



# Public Service Commission

## State of North Dakota

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July 20, 2010

Jeffrey W. Fleischman, Director  
OSM Casper Field Office  
P.O. Box 11018  
150 East "B" Street, Room 1018  
Casper, WY 82602-5004

**RE: Request for Authorization to Proceed for the 2010 Coal Outcrop Fire Suppression Project in Slope County, North Dakota.**

Dear Mr. Fleischman:

Please find enclosed documentation to support our Request for Authorization to Proceed with the 2010 Coal Outcrop Fire Suppression Project. The objective of this project is to extinguish or suppress coal outcrop fires that could potentially ignite hazardous wildfires.

This project is a continuation of the previous coal outcrop fire suppression project conducted in 2009. These outcrop fires are located principally in Sections 3, 5, and 10, T135N, R105W, and Section 30, T136N, R106W, Slope County, approximately 30 miles southeast of Beach, North Dakota. A map showing the general locations of the fires has been supplied by the United States Forest Service (USFS) and is attached to this document. It is possible that additional coal outcrop fires may be discovered during this project and these will be suppressed or extinguished as deemed necessary.

Coal fire suppression is proposed on both USFS and private properties. These outcrop fires were ignited by wildfires and the USFS considers them portions of wildfires that have not been completely extinguished; and therefore emergencies that, under USFS policy, are excluded from adherence to NEPA procedures. An environmental assessment is included for those fires located on private properties.

We have requested concurrence for this project from the North Dakota State Historical Society and U.S. Fish and Wildlife Service. Any outstanding responses to these requests for concurrence will be forwarded to you as we receive them.

Mr. Jeffrey Fleischman  
July 20, 2010  
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If additional information is needed or you have any questions, feel free to call Bill Dodd at 701-328-4101 or me at 701-328-2251.

