIS-11. Approval of State and Indian Reclamation Program Grants under Title IV of the Surface Mining Control and Reclamation Act of 1977 was published by the Office of Surface Mining in November 1983. This EIS describes and analyzes the environmental impacts that were expected to result from approval of State or Tribal Grants. It focuses on the adverse and/or beneficial impacts and standard reclamation activities associated with eight major categories of abandoned coal mine problems in the United States.

The environmental concerns of the proposed project are addressed in an environmental impact statement (EIS) prepared by the Office of Surface Mining Reclamation and Enforcement entitled "Approval of State and Indian Reclamation Program Grants Under Title IV of the Surface Mining Control and Reclamation Act of 1977": (OSM-EIS-11, November 1983). Please reference the following documents for further information.

Chapter III, Affected Environmental Rocky Mountain/Northern Great Plains Region

Section 3.5.2.2, Adverse Impacts Related to Highwalls, pp. III-24
Subsections 3.5.2.2.1, 3.5.2.2.12, pp. III-24 to III-26

Chapter IV, Environmental Consequences Rocky Mountain/Northern Great Plains Region

Section 4.2.2, Impact Common to Remedial Actions, pp. IV-3 to IV-7

Section 4.3.2 Reclamation of Highwalls, pp. IV-11
Subsection 4.3.2.1, pp. IV-11 to IV-12.

Section IV Site Specific Review

- A. Cultural or historic resource values (the archaeological Resources Protection Act of 1979; the Archaeological and Historic Preservation Act of 1974; the National Historic Preservation Act of 1986, as amended; the Antiquities Act of 1906, Executive Order 11593, concerning the protection and enhancement of the cultural environment; the American Indian Religious Freedom Act of 1978; the Historic Sites Act of 1978; and, OMB Circular A-102).**

A letter was sent October 20, 1994, to the North Dakota State Historical Society requesting comments concerning the cultural resources of this site. The State Historical Society has finished its review of this site and has signed off on this site in a letter dated November 21, 1994, as not constituting a historical or culturally significant site. The North Dakota State Historical Society was contacted recently on December 17, 2007 requesting any new comments concerning the cultural resources of this site. In a December 20, 2007 letter, the North Dakota State Historical Society concurs with a no historic properties affected determination. The most recent request for concurrence was sent on August 7, 2009, for the Columbus Phase 10 Project.

- B. Water quality values (Clean Water Act, as amended)**

There are no streams present on or near the proposed project area. Reclamation efforts at Columbus will have no effect on water quality.

- C. Wetlands values (Clean Water Act, Executive Order 11990, and Army/EPA Memorandum of Agreement (MOA) Concerning the Determination of Mitigation under the Section 404(b) (1) Guidelines)**

No wetlands are located within the Phase 10 dirt work area.

- D. Flood values (Executive Order 11988)**

The project areas are not contained within an identified floodplain.

- E. Wildlife (Endangered Species Act and Fish and Wildlife Coordination Act)**

The Fish and Wildlife Service has been contacted, for their response to identification of any threatened or endangered plant or animal species that may be located on or near the proposed project site, in a letter dated October 20, 1994. The Fish and Wildlife Service

sign-off was dated November 1, 1994. A clearance letter was also received from the North Dakota Parks and Recreation Department on March 23, 1995. The Fish and Wildlife Service and the North Dakota Parks and Recreation Department were contacted on January 3, 2007 and December 17, 2007 requesting any new comments regarding the proposed reclamation plan for the project site. A response from the North Dakota Parks and Recreation Department dated January 7, 2008 recommended that any impacted areas be revegetated with species native to the project area. A response from the Fish and Wildlife Service dated January 11, 2008 indicated that the project as described will have no significant impact on fish and wildlife resources. The most recent request for concurrence was sent on August 7, 2009, for the Columbus Phase 10 Project.

There has been no other sensitive wildlife identified in the proposed project area.

F. Prime and unique farmland values (Farmland Protection Policy Act)

There has been no prime farmland identified on the proposed project site.

G. Recreational resource values (Wild and Scenic Rivers Act, Clean Air Act)

There are no lands in the proposed project area classified as Wilderness Area or lands being studies for wilderness.

There are no lands in the proposed project area identified as areas of critical environmental concern.

There are no lands in the proposed project area included in the Wild and Scenic River category.

There are no parks or areas of critical ecological or aesthetic concern found in the proposed project area.

H. Air quality (Clean Air Act)

The proposed project area is not in or near a Class I air quality region.

There are no conditions on the existing site of the proposed project that affect air quality of the nearby area.

I. Socioeconomic factors

There will be no adverse socioeconomic effect from the reclamation of this site.

J. Political factors

Meetings between the North Dakota Public Service Commission and all governing entities are ongoing and will continue throughout project completion. County officials and landowners have expressed interest in reclamation of the proposed areas.

K. Existing Vegetative Cover

The highly sodic and clayey nature of the spoil precludes the growth of most graminoid species. A few areas of saltgrass, brome grass and crested wheatgrass are found in the low areas between spoil piles.

L. Threatened and Endangered Plant Species

There are no threatened or endangered plant species identified within the project area.

M. Anticipated date of Reclamation

Reclamation work for Columbus (1) began in June 1988 and was completed in September 1988.

Reclamation work for Columbus (2) began in May 1995 and was completed in October 1995.

Reclamation work for Columbus (3) began in May 1997 and was completed in September 1997.

Reclamation work for Columbus (4) began in June 2000 and was completed in October 2000.

Reclamation work for Columbus (5) began in June 2003 and was completed in September 2003.

Reclamation work for Columbus (6) began in August 2004 and was completed in October 2004.

Reclamation work for Columbus (7) began in June 2006 and was completed in August 2006.

Reclamation work for Columbus (8) began in June 2007 and was completed in September 2007.

Reclamation work for Columbus (9) began in May 2008 and was completed in November 2008.

Reclamation performance period for Columbus (Phase 10) is scheduled to begin in October 2009 and be completed in November 2009.

N. Estimated Construction Cost

The construction cost for the Columbus (1) project was \$113,630.08.
The construction cost for the Columbus (2) project was \$270,868.80.
The construction cost for the Columbus (3) project was \$325,474.50.
The construction cost for the Columbus (4) project was \$187,499.86.
The construction cost for the Columbus (5) project was \$174,469.02.
The construction cost for the Columbus (6) project was \$162,556.00.
The construction cost for the Columbus (7) project was \$238,050.00.
The construction cost for the Columbus (8) project was \$249,638.14.
The construction cost for the Columbus (9) project was \$1,197,998.47.

It is estimated that construction cost for the Columbus (Phase 10) project will be \$70,000.

O. Off-site Borrow and Disposal Areas

There will be no off-site borrow or disposal area concerns relative to this project. If off-site borrow or disposal issues arise, applicable environmental regulations will be addressed through the North Dakota Department of Health and Consolidated Laboratories.

P. Noise Pollution

Project work will be conducted no closer than 5,000 feet from the nearest residential or commercial population. Noise pollution problems are not anticipated; however, if problems arise, remedial action measures will be addressed through the North Dakota Department of Health and Consolidated Laboratories.

**Section V
Consultations**

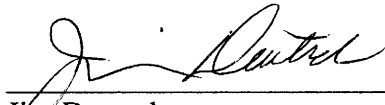
The State Historical Preservation Officer has been contacted with reference to any cultural or historical values present at or near the project site.

