



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

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

December 19, 2022

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

RE: Request for Eligibility Determination for the 2023 Garrison Phase 6 Project.

Dear Jack,

I have reviewed the historical information available regarding the Rupp, Garrison Coal Light & Power Co. and Kunkle Mines in Sections 17 and 18, Township 148 North, Range 84 West in McLean County.

Based on my review, I find that coal mining activity occurred at the sites 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 mines listed above.

Sincerely,

Joan Breiner
Assistant Director, AML Division



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

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

December 21, 2021

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

RE: Eligibility Determination for the 2023 Garrison Phase 6 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 2023 Garrison Phase 6 Project.

2023 Garrison Phase 6 Project: Segments of McLean County Highway 15 and infrastructure located in Sections 17 and 18, T148N, R84W in McLean County, North Dakota.

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

Mr. Jeffrey Fleischman
December 21, 2022
Page 2 of 2

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 blue ink, appearing to read "John M. Schuh", with a long horizontal flourish extending to the right.

John M. Schuh
General Counsel