



OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Annual Evaluation Report

for the

Regulatory and Abandoned Mine Land Reclamation Programs

Administered by the State

of

Louisiana

for

Evaluation Year 2004

(July 1, 2003 through June 30, 2004)

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### I. Introduction

The Surface Mining Control and Reclamation Act of 1977 created the Office of Surface Mining Reclamation and Enforcement in the Department of the Interior. SMCRA provides authority to OSM to oversee the implementation of and provide Federal funding for State regulatory programs that have been approved by OSM as meeting the minimum standards specified by SMCRA. This report contains summary information regarding the Louisiana program and its effectiveness in meeting the applicable purposes of SMCRA as specified in Section 102. The evaluation period covered by this report is July 1, 2003 to June 30, 2004.

The primary focus of OSM's oversight policy is an on-the-ground results-oriented strategy that evaluates the end result of State program implementation, i.e., the success of the State programs in ensuring that areas off the minesite are protected from impacts during mining, and that areas on the minesite are contemporaneously and successfully reclaimed after mining activities are completed. The policy emphasizes a shared commitment between OSM and the States to ensure the success of SMCRA through the development and implementation of a performance agreement. Also, public participation is encouraged as part of the oversight strategy. Besides the primary focus of evaluating end results, the oversight guidance makes clear OSM's responsibility to conduct inspections to monitor the State's effectiveness in ensuring compliance with SMCRA's environmental protection standards.

OSM's oversight guidance emphasizes that oversight is a continuous and ongoing process. To further the idea of continuous oversight, this annual report is structured to report on OSM's and Louisiana's progress in conducting evaluations and completing oversight activities, and on their accomplishments at the end of the evaluation period. Detailed background information and comprehensive reports for the program elements evaluated during the period are available for review and copying at the Office of Surface Mining, Tulsa Field Office, 5100 E. Skelly Drive, Suite 470, Tulsa, Oklahoma 74135-6547.

The following acronyms are used in this report:

AMLR	Abandoned Mine Land Reclamation
DHLC	Dolet Hills Lignite Company
EY	Evaluation Year
LOC	Louisiana Office of Conservation, Department of Natural Resources, Injection and Mining Division
OSM	Office of Surface Mining Reclamation and Enforcement
SHPO	State Historic Preservation Officer
SMCRA	Surface Mining Control and Reclamation Act of 1977
TFO	Tulsa Field Office

**II. Overview of the Louisiana Coal Mining Industry**

Louisiana's estimated 1.0 billion tons of identified coal reserves consist entirely of lignite. The lignite deposits are located in the northwest part of the State, a moist-temperate region with highly erodible soils. Lignite was recognized in Louisiana as early as 1812. The first documented use occurred at the Confederate arsenal near Shreveport during the Civil War. By the late 1800's, the use of lignite by blacksmiths, steamboats, and railroads was common. In September 1985, one surface coal mine began producing and is still in operation. That operation uses a 4.5-mile-long conveyor to transport lignite to the associated mine-mouth power plant. A second surface mine began producing lignite in 1989, transporting its production by truck to the same power plant. In 2003, the two surface mines produced about 4.0 million tons employing about 100 people.

**III. Overview of the Public Participation Opportunities in the Oversight Process and the State Program**

LOC provides for public input into the State program through several avenues. Citizens may comment on permit applications and become parties to the proceedings. The citizens may also comment on amendments to the State program, and may file complaints on current mining operations.

TFO reviewed public participation and customer service elements and made the following findings and conclusions:

**Citizen's Complaints:** There were no citizen's complaints in EY 2004.

**Bond Release:** There were no public comments on the two bond release applications that were approved in EY 2004. Opportunities for public comment were provided.

**Permitting Actions:** The 5-year update for the DHLC mine was approved during EY 2004. No comments from the public were received. During EY 2004, as in previous years, LOC corresponded with a landowner whose unleased land is within the boundaries of the DHLC permit. The landowner has been concerned about access to his land through the mine. LOC explained that DHLC must provide access to his property, but the laws and rules do not dictate specifics about the access such as the path it must take.

**Lands Unsuitable Petition:** During EY 2004, LOC received a petition to declare lands within and adjacent to the DHLC mine unsuitable for mining because of the potential harm to a civil war battle site. LOC returned the petition to the petitioners after determining that it was not complete and had not been submitted in the proper format. LOC provided a list of items that would be needed to make the petition complete. LOC

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also provided information to the petitioners on the rule that disallows petitions to declare lands unsuitable for mining on lands within approved permit boundaries.

