

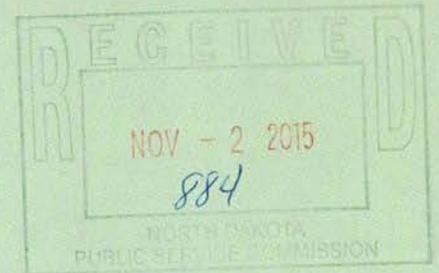
OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT

U.S. Department of the Interior



Annual Evaluation Report for the
Abandoned Mine Lands Program
Administered by the Public Service Commission

Of North Dakota



For Evaluation Year 2015
July 1, 2014 to June 30, 2015

Prepared by the Casper Area Office/Denver Field Division
September 2015

EXECUTIVE SUMMARY

The following is a summary of the Evaluation Year (EY) 2015 Oversight Report for the North Dakota Abandoned Mine Lands (AML) Program. This report covers the period of July 1, 2014 to June 30, 2015.

OSMRE has completed its evaluation of topics specified in the Performance Agreement between the North Dakota AML Division and the OSMRE. Assessment of the state's performance for the 2015 evaluation year includes reviews of selected topics, including: 1) Overall Reclamation Success, 2) AML Emergency Investigations and Abatement Efforts, 3) AML Grant Fiscal and Administrative Controls, 4) AMLIS, and 5) Public Outreach.

Site visits were jointly conducted by the OSMRE and state personnel at various AML reclamation project sites to help assess overall reclamation success. It was agreed that all projects met their goals, abatement and reclamation measures were deemed intact and functional, and no problems compromising those measures were apparent.

Two AML Emergency Projects were conducted during EY2015. The Haynes Coal Fire Emergency Project and the Lovejoy Coal Fire Emergency Project both involved the abatement of burning coal refuse from abandoned mine workings. These projects threatened to ignite additional fires and threatened the health and safety of local residents.

The North Dakota AML program received \$2,781,000 in grant funding during EY2015. This includes administrative and construction sub-grants that fund 4.5 Full Time Employees (FTEs) and is intended to fund, in whole or in part, four projects that are considered construction ready. A total of seven projects were completed during EY2015.

Completion information entered into AMLIS for the total number of projects completed during the evaluation year was analyzed and compared to the information North Dakota AML entered into AMLIS for completed projects agrees with the information in its files.

The NDPSC encourages public participation and outreach through public meetings, public service announcements, press contacts, project meetings, the NDPSC website, and by responding to public inquiries.

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Cover Page Photograph: The Hettinger Fire Protection District was on hand at the Haynes Coal Fire Emergency Site to prevent the fire from spreading while abatements efforts were underway. Photo courtesy of NDPSC (April 22, 2015).

I. GENERAL

A. Introduction

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) created the Office of Surface Mining Reclamation and Enforcement (OSMRE) in the Department of the Interior. SMCRA provides authority to OSMRE to oversee the implementation of and provide federal funding for the state abandoned mine land programs that have been approved by the Secretary of the Interior as meeting the minimum standards specified by SMCRA. In addition to conducting oversight of approved state programs, OSMRE provides technical assistance, staff training, financial grants and assistance, as well as management assistance to each state program. This report contains summary information regarding the North Dakota AML program and the effectiveness of the program in meeting the applicable purposes of SMCRA as specified in Section 102. This report covers the 2015 Evaluation Year (EY) July 1, 2014 to June 30, 2015.

On December 23, 1981, the Secretary of the Department of Interior approved North Dakota's Abandoned Mine Land Reclamation (AMLR) Plan under Title IV of SMCRA. With that approval, the State of North Dakota through the North Dakota Public Service Commission (NDPSC) has exclusive responsibility and authority to operate and administer the Abandoned Mine Reclamation Program.

The OSMRE's evaluation methods are based upon OSMRE Directive AML-22 (Evaluation of State and Tribal Abandoned Mine Lands Programs) and a Performance Agreement (PA) between the NDPSC and the OSMRE. The PA establishes a commitment between the NDPSC and the OSMRE to identify topics for review, methodologies for enhancement and evaluation of performance reviews, and assistance in the preparation of the final report. Assessment of the NDPSCs performance includes reviews of selected topics such as fiscal and administrative controls, progress in coal mine reclamation, overall reclamation success, public interaction and outreach, and integration with the OSMRE Abandoned Mine Land Inventory System (AMLIS) database. Reclamation site visits were conducted jointly by NDPSC project managers and OSMRE staff.

Detailed background information and comprehensive reports for the program elements evaluated during the EY are available for review and copying at the OSMRE, Denver Field Division (DFD), Casper Area Office (CAO), 150 East B St., Room 1018, Casper, WY 82602. To arrange an appointment time, contact Jeff Fleischman via telephone (307) 261-6550 or email jfleischman@osmre.gov.

The reports are also available at the OSMRE Oversight Documents website at <http://odocs.osmre.gov/>. Adobe Acrobat Reader® is needed to view these documents. Acrobat

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Reader® is free and can be downloaded at <http://get.adobe.com/reader/>. Follow these steps to gain access to the document of interest:

1. Select North Dakota from the drop down box labeled “State”. Also select 2015 as the “Evaluation Year”, and then click “Submit”. The search can be narrowed by choosing selections under the “Keyword” or “Category” headings.
2. The oversight documents and reports matching the selected state and evaluation year will appear at the bottom of the page.
3. Select “View” for the document that is of interest and the report will appear for viewing, saving, and/or printing.