The United States Fish and Wildlife Service has been contacted with reference to identification of threatened or endangered animal species on the proposed project site. The Planning and Natural Resources Division of the North Dakota Parks & Recreation Department has been contacted with reference to identification of threatened, endangered or rare plant species or communities.

The Planning and Natural Resources Division of the North Dakota Parks & Recreation Department has been contacted with reference to identification of threatened, endangered or rare plant species or communities.

The North Dakota Department of Health has been contacted with reference to water and public health resources.

Section VI
Preparers

A handwritten signature in black ink, appearing to read "Jim Deutsch", is written over a horizontal line.

Jim Deutsch

Director - AML Division

North Dakota Public Service Commission

STANDARDIZED ENVIRONMENTAL ASSESSMENT

2009 Maintenance Sites Various Locations in North Dakota

Prepared by

North Dakota Public Service Commission

In Cooperation with

United States Department of the Interior
Office of Surface Mining Reclamation and Enforcement
Casper Field Office

August 2009

Section I Introduction

A. Need for the Action

The principal objective of the Abandoned Mine Lands (AML) Division of the Public Service Commission (PSC) is to reclaim potentially hazardous abandoned surface and underground coal mines.

To our knowledge there have been no instances of death directly attributable to abandoned coal mines included in the 2009 Maintenance sites. However, the presence of abandoned surface and underground coal mines are a serious hazard to the public and landowners.

B. Background

The AML Division has been conducting maintenance projects on AML sites nearly since program inception. Most of these maintenance projects were to fill dangerous sinkholes caused by mine collapse on areas of previous projects. Others have been to repair erosion, construct water management structures, reseed, fence, or plant trees on reclaimed AML project sites.

In the past, environmental assessments have not been prepared for maintenance projects because all have been on previously approved areas and represented minimal disturbances to environmental resources. In 2008, the AML Division began preparing a single environmental assessment for all proposed maintenance work in a given year. This was done not to replace previous environmental assessments, but to better quantify any environmental impacts such maintenance work may have.

In 2009, the AML Division plans to conduct sinkhole maintenance at sites near the cities of, Noonan (PA ND000029), Dickinson (PA ND0000024 and ND000146), Wilton (PA ND0000001), and Beulah/Zap (PA ND000014). It is possible that sinkhole filling may be done at additional sites if other dangerous sinkholes are reported or discovered. Tree planting maintenance may also be conducted at previous project sites including the Hazen-West Site (PA ND000089). The tree planting will likely be conducted by the County Soil Conservation District in consultation with the AML Project Manager and the property owner.

Section II

Description of the Proposed Project and Alternatives

A general description of sinkhole filling operations, legal descriptions and maps are included in the 2009 Proposed Sinkhole Maintenance Projects Report, which is an addendum to this document.

Other reclamation options may include daylighting or grouting undermined areas, or property buy-out, or condemnation by a local political subdivision, or taking no action. These last options are impractical and do not solve the AML problems at these sites.

Section III

Existing Environmental Documents

OSM-EIS-11. Approval of State and Indian Reclamation Program Grants under Title IV of the Surface Mining Control and Reclamation Act of 1977 was published by the Office of Surface Mining in November 1983. This EIS describes and analyzes the environmental impacts that were expected to result from approval of State or Tribal Grants. It focuses on the adverse and/or beneficial impacts and standard reclamation activities associated with eight major categories of abandoned coal mine problems in the United States.

The environmental concerns of the proposed project are addressed in an environmental impact statement (EIS) prepared by the Office of Surface Mining Reclamation and Enforcement entitled "Approval of State and Indian Reclamation Program Grants Under Title IV of the Surface Mining Control and Reclamation Act of 1977": (OSM-EIS-11, November 1983). Please reference the following documents for further information.

Chapter III, Affected Environmental Rocky Mountain/Northern Great Plains Region

Section 3.5.3.2, Adverse impacts related to subsidence, PP III-29, Subsections 3.5.3.2.1, 3.5.3.2.2, 3.5.3.2.4, 3.5.3.3.3

Chapter IV, Environmental Consequences Rocky Mountain/Northern Great Plains Region

Section 4.3.3.3, Impacts of deep subsurface reinforcement treatment

Section IV Site Specific Review

A. Cultural or historic resource values (the Archaeological Resources Protection Act of 1979; the Archaeological and Historic Preservation Act of 1974; the National Historic Preservation Act of 1986, as amended; the Antiquities Act of 1906, Executive Order 11593, concerning the protection and enhancement of the cultural environment; the American Indian Religious Freedom Act of 1978; the Historic Sites Act of 1935; and OMB Circular A-102).

Reclamation activities will be conducted in a manner that should have no significant effect on cultural or historic resources. A letter was sent to the State Historical Society of North Dakota on August 7, 2009, requesting concurrence for the proposed 2009 Sinkhole Maintenance sites.

B. Water quality values (Clean Water Act, as amended)

Reclamation activities will be conducted in a manner that should have no significant effect on surface or ground water quality or quantity. A letter was sent to the North Dakota Department of Health on August 7, 2009, requesting concurrence for the proposed 2009 Sinkhole Maintenance sites.

C. Wetlands values (Clean Water Act, Executive Order 11990, and Army/EPA Memorandum of Agreement (MOA) Concerning the Determination of Mitigation under the Section 404(b) (1) Guidelines)

Reclamation activities will be designed in a way that will not diminish the size or wildlife value of any wetlands.

D. Flood values (Executive Order 11988)

No planned activities will adversely affect an identified floodplain.

E. Wildlife (Endangered Species Act and Fish and Wildlife Coordination Act)

Reclamation activities will be designed in a way that will not diminish fish or wildlife habitat but likely may enhance it. A letter was sent to the United States Fish and Wildlife Service on August 7, 2009, requesting concurrence for the proposed 2009 Sinkhole Maintenance sites.

F. Prime and unique farmland values (Farmland Protection Policy Act)

Reclamation activities will be designed in a way that will not diminish the integrity or utility of prime farmland.

G. Recreational resource values (Wild and Scenic Rivers Act, Clean Air Act)

There are no lands in this area classified as wilderness areas or lands being studied for wilderness designation.

There are no lands in this area identified as areas of critical environmental concern.

There are no lands in this area included in the Wild and Scenic Rivers category.

There are no parks or areas of critical ecological or aesthetic concern in this area.

H. Air quality (Clean Air Act)

Watering of construction areas could be required if needed to control fugitive dust, but most sites will be so small that it will not be necessary. These areas are not in or near a Class I Air Quality Region.

I. Socioeconomic factors

Farming and ranching operations are in prominent proximal to the project sites. Reclamation will be conducted in a manner that minimizes any disruption to these socioeconomic factors.

J. Political factors

Zoning jurisdictions for these areas are generally held by County and local township authorities. Property is privately and publicly owned and used mainly for agricultural activities and wildlife habitat. Consent for right-of-entry is obtained prior to any reclamation activities and property owners or managers are also notified a few days before work starts.

K. Existing Vegetative Cover

Existing vegetation varies with land use within the 2009 Maintenance areas. It may include cropland, tame grass and legume pastures, native grasslands, wildlife habitat, road ditches, shelterbelts and farmstead areas. Cropland and tame grasses include wheat, oats, barley, corn, sunflowers, alfalfa, crested wheatgrass, smooth brome grass

and other forbs and grass species. Shelterbelts are commonly located within cropland and may contain several tree and shrub species including Siberian Elm, Russian Olive, Colorado Blue Spruce, Caragana, and others. Native grasslands may include species such as wheatgrasses, green needlegrass, blue grama, and big bluestem as well as forbs such as western snowberry, buffaloberry, chokecherry and wild plum.

