



**OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT**

**Annual Evaluation Summary Report**

**for the**

**Regulatory**

**Program**

**Administered by the Public Service Commission**

**of the State of**

**NORTH DAKOTA**

**for**

**Evaluation Year 2000**

**(October 1, 1999 to September 30, 2000)**

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\* Cover photo shows reclaimed wetland and cropland at the Center Mine\*

I. Introduction

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) created the Office of Surface Mining Reclamation and Enforcement (OSM) 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 North Dakota Program and its effectiveness in meeting the applicable purposes of SMCRA as specified in Section 102. This report covers the period of October 1, 1999 to September 30, 2000. Detailed background information and comprehensive reports for the program elements evaluated during the period are available for review and copying at the Casper Field Office (CFO).

Comments regarding the oversight process, recommendations for additional review topics, and suggestions for improving of future reports are encouraged and should be submitted to the Director of the Casper Field Office.

The following is a list of acronyms used in this report:

AVS	Applicant Violator System
CFO	Casper Field Office
CO	Cessation Order
EY	Evaluation Year
MOU	Memorandum of Understanding
NDAC	North Dakota Administrative Code
NDCC	North Dakota Century Code
NOV	Notice of Violation
PSC	Public Service Commission, Reclamation Division
OSM	Office of Surface Mining Reclamation and Enforcement
RSI	Random Sample Inspections
SHPO	State Historic Preservation Office
SMCRA	Surface Mining Control and Reclamation Act of 1977
SPATS	State Program Amendment Tracking System
TDN	Ten- Day- Notice
TIPS	Technical Information Process System



## II Overview of the North Dakota Coal Mining Industry

The coal fields in North Dakota are located in the Williston Basin, which is part of the Great Plains Coal Province. They underlie approximately 40 percent of the State's surface area. Most of the coal is produced commercially from two mining districts located in the western part of the State: (1) Beulah-Zap and (2) Hagel. Recoverable coal reserves in North Dakota are generally classified as lignite, which is characterized by low heating value (6,600 BTU), average high moisture content (40 per cent) and low sulfur (less than 1.0 per cent). The mineable beds in the Williston Basin vary in thickness from three to 30 feet; economic stripping ratios range from 1.5:1 to 11:1. All active mines in North Dakota are large-scale surface mines that provide coal for mine-mouth or regional electrical generation facilities and a nearby coal gasification facility.

The first commercial mine in North Dakota opened in Morton County in 1873. As the railroad developed across the State, demand for coal increased and was supplied by underground mines. North Dakota was one of the first states to shift from underground to large-scale commercial surface mining. By 1927, 40 per cent of the State's production was by surface mining methods, compared with 2 per cent for the nation. In 1959, 86% of North Dakota's coal production was from surface mines, and since 1966, the State's total production has been from this mining method. In 1884, North Dakota produced 35 thousand tons of lignite; in 1999 it produced 31.3 million tons.

In 1969, North Dakota enacted its first reclamation law and followed in 1973 and 1975 with major revisions to this law. A new law was enacted in 1979 that is consistent with SMCRA. Coal mining in North Dakota is concentrated around the western half of the State. This area consists of approximately 28,000 square miles, and has an estimated total resource of 350 billion tons, or about two-thirds of the total lignite reserves of the United States. North Dakota has a demonstrated recoverable coal reserve base of 35 billion tons.

North Dakota mines provide employment for approximately 900 people in five counties with another 20 people employed at support offices in Bismarck. However, the coal industry's impact on the State's population and economy has secondary in-state effects since most of the coal production fuels electric power generation plants within the State.

## III. Opportunities for Public Participation

The North Dakota coal reclamation and enforcement program allows for public input and participation throughout its program. The North Dakota Public Service Commission is the agency charged with the responsibility for the permitting and regulation of the mining industry in North Dakota. The PSC is adhering to the State's policies and procedures regarding opportunities for public participation. A review of public participation during the Evaluation Year is detailed in Customer Service, Section V.,

IV. Major Accomplishments / Issues / Innovations

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The North Dakota Public Service Commission (PSC) is the approved regulatory body under Section 102 of the Surface Mining Control and Reclamation Act of 1977. North Dakota's permanent regulatory program, now in its twentieth year of implementation is a very effective and successful mining regulatory program.

The North Dakota program continues to operate very efficiently and effectively. This is especially impressive considering the number of mines, tonnage of coal produced, the amount of land disturbed and reclaimed each year, and the small number of staff Reclamation Division staff members that review permit and revision applications also carry out the compliance inspections and evaluate bond release applications. A very good working relationship is maintained with their customers and they use a cooperative approach when working with interested parties, including industry, landowners, citizen groups and OSM. Any issues that arise are resolved in a fair and straightforward manner. The PSC carries out its responsibilities using the appropriate technical expertise and a high level of professionalism.

The pattern of excellence in mine land reclamation continues to be one the most outstanding aspects of the North Dakota Regulatory program. The high quality of reclamation work carried out is reflected in the number of national Excellence in Surface Mining and Reclamation awards that North Dakota mines have received. Since 1986, North Dakota mines have received nine national reclamation awards. The high quality of reclamation work and sense of environmental responsibility is also reflected in the very low number of violations that occur each year in North Dakota. Violations that have occurred over the past several years have not been serious, with no or very minor environmental damage.

The PSC is using new technology and strongly encourages the companies it regulates to do the same. During the 2000 evaluation period, the Reclamation Division received and approved the first electronic submittal of a complete permit document. The Reclamation Division worked closely with Falkirk Mining Company regarding an electronic submittal of a revision application that nearly doubled the acreage in one of the permits for the Falkirk Mine. The submittal had the entire permit document on a compact disk. No paper copy was submitted; however, staff needed to print several of the maps to carry out their technical reviews. With the added acreage, this permit now contains 6,420 acres. The electronic filing allows staff to access the entire permit document from their desktop PC s.

