



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 2003

(October 1, 2002 through June 30, 2003)

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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, 2002 to June 30, 2003. The period was shortened to 9 months to allow the reporting to coincide with Congressional data needs.

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

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

The following acronyms are used in this report:

AMLR	Abandoned Mine Land Reclamation
DHLC	Dolet Hills Lignite Company
EY	Evaluation Year
LOC	Louisiana Office of Conservation, Department of Natural Resources, Injection and Mining Division
OSM	Office of Surface Mining Reclamation and Enforcement
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 2002, the two surface mines produced almost 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:

**Citizen's Complaints:** There were no citizen's complaints in EY 2003

**Bond Release:** There were no bond release approvals in EY 2003.

**Permitting Actions:** On the DHLC 5-year permit update plans, Louisiana provided for public review and comment. Comments from several government agencies were received. To satisfy the U.S. Fish and Wildlife Service and the Louisiana Department of Wildlife and Fisheries, LOC held a meeting at the mine site to discuss the fish and wildlife protection and enhancement plans. Other agencies including OSM were invited and participated in the meeting. The outcome of the meeting was that after seeing how the plans were implemented on-the-ground, the fish and wildlife agencies agreed that the plans in the permit application package (update) were appropriate and adequate. Another concern has been raised by Friends of the Mansfield Battlefield, a civil war battle site. The site has a building that was used as a hospital and areas scattered over several miles along a road where battles occurred. Part of the site is within the boundaries of a permit. The main building has been protected, but some of the battle sites along the road have been disturbed. The protection plans contained in the DHLC update are receiving national and press attention, and LOC is working on what should be done to address the comments and concerns.

**Program Amendments:** LOC provided for public comments and hearings on the State

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adoption of the program amendments that provided revegetation success standards and changed the valid existing rights rules. No comments were received.

During the course of EY 2003, 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 2003, LOC successfully operated its regulatory program. There were no significant adverse environmental impacts from coal mining in Louisiana.

#### **B. Abandoned Mine Land Reclamation Program**

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

#### **C. Program Amendments**

During EY 2003, LA-22, Revegetation Success Standards for fish and wildlife habitat, was approved. Approved amendments LA-20, Revegetation Success Standards for pastureland; LA-21, Valid Existing Rights, and LA-22 were promulgated into the State program.

LOC is still working on LA-19, AMLR Plan. This amendment is required by OSM's letter of September 26, 1994, that required all States to update their AMLR plans to be in conformance with changes in the Federal rules.

LA-16, Ownership and Control is also still pending. The 30 CFR 732 letter that prompted this amendment was sent on January 6, 1997, but because of lawsuits and additional Federal rule changes, OSM will revise the letter to indicate what changes are needed. OSM has not yet revised the 732 letter.

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

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

**A. Off-Site Impacts**

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

LOC conducted 12 partial and 6 complete inspections of coal mining and reclamation operations in EY 2003. OSM conducted 2 oversight inspections. These inspections provided a total of 20 inspections or opportunities for observations of off-site impacts. No off-site impacts were observed.

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

**B. Reclamation Success**

During EY 2003, TFO monitored for bond release applications from the two mining operations in the State.

Although no bond releases were sought or approved in EY 2003, there are many acres that have been reclaimed and would likely meet bond release standards. Based on the acres of land that appears to have been successfully reclaimed (but not released from bond), OSM concluded that LOC has appropriately ensured 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.

**VII. General Oversight Topic Reviews**

**A. Mine Site Evaluation**

During EY 2003, OSM inspected both of the mines in Louisiana. Both inspections were joint inspections with LOC. OSM found both mines in compliance with the State program.

**B. Permit Findings**

Findings for permitting actions completed in EY 2003 were to be reviewed for conformance with the State program requirements to follow-up on the recommendations made in EY 2002. Those recommendations were that the documents that provided the basis for required written findings should be found in LOC files.

There were no permitting actions in EY 2003 that provided an opportunity for LOC to make written findings. OSM will delay its follow-up evaluation until there are appropriate findings documents to review.

**C. Backfilling and Grading**

DHLC asked TFO for an opinion on the backfilling and grading plans included in the latest 5-year update to mining and reclamation plans for the DHLC permit. The plans included a variance from the 180-day, 4-spoil ridge requirement. The plan was for TFO to review the plans in the permit and look at the conditions on the ground and evaluate whether the plans meet the requirements of the State program.

During EY 2003, DHLC determined that they would not need the variance. OSM's oversight inspection indicated that the operation was in compliance with the State backfilling and grading rules. OSM concluded that LOC had worked with the mining company to ensure that the backfilling and grading remained in compliance with the State program.

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### Appendix A: Tabular Summaries of Data

These tables present data pertinent to mining operations and State and Federal regulatory activities within Louisiana. They also summarize funding provided by OSM and Louisiana staffing. Unless otherwise specified, the reporting period for the data contained in all tables is October 1, 2002, to June 30, 2003. Additional data used by OSM in its evaluation of Louisiana's performance is available for review in the evaluation files maintained by the Tulsa Field Office.

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### Appendix B: State Comments on Report

By telephone communication of September 12, 2003, LOC provided minor corrections and TFO made all suggested changes.