



Public Service Commission
State of North Dakota

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August 4, 2022

John Schuh
General Counsel
North Dakota Public Service Commission
600 E Boulevard Ave. Dept. 408
Bismarck, ND 58505-0408

RE: Updated request for Eligibility Determination for the 2022 Wilton Emergency Sinkhole Project.

Dear Jack,

I have reviewed the historical information available regarding the following sites in Burleigh County, North Dakota:

Washburn Lignite Coal Co. #2	Portions of Sections 5 and 6 of Township 142 North, Range 79 West
Ecklund/Backman	Section 8, Township 142 North, Range 79 West
Unknown Mine	Section 36 of Township 143 North, Range 80 West

Based on my review, I find that coal mining activity occurred on each property before August 3, 1977. The properties were abandoned without being reclaimed. I also did not find any operator, permittee or agent of the permittee that has continuing responsibility for reclamation at any of the sites listed above.

Sincerely,

Joan Breiner
Assistant Director, AML Division



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August 5, 2022

Mr. Jeff Fleischman, Chief
Denver Field Division
Office of Surface Mining
P.O. Box 11018
Casper WY 82602-5004

RE: Eligibility Determination for the 2022 Wilton Emergency Sinkhole Project in Burleigh County, North Dakota.

Dear Mr. Fleischman:

This letter is submitted under 30 CFR 874.12 as the required eligibility determination for land included in the 2022 Wilton Emergency Sinkhole Project at sites in Burleigh County as noted below:

Washburn Lignite Coal Co. #2	Portions of Sections 5, and 6 of Township 142 North, Range 79 West
Ecklund/Backman	Section 8, Township 142 North, Range 79 West
Unknown Mine	Section 36 of Township 143 North, Range 80 West

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 before 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 the statutes of the State of North Dakota or the government of the United States?

Mr. Jeffrey Fleischman
August 3, 2022
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Based upon available historical information, I find that the described real properties were mined for coal; that the coal mining activity occurred before 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,

John M. Schuh
General Counsel