



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 2001

(October 1, 2000 through September 30, 2001)

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I. Introduction

The Surface Mining Control and Reclamation Act of 1977 created the Office of Surface Mining Reclamation and Enforcement in the Department of the Interior. SMCRA provides authority to OSM to oversee the implementation of and provide Federal funding for State regulatory programs that have been approved by OSM as meeting the minimum standards specified by SMCRA. This report contains summary information regarding the Louisiana program and its effectiveness in meeting the applicable purposes of SMCRA as specified in Section 102. The evaluation period covered by this report is October 1, 2000 to September 30, 2001.

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

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

The following acronyms are used in this report:

AMLR Abandoned Mine Land Reclamation

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

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 2000, the two surface mines produced about 3.7 million tons employing about 100 people.

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

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

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

Bond Release: LOC received two bond release applications in evaluation year EY 2001. At the end of the evaluation year, both were still under review. Notices for both have been published to seek public comment.

Permitting Actions: One 5-year permit renewal was submitted in EY 2001. At the end of the evaluation year, it was still under review. A notice has been published seeking public comment.

Citizen's Complaints: There were no citizen's complaints filed in EY 2001.

Availability of Records: The records that have been maintained in the two parishes (counties) that have mining operations are available and up-to-date.

During the course of EY 2001, there were few opportunities where public comment was required. LOC has provided appropriate customer services when they were required and/or needed.

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

A. Regulatory Program

During 2001, LOC successfully operated its regulatory program. There were no significant adverse environmental impacts from coal mining in Louisiana. As a result of changes in the corporate structure of one of the permittees and settlement of a lawsuit, that permittee assumed direct responsibility for mining and reclamation on one of the two mines. It is anticipated that these changes will have a positive impact on the reclamation at this mine.

TFO and LOC agreed in EY 1999 that a review of the permit findings on the existing permits would not be productive because the permits were issued many years ago. TFO and LOC also agreed that the review would center on what is needed for supportable findings when LOC has a major permitting action. At the end of EY 2001, LOC was reviewing a permit renewal application. Early in EY 2002, TFO and LOC will initiate discussions on the findings that will be needed and what will make them legally supportable.

B. Abandoned Mine Land Reclamation Program

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

C. Program Amendments

During the Evaluation Year 2001, Louisiana submitted two program amendments (LA-20 and LA-21) in response to 30 CFR 732 letters. A third amendment (LA-16), also in response to a 30 CFR 732 letter, is waiting for further guidance from OSM before it will be submitted. The status and content of each of these is described below:

LA-16 On January 6, 1997, OSM sent a 30 CFR 732 letter to all States requiring changes in ownership and control regulations. The requirement was prompted by changes in OSM's ownership and control regulations. As a result of legal challenges to OSM's regulations and changes in response to the judicial decision, Louisiana requested additional guidance from OSM before it submitted the amendment. OSM has not yet provided that guidance.

LA-20 On November 26, 1985, OSM sent a 30 CFR 732 letter to Louisiana requiring revegetation success standards to be included in the State program. Louisiana submitted most of those standards, and OSM approved them in 1991, 1992, 1994, and 1995. Standards for grazingland, pastureland, and fish and wildlife lands were not included. Louisiana submitted an amendment that included these standards on June 1, 2001. After OSM reviewed the amendment and public comments, OSM asked Louisiana to make some minor corrections. Louisiana corrected the amendment on October 9, 2001. As of October 30, 2001, OSM was preparing the final rule *Federal Register* notice to publish approval of the amendment.

LA-21 On August 23, 2000, OSM sent a 30 CFR 732 letter to all States requiring changes in the States' valid existing rights regulations. The requirement was prompted by changes in OSM's valid existing rights regulations. In response to the letter, Louisiana submitted an amendment on August 3, 2001. As of October 30, 2001, OSM was still reviewing the amendment. The proposed rule that opened the public comment period was published on September 20, 2001.

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

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

A. Off-Site Impacts

LOC conducted 16 partial and 8 complete inspections of coal mining and reclamation operations in EY 2001. OSM conducted two oversight inspections. This is a total of 26 inspections or opportunities for observations of off-site impacts. No off-site impacts were observed; 100 percent of the sites were free from off-site impacts. This is an improvement over the two minor impacts on one site observed during EY 2000. LOC and the mining operations have been effective in minimizing off-site impacts.

B. Reclamation Success

LOC received two bond release applications on one of the mining operations late in EY 2001. Neither had been approved at the end of the evaluation period. There are large sections of reclaimed land that appear to be ready for all three phases of bond release on both of the mines, but for a number of reasons, neither company applied for bond release until September 2001. The company that has not applied for any bond

releases operates on its own land and is bonded under a worst-case scenario. It is preparing a bond release package for its eligible lands.

Even though there were no bond releases during the year, using the fact that there is a substantial acreage of reclaimed land at both mines that is not in violation status, OSM concluded that LOC is assuring successful reclamation.

