

Policy Memorandum No. 6 to Mine Operators

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TO: All Mine Operators and Lignite Energy Council

FROM: Commissioners Wefald, Hagen and Reinbold

SUBJECT: Activities Covered by Surface Coal Mining Permits

Listed below are specific activities and types of disturbances which are included under the scope of "Surface Coal Mining Operations," as defined in North Dakota Century Code Section 38-14.1-02(33). These activities and disturbances must be conducted within the boundaries of a surface coal mining permit.

1. All mine haul and access roads including overpasses, underpasses, and at grade crossings of public rights-of-way. Roads maintained by public funds are excluded.
2. All railroad spur lines that are used solely to service a surface coal mine. The permit boundary should extend to center of "main" line.
3. All mine-site office, shop, and warehouse facilities. Employee parking lots should be included if they are a contiguous part of the facility and also utilized for support activities.
4. All tipple and truck dump facilities.
5. All storage areas for equipment and materials (including explosives).
6. All stockpile areas, including coal, leonardite, sand and gravel, scoria, and suitable plant growth material stockpiles.
7. All impoundments, including impoundments for sedimentation, drainage control, irrigation, dust control, or waste materials.
8. All diversions including natural drainageways used as a primary transport course to a treatment facility (e.g., sedimentation pond).

9. Mine development construction sites (e.g., dragline erection sites).
10. Dragline walkways where suitable plant growth material removal is necessary.
11. Solid waste disposal and sewage treatment areas for mine generated waste.
12. Dust control facilities.
13. Substation facilities (excluding transmission lines).
14. Scoria, sand, and gravel borrow pits as determined by the Commission on a site-specific basis.

The following is a list of specific areas which will not be included under the scope of "Surface Coal Mining Operations" and do not have to be included in the permit area:

1. Research and test plot facilities.
2. Transmission lines.
3. Vegetation reference areas.
4. Shelterbelts planted off the permit area to screen mine buildings and facilities.
5. Air and water monitoring stations.
6. Suitable plant growth material stockpile areas not utilized for additional storage after July 1, 1979.
7. Construction of alternate public roads outside of the area affected or that will be affected by mining activities.

The above lists must be considered partial and subject to review on a site-specific basis. If other disturbance activities will occur that are not listed above, the Reclamation Division will discuss these activities on a case-by-case basis.

Bruce Hagen
Commissioner

Susan E. Wefald
President

Leo M. Reinbold
Commissioner

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