The following acronyms are used in this report:

AML	Abandoned Mine Land
AML-1	OSMRE Directive AML-1
AML-22	OSMRE Directive AML-22
AMLIS	Abandoned Mine Land Inventory System
AMLR	Abandoned Mine Land Reclamation
AML D	Abandoned Mine Land Division
ATP	Authorization to Proceed
CAO	OSMRE’s Casper Area Office
CE	Categorical Exclusion
DFD	OSMRE’s Denver Field Division
EA	Environmental Assessment
EY	Evaluation Year
FAM	OSMRE’s Federal Assistance Manual
FONSI	Finding of No Significant Impact
GIS	Geographic Information System
GPS	Global Positioning System
NDCC	North Dakota Century Code (Law)
NDAC	North Dakota Administrative Code (Rules)
NDPSC	North Dakota Public Service Commission
NEPA	National Environmental Protection Act
NTTP	National Technical Training Program
OSMRE	Office of Surface Mining Reclamation and Enforcement
PAD	Problem Area Definition
SMCRA	Surface Mining Control and Reclamation Act of 1977
SPGM	Suitable Plant Growth Material
TIPS	Technical Innovation and Professional Services
WR	OSMRE Western Region

B. Program Administration

The North Dakota AMLR program continues to operate under the guidelines of SMCRA, the approved State Reclamation Plan, the Federal Assistance Manual, and associated rules, regulations and policy decisions. The State administers an excellent AMLR program in full compliance with their approved AMLR Plan.

The Casper Area Office (CAO) continues to enjoy an excellent working relationship with the staff of the North Dakota AMLD. Their personnel are experienced, knowledgeable, and dedicated to the goals of the program. The AMLD also maintains a good relationship with other State and Federal agencies that must be contacted during the course of preparing projects for reclamation. The North Dakota AMLD maintains a program staff of 4.5 full time employees.

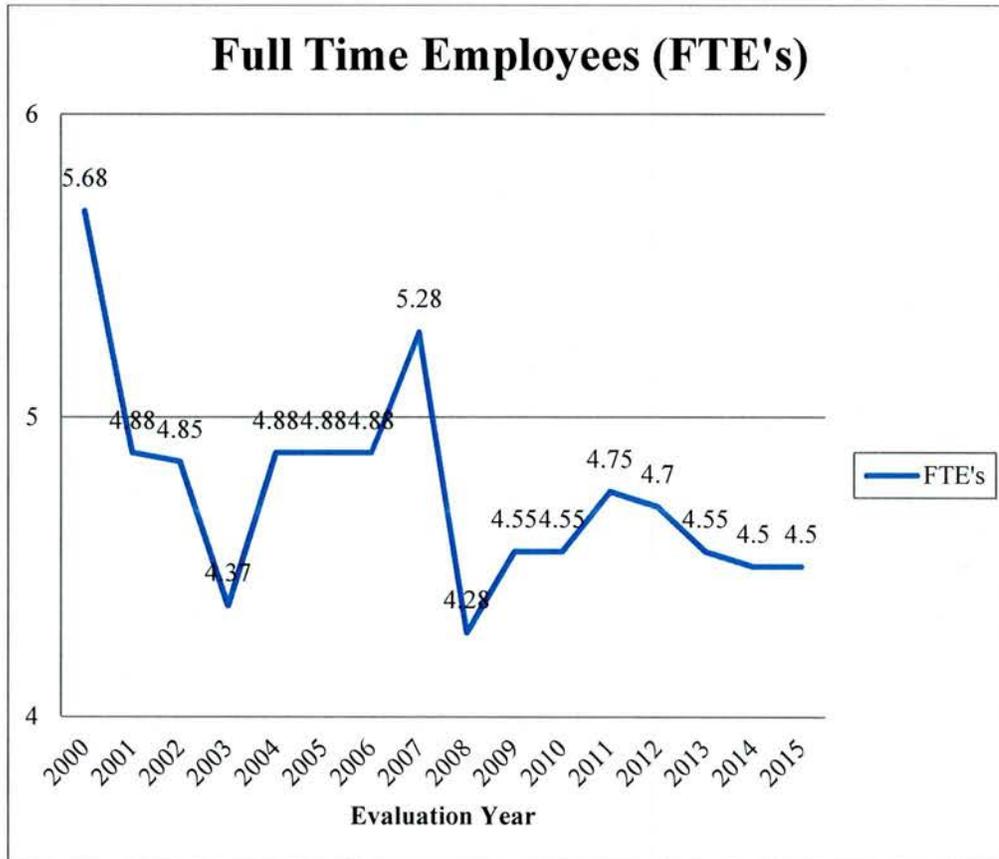


Figure 1: Number of Full Time Employees

The North Dakota AMLD initiates reclamation activities each spring as soon as weather conditions allow. Many rural sites are accessible only by dirt and gravel roads, which must be allowed to dry sufficiently before heavy equipment can travel on them. Work may start as much as two months earlier on sites located near paved roads, and then continues until halted by the severe weather conditions usually encountered in North Dakota during the winter. Coal outcrop fire suppression projects are also conducted during winter months. However, this is generally the time of the year when future projects are designed, and coordination necessary to get projects ready for the next construction season takes place. All of the reclamation completed in North Dakota to date has been on abandoned coal mines, and no non-coal work is planned.

