

Policy Memorandum No. 14 to Mine Operators

DATE: March 8, 1995 (Revised)
(Original Issue Date June 21, 1985)

TO: All Mine Operators and Lignite Energy Council

FROM: Commissioners Wefald, Hagen and Reinbold

SUBJECT: Clarification of Annual Map Requirements, North Dakota
Administrative Code (NDAC) Section 69-05.2-13-02

The purpose of this memorandum is to clarify portions of the annual map requirements pursuant to NDAC Section 69-05.2-13-02. The following comments have been provided for each of the subsections contained in Section 69-05.2-13-02.

1. Appropriate delineation of each permit area.

Each permit area must be delineated and should be appropriately identified. Section and quarter lines must also be delineated with proper identification of section numbers.

2. The following mining and reclamation activities that occurred during the year being reported must be shown on the annual map for each permit area.

- a. Acreage affected within the permit areas.

Delineate areas where topsoil only has been removed and where other surface disturbances have occurred (such as topsoil stockpiles, access roads, diversions, underground water lines, etc.) but where all planned suitable plant growth material removal has not been completed.

- b. Acreage where suitable plant growth material removal operations have been completed.

Acreage under this subsection should not be included as part of subsection (a). This may include areas where topsoil was removed in a previous year but subsoil removal was not completed until the year being reported. This category also includes areas where only topsoil is removed if no subsoil has been or will be removed.

- c. Acreage where surface coal mining operations are completed and the contemporaneous reclamation requirement pursuant to subsection 14 of NDCC 38-14.1-24 is initiated.

Delineate areas where coal removal operations have been completed that are no longer needed to support active mining operations. Also, if an associated disturbance (such as a haul road or stockpile area) is no longer needed to support active operations, the area should also be delineated.

- d. Acreage where grade approval has been obtained.

This category includes associated disturbance areas, such as roads and ponds, where no written grade approval request had been filed, but where grade approval was granted following an inspection of the area.

- e. Acreage where suitable plant growth material redistribution operations have been completed.

Tracts under this subsection may also fall under subsection (d) above. In this situation, map delineation may require two (2) symbols on the same tract, a special symbol to indicate both grade approval and suitable plant growth material redistribution, or some other method of designation.

- f. Acreage planted where the 10-year revegetation period has been initiated.

Tracts under this subsection may also fall under subsections (d) and (e) above. In this situation, map delineation may require three (3) symbols on the same tract, a special symbol to indicate grade approval, SPGM redistribution, and planting, or some other method of designation.

Example: A 100 acre tract of land received grade approval, was respread with SPGM, and seeded to initiate the 10-year revegetation period. The annual map(s) should indicate that all three operations were completed in the same year. The narrative should also indicate that 100 acres were approved for final grade (subsection 2 (d)), were respread with SPGM (subsection 2 (e)), and were planted to initiate the 10-year revegetation period (subsection 2 (f)).

If a previously seeded tract, or portion thereof, has been reseeded in the year being reported, it must be shown since the reseeding starts the 10-year liability period over again. However, please note that the reporting of reseeded areas does not apply to cropland since the 10-year liability period for cropland (including hay crops) starts at the date of initial planting of the crop being grown or a pre-cropland mixture of grasses and legumes.

- g. Acreage where bond has been partially released and indicating the stage of release.

Stage of release should indicate either the bond release percentage or reclamation operation completed, such as final grading, suitable plant growth material redistribution, and/or vegetation establishment.

- h. Acreage where bond has been totally released.

Self-explanatory.

- 3. Location of suitable plant growth material stockpiles must be shown on the map. Supporting information must include ownership, date seeded, type of material in each stockpile (topsoil or subsoil), and estimated cubic yards for each stockpile.

Supporting information should be provided in a narrative or table.

- 4. The following cumulative information on reclamation activities within each permit area must be shown on the map(s).

- a. Affected acreage where topsoil must be replaced. The acreage specified on the map legend must be listed separately for each surface owner unless the surface owner has agreed to soil mixing as allowed by subsection 6 of NDAC 69-05.2-15-04. The combined acreage for all surface owners who have agreed to soil mixing must be specified on the map legend.

- b. Affected acreage where subsoil must be replaced. The acreage specified on the map legend must be listed separately for each surface owner unless the surface owner has agreed to soil mixing as allowed by subsection 6 of NDAC 69-05.2-15-04. The combined acreage for all surface owners who have agreed to soil mixing must be specified on the map legend.

- c. Acreage planted where the 10-year revegetation period has been initiated and the year the revegetation period was initiated.

This information should be cumulative since 1979 when the 10-year revegetation liability period law became effective. The year of seeding should be indicated on the map(s) for each tract. If a previously seeded tract, or portion thereof, has been reseeded during the year being reported that restarts the 10-year liability period, the year shown on the map must be changed accordingly.

- d. Acreage where bond has been partially released and indicating the stage of release.

This information should be cumulative to include all permit areas. The stage of release as per subsection 2 (g) should also be indicated on the map(s).

- e. A tabular listing of acreage where bond has been totally released pursuant to subdivision d of subsection 7 of NDCC Section 38-14.1-17.

General - If not specified on the map(s), a table must be provided specifying the appropriate acreages within each category listed under subsections (2) and (4) for each permit area.

Bruce Hagen
Commissioner

Susan E. Wefald
President

Leo M. Reinbold
Commissioner