



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 2001

(October 1, 2000 to September 30, 2001)

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* Cover photo shows reclaimed hayland 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, 2000 to September 30, 2001. 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 coalfields 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 2000 it produced 31.2 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., Paragraph C., Page 6.

IV. Major Accomplishments / Issues / Innovations

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 twenty-first year of implementation is a very effective and successful mining regulatory program.

The North Dakota program is run in a very efficient and effective method considering the number of mines, tonnage of coal produced, and amount of land disturbed and reclaimed each year. Reclamation Division staff members that review permit and revision applications also carry out the compliance inspections and evaluate bond release applications. This way they remain very familiar with both the field operations and mining and reclamation plans in approved periods. The PSC maintains a very good working relationship with their customers and use a cooperative approach when working with interested parties, including industry, landowners, citizen groups and OSM. Any issues that arise are resolved in a timely and fair manner. The PSC carries out its duties using the appropriate technical expertise and with 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 eleven national reclamation awards, including two in 2001. 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 to very little environmental damage.

The PSC is using new technology and strongly encourages the companies it regulates to do the same. The Reclamation Division has received and approved the electronic submittal of a complete permit document. The submittal had the entire permit document on a compact disk. All of the information on the CD has since been copied to a drive where staff members have access to the entire permit document from their desktop PC's. The Reclamation Division has been encouraging other companies to prepare electronic submittals in the future and two more electronic submittals are expected in the 2002 evaluation period.

The Reclamation Division has scanned and converted some of its paper documents to an electronic format. To date, this includes more than twenty years of inspection reports and many of the annual mine maps that go back to the early 1970's. The goal is for staff to have the capability to access these documents from desktop PC's. The remaining annual mine maps and some of the water monitoring reports for mines will be scanned and converted to electronic files during the 2002 evaluation period. North Dakota's reclamation law and rules, policy memorandums to mine operators, application and bond forms, notices, approval documents and other related information are also readily available to interested parties from the PSC's website. The PSC has made good use of equipment provided by OSM to support its electronic permitting and filing initiatives.

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. The Reclamation Division has obtained approval of some changes to its revegetation success standards that may encourage companies to submit final bond release applications sooner. North Dakota also developed guidance documents related to the hydrologic aspects of final bond release.

Reclamation Division staff 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 2001 evaluation period, Reclamation Division staff members made several presentations at OSM sponsored forums and workshops as well as at a national reclamation conference.

Overall, the PSC continues to implement the permitting and inspection and enforcement functions in a manner that ensures that the requirements of SMCRA are fully met. The Reclamation Division has the necessary technical expertise and carries out its functions in a highly professional manner. The PSC administers an excellent regulatory program.

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 and be related to mining and reclamation activity. It 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 146 complete inspections and 486 partial inspections. The Casper Field Office conducted twelve complete random sample inspections and three partial focused inspections of coal mining operations in North Dakota, along with an aerial overflight of the active mining operations.

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 uses a computer program to record requests for information and any concerns or complaints that are received. The PSC's Contact 2000 program 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.

During the 2001 evaluation period, the Reclamation Division received an average of eight 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 involved either the review of past decisions or researching the rationale for a particular requirement.

About six 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, a few requests were received about gravel pit reclamation requirements that are not regulated by the PSC.

The Reclamation Division received and responded to four verbal complaints related to surface coal mining and reclamation activities; however, no written complaints were received during the 2001 evaluation period. The concerns were

properly investigated and written responses were provided. The Reclamation Division's written responses to verbal complainants always include information about the formal complaint process that provides for certain appeal rights.

The 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 participation in bond release inspections by the landowners and county officials. 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.

