

# JEFFREY JARRETT

## From the Director: “Reclaiming the Future”

At the Office of Surface Mining, we are tasked with implementing the Surface Mining Law. In that federal law, Congress gave the Office of Surface Mining and our state and tribal partners a complex mission: to strike a balance between protecting the environment and meeting the Nation’s demand for coal as an essential energy source. Through that mission, Congress wanted to ensure that mining is a temporary use of the land and that reclamation after mining results in an equal or better use.

As we look back over the past 28 years, we can’t help but recognize the tremendous strides that have been made in coal mining and reclamation. Today, good reclamation is the coal industry standard, and even great reclamation has become commonplace. Over the years, the Office of Surface Mining has publicly recognized operators for taking extra or innovative steps to reclaim land and water and create sustainable environments and long-term benefits for landowners and local communities. Our annual reclamation awards are highly coveted, and competition is fierce.



Jeffrey Jarrett

We, the federal, state and tribal governments, along with coal operators, landowners, and citizens who care about the environment, need to promote a more thoughtful, forward-looking approach to post-mining land use – an approach that ensures that mine reclamation contributes to a sustainable environment, a sound economy, and a healthy society. I call this “Reclaiming the Future.”

We need to work with states to ensure that coal mining and reclamation practices result in post-mining land uses that accommodate the wishes of communities and landowners. I’m not talking about eliminating or reducing protections. This is about focusing our programs and regulatory requirements

Now, we have an opportunity to build upon these successes and take reclamation to the next level – an opportunity to change not only how we look at reclamation; but, also the way we look at coal mining.

more toward what we want to achieve, keeping in mind that the ultimate decision on post-mining land use is the landowner’s.

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In June, Jeff Jarrett and his son Tyler joined more than 300 students from schools in the District of Columbia, Maryland, and Virginia to give a boisterous start to the National Fishing and Boating Week at Constitution Gardens on the mall across the street from OSM headquarters. At the event OSM announced a partnership with Trout Unlimited would be announced later in 2005.

There's a better way to reclaim the land; we need to think about the desired outcome and then develop plans to accomplish it. This means more than just meeting the legal requirements for reclaiming the land. It means thinking about and planning for what we really want to create for the future.

As director of the Office of Surface Mining this past four years, I've spent much of my time and energy working to reauthorize our Abandoned Mine Land fee collection authority – something that must be done if we are to continue the critical job of reclaiming the thousands of abandoned mines that threaten the health and safety of Americans all across this Nation.

I've tried to establish greater regulatory stability in our programs by stressing the need for predictable mining and reclamation requirements. The vast majority of coal operators are willing to reclaim by the rules; but, it's difficult to plan coal operations when the rules keep changing from year-to-year. Regulatory stability is also important so citizens will know what should and should not be happening at coal mines. I hope I've put my stamp on how the industry ideally approaches reclamation by establishing the "Good Neighbor" awards to encourage operators to work with citizens and local communities before, during, and after reclamation.

I've also tried to guide the Office of Surface Mining toward the logical next step in its evolution – to become the agency in the middle that brings everyone to the table. As a regulatory



office, the Office of Surface Mining has always been in the middle of the debate about what is allowed and what is not, and that's where we're supposed to be. But, there's much more that can be done than just set limits; the middle is also a place for finding possibilities. It's a perfect place for the Office of Surface Mining to provide the coal industry, states and tribes with research, technical expertise, and training so vital to the continuous improvement of mining and reclamation practices in the United States. The middle is also a place where the Office of Surface Mining can bring states, tribes, federal and local agencies, academics, the industry, citizen groups, and communities together in partnership to make the most of the growing opportunities and increased choices we have in post-mining land use.

Our job is to place more emphasis on the possibilities and to develop a supporting structure and network of expertise. By thinking not only about legal limits; but, also about the reclamation potential at any given mine, we have the opportunity to leave behind something better for the landowner and for the community.

I'm grateful to have had the chance to be a part of the Office of Surface Mining at this pivotal period in its history and to contribute to Office of Surface Mining advances that are empowering all Americans to "Reclaim the Future."

Jeffery D. Jarrett, Director

# SUMMARY FOR THE YEAR 2005

## T H E Y E A R I N B R I E F

During 2005 the Office of Surface Mining took meaningful steps in several areas that will serve as foundations on which to build the concept of Reclaiming the Future.

The **Appalachian Regional Reforestation Initiative**, launched last year, made significant progress in 2005 with seven Appalachian states, the National Mining Association, and scores of universities, local governments, mining operators, and conservation groups pledging to work toward restoring hardwood forests on mined lands (see page 39).

