

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 1999

(October 1, 1998 through September 30, 1999)

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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, 1998 to September 30, 1999.

In 1999, 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:

AMLR	Abandoned Mine Land Reclamation
EY	Evaluation Year

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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 1998, the two surface mines produced 3.3 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 the year, OSM held outreach meetings on the revegetation regulations throughout the United States. One of these meetings was held in an adjacent State. One special attempt to involve citizens was to develop and distribute citizen's complaint information cards that were designed to help citizens know about their rights and what to do if they had a concern about a mining operation.

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

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In 1998, 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 no follow-up study was deemed necessary. OSM still believes, as was stated in the EY 1998 Annual Evaluation Report, that LOC provides appropriate opportunities for citizen's input into all parts of the regulatory program and provides appropriate customer service.

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

A. Regulatory Program

During 1999, 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 plan was included in the EY 2000 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, OSM is collecting information on the 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 the evaluations and measurements of these topics.

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A. Off-Site Impacts

Using both LOC and OSM inspections, there were 35 opportunities for observations of off-site impacts. An observation is defined as an inspection, either State or Federal, partial or complete. In EY 1998, one of the two mines had 5 impacts, but in EY 1999, no off-site impacts were observed at either of the mines. This improves the percentage of sites free from off-site impacts from 50 percent to 100 percent.

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). LOC did not release any reclamation bonds during the evaluation year. However, State and Federal inspections verified that mined lands were being reclaimed. 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 2000.

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 did not request technical assistance from OSM.

VII. General Oversight Topic Reviews

A. Mine Site Evaluation

During EY 1999, OSM inspected one of the two mines in Louisiana twice. Both inspections were joint inspections with LOC. On the first inspection, OSM identified concerns with lack of reclamation of a pit where the reclamation had been delayed under a State-approved variance. At the time of the inspection, the variance had expired, and the pit was filled with acid water. LOC cited a violation as a result of the inspection. The second inspection was a follow-up to

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the concerns identified on the first inspection. Its purpose was for OSM and LOC to conduct a special study on bond adequacy in relation to variances from backfilling and grading. The second visit was also to conduct a special study on sedimentation control, which had been included in the 1999 performance agreement.

B. Bond Adequacy in Relation to Backfilling and Grading Variances

During an OSM/LOC joint inspection in 1999, OSM identified a large final pit that was filled with acid water that had not been considered in the bond calculation. The pit's reclamation had been delayed in accordance with a backfilling and grading variance the State had approved to allow the pit to remain open until the coal was removed. The coal had been removed, but the pit had not been reclaimed. As a result of that inspection, LOC cited the operator for failure to backfill and grade the pit within 180 days. In responding to the State's NOV, the operator properly reclaimed the pit, and the question of bond adequacy was resolved.

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. OSM and LOC concluded that no further action was needed.

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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, 1998, to September 30, 1999. 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			
1996	3.2	0	3.2
1997	3.5	0	3.5
1998	3.3	0	3.3

^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, 1999)													
Coal mines and related facilities									Insp. Unit ^D	Permitted acreage ^A (hundreds of acres)			
	Active or temporarily inactive		Inactive Phase II bond release		Abandoned		Totals						
	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	0	2		0	451	451.00
Underground mines	0	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	0.00
Subtotals	0	2	0	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	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	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
Totals	0	2	0	0	0	0	0	0	2		0	451	451.
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>2</u>	On Federal lands:					<u>0</u>		
Number of exploration notices on State and private lands:						On Federal lands:					<u>0</u>		

IP: Initial regulatory program sites.
PP: Permanent regulatory program sites.

^A When a unit is located on more than one type of land, includes 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, 1999)**

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

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

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

SOURCES AFFECTED		People			Land			Water			Structures		
DEGREE OF IMPACT		minor	moderate	major	minor	moderate	major	minor	moderate	major	minor	moderate	major
TYPE OF IMPACT NUMBER OF EACH TYPE	Blasting												
	Land Stability												
	Hydrology												
	Encroachment												
	Other												
	Total	0	0	0	0	0	0	0	0	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 NUMBER OF EACH TYPE	Blasting												
	Land Stability												
	Hydrology												
	Encroachment												
	Other												
	Total	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, 1998)^B	17200.00
	Total number of acres bonded during this evaluation year	1102.00
	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
SUMMARY OF
MINING AND RECLAMATION RESULTS
October 1, 1998 to September 30, 1999

Reclamation Activity	Acreage
Backfilled/Graded to AOC and drainage reestablished	864
Topsoil Replaced	
Vegetation Reestablished	1,015

Reclaimed Land Use	Acreage	Reclaimed Land Use	Acreage
Cropland		Developed Water Resources	
Pasture/Hayland		Public Utilities	
Grazingland		Industrial/Commercial	
Forestry	490	Recreation	
Residential		Remined	
Fish and Wildlife Habitat		Undisturbed	
Undeveloped		Other	

Crop Production	Yield	% Orig Yield	Crop Production	Yield	%Orig Yield
Corn (bu/ac)			Hay (lb/ac)		
Beans (bu/ac)			Other		
Wheat (bu/ac)			Other		

Cover Type	% Cover/Stem/Ac	Cover Type	% Cover/Stem/Ac
Forest		Industrial/Commercial	
Fish and Wildlife Habitat		Recreation	
Grazingland		Remined	
Residential		Other	

TABLE 7

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

	Sites	Dollars	Acres
Bonds forfeited as of September 30, 1998	0		
Bonds forfeited during EY 99	0		
Forfeited bonds collected as September 30, 1998	N/A		
Forfeited bonds collected during EY 1999	N/A		
Forfeiture sites reclaimed during EY 1999	N/A		
Forfeiture sites repermited during EY 1999	N/A		
Forfeiture sites unreclaimed as of September 30, 1999	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 8

LOUISIANA STAFFING (Full-time equivalents at end of evaluation year)	
Function	EY 1999
Regulatory program	
Permit review	1.50
Inspection	1.50
Other (administrative, fiscal, personnel, etc.).....	1.20
Sub-total	4.20
AML Program	1.05
TOTAL	5.25

TABLE 9

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 Small operator assistance	\$189,821.00	48.41%
Regulatory Totals		\$189,821.00	
AMLR	Administration and construction	\$130,301.00	100%
AMLR Total		\$130,301.00	
Total Regulatory and AMLR		\$320,122.00	

Appendix B: State Comments on Report