VI. OSM Assistance

A. OSM Grant Assistance

The State received \$486,422 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 (OTT)

North Dakota Public Service Commission's (PSC) Division of Reclamation continues to implement its electronic permitting program. Following on the success in 2000, North Dakota's partnership with their coal industry, and the production of the nation's first fully paperless coal mine permit, Falkirk Mining is planning to convert another permit to electronic format in 2002. In addition, Falkirk's staff is assisting Coteau Properties in converting all of its documents into electronic format in preparation for a paperless permit application submittal. These fully paperless coal mine permits will also be a CD-ROM on file at the Public Service Commission and at the County Assessor's Office (the other public access site), and will contain all of the information normally kept in numerous three-inch binders and on many AutoCAD maps and drawings. North Dakota staff is digitizing 15-25 year-old maps, submitted in paper format in early permits for all surface mining operations, in order to create an electronic library of their lignite resource areas prior to mining disturbances. In order to assist the Reclamation Division in its implementation of paperless permitting and digital imaging, OSM provided electronic permitting funds for a Calcomp large-format scanner (Scanplus, III, 400T Turbo), at a cost of \$7,530. The scanner has proven essential to North Dakota's electronic permitting efforts, because it can scan reduced color versions of mine permit maps and charts of tabloid size; it can also incorporate documents into electronic versions of mine plans. OSM's assistance has contributed to placing the Reclamation Division on the leading edge of paperless permitting.

OSM's Technical Librarian provided 107 journal article reprints to PSC staff members; in addition, the OTT provided four publications and two CD-ROM's to the PSC's technical library.

OSM's Bonding Specialist provided technical assistance to the PSC on procedures to use when surety bond underwriting limits in the federal regulations at 31 CFR Part 223 are exceeded. Assistance was also provided with surety bond reinsurance procedures and the legal documents required by U.S. Treasury Department that must be filed with a regulatory authority whenever a surety bond in favor of the United States OSM and/or OSM and a State regulatory authority is reinsured.

OSM also provided the opportunity for the PSC Reclamation to participate in and present a paper at OSM's interactive forum on Approaching Bond Release: Wildlife Habitat Construction and Wildlife Use of Reclaimed Lands in the Arid and Semi-Arid West, which was held August 27-31, 2001, in Gillette, Wyoming. PSC staff member, Guy Welch presented a paper entitled Reclaiming Wetlands in North Dakota, which detailed North Dakota industry's success in establishing 35 seasonal and semi-permanent wetlands comprising over 230 acres, reconstructed on reclaimed mined lands in North Dakota after passage of the Surface Mining Control and Reclamation Act of 1977. Preliminary data suggest that the reconstructed wetlands are functioning similar to undisturbed wetlands. Hydrophytic vegetation is establishing, and waterfowl are utilizing the wetlands and participate in a bond release panel with western State technical representatives discussion on How to Assess the Adequacy of Wildlife Success.

OTT provided the opportunity for PSC Reclamation Division staff members to participate in the OTT-sponsored workshop Modeling Reconstructed Topography and Relief, and Associated Issues Relating to Approximate Original Contour (AOC), March 1-2, 2001, in Denver, Colorado, along with eight industry representatives, consultants, and other State/Federal agency staff attendees. OTT provided the opportunity for a PSC Reclamation Division staff member to present a professional paper at the 18th National Meeting of the American Society for Surface Mining and Reclamation, which was held June 3-7, 2001, in Albuquerque, New Mexico, and entitled Land Reclamation -- A Different Approach. PSC Reclamation Division staff member, David Bickel, paper was entitled Palmer Drought Indices as Indicators of Long Term Stability and Permanence of Surface Coal Mine Reclamation. This investigation used long run climatic data to infer the likelihood of reclamation permanence in West-central North Dakota. Wet and drought events of above normal duration and intensity occurred during the past 20 years in West-central North Dakota, and high-frequency cycles identified in the 308-year Palmer Drought Severity Index (PDSI) record have periods of about 23 years or less. Palmer Indices, including those reconstructed from tree ring chronologies, seem to integrate precipitation, temperature and soil moisture into a variable that functions well in explaining

responses in groundwater heads, surface water bodies, and vegetation. Stress of the above normal lengths and intensities of wet and dry events during the SMCRA years in western North Dakota have contributed to the quality and resilience of modern surface mine reclamation and the regulatory framework that guides it. OSM support cost was approximately \$12,800.