The Reclamation Division is also encouraging other companies to prepare electronic submittals in the future. A long-term goal is to have permit documents on file in the electronic format at the PSC and all required county offices. The Reclamation Division also plans to convert other paper files to the electronic format. North Dakota s

reclamation law and rules, policy memorandums to mine operators, application and bond forms, and other related information are also readily available from the PSC's website.

The PSC uses digital cameras, furnished by OSM, during mine inspection. The use of digital cameras allows staff to incorporate photos easily into inspection reports and other documents. In addition, the Reclamation Division has been e-mailing copies of most inspection reports to the mining companies, OSM, county auditors, and others. This saves mailing costs and provides for the faster distribution of inspection reports.

The PSC has been encouraging mining companies to file bond release applications as reclaimed land becomes eligible for release. Several reclaimed tracts that were subject to the ten-year revegetation liability period have received final bond release. Tracts that have received final bond release under the permanent program include lands reclaimed to cropland, hayland, native grassland, tame pastureland, and woodland. North Dakota's policy document that contains revegetation success standards has been in effect since 1987 and several revisions have been made to this document since that time. Additional changes to the document are currently pending OSM approval and further changes will be needed when pending rule changes become effective. It is envisioned that some of these changes may encourage companies to submit final bond release applications sooner. Also, North Dakota has been a leader in developing guidance documents related to the hydrologic aspects of final bond release.

Reclamation Division staff members have been active participants in technical forums and conferences that encourage technology transfer between other state regulatory authorities, OSM and the mining industry. During the 2000 evaluation period, Reclamation Division staff members made numerous presentations at OSM sponsored hydrology and electronic permitting forums as well as a reclamation conference held in Billings, Montana during the spring of 2000.

Overall, the PSC continues to implement the permitting and inspection and enforcement functions in a manner that ensures full compliance with SMCRA and the counterpart state regulations and statutes. The PSC administers an excellent regulatory program performing its functions in a highly professional, cooperative, and fair manner.

## V. Success in Achieving the Purposes of SMCRA

### A. Off-site Impacts

For the purpose of oversight, an off-site impact is defined as anything resulting from a surface coal mining and reclamation activity or operation that causes a negative effect on people, land, water, or structures. The State program must regulate or control either the mining or reclamation activity, or the resulting off-site impact. In addition, the impact on the resource must be substantiated as being related to a mining and reclamation activity, and must be outside the area authorized by the permit for conducting mining and

reclamation activities. The CFO reviewed the following aspects of the North Dakota Program to identify any off-site impacts.

1. North Dakota conducted 158 complete inspections and 574 partial inspections. The Casper Field Office conducted nine complete random sample inspections and two partial focused inspections of coal mining operations in North Dakota.

The PSC issued one Notice of Violation and no Cessation Orders during this evaluation period. No pattern of violation exists. No-show cause hearings or alternative enforcement actions occurred during this evaluation period.

The CFO did not issue any enforcement or other actions [Ten-Day- Notices ( TDN), Notice of Violation (NOV) or Cessation Order (CO)] during this review period.

A review of these inspections and enforcement actions indicates that no negative off-site impacts were observed.

2. Downstream landowners have expressed concerns in the past on the impacts of sedimentation pond discharges on farming activities in downstream fields. A review of some downstream fields was conducted during routine inspections and the annual overflight. No off-site impacts were observed.

B. Reclamation Success

OSM evaluated the effectiveness of the State program based on the number of acres that have received bond release (Table 5). The CFO determined that the State program is effective in its goal of having all disturbed lands reclaimed to the approved postmining land use. Tables 5 and 6 catalogue the acreage of land released from bond for Phase I, II and III. The CFO and PSC reviewed the acres disturbed and the acres reclaimed on a statewide and mine site specific basis (Table 6). Reclamation in North Dakota is occurring as contemporaneously as practicable. The CFO will continue to report Reclamation Success and inventory the status of disturbed lands (Table 6) in future annual reports.

C. Customer Service

The PSC started using a new computer program January 1, 2000, for recording requests for information and any concerns or complaints that are

received. This new program entitled, Contact 2000, is used to record the date, name of the person contacting the Reclamation Division, the nature of the request or concern, and resolution of the matter. Over the last nine months of the 2000 evaluation period, the Reclamation Division received an average of fifteen requests per month from mining companies regarding mining and reclamation requirements. Answers are usually provided immediately, except in instances where the subject matter had to be researched before a verbal or written response could be provided. This either involved the review of past decisions or researching the rationale for a particular requirement.

About seven requests per month were received from landowners and the general public. The Reclamation Division provided the appropriate information to these people. If a question pertained to matters under the jurisdiction of another agency, they were referred to that agency. Commonly asked questions and information requests related to reclamation requirements, general mining plans for a particular area, the status of mining and reclamation activities at a mine, and other mine specific questions. Also, several requests were received about gravel pit reclamation requirements that are not regulated by the PSC, nor any other state agency.

The Reclamation Division received and responded to only one verbal complaint related to surface coal mining and reclamation activities; no written complaints were received during the EY-2000 period. The concern was properly investigated and a written response was provided. The Reclamation Division's written responses to verbal complainants always includes information about the formal complaint process that provides for certain appeal rights.