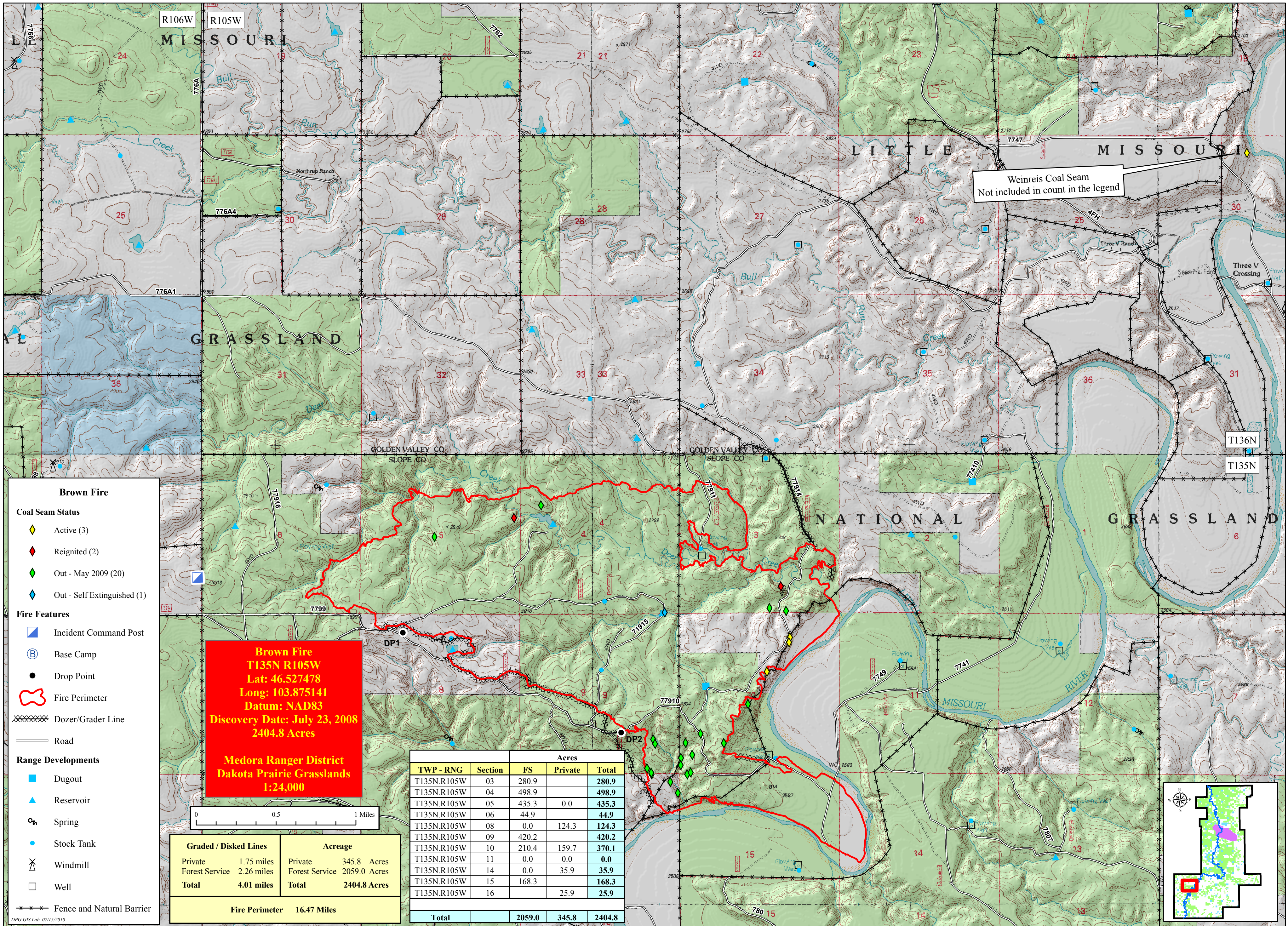
Sincerely,

A handwritten signature in black ink, appearing to read "Jim Deutsch". The signature is fluid and cursive, with the first name "Jim" and last name "Deutsch" clearly distinguishable.

James R. Deutsch  
Director  
Reclamation and AML Divisions

Enclosures

m\AML\Grants\2010\Coal Outcrop Fire\ATP\_rqst\_7-20-10

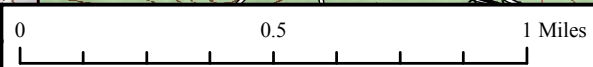


Weinreis Coal Seam  
Not included in count in the legend

**Brown Fire**  
**T135N R105W**  
 Lat: 46.527478  
 Long: 103.875141  
 Datum: NAD83  
 Discovery Date: July 23, 2008  
 2404.8 Acres

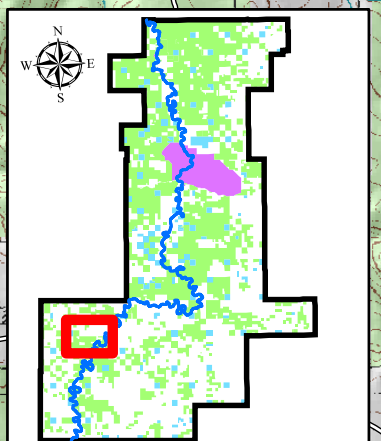
**Medora Ranger District**  
**Dakota Prairie Grasslands**  
**1:24,000**

- Brown Fire**
- Coal Seam Status**
- ◆ Active (3)
  - ◆ Reignited (2)
  - ◆ Out - May 2009 (20)
  - ◆ Out - Self Extinguished (1)
- Fire Features**
- ▣ Incident Command Post
  - Ⓟ Base Camp
  - Drop Point
  - 🔴 Fire Perimeter
  - ⊘ Dozer/Grader Line
  - Road
- Range Developments**
- ▣ Dugout
  - ▲ Reservoir
  - ⊙ Spring
  - Stock Tank
  - ⊙ Windmill
  - Well
  - ⊘ Fence and Natural Barrier



Graded / Disked Lines		Acreage	
Private	1.75 miles	Private	345.8 Acres
Forest Service	2.26 miles	Forest Service	2059.0 Acres
<b>Total</b>	<b>4.01 miles</b>	<b>Total</b>	<b>2404.8 Acres</b>
<b>Fire Perimeter</b>		<b>16.47 Miles</b>	

TWP - RNG	Section	Acres		
		FS	Private	Total
T135N.R105W	03	280.9		280.9
T135N.R105W	04	498.9		498.9
T135N.R105W	05	435.3	0.0	435.3
T135N.R105W	06	44.9		44.9
T135N.R105W	08	0.0	124.3	124.3
T135N.R105W	09	420.2		420.2
T135N.R105W	10	210.4	159.7	370.1
T135N.R105W	11	0.0	0.0	0.0
T135N.R105W	14	0.0	35.9	35.9
T135N.R105W	15	168.3		168.3
T135N.R105W	16		25.9	25.9
<b>Total</b>		<b>2059.0</b>	<b>345.8</b>	<b>2404.8</b>



# **STANDARDIZED ENVIRONMENTAL ASSESSMENT**

Weinreis Coal Fire Project  
Slope County, North Dakota

Prepared by the

North Dakota Public Service Commission

In Cooperation with the

United States Department of the Interior  
Office of Surface Mining Reclamation and Enforcement  
Casper Field Office

(July 2010)

## **Section I Introduction**

### **A. Need for the Action**

The principal objective of this project by the Abandoned Mine Lands Division of the North Dakota Public Service Commission is to extinguish and reclaim hazardous coal outcrop fires, located in Slope County approximately 30 miles southeast of the City of Beach, North Dakota.