C. Technical Information Processing System (TIPS)

TIPS offer training courses to state regulatory authority employees at no expense to the State (other than salary and benefits) or the attendee. Training was provided to twelve staff members and four industry representatives in AutoCAD/SurvCADD use and application, one staff member for AutoCAD Map for Permitting & Reclamation, one staff member for SurvCADD for Reclamation & Permitting, one staff member for Modeling and Analysis with Groundwater Vistas and one staff member for Water Quality Analysis Using AquaChem. OSM support cost was approximately \$6,500.

D. National Technical Training Program (NTTP)

OSM also offers reclamation 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. Training was provided to five PSC staff members. OSM support cost was approximately \$6,100.00.

Staff members participated in each of the following NTTP sponsored training courses:

<u>Courses Title</u>	<u>No. Attendees</u>
Applied Engineering Principles	1
NEPA Procedures	1
Permit Findings Workshop	3

In summary, OSM provided various types of assistance to North Dakota during EY-2001. This assistance represented approximately \$511,600 in direct monetary assistance as well as other technical assistance.

VII. General Oversight Topic Reviews

A. On-the-Ground Reclamation Results

1. During the 2001 evaluation period the CFO and the PSC evaluated specific permits to determine if replacement plans for wetlands are contained in the approved reclamation plan. Also, the acreage of postmining wetlands on

reclaimed tracts to the premine acreage and subjectively evaluate the development of reclaimed wetlands and wildlife use were compared.

The CFO and PSC found that the approved reclamation plans do contain a specific plan for replacement of wetlands and identify specific wetlands that will be replaced. Field inspections document that wetlands are being replaced to approximate premine locations and size. Also, vegetation and wildlife monitoring indicates that the postmine landuse (wildlife habitat) is being achieved in that the vegetation communities associated with wetlands are being established and wildlife and waterfowl usage is occurring.



Replaced wetland at the Center Mine



Replaced Wetland at the Falkirk Mine

B. Differential Settlement

OSM and PSC continued to evaluate differential settlement features on reclaimed lands and the extent that they may interfere with the postmining land use, especially cropland. OSM reviewed all PSC inspection reports and conducted an aerial flyover to review reclaimed areas at the mining operations to determine if these features interfere with spring farming activities. During the 1999 and 2000 evaluation periods the CFO and PSC evaluated to what extent differential settling on reclaimed lands may have 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, July of 2000 and May of 2001 in an attempt to view any areas where farming activities were or may be curtailed due to the presence of settling features. The PSC continues to check reclaimed tracts for settling features during their regular mine inspections.

During the flyovers, settlement features holding water were observed. Most of the settlement features noted were less than one acre in size. The PSC is working with the mining companies to assure these features are repaired. 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 year 2002.

Differential Settlement in Reclaimed Cropland



Repair of Differential Settlement



C. Inspection & Enforcement

The North Dakota Public Service Commission continues to conduct frequent and thorough inspections. North Dakota conducted 146 complete inspections and 486 partial inspections, exceeding the required number of inspections on all permits during the evaluation year. The Casper Field Office conducted twelve complete random sample inspections and three 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 database 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.

D. Grants Management

CFO conducted financial oversight during the evaluation period. CFO visited the North Dakota Public Service Commission's office in Bismarck, North Dakota and reviewed financial information. Specifically, drawdowns, timeliness of grant applications and reports, audits, accounting, property and travel were reviewed.

A drawdown analysis was conducted for the existing Administration and Enforcement grant. Five of thirteen draws for the existing grant were sampled. North Dakota's procedure for drawing funds is to expend State general funds and then be reimbursed by U. S. Treasury. In all cases costs matched the draw and the draw was implemented after costs were occurred.