On March 15<sup>th</sup> the Office of Surface Mining **proposed new revegetation rules** to encourage species diversity and remove barriers to reforestation on mined lands. This is an opportunity to make minor regulatory changes that should result in large gains in improved revegetation practices (see page 22).

In June the **first Wildlife Summit was held** in Louisville, Kentucky, that brought together experts from many fields to discuss how to introduce and sustain diverse and viable wildlife habitat on mined lands. The summit included discussions on establishing wetlands in reclamation; the planning role of state wildlife agencies in habitat management at reclaimed coal mines; habitat and forestry reclamation costs; corporate policy considerations; and the importance of thorough planning for habitat-friendly post-mining land uses early in the permit application process.

For the past two years, **reauthorization of Abandoned Mine Land reclamation fee collections** has been the Office of Surface Mining's primary policy objective. Although the issue is not yet resolved, Congress has extended the current fee collection authority until June 30, 2006. The Administration continues to focus on the priorities

outlined in the initial reauthorization proposal developed in 2003 – directing more money to the reclamation of high priority health and safety problems and reducing the number of years it will take to address all serious abandoned mine land problems nationwide (see page 6).

In order to operate effective programs and deliver services efficiently, the Office of Surface Mining must have an **increased emphasis on technology transfer**. The President's proposed budget for 2006 included a \$2.5 million increase over the 2005 level for funding technical initiatives, including increases in the National Technical Training Program, the Technical Innovation and Professional Services Program, and applied science studies (see pages 34-51).

After nearly two years of direct federal enforcement by the Office of Surface Mining, **the State of Missouri initiated action to resume regulatory authority** over surface coal mining operations. In 2005, Missouri provided the Office of Surface Mining with information that

Secretary of the Interior Gale Norton visited OSM's display at the President's Conference on Cooperative Conservation in St. Louis. Len Meier (left) and Kim Vories of OSM's Mid-Continent Regional Office show the Secretary materials explaining OSM's programs. (DOI Photo by Tammi Heilmann)

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met the initial requirements for the state to resume full regulatory and reclamation responsibilities. If Missouri demonstrates its commitment to funding and hiring personnel to comply with all the requirements of the state program, it may resume full responsibility. On July 1, 2005, the Office of Surface Mining awarded funding for the start-up of both the state's regulatory and abandoned mine land reclamation programs. During the next few months the Office of Surface Mining will be reviewing the state's efforts to determine if Missouri satisfies the full program requirements (see page 22).

Working toward **Regulatory Stability**, on January 26<sup>th</sup> the Office of Surface Mining proposed revisions to its regulations governing the transfer, assignment, or sale of permit rights. The proposed rule was part of the Office of Surface Mining's implementation of a court settlement of the National Mining Association's litigation over related regulations issued in December of 2000 (see page 43).

The Office of Surface Mining is one of five government agencies involved in preparing a **final Environmental Impact Statement on mountaintop mining and valley fills** within portions of West Virginia, Kentucky, Virginia, and Tennessee. This work is evaluating broad federal actions, such as developing agency policies, guidance, and coordinated agency decision making processes to minimize the adverse environmental effects of mountaintop

mining operations on water and fish and wildlife resources. The U.S. Environmental Protection Agency, the Army Corps of Engineers, the Fish and Wildlife Service, and the West Virginia Department of Environmental Protection are working with the Office of Surface Mining in developing the Environmental Impact Statement. On February 10<sup>th</sup> the Office of Surface Mining **signed a memorandum of understanding with the Army Corps of Engineers, the Environmental Protection Agency, and the Fish and Wildlife Service to improve permit application procedures** for surface coal mining operations that place dredged or fill material in waters of the United States. The Office of Surface Mining also **began the scoping process for an environmental impact study of its proposed excess spoil disposal and stream buffer zone regulations** (see page 28).

In the Southwest, the Office of Surface Mining is the lead federal agency in an **Environmental Impact Study to assess the impact of Peabody Western Coal Company's proposed operation and reclamation plans** for the Kayenta and Black Mesa coal mines and related projects on the Hopi and Navajo Reservations. The Study will

help the Office of Surface Mining make a decision about approval of Peabody's application to continue mining operations at the two mines. A draft Statement should be available to the public in Spring 2006 (see page 27).

In 2005, under the **Appalachian Regional Reforestation Initiative** seven Appalachian states, the National Mining Association and scores of universities, local governments, mining operators, and conservation groups pledged to work toward restoring hardwood forests on mined lands (see page 39).

