



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



May 21, 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 Lovejoy Coal Fire Emergency Project (PAD # ND000045).

Dear Mr. Deutsch:

The Office of Surface Mining Reclamation and Enforcement (OSMRE) has reviewed the Environmental Assessment and associated documentation for the 2015 Lovejoy Coal Fire Emergency Project which is located in the SW ¼ of the NE1/4 of Section 10, T154N, R100W, in Williams County. This site is approximately 4 miles northeast of Williston, off State Highway 1804 on 131st Ave NW. 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.

We have determined that the documentation already supplied adequately discusses the environmental issues and impacts associated with the project. Based on the analysis of these documents, I have determined that the reclamation of this coal outcrop fire would not have significant effects on the quality of the human environment, and therefore conclude that no environmental impact statement (EIS) is necessary.

Accordingly, pursuant to section 5-11 of the Federal Assistance Manual, you are hereby authorized to proceed with this project.

Sincerely,

Jeffrey Fleischman, Chief
OSMRE Denver Field Division

BRIEFING PAPER

2015 Lovejoy Coal Fire Emergency Project (PAD # ND000045)
Williams County, North Dakota

North Dakota's Request

On May 15, 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 Lovejoy Coal Fire in Williams County an emergency and issue an Authorization to Proceed to initiate abatement of this fire.

Location

This project is located approximately 4 miles northeast of Williston, off State Highway 1804 on 131st Ave NW, in the SW1/4 of the NE1/4 of Section 10, T154N, R100W, Williams County. This coal fire is related to coal refuse piles associated with the abandoned Alcova Coal Mine, which is estimated to have been last worked in 1947.

Problem

The site is a coal refuse fire encompassing approximately 0.25 acres. The fire was ignited by grass fires, presumably initiated by sparks from nearby railroad tracks. 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. The land owner has also attempted to flush the area with water in attempt to extinguish the fire, but has been unsuccessful. The landowners home is less than ¼ mile away, and an active oil well is located ¾ of a mile away. A county road and state highway are also in close proximity to the site. 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).

This site has a demonstrated history of suddenly re-igniting wildfires, in close proximity to a private residence, an oil well and public roads. Abatement cannot be accomplished in a sufficient time frame using normal state program procedures. Accordingly, 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 \$15,000.

Eligibility for Emergency Declaration

NDPSC reports that the mine has not operated since 1947.

Realty

The landowner is Lane Knudsen, a private citizens. NDPSC has obtained Right-of-Entry (ROE).

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.

Cultural resources and threatened or endangered species clearances have been properly obtained. The State Historic Society of North Dakota responded to inquiries with a "No Historic Properties Affected" and a "No Significant Sites" determination. A Class III cultural resources inventory was completed for about 70 acres in Section 10, T154N, R100W in Williams county in November of 1987. This project does not overlap any potential sites identified in that report.

Additionally, NDPSC has prepared an updated environmental assessment (EA) for this site, dated May 2015 and all required NEPA documentation has been secured.

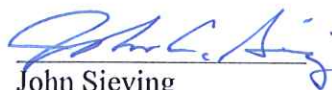
Lovejoy Coal Fire Emergency Project

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: 5/21/2015

Approve:



Jeff Fleischman, Chief
Denver Field Division

Date: 5/21/2015

FINDING OF NO SIGNIFICANT IMPACTS

2015 Lovejoy Coal Fire Emergency
Coal Fire Emergency Project
Williams County, North Dakota

OSMRE has thoroughly reviewed the environmental assessment and associated documentation for the above referenced project, which was prepared by the North Dakota Public Service Commission, Abandoned Mine Lands Division. The Casper Field Office has determined that this documentation adequately discusses the environmental issues and impacts for OSMRE coal outcrop fire reclamation construction activities authorization purposes.

Based on the analysis of this documentation, I find that reclamation of this project will not have significant effects on the quality of the human environment. I therefore conclude that no detailed statement (EIS) is necessary.

I also conclude that this project meets the qualifications of a State AML Emergency as described in Exhibit 1, Chapter 4-120 of the Federal Assistance Manual (FAM).


My specific reasons are as follows:

Recent flareups of grass fires have occurred suddenly that present a high probability of substantial physical harm to the health, safety, and general welfare of the public, and abatement is required in a time frame not possible under normal State AML program procedures.

This project involves a coal refuse fire located approximately 4 miles northeast of Williston, ND in the SW1/4 of the NE1/4 of Section 10, T154N, R100W. It is less than ¼ mile from the landowners house and less than ¾ of a mile from an active oil well. The coal refuse fire was ignited two years earlier by a grass fire and has continued to re-ignite grass fires since. Due to an unusually dry year, the potential for greater damage has increased. The actively burning refuse covers approximately 0.25 acres. Remedial actions include the removal and stockpiling of available topsoil. A trench will then be excavated and used to mix burning coal fines with wet clay and water as needed. The area will then be graded, spread with topsoil and seeded.

Cultural resources and threatened or endangered species clearances have been properly obtained. The State Historic Society of North Dakota responded to inquiries with a "No Historic Properties Affected" and a "No Significant Sites" determination. The project area has only small ephemeral and intermittent drainages which only drain into Stony Creek in years of extremely high water. The project is not within any identified floodplain and there is no immediate concern for any wetlands adjacent to or within the PAD area. The U.S. Fish and Wildlife Service has been contacted for consultation. While it is unlikely any threatened or endangered species are located within the project area, the fire poses a greater threat than any remedial actions. No prime farmland will be impacted. There are no wilderness areas, lands being studied for wilderness, parks, areas of critical ecological or aesthetic concern, wild and scenic rivers, or other recreational resources of critical environmental concern that will be impacted. The proposed project area is not in or near a Class I air quality region and the only conditions that affect air quality are a result of the burning refuse piles. No adverse socioeconomic factors are anticipated from this site. This project is being conducted at the request of Williams County officials and the Williston Rural Fire Protection District No. 1. No threatened or endangered

plant species have been identified within the project area. Any off-site borrow or disposal issues encountered during this project will be addressed through the North Dakota Department of Public Health. Noise pollution issues are also not anticipated; however, any unanticipated issues will be addressed through the North Dakota Department of Public Health. No significant direct or indirect impact on minority or low income populations is expected. Any short term impacts of the reclamation activities will be far outweighed by the long-term safety, public health and environmental benefits of remediation of this site and abatement of the coal refuse fire.



John Sieving, Physical Scientist
OSMRE Casper Area Office

5/21/2015
Date



Jeff Fleischman, Chief
OSMRE Denver Field Division

5/21/2015
Date