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United States Department of the Interior

OFFICE OF SURFACE MINING
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PUBLIC SERVICE COMMISSION

April 28, 2008

STATE OF NORTH DAKOTA
AML EMERGENCY PROJECT
2008 Williston (Njos)

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 T154N, R100W, NE1/4 Section 20 in Williams County. The facts submitted by the PSC to the Casper Field Office (CFO) April 23, 2008, are as follows:

The CFO was initially alerted by telephone April 14, 2008, of a potential emergency due to an apparent underground mine collapse located directly beneath property owned by David Njos, approximately two miles east of Williston, North Dakota. The AML Investigation Report, describing the April 15, 2008 emergency investigation conducted by the PSC, was electronically transmitted to the CFO on April 23, 2008.

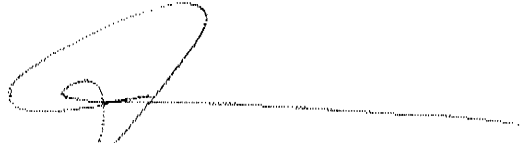
The incident involves an apparent underground mine collapse feature directly beneath a concrete driveway and shop floor resulting from pre-SMCRA underground mining. The underground mine collapse feature is likely to become worse and further endanger the property owner and the general public. Approximately 10 people are potentially affected by the serious hazard in the immediate area. Eliminating the hazard will increase the safety to users of the property as the underground mine collapse feature is located directly beneath an area utilized as a commercial business with customers frequenting the premises.

The PSC plans to (1) conduct drilling near the building and driveway to locate and characterize any mine voids, (2) inject cementitious grout to fill mine voids and stabilize the surface from collapse, and (3) clean up and restore the affected area. The estimated cost to abate the problem is \$35,000 - \$50,000 not to exceed \$75,000.

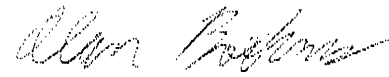
The North Dakota State Historic Preservation Officer (SHPO) was contacted concerning potential cultural or historical resources in conjunction with the 2008 Williams County Road 9 Project, located in the vicinity.

I conclude the underground mine collapse is associated with pre-SMCRA coal mines, is a suddenly occurring and previously unknown event constituting a threat to the community, and is 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 underground mine collapse.



Jeff Fleischman, Director
Casper Field Office



Alan Boehms
AML Program Specialist

OPTIONAL FORM 99 (7-99)

FAX TRANSMITTAL

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