



# United States Department of the Interior



## OFFICE OF SURFACE MINING

Reclamation and Enforcement

Casper Field Office

PO Box 11018

150 East B Street, RM 1018

Casper, WY 82602

June 7, 2010

State of North Dakota  
AML Emergency Project  
2010 Beulah KDKT Emergency

### **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 T144N, R87W, SW ¼ of Section 18 in Mercer County. The facts submitted by the PSC to the Casper Field Office (CFO) June 4<sup>th</sup>, 2010 are as follows:

The CFO was initially alerted by both telephone and e-mail June 4<sup>th</sup>, of a potential emergency due to a subsidence feature located immediately adjacent to the KDKT radio tower, located at 821 County Road 21, in Beulah. The AML Investigation Report, describing the June 3<sup>rd</sup>, 2010 emergency site investigation conducted by the PSC, was electronically transmitted to the CFO on June 4<sup>th</sup>, 2010.

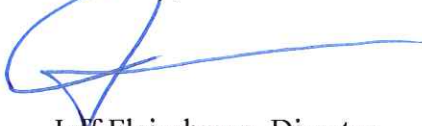
The incident involves an apparent underground mine collapse feature located adjacent to the KDKT radio tower. Historic mine maps from MIS (Mine Information System) show that pre-SMCRA underground mining was conducted in this area. The sinkhole is approximately 28 feet in diameter with an average depth of 12 feet and a maximum depth of 25 feet. The sinkhole is within 70 feet of the radio tower and is located between two of the guy wire anchors for the tower. A radio station building is within 300 feet and County Highway 21 is within 500 feet of the sinkhole. This feature threatens the stability of the radio tower and is a hazard to the present owners and anyone using the property.

The PSC plans to fill the lower portion of the hole with approximately 50 cubic yards of grout, remove the topsoil, excavate the sinkhole and fill it with dirt, re-grade the area to establish drainage away from the tower, and then re-spread topsoil and reseed the disturbed areas. The estimated cost to abate the problem is \$10,000.

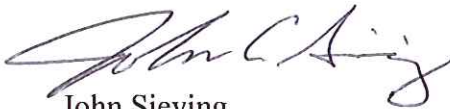
This sinkhole is located on commercial property and reclamation will be limited to the immediate area of the sinkhole. No environmental resources will be affected. A Categorical Exclusion Determination was submitted with the AML Investigation Report for this project.

OSM has reviewed the categorical exclusion certification regarding the 2010 Beulah KDKT Emergency Project and determined that the project conforms to exclusion criteria in 516 DM 6, Appendix 8, and is excluded from further NEPA compliance. OSM also concludes the sinkhole is associated with collapsing voids from pre-SMCRA underground coal mines, is a suddenly occurring and previously unknown threat to the community, and is eligible for emergency funding under the AML program. Accordingly, pursuant to section 5-11-20D.3 of the Federal Assistance Manual, the North Dakota AML Division of the PSC is hereby authorized to proceed with this project and expend Federal AML emergency funds in accordance with AML grant terms and conditions.

Sincerely,



Jeff Fleischman, Director  
Casper Field Office



John Sieving  
Physical Scientist

**ABANDONED MINE LANDS  
CATEGORICAL EXCLUSION DETERMINATION**

State: ND PA# ND014  
Project Name: 2010 Beulah KDKT 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

- |   |   |
|---|---|
| <input type="checkbox"/> Parks (State, Local, or National)          | <input type="checkbox"/> Wild or Scenic Rivers            |
| <input type="checkbox"/> Recreation or Refuge Lands                 | <input type="checkbox"/> Wetlands                         |
| <input type="checkbox"/> Wilderness Areas                           | <input type="checkbox"/> Floodplains                      |
| <input type="checkbox"/> Ecologically Significant or Critical Areas | <input type="checkbox"/> Sole or Principal Drinking Water |
| <input type="checkbox"/> Prime Farmlands                            | <input type="checkbox"/> 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 [x] Yes [ ]

Threaten to violate a Federal, State, Tribal or local law or requirement imposed for the protection of the environment? No [x] 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 [x] 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 4, 2010

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: [Signature] Date: 6-7-2010

Name and Title: FLEISCHMAN, FIELD OFFICE DIRECTOR, CFO, OSM