



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 2000

(October 1, 1999 through September 30, 2000)

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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 the effectiveness of the Louisiana program in meeting the applicable purposes of SMCRA as specified in Section 102. The evaluation period covered by this report is October 1, 1999 to September 30, 2000.

In 2000, OSM continued its implementation of its new oversight policy, which was introduced in 1996. The primary focus of the new 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 new 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, the new policy continued to encourage public participation as part of the revised 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.

The new oversight guidance reemphasized 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:

AML	Abandoned Mine Land
AMLR	Abandoned Mine Land Reclamation
CFR	Code of Federal Regulations
EY	Evaluation Year
LOC	Louisiana Office of Conservation, Department of Natural Resources, Injection and Mining Division
NOV	Notice of Violation
OSM	Office of Surface Mining Reclamation and Enforcement
SMCRA	Surface Mining Control and Reclamation Act of 1977

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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 1999, the two surface mines produced 2.95 million tons employing about 100 people.

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

A. Public Participation in OSM's Oversight

During EY 2000, OSM sent letters to citizens, landowners, and government agencies asking for suggestions and comments on oversight. Only 2 responses were received. One was from a government agency saying it had no comments. The other was from 1 of the 2 permittees of coal mining and reclamation permits in Louisiana. It was critical of LOC's consistency and effectiveness in administering the regulatory program. OSM considered this comment in preparing the EY 2001 Performance Agreement; no specific item for oversight was mentioned in the comment, but OSM will be looking for consistency in LOC's implementation of the approved regulatory program.

B. Public Participation in State Processes

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

C. Customer Service

In EY 1999, OSM found that there were no concerns about LOC's implementation of customer service. The potential for activity where customer service could be measured was small, so follow-up study was deemed unnecessary. There were no citizen's complaints in EY 2000.

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

A. Regulatory Program

During EY 2000, LOC successfully operated its regulatory program so that there were no significant adverse environmental impacts from coal mining in Louisiana. In response to a national concern, TFO discussed permit findings with LOC. TFO and LOC agreed that a review of the permit findings on the existing permits would not be productive because the permits were issued many years ago. When LOC receives a new application for a major permitting action, LOC and TFO will discuss what findings must be made and what documentation is required as a basis for those findings. This was included in the EY 2001 performance agreement.

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.

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, the findings from performance standard and public participation evaluations are being collected for a national perspective in terms of the number and extent of observed off-site impacts, the number and percentage of inspectable units free of off-site impacts, the number of acres that have been mined and reclaimed and which meet the bond release requirements and have been released for the various phases of reclamation, and the effectiveness of customer service provided by the State. Individual topic reports are available in the Tulsa Field Office which provide additional details on how the following evaluations and measurements were conducted.

A. Off-Site Impacts

Using both LOC and OSM inspections, there were 24 opportunities for observations of off-site impacts. An observation is defined as an inspection, either State or Federal, partial or complete. In EY 1999, there were no off-site impacts, but in EY 2000, two minor off-site impacts involving hydrology were observed at 1 of the 2 mines. This decreases the percentage of sites free from off-site impacts from 100 percent to 50 percent. But with only 2 minor off-site impacts on 1 mine, OSM concluded that LOC

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effectively implemented its program to minimize off-site impacts.

B. Reclamation Success

Reclamation success is measured or determined by bond release activity. Measurement is in terms of acres released Phase I (approximate original contour restored with topsoil replaced), Phase II (surface stability, vegetation reestablished), and Phase III (post-mining land use/productivity restored). There were no bond release applications during EY 2000; therefore, no bonds were released. However, State and Federal inspections verified that mined lands were being reclaimed but were not ready for bond release. LOC is preparing guidelines for revegetation success to supplement the standards that the State program now includes. These additional standards will be submitted as a program amendment in EY 2001.

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. During the evaluation period, OSM provided assistance in developing revegetation success guidelines.

VII. General Oversight Topic Reviews

A. Mine Site Evaluation

During EY 2000, OSM inspected both of the mines in Louisiana. Both inspections were joint inspections with LOC. On one of the inspections, OSM identified concerns with handling acid-forming materials and with the company's frequency of inspecting large sedimentation ponds. Both of these concerns were cited in an NOV issued by LOC.

B. Handling Acid-Forming Materials

During an OSM/LOC joint inspection in 1999, OSM identified a large final pit that was filled with acid water. Follow-up evaluation of handling acid-forming materials was included in the EY 2000 Performance Agreement. When OSM inspected the site during a joint inspection in EY 2000, the pond still contained acid water and the slopes in another area lacked vegetation because of acid-forming materials in the reconstructed topsoil. LOC issued an NOV for failure to properly cover or treat acid-forming material. The prescribed corrective actions corrected the problem. In current

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mining areas, plans for handling acid-forming materials to ensure that they are properly covered are being implemented appropriately. The reconstructed topsoil shows no signs of acid-forming materials. No acid water discharges have been observed. OSM concluded that LOC has acted properly to ensure that acid-forming materials will be handled properly.

