



# United States Department of the Interior

## OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Casper Area Office  
PO Box 11018  
150 East B Street, RM 1018  
Casper, WY 82602



April 22, 2015

Mr. James R. Deutsch, Director  
Abandoned Mine Lands Division  
North Dakota Public Service Commission  
600 E. Boulevard Ave. Dept. 408  
Bismarck, North Dakota 58505-0480

Subject: Finding of Fact/Authorization to Proceed for the 2015 Haynes Coal Fire Emergency Project (PAD # ND000124).

Dear Mr. Deutsch:

The Office of Surface Mining Reclamation & Enforcement (OSMRE) has reviewed the AML Emergency Investigation Report and associated documentation for the 2015 Haynes Coal Fire Emergency Project, in Adams County. Based on the information submitted, this office has determined that the project meets the definition of an emergency under 30CFR700.5 and our emergency program guidelines. We approve the scope of work necessary to abate this emergency and approve it for emergency funding.

This coal fire has re-ignited local wild fires on several occasions and the site is in close proximity to both a personal residence and public roads. This fire is a continuing hazard to public safety and emergency circumstances at the site require immediate abatement action, prior to completion of environmental documentation. The State is authorized to act, but the action must be limited to that necessary to control the immediate impacts of the emergency. Specific findings relative to the Endangered Species Act, Clean Water Act and other applicable environmental statutes must still be completed prior to any non-emergency abatement. Actions which may remain to be taken after abatement of the immediate threat will require preparation of an environmental document.

Based on analysis of available documents, I have determined that emergency reclamation of this abandoned mine site would not result in significant environmental impact. Accordingly, pursuant to section 4-160-40D.3 of the Federal Assistance Manual, you are hereby authorized to proceed with this emergency project and expend available Federal funds in accordance with AML grant terms and conditions.

Sincerely,

  
Jeffrey Fleischman, Chief  
Denver Field Division

# **BRIEFING PAPER**

2015 Haynes Coal Fire Emergency Project (PAD # ND000124)  
Adams County, North Dakota

## **North Dakota's Request**

On April 20, 2015, the Abandoned Mine Lands (AML) Division of the North Dakota Public Service Commission sent an e-mail message to the Office of Surface Mining Reclamation and Enforcement (OSMRE), Casper Area Office (CAO) that transmitted a coal emergency investigation report and eligibility determination. NDPSC requests that OSMRE declare the Haynes Coal Fire in Adams County an emergency and issue an Authorization to Proceed to initiate abatement of this fire.

On April 21, 2015, OSMRE requested further information to supplement its investigation report based on the emergency criteria in OSMRE Directive AML-4, OSMRE's National Environmental Policy Act handbook, and Chapter 4-120 of the Federal Assistance Manual. NDPSC responded by forwarding the response from the ND SHPO regarding a request for concurrence.

## **Location**

This project is located approximately 2.75 miles northeast of Haynes, ND, in the NW1/4 of Section 15, T129, R94W, Adams County. This coal fire is related to screenings from the abandoned Stevenson Mine, which was last worked in the 1930s.

## **Problem**

The site is a coal refuse fire encompassing approximately 1.5 acres. The fire was ignited by wildfires that burned over 100 acres on April 1, 2015. The local fire department has responded several times to extinguish flare-ups from this fire, but has not been able to extinguish it with water alone. A county road is present less than 1000 feet away and a personal residence is within a mile of the fire. This fire is a continuing hazard to public safety.

## **Basis for Emergency**

The Casper Area Office has determined that this project meets the definition of an emergency under 30CFR700.5 and our emergency program guidelines identified in Exhibit 1, of Section 4-120-100 of the Federal Assistance Manual (FAM).

Because of this sites demonstrated history of re-igniting wildfires, in close proximity to a public road and a private residence, OSMRE declares this project an AML emergency.

## **Project Proposal/Scope of Work**

1. Proposed remedial actions include:
2. The removal and stockpiling of available topsoil from around the affected area.

3. Excavation of a trench or trenches to a depth of several feet below the coal fines and into native soil materials. Save wet clay materials from the excavation.
4. Excavate and place the burning materials and coal fines into the trenches, mixing them thoroughly with wet clay and quenching with water as needed. Ensure that all buried materials are isolated from other combustible materials.
5. Grade the areas to re-establish drainage and blend into adjacent topography.
6. Re-spread topsoil over the disturbed areas.
7. Till and reseed all disturbed areas.

### **Estimated Cost**

NDPSC estimates that the abatement work will cost between \$10,000 and \$15,000.

### **Eligibility for Emergency Declaration**

NDPSC reports that the mine has not operated since 1936.

### **Realty**

The landowners are Don Evans and John Mohlmann. Both are private citizens. NDPSC has or is in the process of obtaining Right-of-Entry (ROE). Once they obtain the ROE, they may use Federal funding for the AML emergency project.

### **Potential effects of abatement on historic and natural resources**

OSMRE may delay documenting compliance with the National Environmental Policy Act and certain other statutes and provisions for declared emergencies. However, it must preliminarily determine if emergency abatement activities will adversely affect historic and natural resources.

The North Dakota SHPO identified a single archaeological site (32AD57) located within Section 15. With the assumption that site 32AD57 does not overlap the project area, the SHPO responded with a "No significant sites affected" and "No historic properties" affected determination. ND AML confirmed that site 32AD57 does not overlap the project site.

Additionally, NDPSC reports that past projects in Adams County did not adversely affect listed threatened, endangered, and candidate species and commits to consult with the appropriate agencies if it finds evidence that they occur in the emergency project area.


Haynes Coal Fire Emergency Project

Finding of Fact

From the information on file with OSM, I find that:


1. An emergency exists that constitutes a danger to the public health and safety; and
2. No other person or agency will act expeditiously to restore, reclaim, or prevent the continuing adverse effects of past coal mining practices associated with this fire.

Recommended:

  
\_\_\_\_\_  
John Sieving  
Physical Scientist  
Casper Area Office

Date: 4-22-2015

Approve:

  
\_\_\_\_\_  
Jeff Fleischman, Chief  
Denver Field Division

Date: 4-22-15