Maintenance work planned for the 2009 project will include sinkhole filling mainly on areas of native grassland, pastureland, wildlife habitat and cropland. Tree plantings will be undertaken on reclaimed surface mined areas presently being used for grazing and hay.

L. Threatened and Endangered Plant Species

To the best of our knowledge, no threatened or endangered plant species have been identified within the project areas. The only federally-listed threatened or endangered plant in North Dakota is the Western Prairie Fringed Orchid (*Platanthera praeclara*). Known locations of this plant are within moist, tall grass prairie and sedge meadows of the Sheyenne National Grasslands in the southeastern corner of the state. This plant has not been seen and is not likely to inhabit the proposed project areas. U.S. Fish & Wildlife Service, Bismarck, ND (North Dakota's Federally Listed Endangered, Threatened and Candidate Species -1995) listed several other former candidate species which remain of management concern. These include Hayden's Yellow-Cress (*Rorippa calcina*), Wolf's Spike-Rush (*Eleocharis wolfii*), Dakota Wild Buckwheat (*Eriogonum visherii*) and Handsome Sedge (*Carex formosa*). None of these species are likely to be found or disturbed within the 2009 Maintenance sites. A letter was sent to the Natural Heritage Program of the North Dakota Parks and Recreation Department on August 7, 2009, requesting concurrence for proposed 2009 Sinkhole Maintenance Sites.

M. Anticipated dates of Reclamation

Reclamation of the 2009 Maintenance sites is expected to occur in the late fall of 2009 and may possibly continue through the spring of 2010.

N. Estimated Construction Cost

Construction costs for 2009 maintenance work will vary by site, but are not expected to exceed \$150,000 for all projects.

O. Off-site Borrow and Disposal Areas

No off-site borrow or disposal is anticipated at these sites. Holes will be filled, where possible, by pulling in dirt from the immediate area of each hole. Where this is not

feasible, dirt will be taken from approved on-site borrow areas as near as possible to the sinkholes.

P. Noise Pollution

No noise pollution problems are anticipated. If noise pollution problems are encountered, remedial action measures will be addressed through consultation with the North Dakota Department of Health and Consolidated Laboratories.

Q. Environmental Justice Policy

Construction work may result in a slight increase in employment and revenues, but no significant direct or indirect impact on minority or low-income populations is expected.

Section V Consultations

1. U.S. Fish and Wildlife Service

A letter was sent to the United States Fish and Wildlife Service on August 7, 2009, requesting concurrence for proposed 2009 Sinkhole Maintenance Sites.

2. State Historical Preservation Officer

A letter was sent to the State Historical Society of North Dakota on August 7, 2009, requesting concurrence for proposed 2009 Sinkhole Maintenance Sites.

3. North Dakota Parks and Recreation Department

A letter was sent to the Natural Heritage Program of the North Dakota Parks and Recreation Department on August 7, 2009, requesting concurrence for proposed 2009 Sinkhole Maintenance Sites.

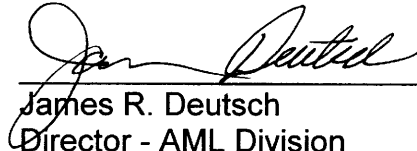
4. North Dakota State Department of Health

A letter was sent to the North Dakota Department of Health on August 7, 2009, requesting concurrence for proposed 2009 Sinkhole Maintenance Sites.

5. North Dakota Game and Fish Department

A letter was sent to the North Dakota Game and Fish Department on August 7, 2009, requesting concurrence for proposed 2009 Sinkhole Maintenance Sites.

Section VI
Preparer

A handwritten signature in black ink, appearing to read "James R. Deutsch", is written over a horizontal line.

James R. Deutsch
Director - AML Division
North Dakota Public Service Commission

Attachment: 2009 Proposed Sinkhole Maintenance Project Plan

**2009 Proposed Sinkhole Maintenance Project Plan
North Dakota Public Service Commission**

Objective: To repair dangerous sinkholes caused by collapse of underground coal mines

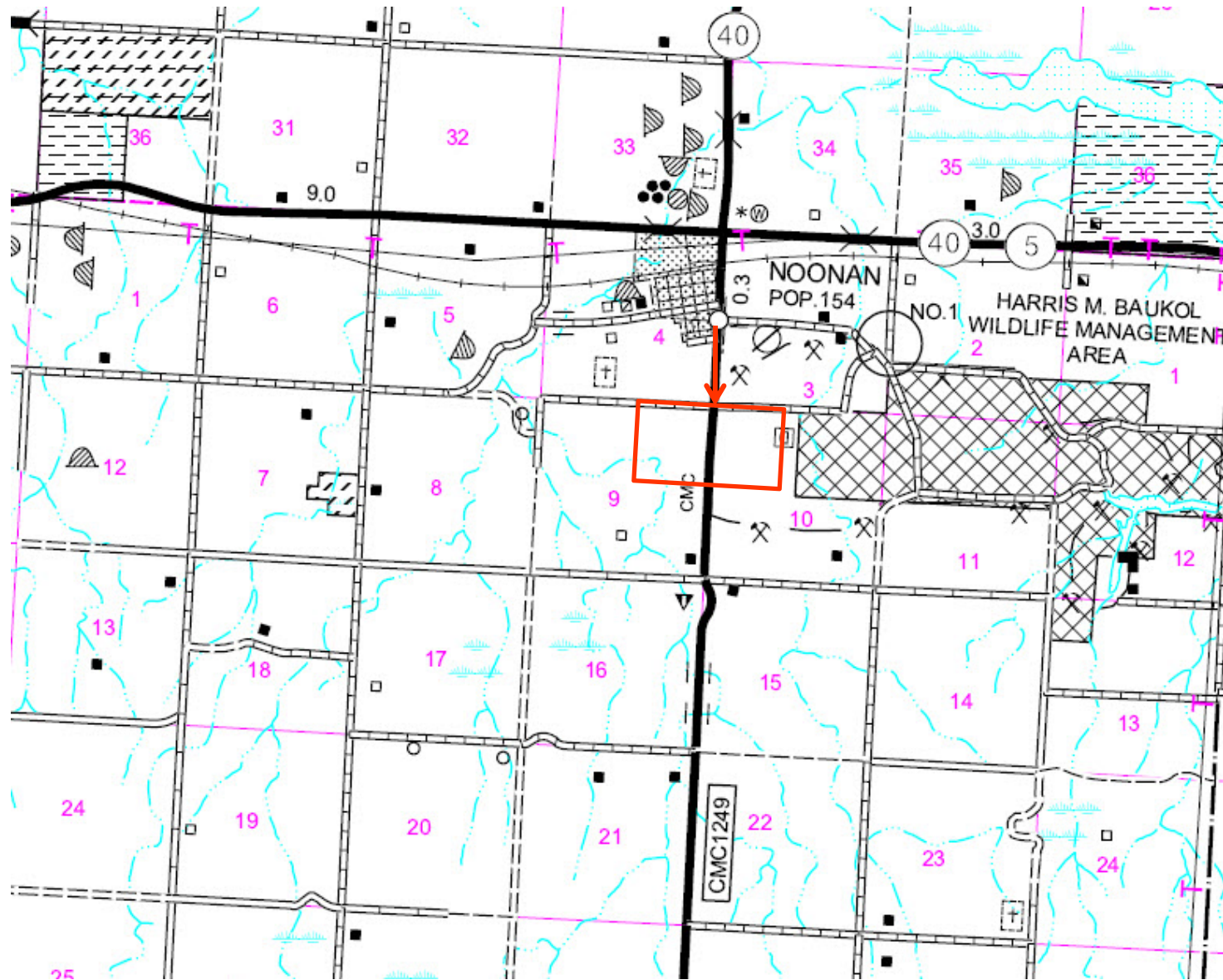
Standard Requirements for Sinkhole Filling