The PSC continues to report property and transfer property in a timely matter. A new property inventory had been taken during the evaluation period, meeting Common Rule requirements.

DEQ was timely regarding both reporting financial status of the existing Administration and Enforcement grant and in filing their grant applications.

Travel taken by the Reclamation Division was reviewed to include North Dakota's travel policies and procedures. Four of nine persons traveling were reviewed. Per Diem, in-state-lodging, required receipts, out-of-state allowances for lodging and approvals were checked. No problems were found.

The last A-133 Audit was for 1998. There were no findings. Since then the new Federal criteria under A-133 have been applied where an audit may not be required. The North Dakota State Auditor's Office reviewed this program to determine if an audit was necessary. The Administration and Enforcement program was determined to be low risk and thus no audit was conducted.

A salary review was conducted. Monthly salaries paid were reviewed through the State's accounting system to ensure that only staff assigned to the Administration and Enforcement grant was being paid. No problems were found.

Division Director's are required by policy to approve prior to payment. Procurements were reviewed. No problems were found.

E. Cooperative Agreement

The CFO reviewed a selection of PSC permitting actions to ensure that all leased Federal coal tracts included in the permit have received Mine Plan approval by the Secretary of the Department of the Interior. Also, selected bond instruments for permits were reviewed to ensure the leased Federal coal tracts are properly

described. This review indicated that the PSC is adhering to the requirements of the Cooperative Agreement.

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 2001 evaluation year (October 1, 2000 - September 30, 2001). 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

COAL PRODUCTION
(Millions of short tons)

Annual Evaluation Period	Surface mines	Underground mines	Total
Coal production ^A for entire State:			
1998	30.327	0.000	30.327
1999	30.954	0.000	30.954
2000	31.163	0.000	31.163
Total	92.444	0.000	92.444

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**

Coal mines and related facilities	Number and status of permits									Permitted acreage ^A (hundreds of acres)		
	Active or temporarily inactive		Inactive Phase II bond release		Abandoned		Totals		Insp. Units ^D			
	IP	PP	IP	PP	IP	PP	IP	PP				
STATE AND PRIVATE LANDS REGULATORY AUTHORITY:												
STATE												
Surface mines	0	28	2	6	0	0	2	34	NA	1.9	750.9	752.8
Underground mines	0	0	0	0	0	0	0	0	NA	0	0	0
Other facilities	0	0	0	0	0	0	0	0	NA	0	0	0
Subtotals	0	28	2	6	0	0	2	34	0	1.9	750.9	752.8
FEDERAL LANDS REGULATORY AUTHORITY:												
STATE												
Surface mines	0	21	0	5	0	0	0	26	NA	0	94	94
Underground mines	0	0	0	0	0	0	0	0	NA	0	0	0
Other facilities	0	0	0	0	0	0	0	0	NA	0	0	0
Subtotals	0	21	0	5	0	0	0	26	0	0	94	94
ALL LANDS^B												
Surface mines	0	28	2	6	0	0	2	34	NA	1.9	750.9	752.8
Underground mines	0	0	0	0	0	0	0	0	NA	0	0	0
Other facilities	0	0	0	0	0	0	0	0	NA	0	0	0
Totals	0	28	2	6	0	0	2	34	0	1.9	750.9	752.8
Average number of permits per inspectable unit (excluding exploration sites)									1			
Average number of acres per inspectable unit (excluding exploration sites)									2214			
Number of exploration permits on State and private lands:						6		On Federal lands ^C :			0	
Number of exploration notices on State and private lands:						0		On Federal lands ^C :			0	
IP: Initial regulatory program sites												
PP: Permanent regulatory program sites												
^A When a unit is located on more than one type of land, include only the acreage located on the indicated type of land.												
^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.												
^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.												
^D 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, 2001