C. Sedimentation Control

In February 1998 a large number of ponds on one of the two mines experienced failure of the primary and/or secondary discharge structures. These failures were associated with saturated ground conditions, intense rainfall events, and high flows. The operator took immediate action after the February 1998 events to solve the problems by grouting spillway structures into place. To follow-up on this activity, sedimentation control was included as a topic for review in the EY 1999 performance agreement. In this review, OSM reviewed a large number of pond and drop structure designs and examined many of those structures in the field. The review showed that the operator's solution resulted in no observed spillway failures even though many runoff events had been experienced in the interim period of time. The topic was included in the EY 2000 Performance Agreement to verify that the design and implementation problems with sediment pond discharge structures had been corrected. Again, OSM found no erosion of these structures and found that all structures that were observed were built according to their approved designs.

D. Program Amendments

During EY 2000, one small program amendment was processed and approved. The amendment was submitted in response to OSM's change in the Federal regulations on the eligibility requirements for the Small Operator Assistance Program. During EY 2001, OSM is expecting the following program amendments to the Louisiana regulatory and AML programs:

LA-019, which is an update of the AML plan as required in the 30 CFR 884 letter of September 26, 1994.

LA-020, which is a revision of the revegetation success standards as required in the 30 CFR 732 letter of March 24, 1999.

LA-021, which is an amendment in the Valid Existing Rights rules as required in the 30 CFR 732 letter of August 23, 2000.

Another pending program amendment is an update of ownership and control rules in response to a 30 CFR 732 letter of January 6, 1997. Louisiana is waiting for further guidance from OSM because of litigation on OSM's comparable regulations.

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Appendix A: Tabular Summaries of Data

These tables present data pertinent to mining operations and State and Federal regulatory and abandoned mine land activities within Louisiana. They also summarize funding provided by OSM and Louisiana staffing levels. Unless otherwise specified, the reporting period for the data contained in all tables is October 1, 1999, to September 30, 2000. Additional data used by OSM in its evaluation of Louisiana's performance is available for review in the evaluation files maintained by TFO.

TABLE 1

COAL PRODUCTION (Millions of short tons)			
Period	Surface mines	Underground mines	Total
Coal production^A for entire State:			
Calendar Year			
1997	3.5	0	3.5
1998	3.3	0	3.3
1999	2.9	0	2.9

^A 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

INSPECTABLE UNITS (As of September 30, 2000)												
Coal mines and related facilities	Active or temporarily inactive		Inactive		Abandoned		Totals		Insp. Unit ^D	Permitted acreage ^A (hundreds of acres)		
	IP	PP	Phase II bond release		IP	PP	IP	PP		IP	PP	Total
			IP	PP								
STATE and PRIVATE LANDS REGULATORY AUTHORITY: STATE												
Surface mines	0	2	0	0	0	0	0	2		0	451	451.00
Underground mines	0	0	0	0	0	0	0	0		0	0	0.00
Other facilities	0	0	0	0	0	0	0	0		0	0	0.00
Subtotals	0	2	0	0	0	0	0	2		0	451	451.00
FEDERAL LANDS REGULATORY AUTHORITY: STATE												
Surface mines	0	0	0	0	0	0	0	0		0	0	0
Underground mines	0	0	0	0	0	0	0	0		0	0	0
Other facilities	0	0	0	0	0	0	0	0		0	0	0
Subtotals	0	0	0	0	0	0	0	0		0	0	0
ALL LANDS^B												
Surface mines	0	0	0	0	0	0	0	0		0	0	0
Underground mines	0	0	0	0	0	0	0	0		0	0	0
Other facilities	0	0	0	0	0	0	0	0		0	0	0
Totals	0	2	0	0	0	0	0	2		0	451	451.00
Average number of permits per inspectable unit (excluding exploration sites)											<u>1</u>	
Average number of acres per inspectable unit (excluding exploration sites)											<u>22,550</u>	
Number of exploration permits on State and private lands: <u>0</u>											On Federal lands: <u>0</u> C	
Number of exploration notices on State and private lands: <u>0</u>											On Federal lands: <u>0</u> C	
<p>IP : Initial regulatory program sites. PP : Permanent regulatory program sites.</p> <p>^A When a unit is located on more than one type of land, includes only the acreage located on the indicated type of land.</p> <p>^B 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.</p> <p>^C 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.</p> <p>^D Inspectable Units includes multiple permits that have been grouped together as one unit for inspection frequency purposes by some State programs.</p>												

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^A	App. Rec.	Issued	Acres	App. Rec.	Issued	Acres
New permits	0	0	0	0	0	0	0	0	0	0	0	0
Renewals	0	0	0	0	0	0	0	0	0	0	0	0
Incidental boundary revisions	0	0	0	0	0	0	0	0	0	0	0	0
Revisions (exclusive of incidental boundary revisions)	0	0	0	0	0	0	0	0	0	0	0	0
Transfers, sales and assignments of permit rights	0	0	0	0	0	0	0	0	0	0	0	0
Small operator assistance	0	0	0	0	0	0	0	0	0	0	0	0
Exploration permits	0	0	0	0	0	0	0	0	0	0	0	0
Exploration notices ^B	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	0	0	0	0	0	0	0	0	0	0	0	0

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

^A Includes only the number of acres of proposed surface disturbance.