1. Remove and stockpile topsoil or suitable plant growth material from around/within sinkhole and borrow areas.
2. Excavate the sinkhole (as directed) with a backhoe or excavator.
3. Backfill sinkhole with approved fill material; if trucks are used, compaction with backhoe bucket is required between dumps. If a scraper is used, holes shall be ramped into and filled in such a way to get maximum compaction.
4. Grade area to blend with adjacent topography and re-establish drainage.
5. Respread topsoil evenly 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.

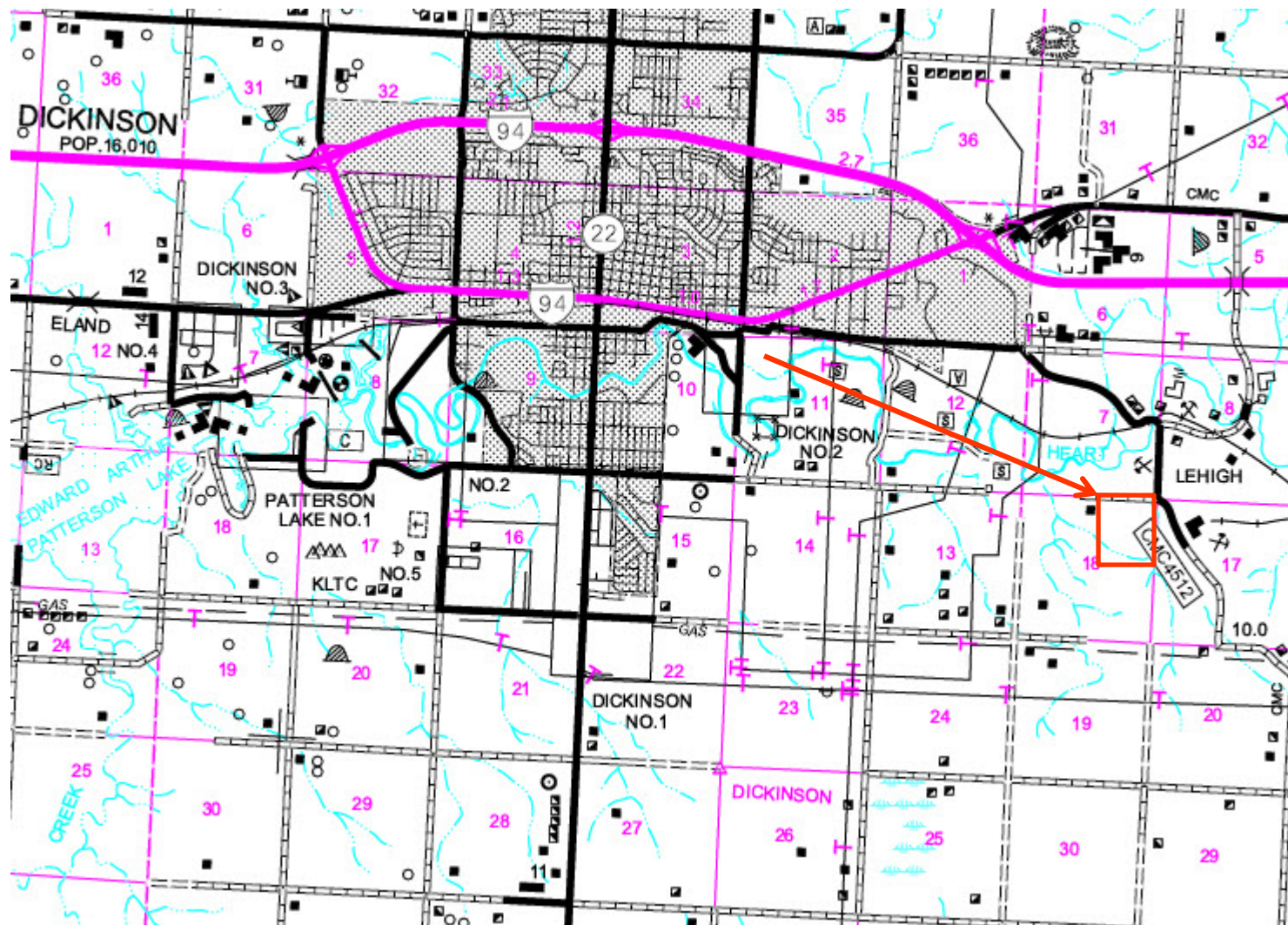
| Site | | Location | |
|-----------|---------|----------|-------|
| | Section | Twp. | Range |
| Noonan | 9 & 10 | 162 | 95 |
| Dickinson | 18 | 139 | 95 |
| | 1 | 141 | 95 |
| Wilton | 5 | 142 | 79 |
| | 22 | 142 | 80 |
| Beulah | 7 | 144 | 87 |
| Zap | 24 | 144 | 89 |