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
Renewals	8	9	29,041	0	0	0	0	0	0	8	9	29,041
Transfers, sales and assignments of permit rights	2	2		0	0		0	0		2	2	
Small operator assistance	0	0		0	0		0	0		0	0	
Exploration permits	6	6		0	0		0	0		6	6	
Exploration notices ^B		0			0			0			0	
Revisions (exclusive of incidental boundary revisions)		30			0			0			30	
Incidental boundary revisions		1	878		0	0		0	0		1	878
Totals	16	48	29,919	0	0	0	0	0	0	16	48	29,919
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**

DEGREE OF IMPACT		RESOURCES AFFECTED								
		People			Land			Water		
		minor	moderate	major	Minor	moderate	major	minor	moderate	major
	Blasting	0	0	0	0	0	0	0	0	0
TYPE	Land Stability	0	0	0	0	0	0	0	0	0
OF	Hydrology	0	0	0	0	0	0	0	0	0
IMPACT	Encroachment	0	0	0	0	0	0	0	0	0
	Other	0	0	0	0	0	0	0	0	0
	Total	0	0	0	0	0	0	0	0	0
Total number of inspectable units:				36						
Inspectable units free of off-site impacts:				36						
OFF-SITE IMPACTS ON BOND FORFEITURE SITES										
DEGREE OF IMPACT		RESOURCES AFFECTED								
		People			Land			Water		
		minor	moderate	major	Minor	moderate	major	minor	moderate	major
	Blasting	0	0	0	0	0	0	0	0	0
TYPE	Land Stability	0	0	0	0	0	0	0	0	0
OF	Hydrology	0	0	0	0	0	0	0	0	0
IMPACT	Encroachment	0	0	0	0	0	0	0	0	0
	Other	0	0	0	0	0	0	0	0	0
	Total	0	0	0	0	0	0	0	0	0
Total number of inspectable units:				0						
Inspectable units free of off-site impacts:				0						

Refer to the 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
		1,647.00
Phase I	- Approximate original contour restored - Topsoil or approved alternative replaced	
		80.00
Phase II	- Surface stability - Establishment of vegetation	
		189.00
	- Post-mining land use/productivity restored - Successful permanent vegetation	
Phase III	- Groundwater recharge, quality and quantity restored - Surface water quality and quantity restored	
	Bonded Acreage Status^A	Acres
Total number of bonded acres at end of last review period (September 30, 2000) ^B		75,214.00
Total number of bonded acres during this evaluation year		878.00
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 7)		0.00
^A Bonded acreage is considered to approximate and represent the number of acres disturbed by surface coal mining and reclamation operations.		
^B Bonded acres in this category are those that have not received a Phase III or other final bond release (State maintains jurisdiction).		

Table 6
POSTMINING LAND USE

Postmining Land Use of Disturbed Lands receiving Total/100% bond release under the regulatory program.
All numbers in the table are in acres. State North Dakota Reporting year EY-2001

<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	519	50	138	0	0	0	0	331	0	0
BNI Coal, Ltd. Center Mine	126	0	0	0	0	0	0	126	0	0
Falkirk Mining Company Falkirk Mine	246	0	0	0	0	0	165	81	0	0
Coteau Properties Company Freedom Mine	315	20	0	0	0	0	6	289	0	0
Knife River Coal Mining Company Gascoyne Mine	753	167	52	0	0	0	0	534	0	0
Basin Cooperative Services, Inc. Glenharold Mine	512	140	0	0	0	0	0	372	0	0
Bellaire Corporation d.b.a. North American Coal Company Indian Head Mine	801	196	185	173	113	17	0	113	0	4
BNI Coal, Ltd. Larson Mine	114	54	0	0	0	0	0	50	0	0
Knife River Coal Mining Company New Leipzig Mine	35	10	0	25	0	0	0	0	0	0
Royal Oak Enterprises, Inc. Royal Oak-JK Mine	10	0	0	0	0	0	0	10	0	0
Royal Oak Enterprises, Inc. Royal Oak Mine	257	20	79	0	16 0	0	0	158	0	0
Consolidation Coal Company Velva Mine	694	416	94	0	167	0	0	0	14	0
TOTAL	4383	1083	548	198	280	17	171	2064	14	6

Table 6a.

