



# Public Service Commission

## State of North Dakota

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April 26, 2011

Mr. Jeff Fleischman, Director  
OSM Casper Field Office  
PO Box 11018  
Casper, WY 82602-5004

### Re: Eligibility Determination for April 2011 Beulah Emergency Sites

Dear Mr. Fleischman:

This letter is submitted under 30 CFR 874.12 as the required eligibility determination for reclamation of the land included in the proposed April 2011 Beulah Emergency Sites. These sites are located in the SW¼ of Section 12, T144N, R88W and the NE¼ of Section 18, T144N, R87W, near Beulah, ND.

#### Eligibility Determination - 30 CFR 874.12

The requirements of this section of the Abandoned Mine Reclamation Program set forth the following criteria for eligibility for reclamation activities (paraphrased):

- a. Was the real property subjected to coal mining and related processes?
- b. Did the coal mining processes on the real property occur prior to August 3, 1977, and was said real property left or abandoned in an unreclaimed or inadequately reclaimed condition? and,
- c. Is there continuing responsibility for reclamation by the operator, permittee, or agent of the permittee under statutes of the State of North Dakota or the government of the United States?

Based upon available information, I find that the described real property was mined for coal, that the coal mining activity occurred prior to August 3, 1977, and that the property has been left in an abandoned and unreclaimed state. I further find that there is no continuing responsibility for reclamation by the operator, permittee or agent of the permittee under statutes of the State of North Dakota or the government of the United States.

Based on these findings, it is my opinion that the described real properties meet the eligibility requirements of 30 CFR 874.12 for abandoned mine reclamation.

Sincerely,

James R. Deutsch  
Director, AML Division