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, LOC requested technical assistance from OSM in updating the Applicant Violator System (AVS). OSM provided that assistance.

VII. General Oversight Topic Reviews

Mine Site Evaluation

During EY 2001, OSM inspected both of the mines in Louisiana. Both inspections were joint inspections with LOC. All records were up-to-date, but at both mines, OSM found need for updating the ownership and control information. LOC appropriately required the additional information and requested assistance from OSM in updating the Applicant Violator System. OSM found no problems at either mine.

Appendix A: Tabular Summaries of Data

These tables present data pertinent to mining operations and State and Federal regulatory activities within Louisiana. They also summarize funding provided by OSM and Louisiana staffing. Unless otherwise specified, the reporting period for the data contained in all tables is October 1, 2000, to September 30, 2001. Additional data used by OSM in its evaluation of Louisiana's performance is available for review in the evaluation files maintained by the Tulsa Field Office.

TABLE 1

COAL PRODUCTION (Millions of Short Tons)			
Annual Evaluation Period	Surface mines	Underground mines	Total
Coal production ^A for entire State:			
1998	3.300	0.000	3.300
1999	2.900	0.000	2.900
2000	3.700	0.000	3.700

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, 2001													
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		IP	PP	Total	
	STATE AND PRIVATE LANDS REGULATORY AUTHORITY: STATE												
Surface mines	0	2	0	0	0	0	0	2	2	0	452	452	
Underground mines	0	0	0	0	0	0	0	0	0	0	0	0	
Other facilities	0	0	0	0	0	0	0	0	0	0	0	0	
Subtotals	0	2	0	0	0	0	0	2	2	0	452	452	
FEDERAL LANDS REGULATORY AUTHORITY: STATE													
Surface mines	0	0	0	0	0	0	0	0	0	0	0	0	
Underground mines	0	0	0	0	0	0	0	0	0	0	0	0	
Other facilities	0	0	0	0	0	0	0	0	0	0	0	0	
Subtotals	0	0	0	0	0	0	0	0	0	0	0	0	
ALL LANDS^B													
Surface mines	0	2	0	0	0	0	0	2	2	0	0	452	
Underground mines	0	0	0	0	0	0	0	0	0	0	0	0	
Other facilities	0	0	0	0	0	0	0	0	0	0	0	0	
Totals	0	2	0	0	0	0	0	2	2	0	0	452	
Average number of permits per inspectable unit (excluding exploration sites)									1				
Average number of acres per inspectable unit (excluding exploration sites)									22,600				
Number of exploration permits on State and private lands:									0		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: Permitless 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 GDM or by GDM pursuant to a Federal lands program. Excludes exploration regulated by the Bureau of Land Management.													
^D Inspectable Units include 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	0
Renewals	1	0	0	0	0	0	0	0	0	1	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
Revisions (exclusive of incidental boundary revisions)	0	0	0	0	0	0	0	0	0	0	0	0
Incidental boundary revisions	1	0	4	0	0	0	0	0	0	1	0	4
Totals	1	0	4	0	0	0	0	0	0	1	0	4

OPTIONAL - Number of mid-term 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

DEGREE OF IMPACT		OFF-SITE IMPACTS RESOURCES AFFECTED																
		People			Land			Water			Structures			Total				
		minor	moderate	major	minor	moderate	major	minor	moderate	major	minor	moderate	major					
TYPE	Blasting	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Land Stability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Hydrology	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Encroachment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Total number of inspectable units:		2																
inspectable units free of off-site impacts:		2																
DEGREE OF IMPACT		OFF-SITE IMPACTS ON BOND FORFEITURE SITES RESOURCES AFFECTED																
		People			Land			Water			Structures			Total				
		minor	moderate	major	minor	moderate	major	minor	moderate	major	minor	moderate	major					
TYPE	Blasting	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Land Stability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Hydrology	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Encroachment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total number of inspectable units:		2																
inspectable units free of off-site impacts:		2																

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
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		Acres
Total number of bonded acres at end of last review period (September 30, 2000) ^B		10,616.00
Total number of bonded new acres during this evaluation year		0.00
Number of acres bonded during this evaluation year that are considered remaining, 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

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 September 30, 2000 (end of previous evaluation year) ^A	0	
Sites with bonds forfeited and collected during Evaluation Year 2001 (current year)	0	
Sites with bonds forfeited and collected that were re-permitted during Evaluation Year 2001 (current year)	0	
Sites with bonds forfeited and collected that were reclaimed during Evaluation Year 2001 (current year)	0	
Sites with bonds forfeited and collected that were unreclaimed as of September 30, 2001 (end of current year) ^A	0	
Sites with bonds forfeited but uncollected as of September 30, 2001 (end of current year)	0	
Sites being reclaimed by surety/other party as of September 30, 2000 (end of previous evaluation year) ^B	0	
Sites where surety/other party agreed to do reclamation during Evaluation Year 2001 (current year)	0	
Sites being reclaimed by surety/other party that were re-permitted during Evaluation Year 2001 (current year)	0	
Sites with reclamation completed by surety/other party during Evaluation Year 2001 (current year) ^C	0	
Sites being reclaimed by surety/other party as of September 30, 2001 (current evaluation year) ^B	0	