Prior to initiating any construction work, the AMLD submits a documentation package to the OSMRE with a request for an Authorization to Proceed (ATP). This package includes 1) a complete Environmental Assessment or Categorical Exclusion, 2) a project eligibility determination pursuant to 30 CFR 874.12 prepared by the Director of the North Dakota Reclamation and AML Divisions, 3) final determination from consultation with the U.S. Fish and Wildlife Service and the North Dakota Parks and Recreation Department regarding threatened and endangered species, 4) final determination from consultation with the State Historic Preservation Office, 5) site maps and photographs, and 6) AMLIS Problem Areas Description (PAD) reports. If acceptable and complete, the CAO issues a Finding of No Significant Impact (FONSI) and an ATP pursuant to section 4-160-50D.3 of the FAM to the AMLD prior to reclamation or construction of each project.

II. NOTEWORTHY ACCOMPLISHMENTS

The NDPSC continues to administer an efficient and successful AML program as set forth in Section 102 of SMCRA. Since the Program's inception, the North Dakota AMLD has conducted over 155 primary reclamation projects, 31 emergency projects and numerous construction maintenance and sinkhole filling projects, at a total cost of over \$48 million of federal funds. Almost 26 miles of dangerous surface mine pits and highwalls, and over 1,600 acres of underground mine subsidence have been reclaimed (source e-AMLIS database). These projects have reduced the likelihood of death or injury to property owners and the public.

III. UTILIZATION OF OSMRE TECHNOLOGICAL ASSISTANCE

The OSMRE provides technical assistance and technology support to state AML Programs at the individual state level on project specific efforts, and at the national level in the form of national meetings, forums, and national initiatives. The OSMRE provides direct technical assistance in project and problem investigation, design and analysis, permitting assistance, developing technical guidelines, training and support. The OSMRE initiated a regional Technology Transfer Team in 2004 to support and enhance the technical skills needed to operate regulatory and reclamation programs, for which each state, including North Dakota, has a representative.

A. National Technical Training Program (NTTP)

NDPSC AML staff attended a total of four NTTP classes as students during the evaluation year. In addition, one AML staff member participated as an NTTP instructor, while another participated as an observer.

B. Technical Innovation and Professional Services (TIPs)

During the evaluation year, no AML staff from the NDPSC attended any TIPS training courses. The OSMRE's library services did not receive any requests from the NDPSC for references or article reprint.

IV. PUBLIC PARTICIPATION AND OUTREACH

A. OSRME

The OSMRE (DFD) provides for transparency in the oversight process by conducting outreach to stakeholders and encouraging public participation throughout the OSMRE-DFD's annual oversight activities. The public can find oversight guidance documents and North Dakota's Performance Agreement relating to the OSMRE's oversight of North Dakota's program on the following OSMRE website: <http://odocs.osmre.gov/>.

Each evaluation year, the OSMRE-DFD solicits input from the public and interested parties to comment on oversight and provide suggestions for potential oversight evaluation topics. Sharing of information with the public is highly encouraged by both the OSMRE and the State. The public may include a variety of stakeholders, including, but not limited to; citizenry at large, other Federal, State, or Local agencies, or environmental groups. An email soliciting public comments and suggestions on the oversight process for the 2015 evaluation year was sent to a list of interested parties on March 5, 2014. Another solicitation for public comment on the 2016 evaluation year was sent on March 2, 2015.

On March 28, 2014, the OSMRE received input from the Western Organization of Resource Councils (WORC) regarding topics that deserve special attention in upcoming OSMRE evaluation reports. However, no topics suggested by the WORC were directly applicable to currently utilized AML projects or AML reclamation techniques. Relevant suggestions have been addressed in the OSMRE Oversight report for the North Dakota Regulatory program. No other public comments or suggestions have been received by the Casper Area Office.

To be included in future solicitations, please contact OSMRE's Denver Field Division (DFD), Casper Area Office (CAO), at 150 East B St., Room 1018, Casper, WY 82602. Suggestions or comments may be sent to Jeff Fleischman, DFD Chief, via telephone (307) 261-6550 or email jfleischman@osmre.gov.

B. North Dakota

The North Dakota Public Service Commission (NDPSC) is the State agency charged with the responsibility for the permitting and regulation of the coal mining industry and reclamation of abandoned mine lands in North Dakota. North Dakota continues to solicit public comment and input on individual AML projects and the AML program at large. North Dakota publishes notices for each proposed major reclamation project in local and state newspapers and on its website, and solicits public comment and requests for public meeting participation.

The NDPSC maintains a web site at: <http://www.psc.nd.gov/> that includes links to information on current and past AML projects, current construction bidding, project selection, department contacts, state laws and rules, consumer information, and professional procurement information.

The NDPSC encourages public participation through public meetings, public service announcements, press contacts, project meetings, and by responding to public inquiries. The NDPSC commonly hosts, or participates in a variety of public meetings, conferences, and workshops.

Public meetings conducted by NDPSC during EY2015 include:

- Jan. 15th: Public meeting held at the Wilton City Auditor's Office to discuss AML projects.
- Jan. 27th: Public meeting held at the Bowman City Hall to discuss AML projects.
- Apr. 23rd: Public meeting held at the NDPSC Hearing room, at the State Capitol Building in Bismarck.

OSMRE's programmatic reviews of the North Dakota program indicate that the NDPSC is adhering to the State's policies and procedures regarding opportunities for public participation in all phases of their reclamation program.