Required notices were also provided to landowners and other interested parties for new permit applications, significant revisions, renewals and bond release applications. The Reclamation Division encourages landowner participation in bond release inspections. The Reclamation Division promptly responds to landowner questions and concerns.

The PSC responds to customer requests for information and complaints in an appropriate, timely and professional manner.

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VI. OSM Assistance

A. OSM Grant Assistance

The State received \$466,725.00 in OSM support for permitting, inspection and

enforcement and administration of their permanent program through a grant, representing 64 percent of the total cost of the North Dakota program

B. Office of Technology Transfer

Office of Technology Transfer (OTT) assistance to North Dakota's electronic permitting efforts in 2000 included the purchase of hardware upgrades to the high-end graphics workstation (previously purchased with OSM Electronic Permitting funds) and the purchase of four monitors for PSC staff to use in viewing oversized maps.

OSM's Technical Librarian filled four reference requests and provided 50 journal article reprints to PSC staff.

OTT sponsored workshops, a symposium, an interactive technical forum. Below is a list of these activities including dates and attendees.

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- 1.) Statistical Sampling for Baseline Studies, Bond Release, and Monitoring Studies : February 14-15, 2000, Bismarck, ND 18 attendees

Five PSC staff members, in addition to industry representatives, consultants, and other State/Federal agency staff attended

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- 2.) Statistics for Evaluating Water Resources Data : February 16-17, 2000, Bismarck, ND 10 attendees

One PSC staff member, in addition to industry representatives and other State agency staff attended

- 3.) Electronic Permitting: May 10-11, 2000, Billings, MT  
46 attendees

Two PSC staff members attended and made three presentations: *North Dakota Permitting Process, Paperless - Full Permit Submittal on a CD-ROM to a State Regulatory Agency, and RUSLE 1.06*

- 4.) Electronic Permitting: July 12-13, 2000, Steamboat Springs, CO

One PSC staff member attended and made the presentation: *North Dakota Regulatory Agency's Processing of Its 1<sup>st</sup> Electronic Permit*

5.) Visual Basic Programming 6:

One PSC staff member attended

6.) Billings Land Reclamation Symposium 2000: March 20-24,2000, Billings, MT co-sponsored by OSM

Four PSC staff members attended and made presentations: *The Use of Reference Areas for Bond Release of Reclaimed Rangeland in North Dakota, How North Dakota Mine Reclamation Stands in Time, North Dakota Prime Farmland Reclamation Program, and Tillage and Prior Crop Effects on Reclaimed Mineland Small Grain Yields*

7.) OSM s Interactive Forum on Surface Mining Reclamation Approaches to BondRelease: Cumulative Hydrologic Impacts Assessment and Hydrology Topics for the Arid and Semi-Arid West: August 27-September 1, 2000, Billings, MT

Three PSC staff members attended and, among them, made six presentations and co-authored one: *Adequacy/Utility of Premine Water Resource Data; Graphic Analysis of Groundwater Resources; Determination of SCS Runoff Curve Numbers for Mineland Conditions: Climate, Bond Release and the Concept of Minimum Liability Periods; Using RUSLE 1.06 on Minelands; Reclamation of Sedimentation Ponds - ND; and Post-Mining Hydrologic Assessments*

C. Technical Information Processing System

Technical Information Processing System (TIPS) personnel gave a brief presentation regarding TIPS' intent to provide scientific and engineering software directly to desktop workstations in TIPS customer locations. ArcInfo and AutoCAD software was made available to these sites in early July. Instructions for desktop and server installations was provided.

The KeyServer licensing software was successfully tested in both Montana and North Dakota. KeyServer will be used to distribute software licensing to most TIPS software applications. TIPS advised each of these customer States that the remaining TIPS software will be delivered by the end of the calendar year.

D. National Technical Training Program

OSM offers training courses to State regulatory authority employees at no expense to the State (other than salary and benefits) or the attendee. OSM's National Technical Training Program (NTTP) provides a wide range of courses including engineering, hydrology, soils & revegetation, inspection & enforcement, and computer software. Four PSC staff members attended four OSM technical training courses. OSM support cost was \$3379.86 during EY-2000.

One staff member participated in each of the following NTTP sponsored training courses:

Expert Witness  
Enforcement Tools and Application  
Historical and Archeological Resources: Update and Refresher  
Permitting Hydrology

In summary, OSM provided various types of assistance to North Dakota during EY-2000. This assistance represented nearly \$510,485 in direct monetary assistance as well as other technical assistance.

VII. General Oversight Topic Reviews

A. On-the-ground Reclamation Results

1. In the EY-2000 review the CFO and the PSC evaluated specific permits to determine if replacement plans for surface water supplies (permanent impoundments) are contained in the approved reclamation plan.

The CFO and PSC found that the approved reclamation plans do contain a specific plan for replacement of surface water supplies and the permits identify specific supplies that will be replaced. Each permit and reclamation plan contain a commitment to replace water supplies destroyed and necessary for the post-mining land use.



