



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

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

sent via email and regular mail

September 15, 2022

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

RE: Eligibility Determination for the 2022 Sinkhole Filling Project in 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 Sinkhole Filling Project.

2022 Sinkhole Filling Sites: Areas described in the document, *Standardized Environmental Assessment: 2022-2026 Sinkhole Filling Abandoned Mine Lands Projects, Various Problem Areas and Locations in North Dakota (September 2022)* and the accompanying Attachment 1: Sinkhole Location Maps 2005-21, North Dakota Public Service Commission September 2022 and Updated Attachment 2: Potential Sinkhole Location Maps 2022.

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?

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.

Mr. Jeffrey Fleischman
September 15, 2022
Page 2 of 2

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 'John M. Schuh', written in a cursive style.

John M. Schuh
General Counsel

AML\2022\Sinkhole Filling\Auth to Proceed\OSM_Eligibility_Determ_ltr_9-15-22