V. RESULTS OF EVALUATION YEAR 2015 REVIEWS

OSMRE Directive AML-22 Evaluation of State/Tribe AML Programs dictates that OSMRE oversight of State AML programs will include a short description of all program elements reviewed during the evaluation year. These topic-specific reviews are identified and agreed to by both the State and the OSMRE in the most recent performance agreement. For the 2015 evaluation year, both parties have agreed that the OSMRE will conduct topic-specific reviews of; 1) Overall Reclamation Success, 2) AML Emergency Investigations and Abatement Efforts, 3) AML Grant Fiscal and Administrative Controls, 4) AMLIS, and 5) Public Outreach. However, since Public Outreach is already addressed in section IV of this report, a topic-specific review of Public Outreach will not be included in this section.

The North Dakota AML Performance Agreement (PA) for EY2015 was signed on July 30, 2014. The PA describes the team's purpose and the topics selected for review to evaluate the performance of the AML program. On-the-ground, performance-based results were the principal focus of program evaluation and documentation.

Results of the EY2015 evaluations are summarized below. The evaluations included field visits to AML projects, interviews with NDPSC-AMLD staff, and reviews of the AMLR Program's project specifications, grant applications and reports, and internal State and AMLIS inventories:

A. Overall Reclamation Success

Our EY2015 evaluation of overall reclamation success determined if the NDPSC-AMLD's reclamation met project goals. We compared NDPSC-AMLD's reclamation to project specifications, results of interagency consultation, and other information. Our evaluation focused on determining whether reclamation met project goals by implementing the scope of work to abate original hazards, complying with conditions (if any) resulting from interagency consultation, and improving overall site conditions compared to pre-reclamation conditions. Generally, we agreed that projects met their goals if abatement and reclamation measures are intact and functional, and no problems compromising those measures were apparent. We consider site conditions improved overall if hazards to public health and safety are abated and associated reclamation reduced environmental problems such as erosion and sedimentation while promoting re-vegetation.

We concluded that the projects we visited met their respective goals. NDPSC-AMLD met the goals of abating hazards and improving site conditions at all projects conducted in EY2015. Highwalls associated with abandoned surface coal mines were properly eliminated and the re-graded areas were re-vegetated. Underground mine voids were backfilled remotely with injection of pressurized grout through drilled injection holes to eliminate the threat of subsidence. The injection holes were properly reclaimed. Sinkholes associated with underground mine voids were properly eliminated and the backfilled areas were re-vegetated.

The following is a summary of major non-emergency AMLD Projects completed during EY2015:

2014 Hazen-West Phase 3 Project

Begin Date: 8/11/14

AMLIS Key: ND000089

Contract Cost: \$1,124,092.80

ATP& FONSI issued: 01/22/2014

Closeout: April 23, 2015

Overall Success: This project was comprised of three work areas located in Sections 8 and 9 of T144N, R87W. This 35 acre project involved the backsloping of abandoned highwalls and pits and performance of other associated work items. Work was conducted mostly during the summer and fall of 2014, with the exception of seeding, which was conducted in the spring of 2015. Approximately 325,000 cubic yards of spoil material was moved during this project to backslope about 3,000 feet of highwall. This project differed sufficiently from Phase 2 in scope and location to require an updated EA. A public meeting to discuss this project was conducted on January 23, 2014.



2014 Scranton/Bowman Phase 2 Project

Begin Date: 6/16/2014

AMLIS Keys: ND000528 (North Scranton), ND000003 (South Scranton), ND000140 (Reeder), ND000033 (Bowman)

Contract Cost: \$784,289

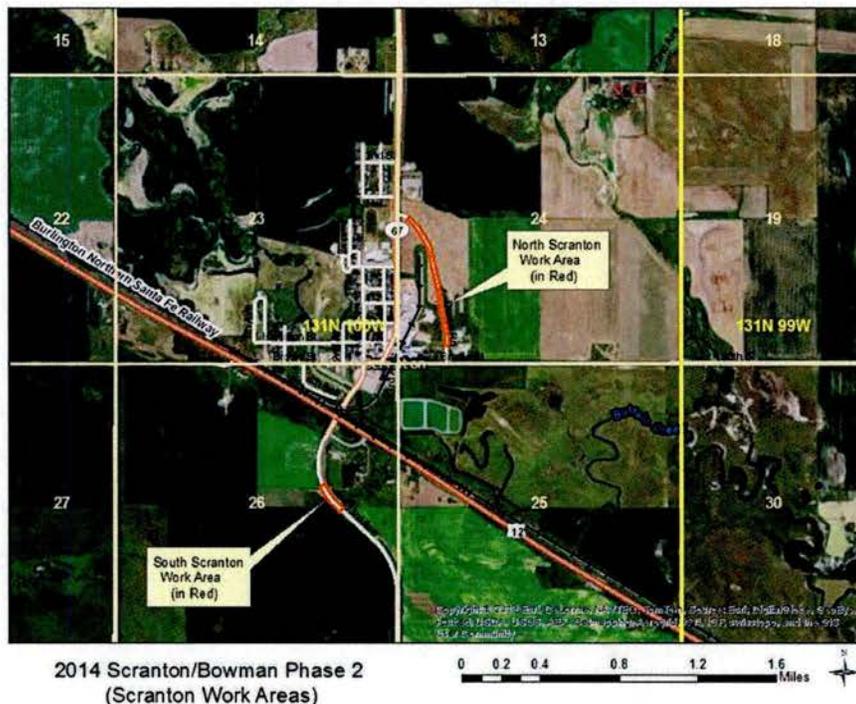
Concurrence letter issued: 01/22/2014

ATP issued: Feb. 5, 2013 (for Phase 1)