**Reclaimed mine lands with replaced / restored surface water resource to support the approved post-mining landuse (Grazing).**

Indian Head Mine Section 22

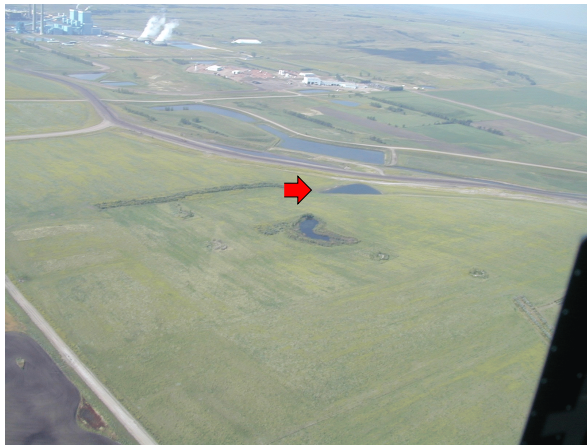


Areal View



Ground Level View

Freedom Mine Section 12



Areal View



Ground Level View

During the 1999 and 2000 evaluation periods the CFO and PSC have been evaluating to what extent differential settling on reclaimed lands may interfere with the implementation of the approved postmining land use. This is of particular concern on reclaimed tracts that will be used as cropland. The settling features may hold enough water which would hinder normal farming activities from occurring or drown the planted crop. Mine flyovers were conducted in May of 1999 and July of 2000 in an attempt to view any areas where farming activities were or may be curtailed due to the presence of settling features. The PSC also checked reclaimed tracts for settling features during their regular mine inspections.

During the May 1999 and July 2000 flyovers, numerous settlement features holding water were observed on reclaimed cropland tracts at two mines (Freedom and Falkirk). Both flyovers occurred shortly after significant rainfall events. Most of the settlement features noted were less than one acre in size. The PSC is working with the mining companies to see that most of these features are repaired. During the 2000 evaluation period several differential settling features were repaired at the Freedom and Falkirk Mines. It must be noted that some of the settlement features that hold water for a short period of time (usually in the spring following snowmelt runoff) will be allowed to remain to replace ephemeral and temporary wetlands that existed prior to mining.

The CFO and PSC will continue to monitor reclaimed lands for differential settlement features that may interfere with the approved postmining land use. As necessary, the PSC will require the mine operators to repair such features that prevent the normal farming activities or that otherwise pose a problem for the land use that has been approved. This topic will continue to be reviewed as part of the CFO's annual oversight for evaluation years 2001 and 2002.

#### B. Inspection & Enforcement

The North Dakota Public Service Commission continues to conduct frequent and thorough inspections. North Dakota conducted 158 complete inspections and 574 partial inspections, exceeding the required number of inspections on all permits during the evaluation year. The Casper Field Office conducted nine complete random sample inspections and two partial / focused inspections of coal mining operations in North Dakota.

North Dakota inspection reports are complete, accurately document site conditions and mine activity, and give the status of any violations. The reports have continuity with previous reports. All performance standards were reviewed and documented during complete inspections and the reports contain a discussion of the current mine status. Each partial inspection report documents mining and

reclamation activities, performance standards and permit requirements that were reviewed, as well as those portions of the mine that were inspected.

The PSC maintains an inspectable units list and an inspection data base sufficient to meet its program requirements.

The PSC issued one NOV and no CO s during this evaluation period. No pattern of violation exists. No-show cause hearings or alternative enforcement actions occurred during this evaluation period.

The CFO did not issue any enforcement actions (NOV, CO) during this review period. No TDN s were sent to the State.

C. Threatened and Endangered Species Consultation

In this review the CFO evaluated specific permits to determine if the required terms and conditions specified in the Biological Opinion s Incidental Take Statement are implemented. The CFO determined that:

1. The PSC is acting in accordance with the applicable SMCRA regulatory program, in implementing and requiring compliance with any species-specific protective measures, developed by the U.S. Fish & Wildlife Service field office and the regulatory authority (with involvement, as appropriate, of the permittee and OSM).
2. Whenever possible, the PSC is quantifying the take resulting from activities carried out under this program. Whenever a dead or impaired individual of a listed species is found, the local Service office is being notified within one (1) working day of the discovery.
3. The PSC has yet to decided not to implement one or more of the species-specific measures recommended by the Service, however, if the PSC decides not to implement one or more of the species-specific measures recommended by the Service, the program requires a written explanation to the Service. If the Service field office concurs with the PSC s action, it is providing a concurrence letter as soon as possible. However, if the Service does not concur, the issue must be elevated through the chain of command of the PSC, the Service, and (to the extent appropriate) OSM for resolution

D. Grants Management

CFO conducted financial oversight for the North Dakota Regulatory Program. Financial information was reviewed by CFO in the Public Service Commission's offices in Bismarck, North Dakota during the review period.

A drawdown analysis was conducted on North Dakota's existing Administration and Enforcement grant. Samples were taken and in all cases expenses equaled draws and always occurred after expenses. No problems were found.

In-State travel expenses and travel policies were examined. Non-supervisory samples were made for travel occurring between June 1999 and January 2000. All costs charged, met the test of the per diem and allowances. Receipts for lodging were attached and approvals by the immediate supervisor had been made. No problems were found.

Time sheets for the regulatory program were examined for accurate input into the accounting system and time charged to field work. This was compared against travel vouchers that had been filed for field work. There were instances where the type of field time charged was not consistent with travel. Management was notified and corrective measure were taken.

Program income was reviewed to ascertain what the sources of such income were. The State is recording such regulatory program income properly and they are applying it properly to the grant.

North Dakota continues to apply for grants and report grant performance and costs in an appropriate and timely fashion.

Regulatory procurement policies and procedures as well as specific procurements were reviewed. Charges and approvals were appropriate.

There are no outstanding issues from past A-133 Audits. A risk analysis by North Dakota's Auditors Office was conducted during the evaluation period and no audit resulted. North Dakota will conduct a risk analysis during for the next audit period, as allowed under the A-133 Directive. This will be done in early calendar year 2001.