**Program Amendments:** The only pending program amendment was not at a stage in its development for public comments.

During the course of EY 2004, there were few opportunities for public comment and/or public interaction with LOC. LOC has provided timely and appropriate services to the public when services were required and/or needed. Examples are the prompt and appropriate handling of the Lands Unsuitable Petition and the landowner access problem.

### IV. Major Accomplishments/Issues/Innovations in the Louisiana Program

#### A. Regulatory Program

During 2004, LOC successfully operated its regulatory program. There were no significant adverse environmental impacts from coal mining in Louisiana.

#### B. Abandoned Mine Land Reclamation Program

There are no abandoned coal mines in Louisiana; therefore, LOC's AMLR activities consisted of administrative functions and field inspections of prospective noncoal AMLR projects. LOC continued to expand and improve its inventory of noncoal abandoned mine sites and will initiate construction projects to reclaim noncoal projects when its AMLR fund accumulates sufficient money.

#### C. Program Amendments

LA-19, AMLR Plan update, is still pending. By letter dated April 15, 2002, Louisiana submitted an informal amendment of the Louisiana AMLR Plan, which included revisions to statutes, regulations, and program procedures. The informal amendment responded to OSM's 30 CFR 884 letter dated September 26, 1994, concerning contractor responsibility, and other changes. OSM sent LOC a letter on July 23, 2002, explaining the deficiencies in the informal amendment and is currently awaiting a formal amendment to Louisiana's AMLR Plan. During EY 2004, OSM began changing several aspects of the AMLR program and advised LOC that the AMLR program changes may influence the State program requirements.

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### **V. Success in Achieving the Purposes of SMCRA as Measured by the Number of Observed Off-Site Impacts and the Number of Acres Meeting the Performance Standards at the Time of Bond Release**

To further the concept of reporting end results, OSM is collecting information on the number and extent of observed off-site impacts and the number of acres that have been mined and reclaimed and which meet the bond release requirements for the various phases of reclamation. TFO prepared, and has available, individual topic reports that provide additional details on the evaluations and measurements of these topics.

#### **A. Off-Site Impacts**

During the evaluation year, TFO reviewed LOC's inspection reports for each permitted operation. In addition, TFO inspected both of the permitted operations in Louisiana. On these inspections, the inspector determined whether the mining operation had caused impacts outside the areas permitted to be disturbed and included that information in the inspection reports. From these State and Federal inspection reports, and from data submitted by LOC's Injection and Mining Division, TFO compiled the numbers, types, and severity of the off-site impacts for the evaluation year.

LOC conducted 16 partial and 8 complete inspections of coal mining and reclamation operations in EY 2004. OSM conducted 2 oversight inspections. These inspections provided a total of 26 inspections or opportunities for observations of off-site impacts. No off-site impacts were observed.

LOC and the mining operations have been effective in minimizing off-site impacts.

#### **B. Reclamation Success**

LOC approved two Phase III bond release applications in EY 2004 on the DHLC mine. One was for 229 acres and the other was for 756 acres. Both of the releases were for increments for which mining and reclamation had been completed in 1991. Both were reclaimed to commercial forest and met the State revegetation success standards. OSM identified one concern during the bond release inspection: Of the 65 permanent drop structures within the bond release areas, several had vertical drops that were unprotected. In response, DHLC constructed protective covers over the vertical drop structures. There were no public comments on the bond releases.

LOC required appropriate reclamation plans and monitored the achievement of those plans to ensure that the land was properly reclaimed. LOC appropriately

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determined that reclamation was successful and appropriately released the bonds. The reclamation success was measured by achievement of the postmining land use, successful establishment of vegetation, and successful restoration of the ground and surface water. Bond release was almost 20 years after mining on these tracts began and 13 years after reclamation activities were completed, but through State and Federal inspections during the years, it had been apparent that reclamation was contemporaneous.

There are hundreds of additional acres that have been mined and reclaimed for which bond release has not yet been sought. On those areas, State and Federal inspection reports illustrate that the land has been properly backfilled and graded and revegetated, but final studies on reclamation success have not yet been done or the land has not fulfilled the 5-year extended responsibility period.

The bond releases plus the additional reclaimed areas indicate that reclamation has been successful at Louisiana lignite mines.