Reclamation status of areas disturbed under the initial regulatory program. All numbers in the table are in acres.^A

State North Dakota

Reporting year calendar year (CY) 2000

calendar year (CY) 1999

calendar year (CY) 1998

Permittee and mine name	Mine type		Disturbed area		3 Long-term mining or reclamation facilities ^B	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)	CY	Total (all years)		
Knife River Coal Mining Company Beulah Mine	X		0	210	0	0	0	0	0	210	0	210
			0	210	0	0	0	210	0	210	3	210
			0	210	0	0	0	210	0	210	61	207
BNI Coal, Ltd. Center Mine	X		0	320	0	0	0	0	0	320	0	192
			0	320	0	0	0	320	0	320	0	192
			0	320	0	0	0	320	0	320	0	192
Falkirk Mining Company Falkirk Mine	X		0	51	0	0	0	0	0	51	0	0
			0	51	0	0	0	51	0	51	0	0
			0	51	0	0	0	51	0	51	0	0
Basin Cooperative Services, Inc. Glenharold Mine	X		0	1184	0	0	0	0	0	1184	0	1184
			0	1184	0	0	0	1184	0	1184	0	1184
			0	1184	0	0	0	1184	0	1184	0	825
Bellaire Corporation d.b.a. North American Coal Company Indian Head Mine	X		0	357	0	0	0	0	0	357	0	357
			0	357	0	0	0	357	0	357	0	357
			0	357	0	0	0	357	0	357	293	357
BNI Coal, Ltd. Larson Mine	X		0	72	0	0	0	0	0	72	0	72
			0	72	0	0	0	72	0	72	0	72
			0	72	0	0	0	72	0	72	0	72
Royal Oak Enterprises, Inc. Royal Oak Mine	X		0	43	0	0	0	0	0	43	0	43
			0	43	0	0	0	43	0	43	0	43
			0	43	0	0	0	43	0	43	0	43
TOTALS	7		0	2237	0	0	0	0	0	2237	0	2237
			0	2237	0	0	0	2237	0	2237	3	2048
			0	2237	0	0	0	2237	0	2237	354	1696

^A Blanks in the table denote zeros.

^B 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)

Table 6b.

Reclamation status of areas disturbed under the permanent regulatory program. All numbers in the table are in acres.^A

State North Dakota Reporting year calendar year (CY) 2000 calendar year (CY) 1999 calendar year (CY) 1998

