



# Public Service Commission

## State of North Dakota

---

### COMMISSIONERS

Tony Clark  
Brian P. Kalk  
Kevin Cramer

Executive Secretary  
Darrell Nitschke

600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

June 22, 2011

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

### **Re: Eligibility Determination for 2011 Scranton 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 2011 Scranton Emergency Site. This site is located in the NE¼ of Section 26, T131N, R100W, near the city of Scranton.

#### 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,

A handwritten signature in black ink, appearing to read "James R. Deutsch".

James R. Deutsch  
Director, Reclamation and AML Divisions

## AML EMERGENCY INVESTIGATION

**Type of Problem:** Subsidence/Sinkhole  
**Reported by:** Aaron Auer, NDDOT Dickinson District  
**Address:** Dickinson, ND, 58601  
**Telephone:** 701-227-6526  
**Date Complaint Received:** June 15, 2011  
**Person Notified of Complaint:** Bill Dodd  
**Address of Complaint:** West ditch of 133 Ave (Hwy 67)  
**City:** Scranton  
**County:** Bowman  
**State:** North Dakota

### SITE INVESTIGATION

**Date:** June 17, 2011  
**Time:** 10:00-11:00 A.M.  
**Name of State Investigators:** Bill Dodd and Brad Lavold, AML Division  
**OSM Representative(s) Present:** Neil Hofland, Bowman Co Highway Supv  
**Others Present:**  
**Name of others contacted (Local, State, Federal, Insurance Agencies, Utilities, etc.):**  
John Sieving - OSM, was contacted by e-mail June 15, 2011

### LOCATION OF SITES

**Directions of locations (Describe Route):**

Approximately 1/4 mile south of the junction of ND Highways 67 and 12, on the west ditch of 133 Avenue directly south of Scranton, ND.

**USGS Quadrangle Name:** Scranton N. Dakota  
**Coordinates:** 46.14134, 103.14629

### MINE INFORMATION

**Mined by:** Scranton Lignite Coal Company  
**Duration of Mining:** 1923-1946  
**Type of Mining:** Underground  
**Seam Name:** Unknown      **Thickness of Seam:** Approximately 17 feet

**CONTINUING RECLAMATION RESPONSIBILITY**

**Permitted Operation:** No **Permit Number(s):** N/A  
**Bond Status:** Returned, Forfeited, Available: N/A  
**Amount:** N/A  
**Date:** N/A

**PRESENT OWNER(S)**

**Surface Owner's Name:** ND Department of Transportation  
**Address:** 1700 3rd Ave. W.  
**City:** Dickinson  
**State:** North Dakota  
**Zip Code:** 58601  
**Telephone:** 701-227-6526

**Were the Property Owners Involved in the Mining:** No  
**If yes, explain:**

**Date Property Acquired by Owner:** Unknown  
**If Potential Subsidence, Do Owners Have Insurance:** No  
**If yes,**  
**Agency:**  
**Agent:**  
**Address:**  
**Phone Number:**  
**Mineral Owner's Name:** Unknown

**AFFECTED PARTIES**

The sinkhole is in the right-of-way of a public highway and could potentially affect anyone using the highway or operating motorcycles or four-wheelers in the ditch.

**SITE INFORMATION**

**Date that problem began or was first noticed:** June 15, 2011

**Is there any active mining or related activities in or around the area:** No

**Name of Operator(s):** N/A

**Nature of problem:**

Void, Shafts, Slope, Entries, etc.

**Source of problem:**

Underground Mine

**Potentially Affecting:**

**Persons:** Estimated Number: 10+  
**Housing:** None  
**Building:** None  
**Estimated acres affected:** Less than 1

**PROBLEM DESCRIPTION**

**Describe the problem (Detail: size, shape; Is problem spreading, expanding; first noticed, etc.)**

On June 15, 2011, Aaron Auer, NDDOT Dickinson District, Dickinson, ND, notified Bill Dodd of a dangerous sinkhole in the road right of way near Scranton, North Dakota. A NDDOT work crew surrounded the sinkhole with orange protective fencing supported by driven posts.

An inspection was conducted by Bill Dodd and Brad Lavold, of the AML on June 17, 2011. The sinkhole was about 15 feet in diameter and 20 feet deep. The sinkhole was less than 30' from the bituminous shoulder at the toe of the ditch. I believe the sinkhole is a serious and immediate hazard to the public and meet criteria as an AML emergency.

**OTHER INFORMATION**

**Describe any other information available and its location (i.e., maps, inspections, reports, etc.)**

Mine information and maps are available for this site.

**ELIGIBILITY**

**Declaration of eligibility from State:** ND Public Service Commission

**Name:** Jim Deutsch, AML Director

**Address:** 600 E Blvd Ave., Dept. 408

**City:** Bismarck

**State:** North Dakota

**Zip Code:** 58505-0480

**Telephone:** (701)328-2400

**Oral**  **Date**  **Written**  **Date** June 22, 2011

**Eligible:** YES  (an eligible site must be mine related, abandoned with inadequate reclamation prior to August 3, 1977, and no continuing reclamation responsibility.)

**REMARKS**

Since this sinkhole is located on a highway right of way and reclamation will be limited to the immediate area of the sinkhole, no environmental resources should be affected.

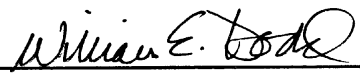
**ADDED VALUE**

It is doubtful that reclamation of this site will add significant value to the property. However, remedial action to eliminate the hazard will protect the public.