2009 Sinkhole Maintenance Project

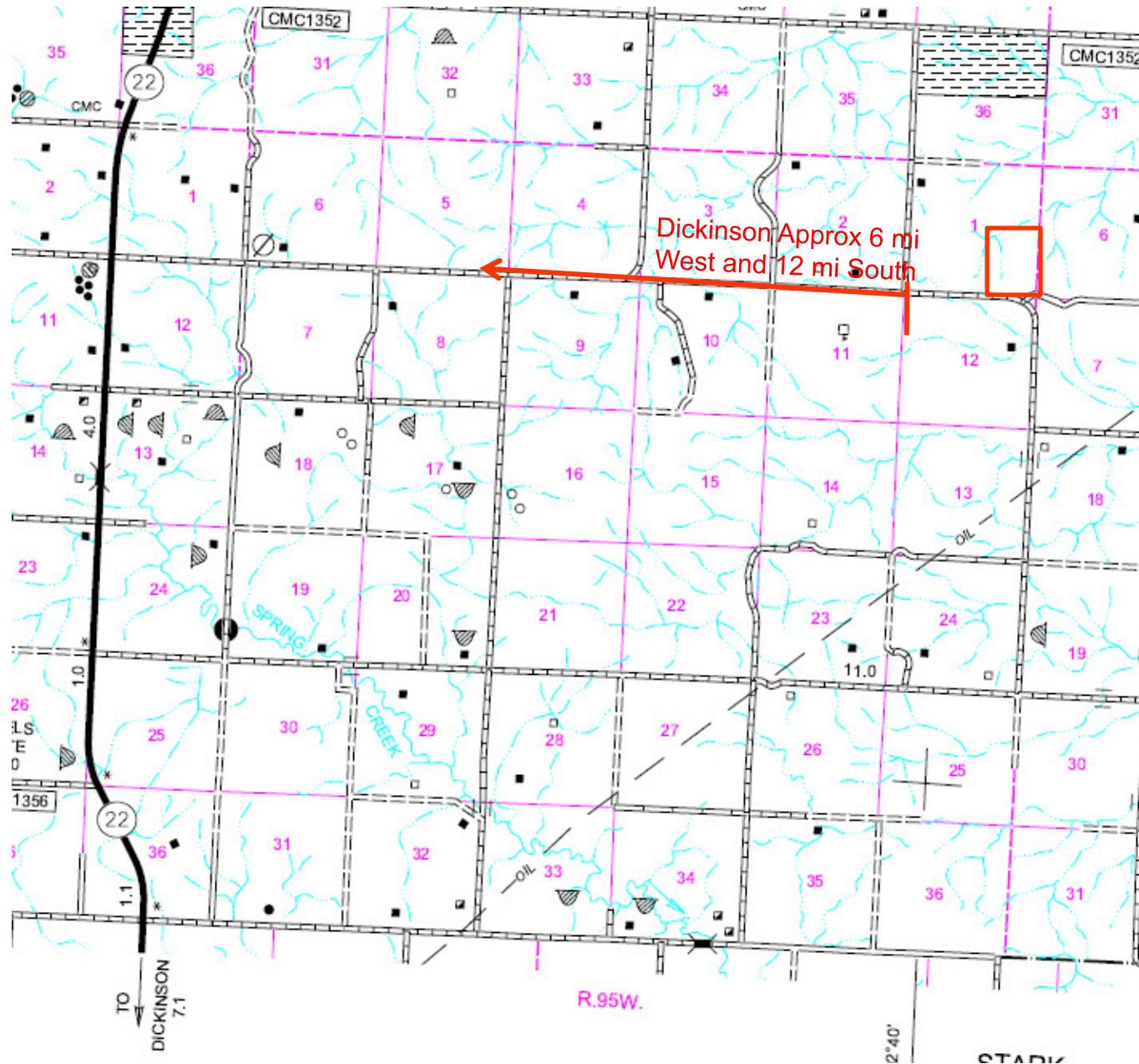
Noonan Sites, NE1/4 Section 9 (Kimball) and NW1/4 Section 10 (Landfill), T162N, R95W, Divide County