Closeout: February 11, 2015

Overall Success: This project involved drilling and pumping pressurized grout into collapsed underground mine workings. The project included areas along public roads near Scranton and Bowman and an occupied farmstead near Reeder. The two sites near Scranton are located immediately east and south of town in Sections 24 and 26 of T131N, R100W. The site near

Bowman is located at the intersection of 81st St. SW and 146th Ave. SW, in Sections 15 and 22 of T132N, R102W. The farmstead near Reeder is in the SW1/4 of Section 9, T130N, R98W. As part of Phase 2 of this project, approximately 10,905 feet of drilling was conducted and 3,056 cubic yards of grout were injected into underground mined workings. Separate contracts were issued for field and laboratory testing of the grout and groundwater monitoring. The work was conducted in the summer of 2014 and is a continuation of Phase I, which was conducted during the summer of 2013. The scope and location of this project were sufficiently similar to Phase I of this project that the EA and ATP previously issued for Phase I were still valid.





2014 Scranton/Bowman Phase 2
(Bowman Work Areas)



2014 Scranton/Bowman Phase 2
(Reeder Work Area)

2013-2014 Sinkhole Filling Project

Contract Cost: \$233,721

AMLIS Keys: ND000014 (Beulah/Zap), ND000024 (Dickinson), ND000019 (Garrison), ND000147 (Hanks), ND000124 (Haynes), ND000054 (New Salem), ND000029 (Noonan), ND000025 (Richardton), ND000003 and ND000528 (Scranton), ND000006 (Washburn), ND000001 (Wilton), ND000004 (Buechler/Velva), ND000046 (West Williston), ND000033 (Bowman)

Concurrence letter issued: 01/22/2014

ATP issued: 08/24/2013 (for 2012 Project)

Closeout: Dec. 17, 2014

Overall Success: This two-year project involved the filling of sinkholes caused by abandoned underground coal mines near Beulah, Dickinson, Garrison, Hanks, Haynes, New Salem, Noonan, Richardton, Scranton, Washburn, Williston, Wilton, Velva, and Zap. Approximately 180 non emergency sinkholes were filled at these sites in 2013 and 174 more were filled in 2014. The Sinkhole Filling Project was brought up as a discussion topic at almost every AML public meeting. CAO has determined that the scope and location of this project has not changed significantly from the 2012 Sinkhole Filling Project and that the EA and ATP issued for the 2012 project are still valid and in effect. A letter of concurrence was issued to document this position.

2014 Exploratory Drilling Project

Begin Date: 9/29/2014

Contract Cost: \$165,227

ATP (CE) issued: 1/22/2014

Closeout: May 27, 2015

Overall Success: This investigative project was conducted to locate and characterize abandoned underground mined workings along public roads near Wilton, ND. It was conducted between September 2014 and April 2015. Approximately 25,727 feet were drilled and 5,023 feet were cased.



The following is a summary of Construction Maintenance Work conducted between July 1, 2014 and June 30, 2015. This consisted of repair and maintenance of previously conducted projects.

2014 Construction Maintenance Work

Overall Success: Construction maintenance work was conducted at the Richardton site, approximately 1,000 feet northeast of the Richardton Water Tower, and at the Buechler Velva Site, about 8 1/2 miles southeast of Velva, ND. This work, conducted in the summer and fall of 2014, included stabilization of erosion and installation of Flexamat and other erosion controls on previously reclaimed areas. Costs for maintenance work conducted at the Richardton site were included in the 2013-2014 Sinkhole Filling Project and costs for maintenance at the Buechler Velva site were added as a force account item to the 2014 Hazen West Project.

The following is a summary of construction ready projects. These are estimates of project areas for which information is available for preliminary project design.

Construction Ready Projects May 2015

Project Site	Estimated Project Cost	Environmental Benefits
Columbus – Phase 15	\$500,000	Dangerous Highwall Elimination, Public Safety
Wilton – Phase 1	\$950,000	Subsidence Prevention, Public Safety
Scranton-Bowman – Phase 3	\$850,000	Subsidence Prevention, Public Safety
Sinkhole Filling & Maintenance & Emergency Projects	\$125,000	Sinkhole Filling, Site Repair, Tree Planting
TOTAL	\$3,600,000	Restoration of Land and Public Safety

B. AML Emergency Reclamation Success

The following is a summary of emergency AMLD Projects completed during EY2015:

2015 Haynes Coal Fire Emergency Project

Begin Date: April 22, 2015

AMLIS Key: ND000124

Project Cost: \$18,020

ATP issued: April 22, 2015

Completion: May 1, 2015

Overall Success: The 2015 Haynes Emergency Coal Fire Project was conducted to extinguish a dangerous coal refuse fire near the junction of North Dakota Highways 8 and 12, about 2.75 miles northeast of Haynes, ND. Work was conducted between April 22 and May 1, 2015. This coal refuse fire was ignited by a wildfire that burned over 100 acres on April 1, 2015. The site comprises approximately 1.5 acres and is characterized by coal refuse lying on the surface at the entrance of the abandoned Stevenson Mine. The Stevenson Mine is an abandoned underground coal mine that operated from about 1911 until 1936. Wind deposited coal fines have accumulated along a fence line immediately west of the former load out facility for the abandoned mine. The Adams County Emergency Manager requested assistance from NDPSC to extinguish this fire. The Hettinger Fire Protection District was also on hand to prevent the fire from igniting grass fires.



Photo 1. Hettinger Fire Protection District containing the fire during abatement efforts. Photo courtesy of NDPSC.