## APPENDIX A

### **Tabular Summaries of Data Pertaining to Mining, Reclamation and Program Administration**

These tables present data pertinent to mining operations, State and Federal regulatory activities within North Dakota. They also summarize funds provided by OSM and the North Dakota staffing. Unless otherwise specified, the reporting period for the data contained in all tables is the 2000 evaluation year (October 1, 1999 - September 30, 2000). Additional data used by OSM in its evaluation of North Dakota performance is available for review in the evaluation files maintained by the Casper Field Office.

**TABLE 1**

<b>COAL PRODUCTION (Millions of short tons)</b>			
<b>Period</b>	<b>Surface mines</b>	<b>Underground mines</b>	<b>Total</b>
Coal production <sup>A</sup> for entire State:			
Annual Period			
1998	29.4	0.0	29.4
1999	30.8	0.0	30.8
2000	31.3	0.0	31.3
	91.5	0.0	91.5

<sup>A</sup> Coal production as reported in this table is the gross tonnage which includes coal that is sold, used or transferred as reported to OSM by each mining company on form OSM-1 line 8(a). Gross tonnage does not provide for a moisture reduction. OSM verifies tonnage reported through routine auditing of mining companies. This production may vary from that reported by States or other sources due to varying methods of determining and reporting coal production.

**TABLE 2**

<b>INSPECTABLE UNITS</b>													
<b>As of September 30, 2000</b>													
<b>Coal mines and related facilities</b>	<b>Number and status of permits</b>								<b>Insp. Unit<sup>D</sup></b>	<b>Permitted acreage<sup>A</sup> (hundreds of acres)</b>			
	<b>Active or temporarily inactive</b>		<b>Inactive</b>		<b>Abandoned</b>		<b>Totals</b>			<b>IP</b>	<b>PP</b>	<b>Total</b>	
	<b>IP</b>	<b>PP</b>	<b>Phase II bond release</b>		<b>IP</b>	<b>PP</b>	<b>IP</b>	<b>PP</b>					
			<b>IP</b>	<b>PP</b>									
<b>STATE and PRIVATE LANDS REGULATORY AUTHORITY: STATE</b>													
Surface mines	0	29	2	6	0	0	2	35	NA	1.9	742.9	744.8	
Underground mines	0	0	0	0	0	0	0	0	NA	0	0.0	0.0	
Other facilities	0	0	0	0	0	0	0	0	NA	0	0.0	0.0	
Subtotals	0	29	2	6	0	0	2	35	0	1.9	742.9	744.8	
<b>FEDERAL LANDS REGULATORY AUTHORITY: STATE</b>													
Surface mines	0	21	0	5	0	0	0	26	NA	0	91.8	91.8	
Underground mines	0	0	0	0	0	0	0	0	NA	0	0.0	0.0	
Other facilities	0	0	0	0	0	0	0	0	NA	0	0.0	0.0	
Subtotals	0	21	0	5	0	0	0	26	0	0	91.8	91.8	
<b>ALL LANDS<sup>B</sup></b>													
Surface mines	0	29	2	6	0	0	2	35	NA	1.9	742.9	744.8	
Underground mines	0	0	0	0	0	0	0	0	NA	0	0.0	0.0	
Other facilities	0	0	0	0	0	0	0	0	NA	0	0.0	0.0	
Totals	0	29	2	6	0	0	2	35	0	1.9	742.9	744.8	
<b>Average number of permits per inspectable unit (excluding exploration sites) . . . . .</b>										<u>1</u>			
<b>Average number of acres per inspectable unit (excluding exploration sites) . . . . .</b>										<u>2013</u>			
Number of exploration permits on State and private lands: . . . . .					<u>4</u>		<u>4</u>		On Federal lands:		<u>0</u>		<sup>c</sup>
Number of exploration notices on State and private lands: . . . . .					<u>0</u>				On Federal lands:		<u>0</u>		<sup>c</sup>
<sup>IP</sup> : Initial regulatory program sites. <sup>PP</sup> : Permanent regulatory program sites. <sup>A</sup> When a unit is located on more than one type of land, includes only the acreage located on the indicated type of land. <sup>B</sup> Numbers of units may not equal the sum of the three preceding categories because a single inspectable unit may include lands in more than one of the preceding categories. <sup>C</sup> Includes only exploration activities regulated by the State pursuant to a cooperative agreement with OSM or by OSM pursuant to a Federal lands program. Excludes exploration regulated by the Bureau of Land Management. <sup>D</sup> Inspectable Units includes multiple permits that have been grouped together as one unit for inspection frequency purposes by some State programs.													

**TABLE 3**

**STATE PERMITTING ACTIVITY  
As of September 30, 2000**

Type of application	Surface mines			Underground mines			Other facilities			Totals		
	App. Rec.	Issued	Acres	App. Rec.	Issued	Acres <sup>A</sup>	App. Rec.	Issued	Acres	App. Rec.	Issued	Acres
New permits	0	1	2048	0	0	0	0	0	0	0	1	2,048
Renewals	3	1	286	0	0	0	0	0	0	3	1	286
Transfers, sales and assignments of permit rights	0	0		0	0		0	0		0	0	
Small operator assistance	0	0		0	0		0	0		0	0	
Exploration permits	4	4		0	0		0	0		4	4	
Exploration notices <sup>B</sup>		0			0			0			0	
Revisions (exclusive of incidental boundary revisions)		39			0			0			39	
Incidental boundary revisions		5	4010		0	0		0	0		5	4010
<b>Totals</b>	<b>7</b>	<b>50</b>	<b>6,344</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>50</b>	<b>6,344</b>

OPTIONAL - Number of midterm permit reviews completed that are not reported as revisions 0

<sup>A</sup> Includes only the number of acres of proposed surface disturbance.

<sup>B</sup> State approval not required. Involves removal of less than 250 tons of coal and does not affect lands designated unsuitable for mining.