^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 7

LOUISIANA (Full-time equivalents at the end of evaluation year)	
Function	EY 2001
Regulatory Program	
Permit review	1.05
Inspection	1.00
Other (administrative, fiscal, personnel, etc.)	1.20
Regulatory Program Total	3.25
AML Program Total	0.25
TOTAL	3.50

TABLE 8

FUNDS GRANTED TO LOUISIANA BY OSM		
(Millions of dollars)		
EY 2001		
Type of Grant	Federal Funds Awarded	Federal Funding as a Percentage of Total Program Costs
Regulatory - Administration & Enforcement	\$189,484.00	50%
Regulatory Totals	\$189,484.00	50%
AMLR - Administration & Construction	\$141,276.00	100%
AMLR Totals	\$141,276.00	100%
Total Regulatory & AMLR	\$330,760.00	

TABLE 9

LOUISIANA INSPECTION ACTIVITY		
PERIOD: OCTOBER 1, 2000 - SEPTEMBER 30, 2001		
Inspectable Unit Status	Number of Inspections Conducted	
	Complete	Partial
Active*	8	16
Inactive*	0	0
Abandoned*	0	0
Total	8	16
Exploration	0	0

* Use terms as defined by the approved State program.

TABLE 10

LOUISIANA ENFORCEMENT ACTIVITY		
PERIOD: OCTOBER 1, 2000 - SEPTEMBER 30, 2001		
Type of Enforcement Action	Number of Actions*	Number of Violations*
Notice of Violation	3	4
Failure-to-Abate Cessation Order	0	0
Imminent Harm Cessation Order	0	0

* Do not include those violations that were vacated.

TABLE 11

<p style="text-align: center;">LANDS UNSUITABLE ACTIVITY LOUISIANA</p> <p style="text-align: center;">PERIOD: OCTOBER 1, 2000 - SEPTEMBER 30, 2001</p>			
Number of Petitions Received	0		
Number of Petitions Accepted	N/A		
Number of Petitions Rejected	N/A		
Number of Decisions Declaring Lands Unsuitable	N/A	Acreage Declared as Being Unsuitable	N/A
Number of Decisions Denying Lands Unsuitable	N/A	Acreage Denied as Being Unsuitable	N/A

TABLE 12

**ABANDONED MINE LAND RECLAMATION
NEEDS AND ACCOMPLISHMENTS SINCE PROGRAM APPROVAL**

Problem nature	Unit	Coal-related problems				Noncoal-related problems	
		Abatement status			Total	Abatement status	
		Unfunded	Funded	Completed		Funded	Completed
Priority 1 & 2 (Protection of public health, safety, and general welfare)							
Clogged streams	Miles	0	0	0	0	0	0
Clogged stream lands	Acres	0	0	0	0	0	0
Dangerous highwalls	Lin Feet	0	0	0	0.00	0	0
Dangerous impoundments	Count	0	0	0	0	0	0
Dangerous piles and embankments	Acres	0	0	0	0	0	0
Dangerous slides	Acres	0	0	0	0	0	0
Gases: hazardous/explosive	County	0	0	0	0	0	0
Underground mine fires	Acres	0	0	0	0	0	0
Hazardous equip. & facilities	Count	0	0	0	0	0	0
Hazardous water bodies	Count	0	0	0	0	0	0
Industrial/residential waste	Acres	0	0	0	0	0	0
Portals	Count	0	0	0	0	0	0
Polluted water: agric. & indust.	Count	0	0	0	0	0	0
Polluted water: human consumption	Count	0	0	0	0	0	0
Subsidence	Acres	0	0	0	0	0	0
Surface burning	Acres	0	0	0	0	0	0
Vertical opening	Count	0	0	0	0	0	0
Priority 3 (Environmental restoration)							
Spill areas	Acres	0	0	0	0	0	0
Benches	Acres	0	0	0	0	0	0
Pits	Acres	0	0	0	0	0	0
Job piles	Acres	0	0	0	0	0	0
Starry ponds	Acres	0	0	0	0	0	0
Haul roads	Acres	0	0	0	0	0	0
Mine openings	Count	0	0	0	0	0	0
Stumps	Acres	0	0	0	0	0	0
Highwalls	Lin Feet	0	0	0	0	0	0
Equipment/facilities	Count	0	0	0	0	0	0
Industrial/residential waste	Acres	0	0	0	0	0	0
Water problems	Gal/min	0	0	0	0	0	0
Other		0	0	0	0	0	0

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Appendix B: State Comments on Report