2009 Sinkhole Maintenance Project
Dickinson Site (Wolf), NE 1/4 Section 18, T139N, R95W Stark County

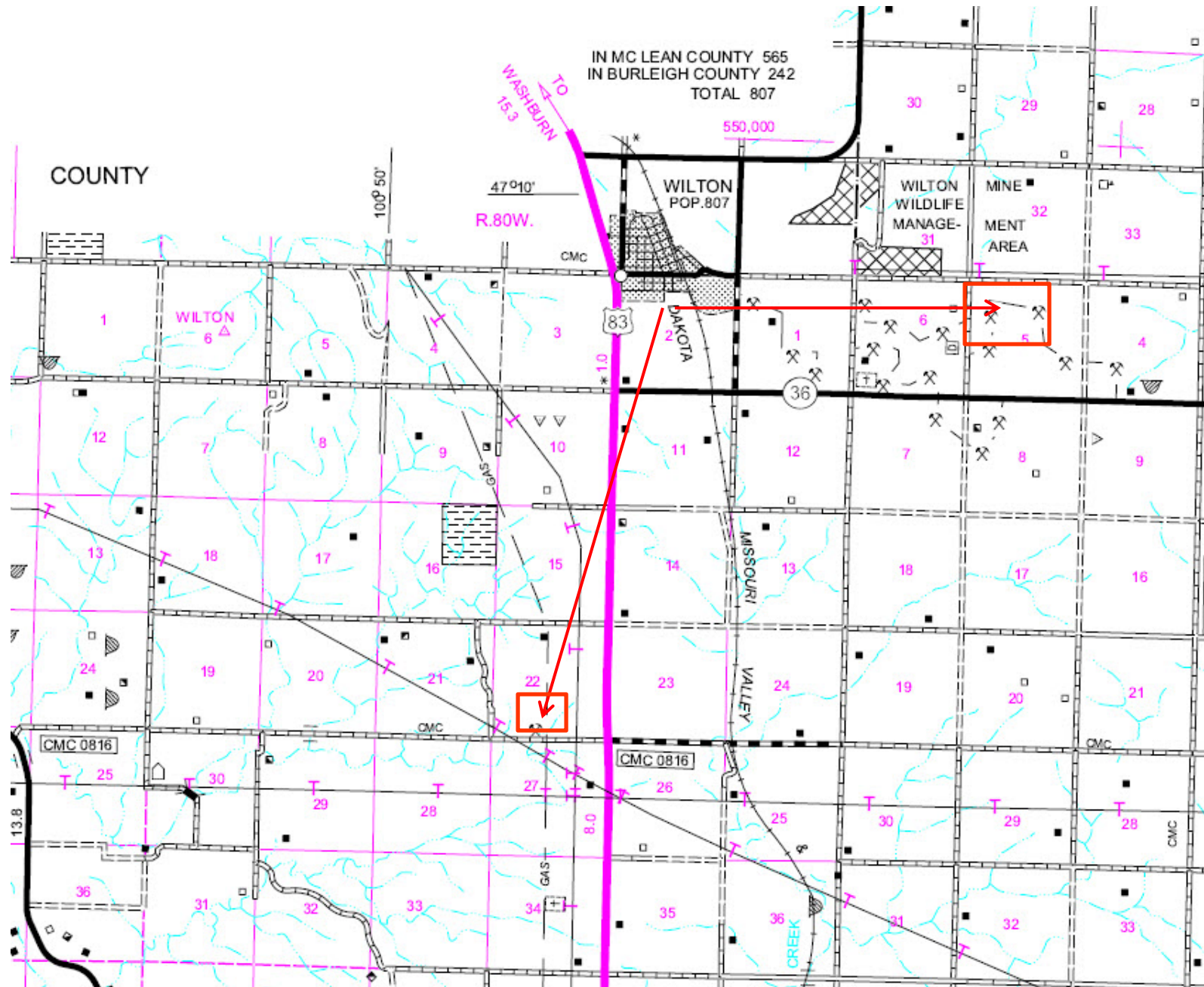


2009 Sinkhole Maintenance Project
Dickinson Site (Jablonsky), SE 1/4 Section 1, T141N, R95W Dunn County

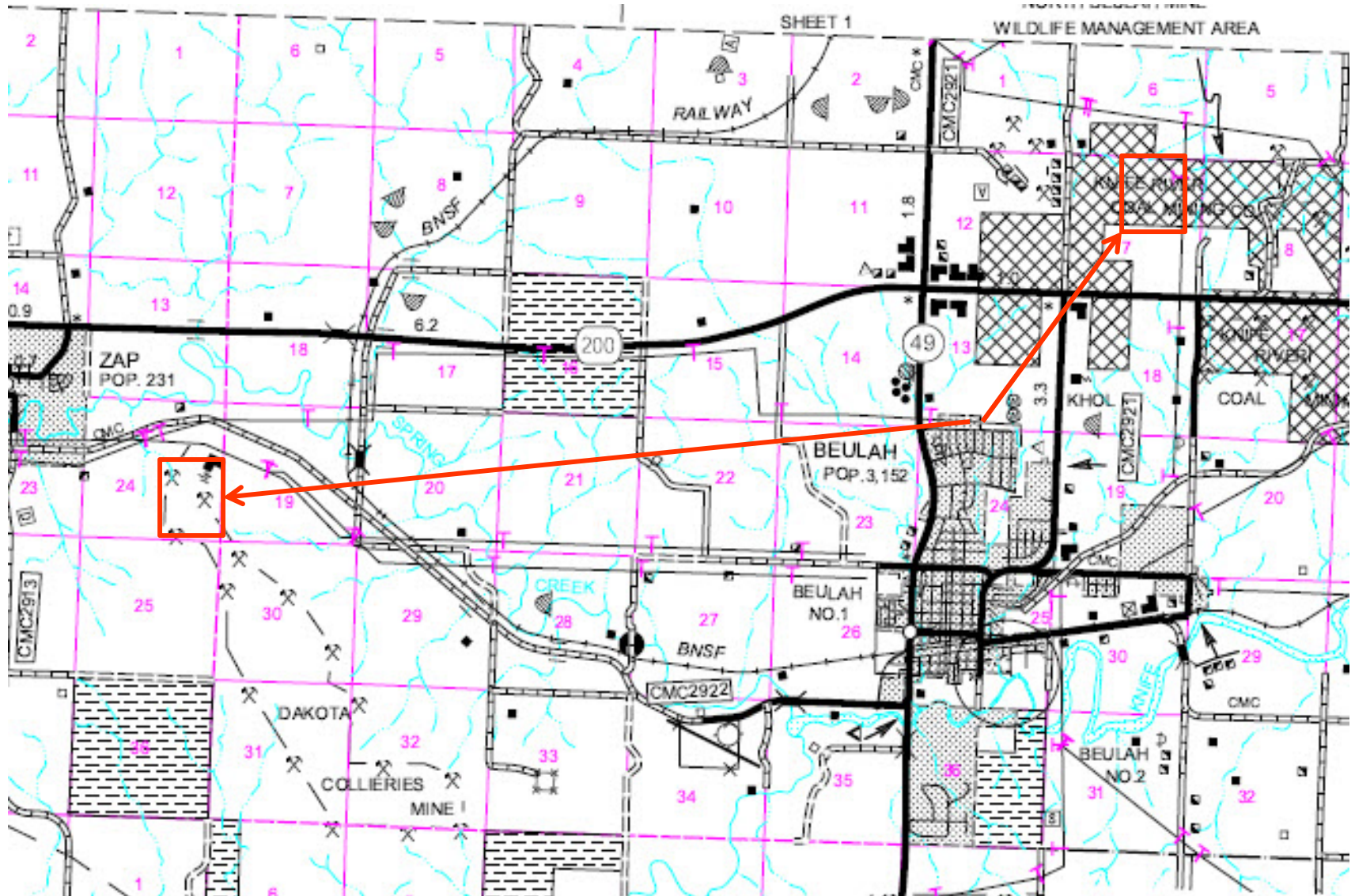


2009 Sinkhole Maintenance Project

Wilton Sites, Section 5, T142N, R79W (Krzmarzick), and Section 22, T142N, R80W, (Murrey) Burleigh County



2009 Sinkhole Maintenance Project
Beulah/Zap Sites, Primary Locations NE1/4 Section 7, T144N, R87W (G&F), and SE ¼ Section 24,
T144N, R89W (Bieber), Mercer County





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600 E. Boulevard Ave. Dept 408
Bismarck, North Dakota 58505-0480
Web: www.nd.gov/psc
E-mail: ndpsc@nd.gov
Phone 701-328-2400
Toll Free 1-877-245-6685
Fax 701-328-2410
TDD 800-366-6888 or 711

August 7, 2009

Mr. Dan Halstead, Wildlife Resource Management Supervisor
North Dakota Game and Fish Department
403 Dakota Avenue, PO Box 506
Riverdale, ND 58565

Dear Mr. Halstead:

The Public Service Commission is planning reclamation activities in the fall of 2009 on the Columbus Abandoned Mine Lands (AML) Site and a regional sinkhole filling project. Both of these projects are continuations of previous reclamation work. These projects will be conducted by contractors selected through competitive bidding.

The 2009 Columbus Phase 10 Project is located in the SE¼ of Section 21, T162N, R93W in Burke County, North Dakota (see map). This abandoned surface coal mine site contains hazardous highwalls. The plan of action is to backfill and backslope hazardous highwalls with material from areas adjacent to the highwalls and nearby spoil piles. During this project, approximately 700 feet of dangerous highwalls will be filled and the total surface area to be affected in 2009 will be about 7 acres.

The 2009 Sinkhole Maintenance Project will be conducted at several sites throughout the state to backfill dangerous sinkholes caused by collapse of underground mined workings (see maps). The areas of surface disturbance will be directly proximal to the sinkholes and will probably not exceed a total of 10 acres at all sites.

As part of the grant application process, our office requests concurrence, especially for the proposed continued sinkhole filling on the Beulah Mine WMA. Please reply by August 31, 2009.

Attached are maps showing general locations of these proposed reclamation projects. Thank you for your assistance in this matter. If you have any questions or need more information, please contact me at wdodd@nd.gov or 701.328.4101

Sincerely,

William E. Dodd,
Assistant Director
Abandoned Mine Lands Division

Attachments: Columbus 10 Figures 1 & 2; 2009 Maintenance Maps and Plans



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State of North Dakota

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600 E. Boulevard Ave. Dept 408
Bismarck, North Dakota 58505-0480
Web: www.nd.gov/psc
E-mail: ndpsc@nd.gov
Phone 701-328-2400
Toll Free 1-877-245-6685
Fax 701-328-2410
TDD 800-366-6888 or 711

August 10, 2009

Mr. Dennis Fewless,
Director of Water Quality
North Dakota Department of Health
918 East Divide Avenue
Bismarck, ND 58501-1947

Dear Mr. Fewless:

The Public Service Commission is planning reclamation activities in the fall of 2009 on the Columbus Abandoned Mine Lands (AML) Site and a regional sinkhole filling project. Both of these projects are continuations of previous reclamation work. These projects will be conducted by contractors selected through competitive bidding.

The 2009 Columbus Phase 10 Project is located in the SE¼ of Section 21, T162N, R93W in Burke County, North Dakota (see map). This abandoned surface coal mine site contains hazardous highwalls. The plan of action is to backfill and backslope hazardous highwalls with material from areas adjacent to the highwalls and nearby spoil piles. During this project, approximately 700 feet of dangerous highwalls will be filled and the total surface area to be affected in 2009 will be about 7 acres.

The 2009 Sinkhole Maintenance Project will be conducted at several sites throughout the state to backfill dangerous sinkholes caused by collapse of underground mined workings (see maps). The areas of surface disturbance will be directly proximal to the sinkholes and will probably not exceed a total of 10 acres at all sites.

As part of the grant application process, our office requests concurrence that the proposed reclamation work will not adversely affect water or public health resources. We would appreciate your review and concurrence for the work proposed at these sites. Please reply regarding these proposed projects by August 31, 2009.