### **VI. OSM Assistance**

OSM provided financial assistance to Louisiana in the form of grants, for 50 percent of the operational budget for LOC's activity as the regulatory authority and 100 percent of LOC's activity in abandoned mine land reclamation. LOC has access to and uses equipment provided by OSM for the Technical Information Processing System.

### **VII. General Oversight Topic Reviews**

#### **A. Mine Site Evaluation**

During EY 2004, OSM inspected both of the mines in Louisiana. Both inspections were joint inspections with LOC. OSM found both mines in compliance with the State program.

#### **B. Permit Findings**

There was one major permitting action in EY 2004. In 2003, DHLC submitted its 5-year update of its long-term permit (Permit 3). DHLC is the operator for the permittee (the permittee is a consortium including Central Louisiana Electric Company and American Electric Power). This update included the environmental information, operation plans, and reclamation plans for the next phase of mining on the DHLC permit. As it has in the past, LOC processed the update as a significant revision. The

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permit findings that were needed for this permitting action approval were essentially the same as the written findings that are needed for a new permit.

LOC documented its permit review with a written technical analysis document. LOC then used the technical analysis document as the basis for the written findings.

LOC implemented appropriate procedures for documenting its technical review of permitting actions and using its technical review document as the basis for the required permit findings. All of the required findings were appropriately made.

### C. Cultural Resources

The approved permit application packages for the two mines contain studies that list and describe cultural resources found in the permit areas. The approval of both permits was based on documentation that SHPO had reviewed and approved the cultural resource studies and the mining and reclamation plans. The 2003-2007 update of the DHLC permit (approved August 27, 2003) contains a detailed study of the area to be affected by this phase of the mining and reclamation operation. SHPO reviewed and approved this study also. LOC included a provision in its approval of the 2003-2007 update that additional investigation, as recommended in the study, must be accomplished before the area in question can be disturbed.

Mining operations have disturbed areas that were likely part of the Mansfield Civil War Battle Site. Future mining operations will disturb additional areas that were likely part of the battle site.

On April 19, 2004, LOC received a petition to declare lands within and adjacent to the DHLC permit area unsuitable for mining. The purpose of the petition was to protect additional areas of the Mansfield Civil War Battle Site. LOC reviewed the petition and returned it to the petitioners on May 17, 2004. LOC's reason for returning the petition was that it was incomplete. It lacked proper delineation of the area within the petition, facts supporting the petition, identification of the petitioners interests, and signatures. In its letter returning the petition, LOC explained that the Louisiana Surface Mining laws and rules specifically exempt lands within an approved permit from being declared unsuitable for mining. The lands in question that are within the approved permit boundaries were included in the permit when the permit was issued in 1983 and in the 5-year update that was approved in EY 2004.

On its site visit, TFO found that DHLC had mined along the northeast side of State Highway 175 from the intersection of Parish Highway 522 southeastward for about 2 miles. Along this stretch, DHLC excluded the land where the building that was used as a field hospital stands. A DHLC representative stated that the area was mined up to the fence that surrounds the property; that the fence line marks the extent of artifacts that were found. DHLC plans call for mining to continue alongside State Highway



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175 and include the location identified as the Phase III battle site. Future mining plans also include mining on the southwest side of State Highway 175 across from the currently mined areas. TFO's observations were that the immediate site of the building that was used as the field hospital has been protected from mining. TFO also observed that the area known as the Phase III battle site has not been mined but has been highly disturbed by human activities unrelated to lignite mining. Some of these disturbances include a large gas well pad, timbering, and soil removal (which apparently was caused by iron mining operations).

LOC required appropriate cultural resource documentation and SHPO consultation in approving the two existing lignite mining and reclamation permits.

LOC appropriately followed its approved mining and reclamation regulatory program in determining that the Lands Unsuitable Petition was not appropriate for lands within the approved permit boundaries. LOC appropriately followed its approved mining and reclamation regulatory program in determining that the Lands Unsuitable Petition was not complete and could not be acted upon as it was submitted.

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### Appendix A: Tabular Summaries of Data

These tables present data pertinent to mining operations and State and Federal regulatory activities within Louisiana. They also summarize funding provided by OSM and Louisiana staffing. Unless otherwise specified, the reporting period for the data contained in all tables is July 1, 2003, to June 30, 2004. Additional data used by OSM in its evaluation of Louisiana's performance is available for review in the evaluation files maintained by the Tulsa Field Office.

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**Appendix B: State Comments on Report**