

HOUSE BILL NO. 1391

Introduced by

Representatives Galvin, Mahoney

1 A BILL for an Act to amend and reenact subsection 7 of section 38-14.1-17 of the North Dakota
2 Century Code, relating to release of bonds for surface mining and reclamation operations.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Subsection 7 of section 38-14.1-17 of the North Dakota
5 Century Code is amended and reenacted as follows:

- 6 7. The commission may release bond as follows:
- 7 a. When the permittee completes the backfilling, regrading, and drainage control
8 in a bonded area, forty percent of the bond for the area may be released.
- 9 b. After spreading suitable plant growth material or other suitable strata on the
10 regraded land, twenty percent of the bond for the area may be released.
- 11 c. After vegetation is established on the regraded land additional bond may be
12 released. The commission shall retain sufficient bond to cover third party
13 revegetation and associated costs for the period set by subsection 18 of
14 section 38-14.1-24, provided:
- 15 (1) There may be no release under this subdivision until the requirements
16 of subdivision b of subsection 8 of section 38-14.1-24 are met and
17 prime farmlands are returned to productivity equal to or greater than
18 nonmined prime farmland in the surrounding area under equivalent
19 management practices.
- 20 (2) If there is a permanent silt dam impoundment under subsection 7 of
21 section 38-14.1-24, bond may be released if the commission approves
22 the commitments for future maintenance.

- 1 d. When the permittee has successfully completed all surface coal mining and
2 reclamation operations, and after the period set by subsection 18 of section
3 38-14.1-24, the remaining bond may be released except:
- 4 (1) There may be no release under this subdivision until a drill and pump
5 test has been performed at every site where a water well was in use
6 immediately prior to mining or immediately prior to the purchase of the
7 land by the mine operator and the test demonstrates the availability of
8 water equal in quality and quantity to that which was available prior to
9 mining operations.
- 10 (2) There may be no release under this subdivision if a waiver of
11 replacement of a water delivery system is given by a landowner who is
12 also a mine operator.
- 13 e. No bond may be fully released until all reclamation requirements are met.