**PROPOSED REMEDIAL ACTION:**

- Remove all available topsoil from around the sinkholes
- Excavate the sinkholes with a backhoe
- Fill the excavated sinkholes with fill dirt and compact to the best extent possible
- Regrade the areas to re-establish drainage
- Respread topsoil over the areas
- Reseed the disturbed areas

**ESTIMATED COST:**        \$5000

**Investigator:**        William E. Dodd        **Signature:**   
**Address:**            600 E Blvd Ave., Dept. 408  
**City:**                Bismarck  
**State:**                North Dakota  
**Zip code:**           58505-0480  
**Telephone:**        (701) 328-4101

**Project Title:**       2011 Scranton DOT Emergency  
**Number:**             To be assigned

**ABANDONED MINE LANDS  
CATEGORICAL EXCLUSION DETERMINATION**

State: ND PA# ND003 (South Scranton)

Project Name: 2011 Scranton DOT 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

Parks (State, Local, or National)

Wild or Scenic Rivers

Recreation or Refuge Lands

Wetlands

Wilderness Areas

Floodplains

Ecologically Significant or Critical Areas

Sole or Principal Drinking Water

Prime Farmlands

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 22, 2011

Name and Title: William E. Dodd, Assistant Director, AML Division

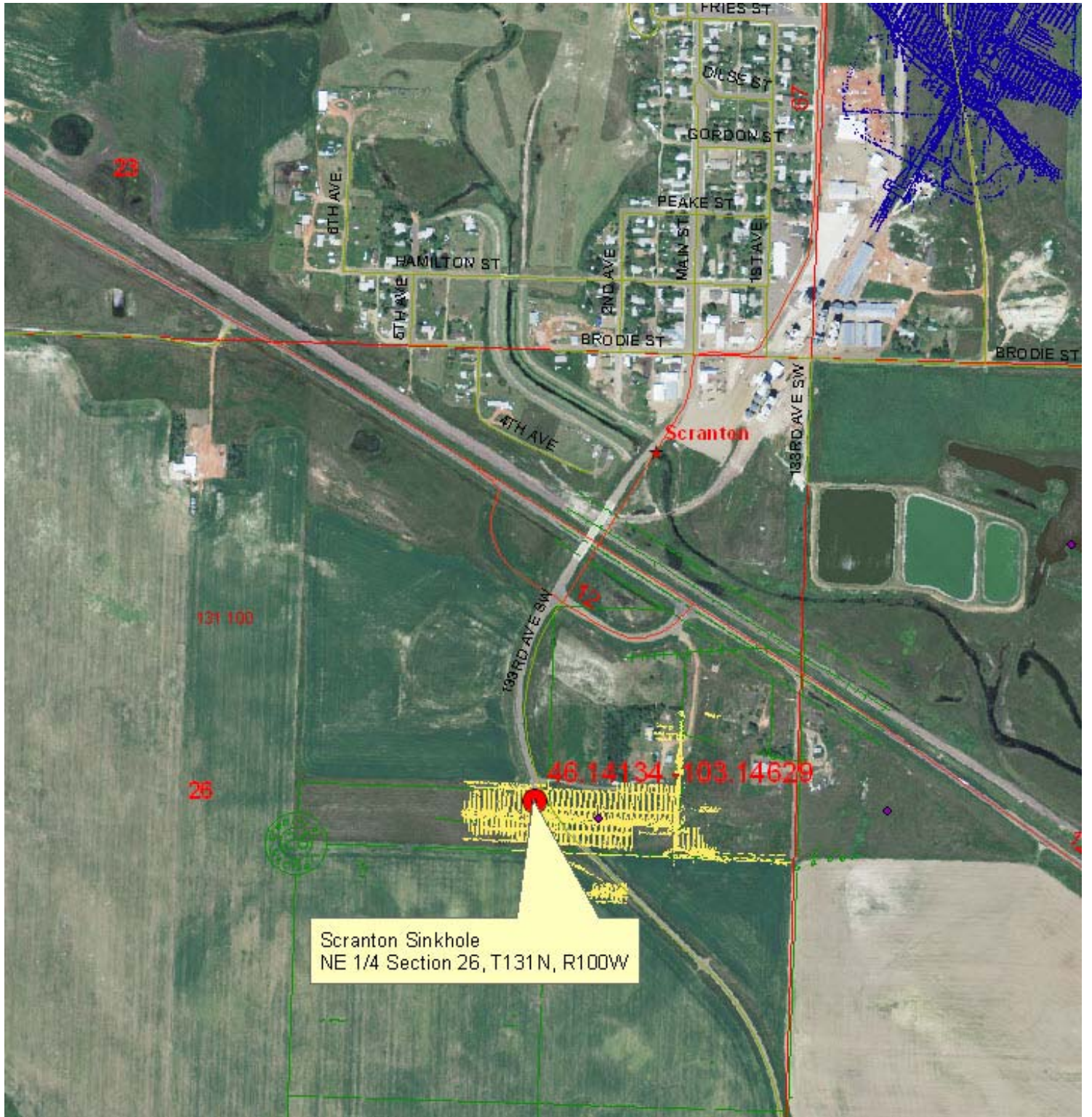
**VI. OSM DETERMINATION**

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: \_\_\_\_\_ Date: \_\_\_\_\_

Name and Title: \_\_\_\_\_



Scranton Sinkhole  
NE 1/4 Section 26, T131N, R100W

46.14134 -103.14629

131 100

26