OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Annual Evaluation Summary Report

For The

North Dakota Public Service Commission Regulatory Program

Evaluation Year 2007

(July 1, 2006 to June 30, 2007)

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Cover photo: Snow and blue geese on reclaimed wetland at Falkirk 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 the effectiveness of the North Dakota program in meeting the applicable purposes of SMCRA as specified in Section 102. This report covers the period of July 1, 2006 to June 30, 2007. Detailed background information and comprehensive reports for the program elements evaluated during the period are available for review and copying at the Casper OSM Office.

The following list of acronyms are used in this report:

CFO	Casper OSM Office
CO	Cessation Order
GIS	Geographic Information System
GPS	Global Positioning System
NDAC	North Dakota Administrative Code (Rules)
NDCC	North Dakota Century Code (Statute)
NOV	Notice of Violation
NTTP	National Technical Training Program
OSM	Office of Surface Mining Reclamation and Enforcement
OTT	Office of Technology Transfer
PSC	North Dakota Public Service Commission
SMCRA	Surface Mining Control and Reclamation Act of 1977
TIPS	Technical Information Processing System
TDN	Ten-Day Notice
WRCC	Western Region Coordination Center
WRTT	Western Regional Technical Team

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 (6,500 BTU), average high moisture content (40 per cent) and low sulfur content (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 currently 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. By 1959, eighty six per cent of North Dakota's coal production was from surface mines, and since 1966, the State's total production has been derived from this mining method. In 1884, North Dakota produced 35 thousand tons of lignite; in 2006 it produced 30.37 million tons (Table 1) using modern surface mining methods and equipment.

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 of coal, 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 enacted its first reclamation law in 1969 and major revisions to that law followed in 1973 and 1975. A new law was enacted by North Dakota in 1979 that is consistent with SMCRA.

North Dakota mines provide direct employment for approximately 3,960 people in five counties with another 20,000 people indirectly employed and affected by the lignite industry. However, the coal industry's substantial impact on the State's population and economy has secondary in-state multiplier effects, since most of the State's coal production also fuels electric power generation plants within North Dakota that supply most of the State's electrical needs. The coal industry generates an estimated $82 million in state tax revenue.

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

The North Dakota coal reclamation and enforcement program allows for and encourages public input and participation throughout the program. The North Dakota Public Service Commission (PSC) is the State agency charged with the responsibility for the permitting and regulation of the coal mining industry in North Dakota. OSM's programmatic reviews of the North Dakota program indicate that the PSC is adhering to the State's policies and procedures regarding opportunities for public participation in all phases of their reclamation program.

IV. Major Accomplishments/Issues/Innovations in the (State) Program

The North Dakota Public Service Commission (PSC) continues to administer a very efficient and successful coal regulatory program as set forth in Section 102 of the Surface Mining Control and Reclamation Act of 1977. North Dakota's permanent regulatory program has been in-place since 1980.

North Dakota's regulatory program is handled by a relatively small number of staff (Table 7) considering the amount of land mined 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 allows staff to remain very familiar with the ongoing field operations and approved mining and reclamation plans. The PSC has a very good working relationship with their customers that include industry, landowners, citizen groups, and other governmental agencies, including OSM. The Reclamation Division carries out its duties using the appropriate technical expertise and with a high level of professionalism.

The high quality of mine land reclamation is one of the most notable aspects of the North Dakota coal regulatory program. This is reflected in the number of national Excellence in Surface Mining and Reclamation awards that North Dakota mines have received. Since the program was initiated in 1986, North Dakota mines have received fourteen national reclamation awards. The sense of environmental responsibility on the part of mining companies is also reflected in the minimal violations that have been occurred in the past.

The PSC continues to encourage mining companies to file bond release applications as reclaimed land becomes eligible for release at the end of the ten-year revegetation responsibility period. Over 6680 acres of reclaimed lands that were subject to North Dakota's permanent regulatory program have received final bond release. All of the post-SMCRA acreages at the former Indian Head and Velva Mines have been totally bond released. Reclaimed lands that have received final bond release under the permanent program include lands reclaimed to cropland, hayland, native grassland, tame pastureland, woodland, permanent impoundments, industrial, recreational and residential use.

To keep a strong focus on bond release and for workload planning purposes, the Reclamation Division continues to meet annually with each of the major mining companies in North Dakota to discuss specific plans that they have for submitting final bond release applications. Annual mine maps are used to identify possible bond release areas based on reclaimed tracts that are nearing the end of the minimum ten-year revegetation liability period. These discussions also include the specific methods that are or will be used to collect the vegetative data needed for final bond release.