**TABLE 4**

<b>OFF-SITE IMPACTS</b>														
<b>DEGREE OF IMPACT</b>		<b>RESOURCES AFFECTED</b>												<b>Total</b>
		<b>People</b>			<b>Land</b>			<b>Water</b>			<b>Structures</b>			
		minor	moderate	major	minor	moderate	major	minor	moderate	major	minor	moderate	major	
TYPE OF IMPACT	Blasting													
	Land Stability													
	Hydrology													
	Encroachment													
	Other													
	Total	0	0	0	0	0	0	0	0	0	0	0	0	0
Total number of inspectable units: <u>37</u>														
Inspectable units free of off-site impacts: <u>37</u>														
<b>OFF-SITE IMPACTS ON BOND FORFEITURE SITES</b>														
<b>DEGREE OF IMPACT</b>		<b>RESOURCES AFFECTED</b>												<b>Total</b>
		<b>People</b>			<b>Land</b>			<b>Water</b>			<b>Structures</b>			
		minor	moderate	major	minor	moderate	major	minor	moderate	major	minor	moderate	major	
TYPE OF IMPACT	Blasting													
	Land Stability													
	Hydrology													
	Encroachment													
	Other													
	Total	0	0	0	0	0	0	0	0	0	0	0	0	0
Total number of inspectable units: <u>0</u>														
Inspectable units free of off-site impacts: <u>0</u>														

Refer to the report narrative for complete explanation and evaluation of the information provided by this table.

**TABLE 5**

<b>ANNUAL STATE MINING AND RECLAMATION RESULTS</b>		
<b>Bond release phase</b>	<b>Applicable performance standard</b>	<b>Acreage released during this evaluation period</b>
Phase I	* <input type="checkbox"/> Approximate original contour restored * <input type="checkbox"/> Topsoil or approved alternative replaced	372
Phase II	* <input type="checkbox"/> Surface stability * <input type="checkbox"/> Establishment of vegetation	372
Phase III	* <input type="checkbox"/> Post-mining land use/productivity restored * <input type="checkbox"/> Successful permanent vegetation * <input type="checkbox"/> Groundwater recharge, quality and quantity restored * <input type="checkbox"/> Surface water quality and quantity restored	639
	<b>Bonded Acreage Status<sup>A</sup></b>	<b>Acres</b>
	Total number of bonded acres at end of last review period (September 30, 1999) <sup>B</sup>	69,156
	Total number of bonded acres during this evaluation year	6,058
	Number of acres bonded during this evaluation year that are considered remining, if available	0
	Number of acres where bond was forfeited during this evaluation year (also report this acreage on Table 7)	0
<p><sup>A</sup> Bonded acreage is considered to approximate and represent the number of acres disturbed by surface coal mining and reclamation operations. <span style="float: right;"><sup>B</sup></span>            Bonded acres in this category are those that have not received a Phase III or other final bond release (State maintains jurisdiction).</p>		

**Table 6**

Status of Postmining Land Use of areas receiving Total/100% bond release under the regulatory program. All numbers in the table are in acres.

State North Dakota

Reporting year calendar year (CY) 1999

calendar year (CY) 1998

		<i>POSTMINING LAND USE</i>								
<i>Mine</i>	<i>Total Final Bond Release Acres</i>	<i>Undisturbed</i>	<i>Cropland</i>	<i>Hayland</i>	<i>Native Grassland</i>	<i>Tame Grassland</i>	<i>Recreational</i>	<i>Industrial</i>	<i>Woodland</i>	<i>Ponds</i>
Knife River Coal Mining Company Beulah Mine	294 294	0 0	138 138	0 0	0 0	0 0	0 0	156 156	0 0	0 0
BNI Coal, Ltd. Center Mine	126 126	0 0	0 0	0 0	0 0	0 0	0 0	126 126	0 0	0 0
Falkirk Mining Company Falkirk Mine	246 246	0 0	0 0	0 0	0 0	0 0	165 165	81 81	0 0	0 0
Coteau Properties Company Freedom Mine	315 315	20 20	0 0	0 0	0 0	0 0	6 6	289 289	0 0	0 0
Knife River Coal Mining Company Gascoyne Mine	753 753	167 167	52 52	0 0	0 0	0 0	0 0	534 534	0 0	0 0
Basin Cooperative Services, Inc. Glenharold Mine	512 0	140 0	0 0	0 0	0 0	0 0	0 0	372 0	0 0	0 0
Bellaire Corporation d.b.a. North American Coal Company Indian Head Mine	801 783	196 196	185 184	173 173	113 117	17 0	0 0	113 113	0 0	4 0
BNI Coal, Ltd. Larson Mine	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0
Knife River Coal Mining Company New Leipzig Mine	35 35	10 10	0 0	25 25	0 0	0 0	0 0	0 0	0 0	0 0
Royal Oak Enterprises, Inc. Royal Oak-JK Mine	10 10	0 0	0 0	0 0	0 0	0 0	0 0	10 10	0 0	0 0
Royal Oak Enterprises, Inc. Royal Oak Mine	177 177	20 20	0 0	0 0	0 0	0 0	0 0	157 157	0 0	0 0
Consolidation Coal Company Velva Mine	694 587	416 416	94 0	0 0	167 165	0 0	0 0	0 0	14 6	2 ,
TOTAL	3963 3326	969 829	469 374	198 198	280 282	17 0	171 171	1838 1466	14 6	6 0

**Table 6a.**

Reclamation status of areas disturbed under the initial regulatory program. All numbers in the table are in acres.<sup>A</sup>