Photo 2. The site on May 1st, after re-seeding. Photo courtesy of NDPSC.



2015 Haynes Coal Fire Emergency

0 250 500 1,000 1,500 2,000 Feet

2015 Lovejoy Coal Fire Emergency Project –

Begin Date: June 3, 2015

AMLIS Key: ND000045

Project Cost: \$18,110

ATP issued: May 21, 2015

Completion: June 10, 2015

Overall Success: The 2015 Lovejoy Coal Fire Emergency Project was conducted to extinguish a dangerous coal refuse fire approximately 4 miles northeast of the city of Williston, ND, off of State Highway 1804 on 131st Ave. NW, in the SW1/4 of the NE1/4 of Section 10, T154N, R100W. Work was conducted between June 3 and June 10, 2015. This coal refuse fire was ignited two years earlier by a spark from nearby railroad tracks that started a grass fire. The grass fire eventually ignited an exposed area of coal refuse near the former coal chute for the abandoned Avoca Mine. The Avoca Mine is a former underground coal mine that operated from 1913 until 1947. Approximately 0.25 acres of coal refuse was actively burning. The Williston Rural Fire Protection District # 1 has responded to numerous grass fires that have been ignited by this burning refuse pile. Both the Williston Rural Fire Protection District # 1 and the land owner requested assistance from NDPSC to extinguish this fire. Available topsoil was removed from the affected area and stockpiled. A trench was excavated, extending into the native soil materials. Burning coal fines were then excavated and placed in the trench to be mixed with wet clay and quenched with water. The area was then re-graded, re-spread with the stockpiled topsoil, tilled and reseeded.



Photo 3. June 4, 2015 – Excavator placing burning coal refuse into trench for mixing with wet clay.



Photo 4. The site following grading and seeding. Photo courtesy of NDPSC.

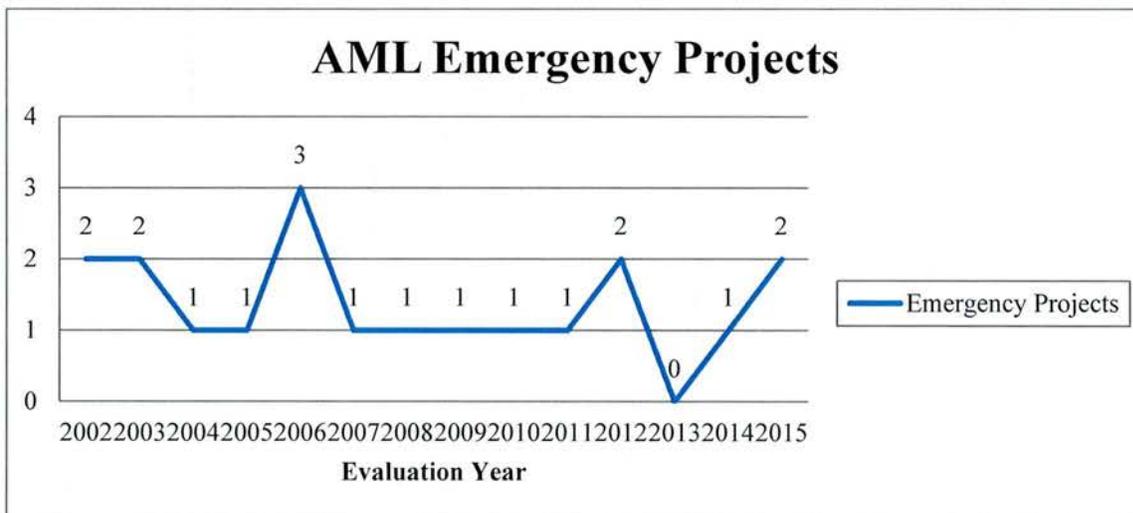


Figure 1: Number of AML Emergency Projects

C. AML Grant Fiscal and Administrative Reviews

When OSMRE receives a grant application from the North Dakota AMLD, the OSMRE staff review the application package to determine compliance with programmatic requirements. This review ensures that the application meets the requirements set forth in the Federal Assistance Manual (FAM) Part 1-120-30B including the completion of forms SF-242 (Application for Federal Assistance), OSM-51 (or an equivalent program narrative), OSM-47 (or alternative format itemized budget), and Assurances Form SF-424D as appropriate. Prior to approval, the OSMRE must review the application to determine whether the State can accomplish the proposed goals in the manner and timeframe provided, and whether the State can manage the projects in compliance with federal laws and regulations. Section 1-150-30 of the FAM also prescribes how the OSMRE will monitor program performance.

The North Dakota AMLD was allocated \$3,382,106.31 dollars for their fiscal year 2014 grant period, beginning March 1, 2014. Grant No. GR407380 began on March 1, 2014 and is scheduled to end on February 28, 2017.

The North Dakota AMLD was allocated \$2,781,000 dollars for their fiscal year 2015 grant period, beginning March 1, 2015. Grant No. GR507380 began on March 1, 2015 and is scheduled to end on February 28, 2018. All projects conducted during the grant periods are anticipated to involve the reclamation of abandoned surface and underground coal mines.