The Reclamation Division continues to encourage and works closely with mining companies on the submittal of permit related applications in an electronic format. All four active permits for the Falkirk Mine, two large permit areas for the Freedom Mine, and one of the two permits for the Beulah Mine have been converted to an electronic format. All of the premine environmental resource information, detailed mining and reclamation plans and other information for the permit areas are contained on CD or DVD. This information is then copied to the PSC's computer network where staff members have access to the entire permits from their desktop PC's.

The Reclamation Division has also scanned and converted many of its paper documents to electronic files. This includes historic inspection reports, annual mine maps, surface and ground water monitoring reports, and wildlife monitoring reports. Most of these reports and many other documents are now filed electronically. Most incoming correspondence is also scanned and filed electronically using a structure that is very similar to the paper filing system.

The Reclamation Division has developed a Geographic Information System (GIS) to track mining and reclamation activities and conduct technical analysis of plans and data provided by the mining companies. Information entered into the GIS for several mines include recent high altitude air photos, permit boundaries, roads, stockpile locations, ponds and related features. Information for many final bond release tracts also has been entered. More information is being added as time allows. Much of this information is being loaded onto tablet PC's equipped with GPS receivers that inspectors use when carrying out mine inspections. This allows for accurate tracking and recording of activities during mine inspections.

Development of the GIS is an ongoing and dynamic project. OSM's Office of Technology Transfer

(OTT) in the WRCC and TIPS have provided very valuable assistance with the GIS and mobile computing initiatives. The Reclamation Division has been able to move forward with these initiatives while ensuring the necessary mine inspections are conducted and timely action is taken on applications.

Reclamation Division staff continue to work with the Natural Resources Conservation Service (NRCS) on procedures for mapping and classifying reclaimed soils. A pilot project at one of the mines is currently underway and NRCS plans to complete the mapping of all currently reclaimed lands in the next few years. These soil maps will be an important tool for individuals that farm reclaimed croplands and they will be used to develop conservation practices that may be needed to comply with federal farm programs.

Overall, North Dakota has an excellent coal regulatory program, and staff at the PSC continue to implement the program in a highly professional, cooperative, and fair manner. The Reclamation Division uses new technology to become more efficient and make information more readily available to the public. The PSC has the necessary technical expertise for carrying out its functions to ensure that all of the requirements of SMCRA are met.

V. Success in Achieving the Purposes of SMCRA as Determined by Measuring and Reporting End Results

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

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.

Several sources of information have been selected for identifying off site impacts. These include but are not limited to: State and OSM inspection reports, enforcement actions, civil penalty assessments, citizen complaints, special studies and information from other environmental agencies. If an off site impact is identified, the sources of information and the basis used to identify and report these impacts will be clearly recorded. Field evaluations for off site impacts were conducted during routine inspections by both North Dakota and CFO.

Table 4 in this annual report records the number and type of off site impacts. At the time of this report, no Off-Site impacts have been 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. North Dakota has established a process by which they will continue to evaluate differential settlement features on reclaimed lands and to determine the extent that they may interfere with the postmining land use, especially cropland. As necessary, the PSC requires the mine operators to repair such features that prevent the normal farming activities or that otherwise pose a problem for the land use that had been approved.

EXHIBIT A

North Dakota Final Bond Releases for Lands Permitted or Re-permitted after July 1, 1979

(as of June 30, 2007)

Mine	Final Bond Release Acres	Un-disturbed	Crop-land	Hay-land	Native Grass-land	Tame Grass-land	Wildlife/ Recreation	Industrial	Trees/ Wood-land	Ponds	Residential
Beulah	655	50	266	-	1	-	-	337	-	1	-
Center	423	11	-	51	90	-	-	271	-	-	-
Falkirk	266	3	-	-	-	-	165	82	-	-	16
Freedom	823	167	-	-	-	-	367	289	-	-	-
Gascoyne	1027	257	52	4	-	-	-	714	-	-	-
Glenharold	942	282	-	-	122	-	123	407	3	5	-
IndianHead**	3,085	710	895	281	1,040	17	-	118	6	18	-
Larson	613	313	159	2	-	-	-	53	1	5	-
New Leipzig**	35	10	-	25	-	-	-	-	-	-	-
Royal Oak-JK	10	-	-	-	-	-	-	10	-	-	-
Royal Oak	257	20	79	-	-	-	-	158	-	-	-
Velva**	802	415	94	-	277	-	-	-	14	2	-
Totals	**8,938**	**2,238**	**1,625**	**363**	**1,530**	**17**	**655**	**2,455**	**24**	**31**	**16**