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

TABLE 4

OFF-SITE IMPACTS														
RESOURCES AFFECTED			People			Land			Water			Structures		
DEGREE OF IMPACT			minor	moderate	major	minor	moderate	major	minor	moderate	major	minor	moderate	major
TYPE OF IMPACT AND TOTAL NUMBER OF EACH TYPE	Blasting													
	Land Stability													
	Hydrology	2							2					
	Encroachment													
	Other													
	Total	2	0	0	0	0	0	0	0	2	0	0	0	0
OFF-SITE IMPACTS ON BOND FORFEITURE SITES There are no bond forfeiture sites.														
RESOURCES AFFECTED			People			Land			Water			Structures		
DEGREE OF IMPACT			minor	moderate	major	minor	moderate	major	minor	moderate	major	minor	moderate	major
TYPE OF IMPACT AND TOTAL NUMBER OF EACH TYPE	Blasting													
	Land Stability													
	Hydrology													
	Encroachment													
	Other													
	Total	0	0	0	0	0	0	0	0	0	0	0	0	0

The objective of this Table is to report all off-site impacts identified in a State regardless of the source of the information. Report the degree of impact under each resource that was affected by each type of impact. Refer to guidelines in Directive REG-8 for determining degree of impact. More than one resource may be affected by each type of impact. Therefore, the total number of impacts will likely be less than the total number of resources affected; i.e., the numbers under the resources columns will not necessarily add horizontally to equal the total number for each type of impact. As provided by the Table, report impacts identified on bond forfeiture sites separately from impacts identified on other sites. If bond forfeitures sites were not evaluated during the period, clearly note the table to indicate that fact. Impacts related to mine subsidence or other areas where impacts are not prohibited are not included in this table. **Refer to report narrative for complete explanation and evaluation of the information provided by this table.**

TABLE 5

ANNUAL STATE MINING AND RECLAMATION RESULTS		
Bond release phase	Applicable performance standard	Acreage released during this evaluation period
Phase I	"Approximate original contour restored "Topsoil or approved alternative replaced	0.00
Phase II	'Surface stability 'Establishment of vegetation	0.00
Phase III	'Post-mining land use/productivity restored 'Successful permanent vegetation 'Groundwater recharge, quality and quantity restored 'Surface water quality and quantity restored	0.00
	Bonded Acreage Status^A	
	Total number of bonded acres at end of last review period (September 30, 1999) ^B	18302.00
	Total number of acres bonded during this evaluation year	0.00
	Number of acres bonded during this evaluation year that are considered remining, if available	0.00
	Number of acres where bond was forfeited during this evaluation year (also report this acreage on Table 6).	0.00
<p>^A Bonded acreage is considered to approximate and represent the number of acres disturbed by surface coal mining and reclamation operations.</p> <p>^B 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

STATE BOND FORFEITURE ACTIVITY (Permanent Program Permits)			
	Sites	Dollars	Acres
Bonds forfeited as of September 30, 1999	N/A		
Bonds forfeited during EY 00	N/A		
Forfeited bonds collected as September 30, 1999	N/A		
Forfeited bonds collected during EY 2000	N/A		
Forfeiture sites reclaimed during EY 2000	N/A		
Forfeiture sites repermited during EY 2000	N/A		
Forfeiture sites unreclaimed as of September 30, 2000	N/A		
Excess reclamation costs recovered from permittee	N/A		
Excess forfeiture proceeds returned to permittee	N/A		

^A Includes data only for those forfeiture sites not fully reclaimed as of this date.

^B Cost of reclamation, excluding general administrative expenses.

TABLE 7

LOUISIANA STAFFING (Full-time equivalents at end of evaluation year)	
Function	EY 2000
Regulatory program	
Permit review	1.98
Inspection	1.42
Other (administrative, fiscal, personnel, etc.)	1.20
Sub-total	4.60
AML Program	0.65
TOTAL	5.25

TABLE 8

FUNDS GRANTED TO LOUISIANA BY OSM			
Type of grant		Federal funds awarded	Federal funding as a percentage of total program costs
Regulatory	Administration and enforcement	\$192,433.00	50.00%
	Small operator assistance		
Regulatory Totals		\$192,433.00	
AMLR	Administration and construction	\$122,611.00	100%
AMLR Total		\$122,611.00	
Total Regulatory and AMLR		\$315,044.00	

Appendix B: State Comments on Report