The ND PSC maintains a very cost effective program with 14% of the grant dedicated to Administrative Costs. The remainder of the grant is spent on project design and construction. The grant funding and expenditures are broken down as follows:

Table 1. AML Consolidated Grant Funding and Expenditures

2014 AML Consolidated Grant	
Prior Balance Replacement Funds	\$1,845,558
State Share (SS)	\$1,028,368
Historic Coal Funds (HC)	<u>\$508,180</u>
Total	\$3,382,106
Grant Line Item Budgets	
Administrative Costs	\$374,750
Project Construction Costs	<u>\$3,007,356</u>
Total	\$3,382,106
2015 AML Consolidated Grant	
Prior Balance Replacement Funds	\$1,220,488
State Share (SS)	\$1,053,203
Historic Coal Funds (HC)	<u>\$507,309</u>

Total	\$2,781,000
Grant Line Item Budgets	
Administrative Costs	\$394,586
Project Construction Costs	<u>\$2,386,414</u>
Total	\$2,781,000

D. e-AMLIS

Our EY2015 evaluation of e-AMLIS determined if the information the State entered into e-AMLIS agrees with information in its files. This topic was mandated for review due to a September 2004 report issued by the Interior’s Office of the Inspector General (OIG). The report criticized the accuracy of e-AMLIS data, based on the OIG review of e-AMLIS data for four eastern States’ AML programs. The OIG’s review concluded that e-AMLIS data did not match data in those States’ files and recommended establishing “a quality control system that ensures that States, Tribes, and the OSMRE, as applicable, review and certify the accuracy of data entered into AMLIS.” In response to the OIG’s recommendation, the OSMRE required its field offices to implement two requirements. The first requirement is to “assure that each State and Indian Tribe AML program has procedures in place to ensure and certify the accuracy of data entered into e-AMLIS” as part of the FY2004 oversight (subsequently changed to FY2005). OSMRE Headquarters subsequently advised field offices to drop the certification requirement. As a result, the focus is to make sure States and Tribes have requisite systems in place. The CAO has determined that North Dakota has such a system in place which is adequate to ensure accurate data is entered into e-AMLIS.

The second requirement implemented by the OSMRE in response to the OIG’s recommendation stated, “[o]nce these State and Indian Tribe procedures are in place, the OSMRE will annually review a random sample of [PADs] to see if the information entered into e-AMLIS agrees with the information in the PAD.” As a result, the focus is to make sure that the data which States and Tribes entered into e-AMLIS PADs (an integral part of e-AMLIS) agrees with the information in their files. The evaluation goal was to determine if the information North Dakota enters into e-AMLIS, for projects completed during the evaluation year, agrees with information in its files.

The North Dakota AMLD compiles data from various sources for input into e-AMLIS. These sources include project information spreadsheets, project diaries, close-out reports to the PSC and PSC-approved payment of contractor invoices. Data pertaining to emergency projects include procurement and contract data compiled in Project Summary Books, site-specific project data and site photographs. Project completion data is tracked on an Excel spreadsheet. Information in the spreadsheet includes the project name, location, contract number, contractor, year of contract, year of completion, cost and method of reclamation.

Information entered into e-AMLIS is performed by designated Project Managers on the AMLD staff. This information is based on the above-mentioned data sources. Since AMLIS data is not intended to include maintenance project information, maintenance project data is housed in a separate location from other project data. The AMLD keeps records of maintenance projects in a separate booklet describing procurement, contracting, scope of work and photographs for each of the maintenance projects.

Completion information entered into e-AMLIS for the total number of projects completed during the evaluation year was analyzed and compared to the information contained within the AMLD files.

The CAO has concluded the information North Dakota AMLD entered into e-AMLIS for completed projects agrees with the information in its files.

APPENDIX 1: SUMMARY OF CORE DATA TO CHARACTERIZE THE AML PROGRAM

North Dakota Annual Evaluation Report

Evaluation Year 2015

The following tables present summary data pertinent to abandoned mine land activities under the North Dakota AML program. Unless otherwise specified, the reporting period for the data contained in the tables is the Evaluation Year. Other data and information used by OSMRE in its evaluation of North Dakota performance are available for review in the evaluation file maintained by the DFD-CAO.

Because of the enormous variations from state to state and the differences between state programs, the summary data should not be used to compare one state to another.

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- Table 5 Partnership Financial Resources Dedicated to Protecting the Public from Adverse Effects of Past Mining
- Table 6 Reclamation Projects Started and/or Completed
- Table 7 AML Program Grant Awards and Staffing

Table 1 – North Dakota's Status of AML Inventory all Priority 1, 2, and 3 Hazards on June 30, 2015

	High Priority		Elevated Priority 3	Stand-Alone Priority 3 (Not adjacent or in conjunction w/ P1&2)	Total
	Priority 1	Priority 2			
UNFUNDED					
GPRA Acres	0	3,968.86	N/A	121	4,089.86
Dollars	0	37,487,616.00	N/A	423,500.00	37,911,116
FUNDED					
GPRA Acres	0	71.4	0	0	71.4
Dollars	0	528,150	0	0	528,150
COMPLETED					
GPRA Acres	261.68	3,606.88	0	0	3,868.56
Dollars	3,195,260.00	44,315,689.00	0	0	47,510,949

Table 2 - North Dakota's Accomplishments in Eliminating Health and Safety Hazards Related to Past Mining Priority 1 and 2 Hazards (As of June 30, 2015)