** All reclaimed lands have received final bond release

C. Customer Service

One of the requirements of a regulatory authority for reclamation programs implemented under SMCRA is to develop and encourage open communication not only with the industry being regulated, but also the citizenry and communities in the coalfields around the mines. To accomplish this requirement, SMCRA programs must involve the public in all phases of coal mine permitting. North Dakota's program provides for public involvement of permitting actions when a new application is received, when a permit is renewed, when any significant permit revision is proposed and when a phase of reclamation is completed to the point of requesting bond release from a tract. The provisions of the North Dakota program that extensively describe these procedures can be found at sections NDCC 38-14.1-18 and NDAC 69-05.2-10 and 69-05.2-12.

The Reclamation Division provided the required notices to landowners and other interested parties for significant revision applications, renewals and bond release applications. Staff encourages participation in bond release inspections by the landowners and county officials.

One verbal complaint was received by the Reclamation Division during the evaluation period with concerns about surface coal mining and reclamation activities. The concerns were properly investigated and a written response was provided. In addition, a follow-up meeting was held with this person and his wife, some further review was conducted, and a second written response was sent.

The Reclamation Division responded to numerous requests for information from landowners, mining companies, government agencies and others. Staff spent a considerable amount of time during the evaluation period working with a company and its consultants on premine baseline studies that are needed in order to permit a new mine that would supply coal to a proposed energy conversion facility.

The PSC responds to customer requests for information and complaints in an appropriate, timely and professional manner.

VI. OSM Assistance

North Dakota Public Service Commission staff continue to participate in technological advances, exchanging electronic information with their industries, converting non-electronic documents to electronic format, and developing a GIS for managing data and technical evaluations, including bond release.

TIPS supported the state of North Dakota by providing software upgrades and augmentations. Three additional registrations of ArcPad, and a SQL Server registration, were distributed to support the programs electronic and mobile computing efforts. TIPS also provided support for a PSC staff member to attend the 2007 ESRI User's conference so that North Dakota can stay on the forefront of mobile computing technology.

North Dakota Public Service Commission staff continue to promote technological advances, exchanging electronic information with their industries, converting non-electronic documents to electronic format, and developing a GIS for bond release. An effort that facilitates the programs electronic management of information includes acquisition of satellite imagery. Technology Transfer and the TIPS program coordinated the successful acquisition of satellite imagery for all of North Dakota's active mines. The Quickbird satellite imagery deliverable will be instrumental during the identification and resolution of differential soil settling and implications for final bond release.

North Dakota staff continues to make significant contributions through participation on the WRTT team, including actively participating during monthly teleconferences, exchanging experiences and insights with the team. A PSC staff member attended the WRTT Annual Meeting in Salt Lake City, presenting North Dakota's mobile computing applications and approach to electronic data management.

A service manager visit was conducted with the Title IV and Title V Programs in Bismarck to better understand the programs needs and to identify opportunities where Technology Transfer can better partner with North Dakota personnel as we work to implement regulatory solutions.

During the evaluation period, a total of six staff from the Reclamation Division and three staff from the Abandon Mine Lands Division attended NTTP training courses.

VII. General Oversight Topic Reviews

A. Program Amendments

Overall, the PSC has kept its program in compliance with SMCRA and any changes to the counterpart Federal regulations. The North Dakota program has been maintained in a contemporaneous and professional manner. During this evaluation period, North Dakota had one program amendment approved by OSM. The amendment package pertained to data requirements for proving reclamation success and success standards for counting trees and shrubs and was approved by OSM on December 20, 2006.

North Dakota does an excellent job of keeping OSM informed of any proposed changes to its program. Their informal process allows for input from industry, citizen groups, the general public and other agencies like OSM, prior to formalized rulemaking. Any issues or problems with the proposed rule changes can then be identified and dealt with early in the process, making the formal program changes proceed through the rulemaking process easier and more efficiently.