To our knowledge there have been no instances of death or personal injury attributable to the described coal outcrop fires. However, these coal outcrop fires could ignite dangerous wildfires if left unchecked.

### **B. Project Background**

The proposed Weinreis Coal Fire Project includes several coal outcrop fires located in the NW $\frac{1}{4}$  of Section 10, T135N, R105W and the N $\frac{1}{2}$  of Section 30, T136N, R104W in Slope County, North Dakota. (See attached map.) It is possible that additional coal outcrop fires will be discovered during this project and these will be suppressed or extinguished as deemed necessary.

These coal outcrop fires were principally ignited as a result of the 2008 Brown Ranch Wildfire. The U.S. Forest Service and local firefighting crews worked for weeks extinguishing this fire, but thousands of acres burned. One of the coal fires was ignited by an earlier (2004) prairie fire.

The proposed project site is privately owned and the property owner, George Weinreis, has requested assistance to have the outcrop fires suppressed. These coal outcrop fires were brought to the attention of the Public Service Commission by U.S. Forest Service personnel in late 2009 and early 2010. The areas of individual outcrop fires vary but the combined total area affected by coal suppression activities is expected to be less than two acres and is all located on native pastureland used for livestock grazing.

## **Section II**

### **Description of the Proposed Project and Alternatives**

The preferred and most cost-effective option for reclamation is to simply excavate all burning coal and combustible materials, mix the materials with inert (noncombustible) overburden, and enclosure in a burial trench.

Another alternative would be pressurized or gravity-fed foamed cement or fire retardant grout. Projects utilizing foaming mud cement/grout have proven to be a much more expensive method of fire suppression and in consideration of our financial limitations would prove to be cost prohibitive.

Another alternative would be "dousing" with water. This process would entail water flooding of the coal fire site by pumping water through cracks, fissures and fumaroles in an attempt to suppress the fire. This alternative has been attempted many times by various agencies nationally with limited success. Generally, the initial dousing process will lower the temperature of the burning coal and give the impression that the fire has been extinguished, but invariably the fire becomes rejuvenated and often times hotter and more wide-spread than before the dousing attempt.

Another alternative would be condemning the property. This is not considered to be a viable option either, because the landowner wishes to continue deriving income from the property by haying/grazing and farming and condemnation will not eliminate the inherent danger of reignition of grass fires because of the coal seam fire.

The final alternative would be no action. This option does not solve the inherently dangerous problems that exist at the site and is not considered a viable option.

### **Section III Existing Environmental Documents**

The environmental concerns of the proposed project are addressed in an environmental impact statement (EIS) prepared by the Office of Surface Mining Reclamation and Enforcement entitled "Approval of State and Indian Reclamation Program Grants Under Title IV of the Surface Mining Control and Reclamation Act of 1977": (OSM-EIS-11, November 1983). Please reference the following documents for further information.

Chapter III, Affected Environmental Rocky Mountain/Northern Great Plains Region

Section 3.5.3.2, Adverse impacts related to subsidence, pp III-29,  
Subsections 3.5.3.2.1, 3.5.3.2.2, 3.5.3.2.4, 3.5.3.3.3

Chapter IV, Environmental Consequences Rocky Mountain/Northern Great Plains Region

Section 4.3.3.3, Impacts of deep subsurface reinforcement treatment

Section 4.3.1.1, Impacts of backfilling mine openings

## **Section IV Site Specific Review**

- A. Cultural or historic resource values (the Archaeological Resources Protection Act of 1979; the Archaeological and Historic Preservation Act of 1974; the National Historic Preservation Act of 1986, as amended; the Antiquities Act of 1906, Executive Order 11593, concerning the protection and enhancement of the cultural environment; the American Indian Religious Freedom Act of 1978; the Historic Sites Act of 1935; and OMB Circular A-102)**

A letter was sent to the State Historical Preservation Officer on July 20, 2010 requesting concurrence with a "No Historic Properties Affected" determination for the Weinreis Coal Fire sites.

- B. Water Quality Values (Clean Water Act, as amended)**

Fire suppression and reclamation efforts will be conducted in a manner that will have no significant effect on surface water quality or quantity.