Attached are maps showing general locations of these proposed reclamation projects. Thank you for your assistance in this matter. If you have any questions or need more information, please contact me at wdodd@nd.gov or 701.328.4101

Sincerely,

William E. Dodd,
Assistant Director
Abandoned Mine Lands Division

Attachments: Columbus 10 Figures 1 & 2; 2009 Maintenance Maps and Plans



Public Service Commission

State of North Dakota

COMMISSIONERS

Kevin Cramer
Tony Clark
Brian P. Kalk

Executive Secretary
Darrell Nitschke

600 E. Boulevard Ave. Dept 408
Bismarck, North Dakota 58505-0480
Web: www.nd.gov/psc
E-mail: ndpsc@nd.gov
Phone 701-328-2400
Toll Free 1-877-245-6685
Fax 701-328-2410
TDD 800-366-6888 or 711

August 7, 2009

Mr. Jeff Towner, Field Supervisor
U.S. Fish and Wildlife Service
3425 Miriam Avenue
Bismarck, ND 58501-7926

Dear Mr. Towner:

The Public Service Commission is planning reclamation activities in the fall of 2009 on the Columbus Abandoned Mine Lands (AML) Site and a regional sinkhole filling project. Both of these projects are continuations of previous reclamation work. These projects will be conducted by contractors selected through competitive bidding.

The 2009 Columbus Phase 10 Project is located in the SE¼ of Section 21, T162N, R93W in Burke County, North Dakota (see map). This abandoned surface coal mine site contains hazardous highwalls. The plan of action is to backfill and backslope hazardous highwalls with material from areas adjacent to the highwalls and nearby spoil piles. During this project, approximately 700 feet of dangerous highwalls will be filled and the total surface area to be affected in 2009 will be about 7 acres.

The 2009 Sinkhole Maintenance Project will be conducted at several sites throughout the state to backfill dangerous sinkholes caused by collapse of underground mined workings (see maps). The areas of surface disturbance will be directly proximal to the sinkholes and will probably not exceed a total of 10 acres at all sites.

As part of the grant application process, our office requests concurrence that the proposed reclamation work will not adversely affect any threatened, endangered or rare animal species. We would appreciate your review and concurrence for the work proposed at these sites. Please reply regarding these proposed projects by August 31, 2009.

Attached are maps showing general locations of these proposed reclamation projects. Thank you for your assistance in this matter. If you have any questions or need more information, please contact me at wdodd@nd.gov or 701.328.4101

Sincerely,

A handwritten signature in cursive script that reads "William E. Dodd".

William E. Dodd,
Assistant Director
Abandoned Mine Lands Division

Attachments: Columbus 10 Figures 1 & 2; 2009 Maintenance Maps and Plans



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August 7, 2009

Susan Quinnell
State Historical Society of North Dakota
612 East Boulevard Avenue
Bismarck, ND 58505-0830

Dear Ms. Quinnell:

The Public Service Commission is planning reclamation activities in the fall of 2009 on the Columbus Abandoned Mine Lands (AML) Site and a regional sinkhole filling project. Both of these projects are continuations of previous reclamation work. These projects will be conducted by contractors selected through competitive bidding.

The 2009 Columbus Phase 10 Project is located in the SE¼ of Section 21, T162N, R93W in Burke County, North Dakota (see map). This abandoned surface coal mine site contains hazardous highwalls. The plan of action is to backfill and backslope hazardous highwalls with material from areas adjacent to the highwalls and nearby spoil piles. During this project, approximately 700 feet of dangerous highwalls will be filled and the total surface area to be affected in 2009 will be about 7 acres.

The 2009 Sinkhole Maintenance Project will be conducted at several sites throughout the state to backfill dangerous sinkholes caused by collapse of underground mined workings (see maps). The areas of surface disturbance will be directly proximal to the sinkholes and will probably not exceed a total of 10 acres at all sites.

As part of the grant application process, our office requests concurrence that the proposed reclamation work will not adversely affect any historical or archaeological resources. We would appreciate your review and concurrence for the work proposed at these sites. Please reply regarding these proposed projects by August 31, 2009.

Attached are maps showing general locations of these proposed reclamation projects. Thank you for your assistance in this matter. If you have any questions or need more information, please contact me at wdodd@nd.gov or 701.328.4101

Sincerely,

William E. Dodd,
Assistant Director
Abandoned Mine Lands Division

Attachments: Columbus 10 Figures 1 & 2; 2009 Maintenance Maps and Plans



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August 7, 2009

Kathy Duttonhefner
ND Parks & Recreation Department
1835 Bismarck Expressway
Bismarck, ND 58504

Dear Ms. Duttonhefner:

The Public Service Commission is planning reclamation activities in the fall of 2009 on the Columbus Abandoned Mine Lands (AML) Site and a regional sinkhole filling project. Both of these projects are continuations of previous reclamation work. These projects will be conducted by contractors selected through competitive bidding.

The 2009 Columbus Phase 10 Project is located in the SE¼ of Section 21, T162N, R93W in Burke County, North Dakota (see map). This abandoned surface coal mine site contains hazardous highwalls. The plan of action is to backfill and backslope hazardous highwalls with material from areas adjacent to the highwalls and nearby spoil piles. During this project, approximately 700 feet of dangerous highwalls will be filled and the total surface area to be affected in 2009 will be about 7 acres.

The 2009 Sinkhole Maintenance Project will be conducted at several sites throughout the state to backfill dangerous sinkholes caused by collapse of underground mined workings (see maps). The areas of surface disturbance will be directly proximal to the sinkholes and will probably not exceed a total of 10 acres at all sites.

As part of the grant application process, our office requests concurrence that the proposed reclamation work will not adversely affect any threatened, endangered or rare plant species. We would appreciate your review and concurrence for the work proposed at these sites. Please reply regarding these proposed projects by August 31, 2009.

Attached are maps showing general locations of these proposed reclamation projects. Thank you for your assistance in this matter. If you have any questions or need more information, please contact me at wdodd@nd.gov or 701.328.4101.

Sincerely,

A handwritten signature in black ink that reads "William E. Dodd".

