



Public Service Commission

State of North Dakota

COMMISSIONERS

Tony Clark
Brian P. Kalk
Kevin Cramer

Executive Secretary
Darrell Nitschke

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

June 22, 2011

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

Re: Eligibility Determination for 2011 Scranton Emergency Sites

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 2011 Scranton Emergency Site. This site is located in the NE¼ of Section 26, T131N, R100W, near the city of Scranton.

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,

James R. Deutsch
Director, Reclamation and AML Divisions

AML EMERGENCY INVESTIGATION

Type of Problem: Subsidence/Sinkhole
Reported by: Aaron Auer, NDDOT Dickinson District
Address: Dickinson, ND, 58601
Telephone: 701-227-6526
Date Complaint Received: June 15, 2011
Person Notified of Complaint: Bill Dodd
Address of Complaint: West ditch of 133 Ave (Hwy 67)
City: Scranton
County: Bowman
State: North Dakota

SITE INVESTIGATION

Date: June 17, 2011
Time: 10:00-11:00 A.M.
Name of State Investigators: Bill Dodd and Brad Lavold, AML Division
OSM Representative(s) Present: Neil Hofland, Bowman Co Highway Supv
Others Present:
Name of others contacted (Local, State, Federal, Insurance Agencies, Utilities, etc.):
John Sieving - OSM, was contacted by e-mail June 15, 2011

LOCATION OF SITES

Directions of locations (Describe Route):

Approximately 1/4 mile south of the junction of ND Highways 67 and 12, on the west ditch of 133 Avenue directly south of Scranton, ND.

USGS Quadrangle Name: Scranton N. Dakota
Coordinates: 46.14134, 103.14629

MINE INFORMATION

Mined by: Scranton Lignite Coal Company
Duration of Mining: 1923-1946
Type of Mining: Underground
Seam Name: Unknown **Thickness of Seam:** Approximately 17 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: 1700 3rd Ave. W.
City: Dickinson
State: North Dakota
Zip Code: 58601
Telephone: 701-227-6526

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: June 15, 2011

Is there any active mining or related activities in or around the area: No

Name of Operator(s): N/A

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 June 15, 2011, Aaron Auer, NDDOT Dickinson District, Dickinson, ND, notified Bill Dodd of a dangerous sinkhole in the road right of way near Scranton, North Dakota. A NDDOT work crew surrounded the sinkhole with orange protective fencing supported by driven posts.

An inspection was conducted by Bill Dodd and Brad Lavold, of the AML on June 17, 2011. The sinkhole was about 15 feet in diameter and 20 feet deep. The sinkhole was less than 30' from the bituminous shoulder at the toe of the ditch. I believe the sinkhole is a serious and immediate hazard to the public and meet 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** June 22, 2011

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 should 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 sinkholes
- Excavate the sinkholes with a backhoe
- Fill the excavated sinkholes with fill dirt and compact to the best extent possible
- Regrade the areas to re-establish drainage
- Respread topsoil over the areas
- Reseed the disturbed areas

ESTIMATED COST: \$5000

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: 2011 Scranton DOT Emergency
Number: To be assigned

**ABANDONED MINE LANDS
CATEGORICAL EXCLUSION DETERMINATION**

State: ND PA# ND003 (South Scranton)

Project Name: 2011 Scranton DOT Emergency

Project Description: Abandoned Underground Mine Sinkhole Filling

Yes responses require submission of an environmental assessment.

I. GENERAL EXCEPTIONS

Does the project type specifically require an EA in 516 DM 6,

Appendix 8, as specified in Item I of the attached instructions?

No ☒ Yes ☐

II. DEPARTMENT OF INTERIOR EXCEPTIONS

Will the project have any of the following:

A significant adverse effect on public health or safety?

No ☒ Yes ☐

An adverse effect on any of the following unique geographic characteristics?

If yes, check the ones that apply.

No ☒ Yes ☐

☐ Parks (State, Local, or National)

☐ Wild or Scenic Rivers

☐ Recreation or Refuge Lands

☐ Wetlands

☐ Wilderness Areas

☐ Floodplains

☐ Ecologically Significant or Critical Areas

☐ Sole or Principal Drinking Water

☐ Prime Farmlands

☐ Aquifers

Highly controversial environmental effects?

No ☒ Yes ☐

Highly uncertain and potentially significant environmental effects or unique or unknown environmental risks?

No ☒ Yes ☐

A precedent for future action or a decision in principle about future actions with potentially significant environmental effects?

No ☒ Yes ☐

Directly related to other actions with individually insignificant but cumulatively significant environmental effects?

No ☒ Yes ☐

Adverse effects on properties listed or eligible for listing on the National Register of Historic Places?

No ☒ Yes ☐

Adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species?

No ☒ Yes ☐

Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Wetlands Protection) or The Fish and Wildlife Coordination Act?

No ☒ Yes ☐

Threaten to violate a Federal, State, Tribal or local law or requirement imposed for the protection of the environment?

No ☒ Yes ☐

III. RESOURCE IMPACT EXCEPTIONS

Are there any unresolved issues, or adverse effects requiring specialized mitigation, for any of the following resources? If yes, check the ones that apply.

No ☒ Yes ☐

- | | |
|---|--|
| <input type="checkbox"/> Topography | <input type="checkbox"/> Historic and Cultural |
| <input type="checkbox"/> Land Use (includes prime farmland) | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Soils | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Vegetation (includes wetlands) | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Hydrology | <input type="checkbox"/> Other (includes socioeconomics) |
| <input type="checkbox"/> Fish and Wildlife | |

IV. ATTACH CONSULTATION LETTERS AND A LOCATION MAP

V. RESPONSIBLE OFFICIAL CERTIFICATION

Signature: William E. Dodd Date: June 22, 2011

Name and Title: William E. Dodd, Assistant Director, AML Division

VI. OSM DETERMINATION

☐ This project conforms with the exclusion criteria in 516 DM 6, Appendix 8, and is excluded from further NEPA compliance.

☐ This project does not conform with the exclusion criteria in 516 DM 6, Appendix 8, and requires an environmental assessment.

Signature: _____ Date: _____

Name and Title: _____