- C. Wetlands Values (Clean Water Act, Executive Order 11990, and Army/EPA Memorandum of Agreement (MOA) Concerning the Determination of Mitigation under the Section 404(b) (1) Guidelines)**

No reclamation activities are planned on or near wetlands within the defined reclamation project area.

- D. Floodplain Values (Executive Order 11988)**

Areas defined for reclamation activities at the subject site are not located within an identified floodplain.

- E. Wildlife (Endangered Species Act and Fish and Wildlife Coordination Act)**

No threatened or endangered animal species or critical habitats are known to exist on the proposed coal fire suppression site. It is extremely unlikely that the described sites would be used by any animal species, as they are located on an active coal outcrop fires. Suppression activities will be limited to the immediate area of the coal fire.

A letter was sent to the U.S. Fish and Wildlife Service on July 20, 2010, requesting concurrence that this project will not adversely affect any threatened, endangered or rare animal species.

**F. Prime and Unique Farmland Values (Farmland Protection Policy Act)**

There are no prime farmlands within the proposed project area. This area is located on pastureland used for grazing and fire suppression should have no effect on prime and unique farmland values.

**G. Recreational Resource Values (Wild and Scenic Rivers Act, Clean Air Act)**

There are no lands in the proposed project area classified as Wilderness Area or lands being studied for wilderness. The project area is located on private property.

There are no lands in the proposed project area identified as areas of critical environmental concern.

There are no lands in the proposed project area included in the Wild and Scenic Rivers category. The Little Missouri River is located near the coal fires and it is a state designated Scenic River; however, this project will have no impact on the Little Missouri River.

There are no parks or areas of critical ecological or aesthetic concern found in the proposed project area.

**H. Air Quality (Clean Air Act)**

The proposed project area is not in or near a Class I air quality region. The only Class I air quality regions in North Dakota are in the Theodore Roosevelt National Park and the Lostwood National Wildlife Refuge. Air quality at the site and surrounding areas will actually be improved by suppression of the coal fires.

**I. Socioeconomic Factors**

The Weinreis Coal Fire Project Area includes several small, but fast-burning coal seams located within pastureland in rural Slope County, North Dakota. If necessary, factors such as noise, traffic control and dust suppression will be addressed during the project, but it is unlikely these will be a problem due to its small size and location.

**J. Political Factors**

The proposed project area is 100% privately owned and fire suppression activities have been requested by the landowner.

**K. Existing Vegetative Cover**

There is minimal vegetative cover in the immediate project areas due to the coal fire and steep slopes surrounding the coal outcrops.

**L. Threatened and Endangered Plant Species**

To the best of our knowledge, no threatened or endangered plant species have been identified within the project area. The only federally-listed threatened or endangered plant species known to exist in North Dakota is the Western Prairie Fringed Orchid (*Platanthera praeclar*). Known locations of this plant are within moist, tall grass prairie and sedge meadows of the Sheyenne National Grasslands in the southeastern corner of the state.

**M. Anticipated Dates of Reclamation**

It is anticipated that reclamation/suppression will be conducted in September through November, 2010 and that fire suppression efforts will require 10-15 days of work.

**N. Estimated Cost of Reclamation**

The cost of coal fire suppression at all 2010 sites, on both public and private property, is estimated at \$25,000.

**O. Off-site Borrow and Disposal Areas**

If off-site borrow or disposal issues arise, applicable environmental regulations will be addressed through the North Dakota Department of Health.

**P. Noise Pollution**

Noise Pollution is not anticipated. Should noise pollution problems arise, the North Dakota Department of Health will be consulted for remedial action.

**Q. Environmental Justice Policy**

Construction work may result in a slight increase in employment and revenues, but no significant direct or indirect impact on minority or low-income populations is expected.

## **Section V Consultations**

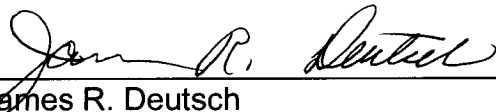
### **State Historical Preservation Officer**

A letter was sent to the State Historical Preservation Officer on July 20, 2010, requesting concurrence with a "No Historic Properties Affected" determination for the Prestangen Ranch Coal Fire site.

### **U.S. Fish & Wildlife Service**

A letter was sent to the U.S. Fish and Wildlife Service on July 20, 2010, requesting concurrence that this project will not adversely affect any threatened, endangered or rare animal species.

## **Section VI Preparers**



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James R. Deutsch  
Director - AML Division  
North Dakota Public Service Commission