State North Dakota

Reporting year calendar year (CY) 1999

calendar year (CY) 1998

Permittee and mine name	Mine type		Disturbed area		3  Long-term mining or reclamation facilities <sup>B</sup>	4  Active mining areas (pits and areas in advance of the pits stripped of topsoil) and areas not yet backfilled and graded	Areas backfilled and graded		Areas soiled and seeded/planted		Areas where the regulatory authority has terminated jurisdiction	
	Surface	Under-ground	1	2			5	6	7	8		
			CY	Total (all years)							CY	Total (all years)
Knife River Coal Mining Company Beulah Mine	X		0 0	210 210	0 0	0 0	0 210	0 210	0 210	3 61	210 207	
BNI Coal, Ltd. Center Mine	X		0 0	320 320	0 0	0 0	0 320	0 320	0 320	0 0	192 192	
Falkirk Mining Company Falkirk Mine	X		0 0	51 51	0 0	0 0	0 51	0 51	0 51	0 0	0 0	
Basin Cooperative Services, Inc. Glenharold Mine	X		0 0	1184 1184	0 0	0 0	0 1184	0 1184	0 1184	0 0	1184 825	
Bellaire Corporation d.b.a. North American Coal Company Indian Head Mine	X		0 0	357 357	0 0	0 0	0 357	0 357	0 357	0 293	357 357	
BNI Coal, Ltd. Larson Mine	X		0 0	72 72	0 0	0 0	0 72	0 72	0 72	0 0	72 72	
Royal Oak Enterprises, Inc. Royal Oak Mine	X		0 0	43 43	0 0	0 0	0 43	0 43	0 43	0 0	43 43	
<b>TOTALS</b>	7		0 0	2237 2237	0 0	0 0	0 2237	0 2237	0 2237	3 354	2058 1696	

<sup>A</sup> Blanks in the table denote zeros.

<sup>B</sup> Long-term mining or reclamation facilities include haul and access roads; temporary dams and impoundments; permanent dams and impoundments; diversion and collector ditches; water and air monitoring sites; topsoil stockpiles; overburden stockpiles;

**Table 6b.**  
 Reclamation status of areas disturbed under the permanent regulatory program. All numbers in the table are in acres.<sup>A</sup>  
 State North Dakota Reporting year calendar year (CY) 1999  
calendar year (CY) 1998

Permittee and mine name	Mine type		Disturbed area		3 Long-term mining or reclamation facilities <sup>B</sup>	4 Active mining areas (pits and areas in advance of the pits stripped of topsoil) and areas not yet backfilled and graded	Areas backfilled and graded		Areas where the regulatory authority (RA) has released phase I bond		Areas soiled and seeded/planted		Areas where RA has released phase II bond		Areas final seeded/planted for 10 years		Areas where RA has released phase III bond	
	Surface	Under-ground	1 CY	2 Total (all years)			5 CY	6 Total (all years)	7 CY	8 Total (all years)	9 CY	10 Total (all years)	11 CY	12 Total (all years)	13 CY	14 Total (all years)	15 CY	16 Total (all years)
Knife River Coal Mining Company Beulah Mine	X		184 120	3504 3320	1100 1050	849 795	80 75	1555 1475	0 294	294 294	72 40	1465 1395	0 294	294 294	126 118	625 374	0 294	294 294
BNI Coal, Ltd. Center Mine	X		230 180	5412 5182	1200 1160	942 897	145 160	3270 3125	0 0	126 126	175 265	3215 3040	0 0	126 126	225 145	850 750	0 0	126 126
Falkirk Mining Company Falkirk Mine	X		447 515	11524 11156	4878 4858	1386 1373	335 375	5260 4925	0 0	1079 1079	245 525	5030 4865	0 0	246 246	276 126	1720 1444	0 0	246 246
Coteau Properties Company Freedom Mine	X		1052 910	13683 12630	4080 4035	2673 2625	956 765	6930 5970	0 6	315 315	850 810	6370 5520	0 6	315 315	600 195	1065 465	0 26	315 315
<sup>D</sup> Knife River Coal Mining Company Gascoyne Mine	X		0 0	2360 2360	95 125	0 0	30 0	2265 2235	0 534	568 568	84 465	1954 1870	0 534	568 568	33 61	462 228	0 701	753 753
Basin Cooperative Services, Inc. Glenharold Mine	X		0 0	4355 4495	40 490	0 0	92 55	4315 4005	372 0	1060 688	92 165	4315 3950	372 0	372 0	495 0	1320 825	512 0	512 0
<sup>D</sup> Bellaire Corporation d.b.a. North American Coal Company Indian Head Mine	X		0 0	2404 2404	3 3	0 0	0 0	2401 2401	0 0	2401 2401	0 0	2401 2401	0 187	2170 2170	63 193	585 522	17 440	801 783
BNI Coal, Ltd. Larson Mine	X		0 0	650 650	0 0	0 0	0 0	650 650	0 0	478 478	0 0	650 650	0 0	435 435	35 0	635 610	0 0	0 0
<sup>D</sup> Knife River Coal Mining Company New Leipzig Mine	X		0 0	25 25	0 0	0 0	0 0	25 25	0 0	25 25	0 0	25 25	0 0	25 25	0 0	0 0	0 0	35 35
<sup>D</sup> Royal Oak Enterprises, Inc. Royal Oak-JK Mine	X		0 0	105 105	0 0	0 0	0 0	105 105	0 0	89 89	0 0	105 105	0 0	86 86	0 0	0 0	0 0	10 10
<sup>D</sup> Royal Oak Enterprises, Inc. Royal Oak Mine	X		0 0	318 318	0 0	0 0	0 0	318 318	0 0	312 312	0 0	318 318	0 0	177 177	0 2	141 141	0 0	177 177
<sup>D</sup> Consolidation Coal Company Velva Mine	X		0 0	387 387	0 0	0 0	0 0	387 387	0 0	387 387	0 0	387 387	0 0	387 387	0 2	109 172	107 587	694 587
<sup>C</sup> Sheep Creek Coal Company Sheep Creek Mine	X		0	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>13</b>		<b>1913 1725</b>	<b>44817 43032</b>	<b>11396 11721</b>	<b>5850 5690</b>	<b>1717 1430</b>	<b>27561 25621</b>	<b>372 834</b>	<b>7134 6762</b>	<b>2008 2270</b>	<b>26805 24526</b>	<b>372 1021</b>	<b>5219 4847</b>	<b>1853 842</b>	<b>7522 5531</b>	<b>636 2048</b>	<b>3963 3326</b>