B. Inspection and Enforcement

The North Dakota Public Service Commission continues to conduct frequent and thorough inspections. North Dakota conducted 126 complete inspections and 528 partial inspections, exceeding the required number of inspections on all permits during the evaluation year. The Casper Field Office conducted two complete random sample inspections and one partial / focused inspection 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 three NOV's 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.

APPENDIX A

Tabular Summaries of Data
Pertaining to Mining, Reclamation and Program Administration

These tables represent 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 2007 evaluation year (July 1, 2006– June 30, 2007). Additional data used by OSM in its evaluation of North Dakota's performance is available for review in the evaluation files maintained by the Casper Field Office.

When OSM's Directive REG-8, Oversight of State Programs, was revised in December 2006, the reporting period for coal production on Table 1 was changed from a calendar year basis to an evaluation year basis. The change was effective for the 2007 evaluation year. In addition to coal production figures for the current year, Table 1 also contains the coal production figures from annual evaluation reports for the two most recent prior years. Therefore, for the 2007 annual evaluation report, coal production figures are provided for 2005, 2006 and 2007. In order to ensure that coal production for these three years are directly comparable, the calendar year production figures from the 2005 and 2006 annual evaluation reports were recalculated on an evaluation year basis (July 1 – June 30). This should be noted when attempting to compare coal production figures from annual evaluation reports originating both before and after the December 2006 revision to the reporting period.

Notes regarding Tables 1-12:

Table 2 & Table 4: Correspondence from North Dakota PSC, indicated that 32 inspectable units were present at the beginning of the evaluation period (July 1, 2006 to June 30, 2007) and that one unit was dropped midyear. For sake of consistency and to avoid partial numbers, a value of 31 total inspectable units was used in Table 2 and Table 4.

Table 5: A discrepancy exists between the numbers reported by North Dakota PSC and the values taken from the EY06 Annual Evaluation Summary Report when reporting the total number of acres bonded at the end of the EY06 review period. The more conservative value of 103,491 acres, taken from the EY06 report, was used for Table 5 of this years report. North Dakota PSC is currently investigating but could not resolve the source of the discrepancy at the time of this report. Should any corrections be necessary, they will be noted in next years report.

APPENDIX B

North Dakota PSC Comments on this Report

North Dakota PSC relayed the following verbal comments about the draft OSM Annual Evaluation Summary Report for EY2007:

1. On Page 3 of the report text (Section IV), it was noted that the number of reclaimed lands that were subject to North Dakota's permanent regulatory program and have received final bond release should be 6680, instead of the 7275 that was previously listed. This correction was made.
2. On Page 6, (Section VI), it was noted that the North Dakota PSC's participation in the Underground Mine Mapping Initiative and the TIPs acquisition of a downhole video camera were both exclusive to the AML program and they need not be mentioned in this report. Mention of these items was removed from this report and the information was passed on to the appropriate OSM Program Specialist for inclusion in the AML report.
3. North Dakota PSC asked for clarification concerning Bonded Acreage Status and Disturbed Acreage, as reported on Table 5 of this report. A memo from OSM headquarters, dated August 9th 2007 gives further guidance on completing Table 5 and helped to clarify this issue.
4. North Dakota PSC also noted that several entries on Table 12 that were previously left blank, should be filled in with zeros. This correction was made.

Email correspondence from North Dakota PSC, included updated information for Table 5 and an attachment with updated information for inclusion in Exhibit A of this report.

North Dakota PSC also supplied several photographs of North Dakota mines from the 2007 evaluation year, including the shot used for the title page of this report.

North Dakota
EY 2007, ending June 30, 2007

TABLE 1

Coal Produced for Sale, Transfer, or Use
(Millions of Short Tons)

Period	Surface Mines	Underground Mines	Total
Coal production[A] for entire State:			
Evaluation Year			
EY 2005	29.406	0.000	29.406
EY 2006	30.573	0.000	30.573
EY 2007	30.415	0.000	30.415

[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. **Provide production information for the latest three full evaluation years to include the last full evaluation year for which data is available.**

TABLE 2

Inspectable Units
As of June 30, 2007

Coal mines and related facilities	Number and Status of Permits								Nbr.of Insp. Units[A]	Permitted Acreage[B] (100's of acres)				
	Active or temporarily inactive		Inactive Phase II bond release		Abandoned		Totals			Federal Lands		State/Private Lands		All Lands
	IP	PP	IP	PP	IP	PP	IP	PP		IP	PP	IP	PP	Total
LANDS FOR WHICH THE STATE IS THE REGULATORY AUTHORITY														
Surface mines	0	20	1	10	0	0	1	30	31	0.0	152.9	1.4	889.7	1,043.9
Underground mines	0	0	0	0	0	0	0	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	0.0	0.0	0.0	0.0
Total	0	20	1	10	0	0	1	30	31	0.0	152.9	1.4	889.7	1,043.9

