

SCANNED

Date 7.21.08

File Ruud - Declaration of Emergency - 7-18-08

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PUBLIC SERVICE COMMISSION



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

July 18, 2008

State of North Dakota
AML Emergency Project
2008, Parshall (Richard Ruud Farmstead)
FINDING OF FACT AND DECLARATION OF EMERGENCY

Documentation had been received from the Abandoned Mine Lands (AML) Division of the North Dakota Public Service Commission (PSC) describing an AML coal emergency at T152N, R90W, SE 1/4 of Section 13 in Mountrail County. The facts submitted by the PSC to the Casper Field Office (CFO) July 15, 2008, are as follows:

The CFO was initially alerted by both telephone and e-mail July 8, of a potential emergency due to a subsidence feature located immediately adjacent to the home of Mr. Richard Ruud. Mr. Ruud's home and farmstead are located approximately 2 miles north of Parshall, North Dakota. The AML Investigation Report, describing the July 8, 2008 emergency investigation conducted by the PSC, was electronically transmitted to the CFO on July 15, 2008.

The incident involves an apparent underground mine collapse feature located immediately adjacent to and underneath the Ruud home. ND PSC requested concurrence for an emergency declaration. CFO granted verbal concurrence provided all required documentation would be submitted as soon as possible. This collapse feature is likely to expand, causing further damage to property and potentially endangering the residents.

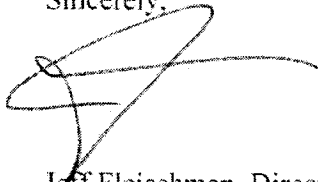
On July 9 and 10, ND PSC began filling the collapse feature with grout. During the abatement process, the sewer/septic system were impacted. Abatement work was temporarily halted to assess the impact and to request OSM concurrence that associated repairs may be considered part of emergency project site cleanup efforts.

ND PSC plans to (1) pour flowable concrete grout into the collapse feature to completely fill it, (2) clean up and restore the area, including repairs to abate any related sewer/septic system leakage. The estimated cost to abate the problem is \$25,000 or less.

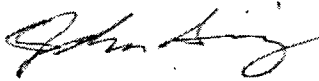
I conclude this collapse feature is associated with pre-SMCRA coal mines, and is a suddenly occurring and previously unknown threat to the community. I also conclude that repairs to abate any related sewer/septic system leakage are the direct result of a necessary and cost-effective abatement plan for the project as a whole, and are 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 this collapse feature.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jeff Fleischman', written in a cursive style.

Jeff Fleischman, Director
Casper Field Office

A handwritten signature in black ink, appearing to be 'John Sieving', written in a cursive style.

John Sieving
AML Program Specialist