William E. Dodd,
Assistant Director
Abandoned Mine Lands Division

Attachments: Columbus 10 Figures 1 & 2; 2009 Maintenance Maps and Plans

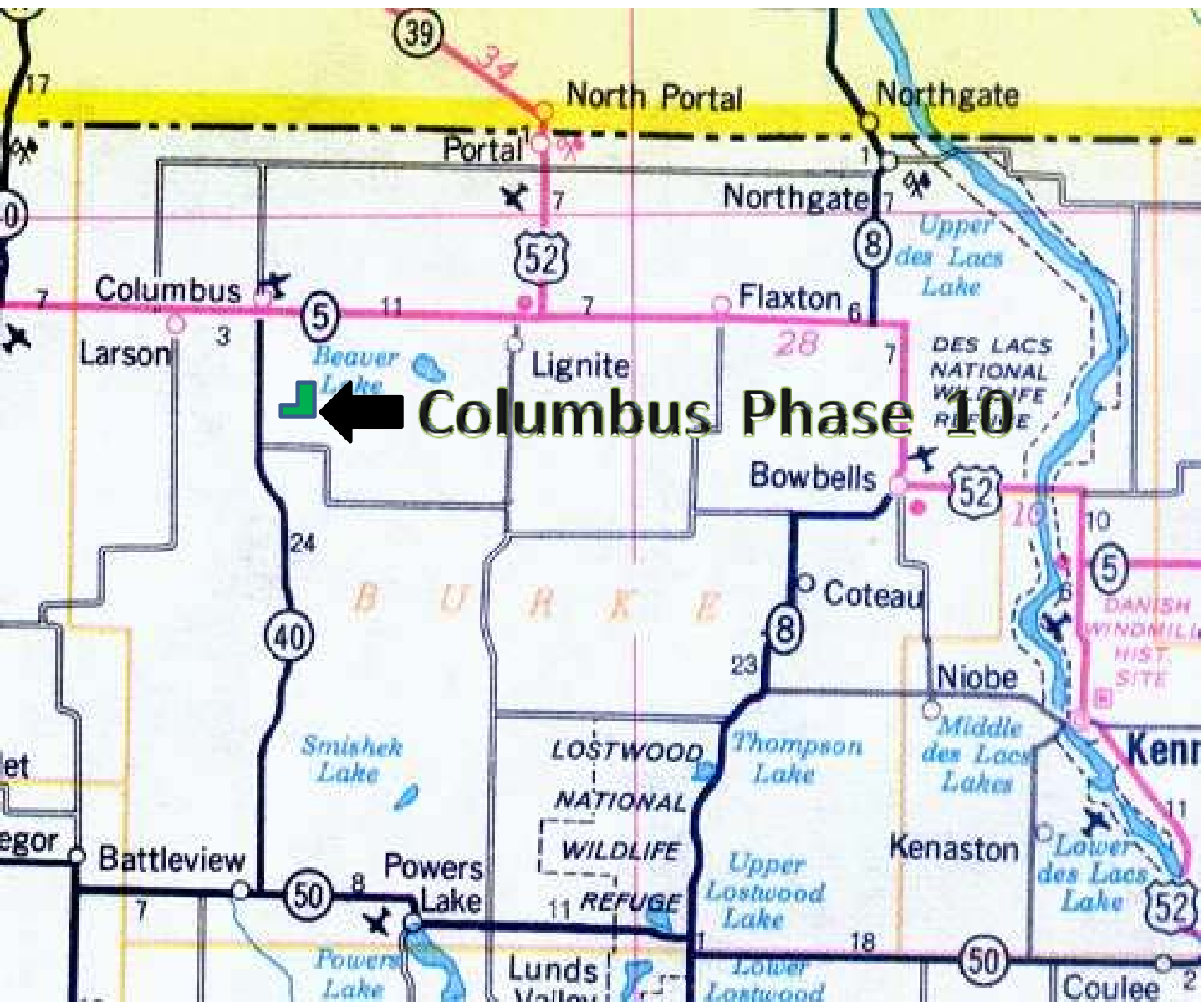
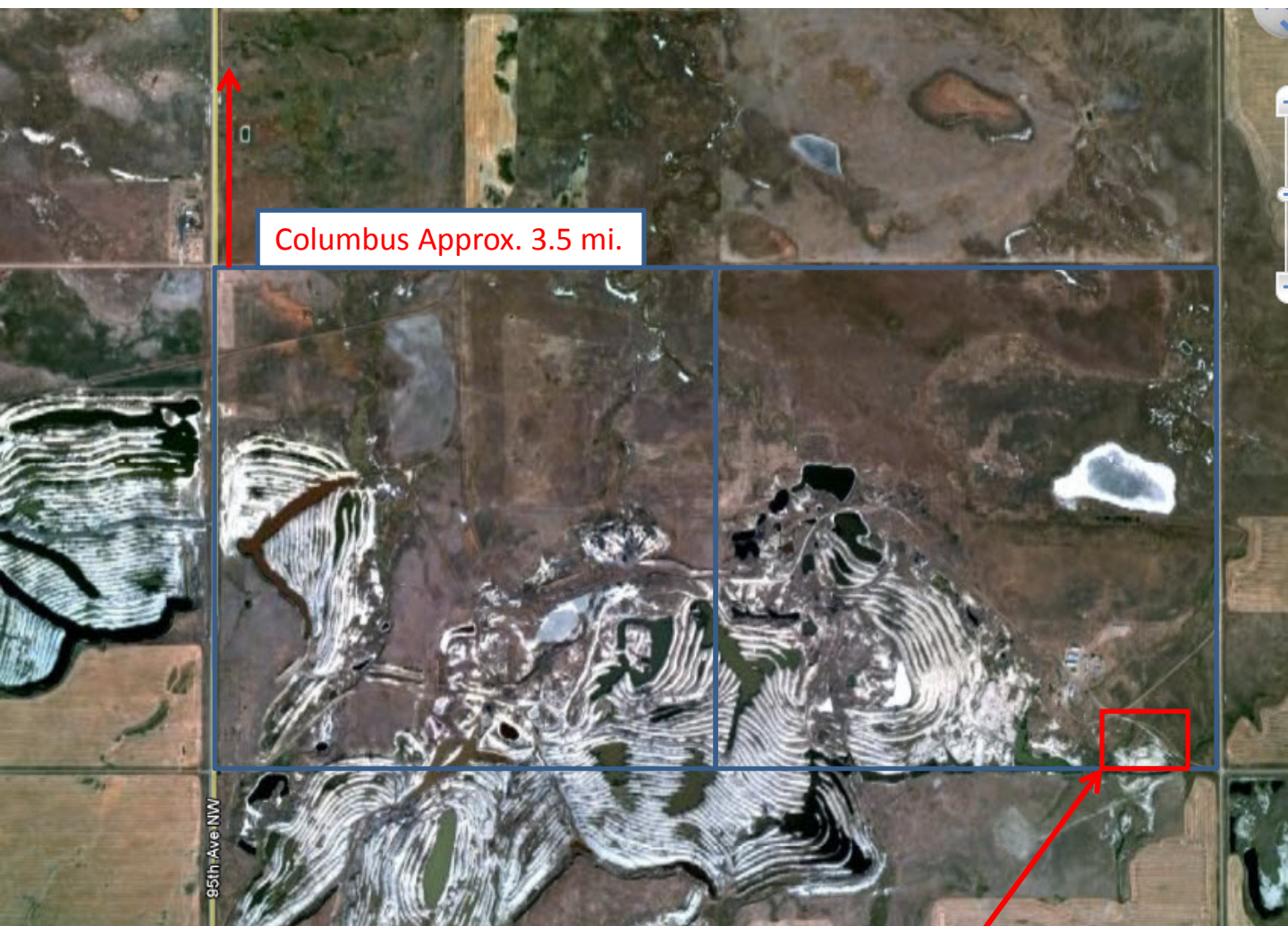


FIGURE 1



Project Area, SE1/4 Section 21, T162N, R93W

Figure 2



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August 7, 2009

Jeffrey W. Fleischman, Director
OSM Casper Field Office
PO Box 11018
150 East "B" Street, Room 1018
Casper, WY 82602-5004

**RE: Eligibility Determination for the 2009 Columbus Phase 10 and 2009 Maintenance
AML Projects in North Dakota**

Dear Mr. Fleischman:

This letter is submitted under 30 CFR 874.12 as the required eligibility determination for lands included in the aforementioned proposed abandoned mine lands reclamation projects. Legal descriptions for these lands are included with the request for authorization to proceed and are summarized below:

2009 Columbus Phase 10 Project: SE¼ of Section 21, T162N, R93W, Burke County

2009 Maintenance Project: At various locations in western North Dakota as described in the August 7, 2009 Request for Authorization to Proceed.

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,

Mr. Jeffrey Fleischman

August 7, 2009

Page 2

- 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 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,

A handwritten signature in black ink, appearing to read "James R. Deutsch", written in a cursive style.

James R. Deutsch
Director
Reclamation and AML Divisions