Total number of permits:			31
Average number of permits per inspectable unit (excluding exploration sites):			1.00
Average number of acres per inspectable unit (excluding exploration sites):			3,367.4
Number of exploration permits on State and private lands:	0	On Federal lands[C]:	0
Number of exploration notices on State and private lands:	8	On Federal lands[C]:	0

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

[A] Inspectable units include multiple permits that have been grouped together as one unit for inspection frequency purposes by some State programs.

[B] When a single inspectable unit contains both Federal lands and State/Private lands, enter the permitted acreage for each land type in the appropriate category.

[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.

TABLE 3

State Permitting Activity
As of June 30, 2007

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	2	4		0	0		0	0		2	4	
Transfers, sales, and assignments of permit rights	0	0		0	0		0	0		0	0	
Small operator assistance	0	0		0	0		0	0		0	0	
Exploration permits										0	0	
Exploration notices [B]											8	
Revisions (exclusive of incidential boundary revisions)		30			0			0			30	
Revisions (adding acreage but are not incidental boundary revisions)	1	3	1,173	0	0	0	0	0	0	1	3	1,173
Incidental boundary revisions	4	4	0	0	0	0	0	0	0	4	4	0
Totals	7	41	1,173	0	0	0	0	0	0	7	49	1,173

OPTIONAL - Number of midterm permit reviews completed that are not reported as revisions: 7

[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 (excluding bond forfeiture sites)

RESOURCES AFFECTED			People			Land			Water			Structures		
DEGREE OF IMPACT			Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major
TYPE OF IMPACT AND TOTAL NUMBER OF EACH TYPE	Blasting	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
	Hydrology	0	0	0	0	1	0	0	0	0	0	0	0	0
	Encroachment	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
	Total	0	0	0	0	1	0	0	0	0	0	0	0	0

Total number of inspectable units (excluding bond forfeiture sites): 31
Inspectable units free of off-site impacts: 30
Inspectable units with off-site impacts: 1

OFF-SITE IMPACTS ON BOND FORFEITURE SITES

RESOURCES AFFECTED			People			Land			Water			Structures		
DEGREE OF IMPACT			Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major
TYPE OF IMPACT AND TOTAL NUMBER OF EACH TYPE	Blasting	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
	Hydrology	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
	Other	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

Total number of inspectable units (only bond forfeiture sites): 0
Inspectable units free of off-site impacts: 0
Inspectable units with off-site impacts: 0

TABLE 5

Annual State Mining and Reclamation Results

Bond release phase	Applicable performance standard	During this Evaluation Year		
		Total acreage released	Acreage also released under Phase I	Acreage also released under Phase II
A	B	C	D	E
Phase I	- Approximate original contour restored - Topsoil or approved alternative replaced	361		
Phase II	- Surface stability - Establishment of vegetation	361	0	
Phase III	- Post-mining land use/productivity restored - Successful permanent vegetation - Groundwater recharge, quality and quantity restored - Surface water quality and quantity restored	489	361	361

Bonded Acreage [A]	Acres during this evaluation year
Total number of new acres bonded during this evaluation year	1,173
Number of acres bonded during this evaluation year that are considered remining, if available	0
Number of acres where bond was forfeited during this evaluation year	0

Bonded Acreage Status	Cumulative Acres
Total number of acres bonded as of the end of last review period (June 30, 2006) [B]	103,491
Total number of acres bonded as of the end of this review period (June 30, 2007) [B]	104,174
Sum of acres bonded that are between Phase I bond release and Phase II bond release as of June 30, 2007 [B]	4,320
Sum of acres bonded that are between Phase II bond release and Phase III bond release as of June 30, 2007 [B]	325

Disturbed Acreage	Acres
Number of Acres Disturbed during this evaluation year	2,085
Number of Acres Disturbed at the end of the evaluation year (cumulative)	59,220

[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).