Permittee and mine name	Mine type		Disturbed area		3 Long-term mining or reclamation facilities ^B	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	2			5	6	7	8	9	10	11					
			CY	Total (all years)			CY	Total (all years)	CY	Total (all years)	CY	Total (all years)	CY	Total (all years)	CY	Total (all years)		
River Coal Mining Company Beulah Mine	X		120	3624	1050	692	327	1882	175	469	90	1555	175	469	140	765	175	469
			184	3504	1100	849	80	1555	0	294	72	1465	0	294	126	625	0	294
			120	3320	1050	795	75	1475	294	294	40	1395	294	294	118	374	294	294
BNI Coal, Ltd. Center Mine	X		198	5610	1240	987	113	3383	0	126	202	3417	0	126	67	917	0	126
			230	5412	1200	942	145	3270	0	126	175	3215	0	126	225	850	0	126
			180	5182	1160	897	160	3125	0	126	265	3040	0	126	145	750	0	126
Kirk Mining Company Falkirk Mine	X		675	12199	4928	1463	548	5808	0	1079	442	5472	0	246	659	2379	0	246
			447	11524	4878	1386	335	5260	0	1079	245	5030	0	246	276	1720	0	246
			515	11156	4858	1373	375	4925	0	1079	525	4865	0	246	126	1444	0	246
Bau Properties Company Freedom Mine	X		745	14428	4115	2707	676	7606	0	315	1192	7562	0	315	373	1438	0	315
			1052	13683	4080	2673	956	6930	0	315	850	6370	0	315	600	1065	0	315
			910	12630	4035	2625	765	5970	6	315	810	5520	6	315	195	465	26	315
River Coal Mining Company Gascoyne Mine	X		0	2360	79	0	16	2281	1647	2215	16	1970	0	558	28	490	0	753
			0	2360	95	0	30	2265	0	568	84	1954	0	568	33	462	0	753
			0	2360	125	0	0	2235	534	568	465	1870	534	568	61	228	701	753
Cooperative Services, Inc. Glenharold Mine	X		0	4355	30	0	10	4325	0	1060	56	4375	0	372	340	1660	0	512
			0	4355	40	0	92	4315	372	1060	92	4315	372	372	495	1320	512	512
			0	4495	490	0	55	4005	0	688	165	3950	0	0	0	825	0	0
Bore Corporation d.b.a. North American Coal Company Indian Head Mine	X		0	2404	3	0	0	2401	0	2401	0	2401	0	2170	165	750	0	801
			0	2404	3	0	0	2401	0	2401	0	2401	0	2170	63	585	17	801
			0	2404	3	0	0	2401	0	2401	0	2401	187	2170	193	522	440	783
BNI Coal, Ltd. Larson Mine	X		0	650	0	0	0	650	50	528	0	650	50	485	5	605	50	50
			0	650	0	0	0	650	0	478	0	650	0	435	35	645	0	0
			0	650	0	0	0	650	0	478	0	650	0	435	0	610	0	0
River Coal Mining Company New Leipzig Mine	X		0	25	0	0	0	25	0	25	0	25	0	25	0	0	0	35
			0	25	0	0	0	25	0	25	0	25	0	25	0	0	0	35
			0	25	0	0	0	25	0	25	0	25	0	25	0	0	0	35
Royal Oak Enterprises, Inc. Royal Oak-JK Mine	X		0	105	0	0	0	105	0	89	0	105	0	86	0	0	0	10
			0	105	0	0	0	105	0	89	0	105	0	86	0	0	0	10
			0	105	0	0	0	105	0	89	0	105	0	86	0	0	0	10
Royal Oak Enterprises, Inc. Royal Oak Mine	X		0	318	0	0	0	318	0	312	0	318	80	257	0	61	80	257
			0	318	0	0	0	318	0	312	0	318	0	177	0	141	0	177
			0	318	0	0	0	318	0	312	0	318	0	177	2	141	0	177
Consolidation Coal Company Velva Mine	X		0	387	0	0	0	387	0	387	0	387	0	387	0	109	0	694
			0	387	0	0	0	387	0	387	0	387	0	387	0	109	107	694
			0	387	0	0	0	387	0	387	0	387	0	387	2	172	587	587
Sheep Creek Coal Company Sheep Creek Mine	X		0	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0
			0	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0
			0	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	13		1738	46555	11445	5846	1690	29251	1872	9006	1998	28803	305	5524	1777	9299	305	4268
			1913	44817	11396	5850	1717	27561	372	7134	2008	26805	372	5219	1853	7522	636	3963
			1725	43032	11721	5690	1430	25621	834	6762	2270	24526	1021	4847	842	5531	2048	3326

^A Blanks in the table denote zeros. ^B 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).
^C This company not previously reported as it predates GPRA Table. Bond forfeited 1994, reclamation of site completed in 1995. ^D Column 11 exceeds column 10 as a result of acreage that has obtained Phase III / 100% bond release and is no longer under permit. These acres are not included in any totals except for column 12.