<sup>A</sup> Blanks in the table denote zeros.

<sup>B</sup> Long-term mining or reclamation facilities include haul and access roads; temporary dams and impoundments; permanent dams and impoundments; diversion and collector ditches; water and air monitoring sites; topsoil stockpiles; overburden stockpiles; repair, storage, and construction areas; coal stockpile, loading, and processing areas; railroads; coal conveyors; refuse piles and coal mine waste impoundments; head-of-hollow fills; valley fills; ventilation shafts and entryways; and noncoal waste disposal areas (garbage dumps and coal combustion by-products disposal areas).

<sup>C</sup> This company not previously reported as it predates GPRA Table. Bond forfeited 1994, reclamation of site completed in 1995.

**TABLE 7****STATE BOND FORFEITURE ACTIVITY****(Permanent Program Permits)**

	<b>Number of Sites</b>	<b>Dollars</b>	<b>Disturbed Acres</b>
Bonds forfeited as of September 30, 1999 <sup>A</sup>	0	0	0
Bonds forfeited during EY 2000	0	0	0
Forfeited bonds collected as September 30, 1999 <sup>A</sup>	0	0	0
Forfeited bonds collected during EY 2000	0	0	0
Forfeiture sites reclaimed during EY 2000	0	0 <sup>B</sup>	0
Forfeiture sites repermited during EY 2000	0		0
Forfeiture sites unreclaimed as of September 30, 2000	0		0
Excess reclamation costs recovered from permittee	0	0	
Excess forfeiture proceeds returned to permittee	0	0	

<sup>A</sup> Includes data only for those forfeiture sites not fully reclaimed as of this date.

<sup>B</sup> Cost of reclamation, excluding general administrative expenses.

**TABLE 8**

<b>STATE STAFFING</b> <b>(Full-time equivalents at end of evaluation year)</b>	
<b>Function</b>	<b>EY 2000</b>
<b>Regulatory Program</b>	
Permit review .....	4.45
Inspection .....	2.22
Other (administrative, fiscal, personnel, etc.) .....	2.23
<b>SUB-TOTAL</b>	<b>8.90</b>
<b>AML Program</b>	<b>5.68</b>
<b>TOTAL</b>	<b>14.58</b>

**TABLE 9**

<b>FUNDS GRANTED TO NORTH DAKOTA BY OSM</b> (Millions of dollars) <b>EY 2000</b>		
<b>Type of Grant</b>	<b>Federal Funds Awarded</b>	<b>Federal Funding as a Percentage of Total Program Costs</b>
Administration and enforcement	0.5	64
Small operator assistance	0	
<b>Totals</b>	0.5	



**TABLE 10**

<b>STATE OF NORTH DAKOTA INSPECTION ACTIVITY</b>		
<b>PERIOD: OCTOBER 1, 1999 - SEPTEMBER 30, 2000</b>		
<b>Inspectable Unit Status</b>	<b>Number of Inspections Conducted</b>	
	<b>Partial</b>	<b>Complete</b>
<b>Active*</b>	490	119
<b>Inactive*</b>	84	36
<b>Abandoned*</b>	0	0
<b>Exploration</b>	0	3
<b>Total</b>	<b>574</b>	<b>158</b>

\* Use terms as defined by the approved State program

**TABLE 11**

<b>STATE OF NORTH DAKOTA ENFORCEMENT ACTIVITY</b>		
<b>PERIOD: OCTOBER 1, 1999 - SEPTEMBER 30, 2000</b>		
<b>Type of Enforcement Action</b>	<b>Number of Actions*</b>	<b>Number of Violations*</b>
<b>Notice of Violation</b>	1	1
<b>Failure-to-Abate Cessation Order</b>	0	0
<b>Imminent Harm Cessation Order</b>	0	0

\* Do not include those violations that were vacated.

**TABLE 12**

<b>LANDS UNSUITABLE ACTIVITY STATE OF NORTH DAKOTA</b>			
<b>PERIOD: OCTOBER 1, 1999 - SEPTEMBER 30, 2000</b>			
<b>Number of Petitions Received</b>	0		
<b>Number of Petitions Accepted</b>	0		
<b>Number of Petitions Rejected</b>	0		
<b>Number of Decisions Declaring Lands Unsuitable</b>	0	<b>Acreage Declared as Being Unsuitable</b>	0
<b>Number of Decisions Denying Lands Unsuitable</b>	0	<b>Acreage Denied as Being Unsuitable</b>	0

State should provide lands unsuitable data to OSM annually if there is any activity in this program area. OSM OFFICES RESPONSIBLE FOR FEDERAL AND INDIAN PROGRAM STATES MUST ALSO COMPLETE THIS TABLE.