PROBLEM TYPE (keyword)																		
	Clogged Stream (CS) (miles)	Clogged Stream Lands (CSL) (acres)	Dangerous Pile or Embankment (DPE)(acres)	Dangerous Highwall (DH) (feet)	Dangerous Impoundment (DI) (count)	Dangerous Slide (DS) (acres)	Gases: Hazardous /Explosive (GHE) (count)	Hazardous Equip. /Facilities (HEF) (count)	Hazardous Water Body (HWB) (count)	Industrial/Residential Waste (IRW) (acres)	Portal (P) (count)	Polluted Water-Agri/Industrial (PWA)(count)	Polluted Water: Human Consumption (PWHC)(count)	Subsidence (S) (acres)	Surface Burning (SB) (acres)	Underground Mine Fire (UMF) (acres)	Vertical Opening (VO) (count)	TOTAL
UNRECLAIMED/REMAINING HAZARDS (Unfunded)																		
Units			0	43,326.00	0	0		5	25	16	10	1	1	3,209.65	0		42	N/A
GPRA Acres			0	604.71	0	0		0.5	125	16	1	5	5	3,207.45	0		4.2	3,968.90
Dollars			0	14,706,067.00	0	0		25,000	190,000.00	45,000.00	50,000	208,700	7,500	22,130,347.00	0		125,002.00	37,487,616
ANNUAL RECLAMATION - EY2015 only (Completed)																		
Units				3,000										15	3.17			N/A
GPRA Acres				42.9										15	3.17			61.07
Dollars				1,124,093										1,596,964	36,130			2,757,187
HISTORICAL RECLAMATION - EY1978 - 2015 (Completed)																		
Units			317	132,848.90	4	35		14	18	2	13	6	0	1,450.71	20.3		91	N/A
GPRA Acres			317	1,897.85	20	35		1.4	90	2	1.3	30	0	1,444.61	20.3		9.1	3,868.56
Dollars			972,048.00	16,811,375.00	33,629.00	122,500.00		74,861.00	278,558.00	2	16,003.00	746,144	0	28,072,442.00	51,176.00		332,211.00	47,510,949

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Table 3 - North Dakota's Accomplishments in Eliminating Environmental Problems Related to Past Mining Priority 3 and SMCRA section 403(b) Hazards (As of June 30, 2015)

PROBLEM TYPE (keyword)															
	Bench, Solid Bench, Fill Bench (BE) (acres)	Industrial/Residential Waste Dump (DP) (acres)	Equipment and Facilities (EF) (count)	Gob (GO) (acres)	Highwall (H) (feet)	Haul Road (HR) (acres)	Mine Opening (MO) (count)	Pit, Open Pit, Strip Pit (PI) (acres)	Spoil, Spoil Bank (SA) (acres)	Slurry (SL) (acres)	Slump (SP) (acres)	Water (WA) (gallons)	Other (specify)	Water Supplies (WS) - Section 403(b) (count)	TOTAL
UNRECLAIMED/REMAINING HAZARDS (Unfunded)															
Units				1					110			10			N/A
GPRA Acres				1					110			10			121
Dollars				5,000					388,500			30,000			423,500
ANNUAL RECLAMATION - EY2015 only (Completed)															
Units															N/A
GPRA Acres															0
Dollars															0
HISTORICAL RECLAMATION - EY1978 - 2015 (Completed)															
Units				0					0			0			N/A
GPRA Acres				0					0			0			0
Dollars				0					0			0			0

Table 4 - North Dakota Public Well-Being Enhancement (All Priority 1, 2, and 3 AML projects completed during EY 2015)

#	PAD Number	Project Name	Problem Type(s) Reclaimed	GPRA Acres	Cost	Number of People with Reduced Exposure Potential (State Estimated /or/ Census Data)
1	ND000003	2014 Scranton/Bowman Phase 2	S	5	408,996	415
2	ND000014	2014 Beulah/Zap Phase 15	S	5	812,675	2,770
3	ND000045	2015 Williston (Avoca) Coal Fire Emergency	SB	0.87	18,110	30
4	ND000089	2014 Hazen-West Phase 3	DH	42.9	1,124,093	50
5	ND000124	2015 Haynes Coal Fire Emergency	SB	2.3	18,020	120
6	ND000528	2014 Scranton/Bowman Phase 2	S	5	375,293	415
7						
8						
9						
10						
TOTAL				61.07	2,757,187	3,800

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Table 5 – North Dakota - Partnership Financial Resources Dedicated to Protecting the Public from Adverse Effects of Past Mining (AML projects completed during EY 2015)

#	PAD Number	Project Name	SMCRA Program Funding Source	Total SMCRA funding	Alternate Non-SMCRA Funding Source	Total non-SMCRA Funding	In-Kind Services	Total Project Funding	Comments
1	N/A								
2									
3									
4									
5									
6									
7									
TOTAL				0		0	0	0	

Table 6 – North Dakota – Reclamation Projects Started and/or Completed (AML projects started and/or Completed during EY 2015)

Project Type	Projects Started	Projects Completed
State/Tribe (EY 2015):	6	7
Federal (EY 2015):	0	0
Total (EY 2015):	6	7

**Table 7 – North Dakota – AML Program Grant Awards and Staffing
 (During EY 2015)**

AML Program Costs	
Administration	\$394,586
Construction	\$2,386,414
Water Supply Construction	0
AMD Set-Aside	0
Other(s) (Specify)	0
Total AML Funding	\$2,781,000
AML Program Staffing (full-time equivalents on June 30, 2015):	4.5

APPENDIX 2: COMMENTS OF STATE OF NORTH DAKOTA ON THE REPORT

North Dakota Annual Evaluation Report

Evaluation Year 2015

North Dakota had the following comments on the EY2015 Report:

Minor spelling and grammatical errors were identified and corrected in the text of the report. The procedures used to query information for the AML Tables were reviewed and compared to the NDPSC database. Inconsistencies were identified and corrected.