Brief explanation of columns D & E. The States will enter the total acreage under each of the three phases (column C). The additional columns (D & E & E) will "break-out" the acreage among Phase II and/or Phase III. Bond release under Phase II can be a combination of Phase I and II acreage, and Phase III acreage can be a combination of Phase I, II, and III. See "Instructions for Completion of Specific Tables," Table 5 for example.

TABLE 6

State Bond Forfeiture Activity
(Permanent Program Permits)

Bond Forfeiture Reclamation Activity by SRA	Number of Sites	Dollars	Acres
Sites with bonds forfeited and collected that were unreclaimed as of June 30, 2006 (end of previous evaluation year) [A]	0		0
Sites with bonds forfeited and collected during Evaluation Year 2007 current evaluation year)	0	$ 0	0
Sites with bonds forfeited and collected that were re-permitted during Evaluation Year 2007 (current evaluation year)	0		0
Sites with bonds forfeited and collected that were reclaimed during Evaluation Year 2007 (current evaluation year)	0		0
Sites with bonds forfeited and collected that were unreclaimed as of June 30, 2007 (end of current evaluation year)[A]	0		0
Sites with bonds forfeited but uncollected as of June 30, 2007 (end of current evaluation year)	0		0
Surety/Other Reclamation (In Lieu of Forfeiture)			
Sites being reclaimed by surety/other party as of June 30, 2006 (end of previous evauation year) [B]	0		0
Sites where surety/other party agreed to do reclamation during Evaluation Year 2007 (current evaluation year)	0		0
Sites being reclaimed by surety/other party that were re-permitted during Evaluation Year 2007 (current evaluation year)	0		0
Sites with reclamation completed by surety/other party during Evaluation Year 2007 (current evaluation year) [C]	0		0
Sites being reclaimed by surety/other party as of June 30, 2007 (current evaluation year) [B]	0		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

State Staffing
(Full-time equivalents at end of evaluation year)

Function	EY 2007
Regulatory Program	
Permit Review	3.20
Inspection	1.70
Other (administrative, fiscal, personnel, etc.)	2.40
Regulatory Program Total	7.30
AML Program Total	5.28
Total	12.58

TABLE 8

Funds Granted To North Dakota
BY OSM
(During the Current Evaluation Year)
(Actual Dollars, Rounded to the Nearest Dollar)

Type of Funding	Federal Funds Awarded During Current Evaluation Year	Federal Funding as a Percentage of Total Program Costs
Regulatory Funding		
Administration and Enforcement Grant	$ 533,659	65.00 %
Other Regulatory Funding, if applicable	$ 0	0.00 %
Subtotal	$ 533,659	
Small Operator Assistance Program	$ 0	100 %
Abandoned Mine Land Reclamation Funding [A]	$ 1,667,340	100 %
Totals	**$ 2,200,999**	

[A] Includes funding for AML Grants, the Clean Streams Initiative and the Watershed Cooperative Agreement Program.

North Dakota
EY 2007, ending June 30, 2007

TABLE 9

State Inspection Activity
During Current Evaluation Year

Inspectable Unit Status	Number of Inspections Conducted	
	Complete	Partial
Active [A]	80	416
Inactive [A]	46	112
Abandoned [A]	0	0
Total	126	528
Exploration	3	0

[A] Use terms as defined by the approved State program.

TABLE 10

State Enforcement Activity

During Current Evaluation Year

Type of Enforcement Action	Number of Actions [A]	Number of Violations [A]
Notice of Violation	3	3
Failure-to-Abate Cessation Order	0	0
Imminent Harm Cessation Order	0	0

[A] Do not include those violations that were vacated.

TABLE 11

Lands Unsuitable Activity

During Current Evaluation Year

	Number	Acreage
Number Petitions Received	0	
Number Petitions Accepted	0	
Number Petitions Rejected	0	
Number Decisions Declaring Lands Unsuitable	0	0
Number Decisions Denying Lands Unsuitable	0	0

TABLE 12
Optional

Post Mining Land Use Acreage (after Phase III bond release)

Land Use	Acreage Released during this Evaluation Year
Cropland	128
Pasture/Hayland	3
Grazing Land	0
Forest	0
Residential	0
Fish & Wildlife Habitat	0
Developed Water Resources	0
Public Utilities	0
Industrial/Commercial	215
Recreation	0
Other (please specify): undisturbed	142
Other (please specify):	0
Other (please specify):	0
Other (please specify):	0
Other (please specify):	0
Other (please specify):	0
Other (please specify):	0
Other (please specify):	0
Total	488