TABLE 7

STATE BOND FORFEITURE ACTIVITY		
(Permanent Program Permits)		
Bond Forfeiture Reclamation Activity by SRA	Number of Sites	Acres
Sites with bonds forfeited and collected that were unreclaimed as of	0	0.00
September 30, 2000 (end of previous evaluation year) ^A		
Sites with bonds forfeited and collected during Evaluation Year 2001	0	0.00
(current year)		
Sites with bonds forfeited and collected that were re-permitted during	0	0.00
Evaluation Year 2001 (current year)		
Sites with bonds forfeited and collected that were reclaimed during	0	0.00
Evaluation Year 2001 (current year)		
Sites with bonds forfeited and collected that were unreclaimed as of	0	0.00
September 30, 2001 (end of current year) ^A		
Sites with bonds forfeited but uncollected as of September 30, 2001 (end of	0	0.00
current year)		
Surety/Other Reclamation (In Lieu of Forfeiture)		
Sites being reclaimed by surety/other party as of September 30, 2000 (end of	0	0.00
previous evaluation year) ^B		
Sites where surety/other party agreed to do reclamation during Evaluation	0	0.00
Year 2001 (current year)		
Sites being reclaimed by surety/other party that were re-permitted during	0	0.00
Evaluation Year 2001 (current year)		
Sites with reclamation completed by surety/other party during Evaluation	0	0.00
Year 2001 (current year) ^C		
Sites being reclaimed by surety/other party as of September 30, 2001 (current	0	0.00
evaluation year) ^B		
^A Includes data only for those forfeiture sites not fully reclaimed as of this date		
^B Includes all sites where surety or other party has agreed to complete reclamation and site is not fully reclaimed as of this date		
^C This number also is reported in Table 5 as Phase III bond release has been granted on these sites		

TABLE 8
NORTH DAKOTA
STAFFING

(Full-time equivalents at the end of evaluation year)

Function	EY 2001
Regulatory Program	4.93
Permit review	
Inspection	1.86
Other (administrative, fiscal, personnel, etc.)	1.96
Regulatory Program Total	8.75
AML Program Total	4.88
TOTAL	13.63

TABLE 9
FUNDS GRANTED TO NORTH DAKOTA
BY OSM

(Millions of dollars)		
EY 2001		
Type of Grant	Federal Funds Awarded	Federal Funding as a Percentage of Total Program Costs
Administration and Enforcement	\$0.49	64
Small Operator Assistance	\$0.00	0
Totals	\$0.49	

TABLE 10
STATE OF NORTH DAKOTA
INSPECTION ACTIVITY

PERIOD: OCTOBER 1, 2000 - SEPTEMBER 30, 2001		
Inspectable Unit	Number of Inspections Conducted	
Status	Complete	Partial
Active*	79	350
Inactive*	67	136
Abandoned*	0	0
Total	146	486
Exploration	3	0
* Use terms as defined by the approved State program.		
State should provide inspection data to OSM annually, at a minimum, and maintain inspection data on a continual basis. OSM offices responsible for Federal and Indian Programs need not complete this table since data will be queried from the I & E Tracking System.		

TABLE 11
STATE OF NORTH DAKOTA
ENFORCEMENT ACTIVITY

PERIOD: OCTOBER 1, 2000 - SEPTEMBER 30, 2001		
Type of Enforcement	Number of	Number of
Action	Actions*	Violations*
Notice of Violation	1	1
Failure-to-Abate Cessation Order	0	0
Imminent Harm Cessation Order	0	0

* Do not include those violations that were vacated.

State should provide enforcement data to OSM annually, at a minimum, and maintain data on a continuous basis. OSM offices responsible for Federal and Indian Programs need not complete this table since data will be queried from the I & E Tracking System.

**TABLE 12
LANDS UNSUITABLE ACTIVITY
STATE OF NORTH DAKOTA**

PERIOD: OCTOBER 1, 2000 - SEPTEMBER 30, 2001			
Number of Petitions Received	0		
Number of Petitions Accepted	0		
Number of Petitions Rejected	0		
Number of Decisions Declaring Lands Unsuitable	0	Acreage Declared as	0
		Being Unsuitable	
Number of Decisions Denying Lands Unsuitable	0	Acreage Denied as	0
		Being Unsuitable	
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.			