



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

Brian Kroshus  
Julie Fedorchak  
Randy Christmann

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February 1, 2019

Honorable Senator John Hoeven  
United States Senate  
338 Russell Senate Office Building  
Washington, D.C. 20510

RE: Abandoned Mine Land Program Reauthorization

Dear Senator Hoeven:

We are writing to ask for your support for the federal Abandoned Mine Lands (AML) Program, authorized by Title IV of the Surface Mining Control and Reclamation Act (SMCRA) in 1977. The AML Program was established to enable the states and tribes to protect their citizens from the dangerous and costly impacts of coal mines left unreclaimed prior to SMCRA. **The AML fee that funds the AML Program will expire September 30, 2021, unless Congress reauthorizes legislation to extend it.**

The Public Service Commission administers the Abandoned Mine Lands (AML) Program on behalf of the State of North Dakota. A federal fee on coal production funds the AML Program. Our funding has been used exclusively to reclaim high priority abandoned coal mines and our administrative costs have remained low. The federal Office of Surface Mining has consistently commended the North Dakota PSC for its efficient and effective AML Program. The attached Fact Sheet summarizes our AML program and accomplishments.


Some of our most important AML work has been stabilizing undermined roads and residential areas. Collapse of underground mines can cause dangerous sinkholes to occur without warning. This can result in serious danger to the public and damage to roads and homes. **Without federal AML funding, the State or private landowners would bear the costs to repair roads, buildings and residential areas damaged by underground mine collapse.**

Important work has been completed to protect North Dakota citizens from the adverse effects of abandoned mines, but more work remains. At the current rate of federal funding, it will take at least 20 years to address all the highest priority AML problems in our state.

Therefore, we urge you to support reauthorization of the federal AML Program to continue reclamation of high priority abandoned coal mine sites. Please let us know how we can be of assistance to you on this matter.

Sincerely,

  
Julie Fedorchak  
Commissioner

  
Brian Kroshus  
Commissioner

  
Randy Christmann  
Commissioner

## North Dakota AML Fact Sheet

### January 2019

- The North Dakota Public Service Commission administers the Abandoned Mine Lands (AML) Program on behalf of the State of North Dakota.
- The mission of the Abandoned Mine Lands Division is to eliminate potential or existing hazards associated with abandoned coal mines in North Dakota for which there is no continuing liability under state or federal law.
- The State AML Program was approved by the U.S. Department of the Interior in 1981 under authority of the Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87, Title IV).
- AML Program funding comes from a federal reclamation fee on coal that has been mined in the United States since the late 1970's. These fees are placed into the AML fund and the money that North Dakota receives from this fund is used to eliminate existing and potential public hazards resulting from abandoned surface and underground coal mines.
- The current AML fee on North Dakota lignite is eight cents per ton.
- Since our State AML Program was approved in 1981, the AML Division has completed more than 200 reclamation projects to protect the public from adverse effects of abandoned mines.
- North Dakota AML Projects have eliminated more than 37 miles of dangerous surface mine highwalls. Approximately 280,000 cubic yards of cementitious grout have been pumped into abandoned underground mines to stabilize them and prevent them from collapsing beneath public roads and residential and commercial areas. Over 4000 dangerous sinkholes have been filled and more than 30 emergency AML Projects have been completed to protect the public from extreme dangers of abandoned mines. A few examples include:
  - ✓ A 1998 emergency project to fill a deep and dangerous sinkhole that suddenly occurred in the front yard of Mrs. Della Bauer in Beulah.
  - ✓ A 2001 emergency project to fill a dangerous sinkhole that "swallowed" a tractor parked inside Garner Sailer's machine shed near Beulah. A 2014 emergency project to fill dangerous sinkholes along public roads north of Bowman that severed fiber optic telecommunication lines and threatened a major natural gas pipeline.
  - ✓ Two 2015 emergency projects to extinguish dangerous coal fires near Haynes and Williston.
  - ✓ A 2017 emergency project to fill dangerous sinkholes in the ditch of Highway 200 near Beulah.
- All monies spent for North Dakota AML Projects have protected public health safety and property from the adverse effects of high priority (Priority 1 and 2) abandoned mines, in accordance with state and federal law.
- The AML fee that funds the AML Program will expire September 30, 2021, unless Congress reauthorizes legislation to extend it.
- More information on the North Dakota PSC and the North Dakota AML Program is available at <https://www.psc.nd.gov/>



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February 1, 2019

Honorable Senator Kevin Cramer  
United States Senate  
B40C Dirksen Senate Office Building  
Washington, D.C. 20510

RE: Abandoned Mine Land Program Reauthorization

Dear Senator Cramer:

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February 1, 2019

Honorable Congressman Kelly Armstrong  
United States House of Representatives  
1004 Longworth HOB  
Washington, D.C. 20510

RE: Abandoned Mine Land Program Reauthorization

Dear Congressman Armstrong:

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