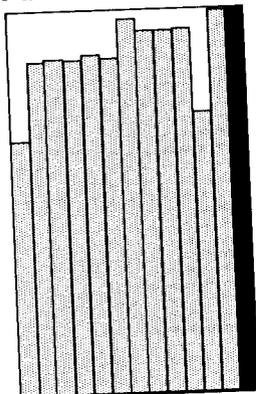


# 6. ABANDONED MINE LAND PROGRAM

Title IV of SMCRA--the Abandoned Mine Land (AML) Program--provides for the restoration of lands mined and abandoned or left inadequately restored before August 3, 1977, with priority given to projects that alleviate dangers to public health and safety.

## AML FUND



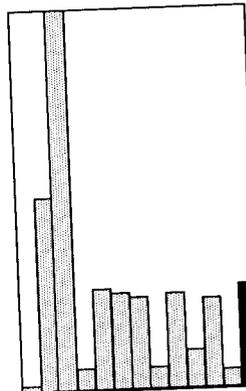
AML Fund Collections 1978-90

Production fees of 35 cents per ton of surface mined coal, 15 cents per ton of coal mined underground, and 10 cents per ton of lignite are paid on all active coal mining operations and are deposited in the Abandoned Mine Reclamation Fund, which is used to pay reclamation costs of the AML projects. Since the first fees were paid on January 30, 1978, for the fourth quarter of 1978, the fund has collected \$2,687,723,274 through the fourth quarter of 1990. In

addition to the reclamation fees paid by the coal industry, the fund also receives donations, user charges, and other recovered amounts such as late-payment fines. In 1990 collections from these sources totalled \$1,215,371.

Expenditures from the fund are made through the regular budgetary and appropriations process. SMCRA specifies that 50 percent of the reclamation fees collected in each State with an approved reclamation program, or within Indian lands where the Indian tribe has an approved reclamation program, are to be allocated to that State or tribe for use in its reclamation program. This 50 percent is designated as the State or tribal share of the Fund. The remaining 50 percent (the federal share) is used by OSM to complete high priority and emergency projects under its Federal Reclamation Program, to fund the Rural Abandoned Mine Program (RAMP) administered by the U.S. Department of Agriculture, to fund the Small Operator Assistance Program (SOAP), and to fund reclamation directly through State reclamation programs. In 1990, at the direction of Congress, the formula used to distribute federal share money to the State reclamation programs was developed using a formula based on historic coal production. Table 12 shows fee collections and funding by States for 1990.

## FEDERAL RECLAMATION PROGRAM



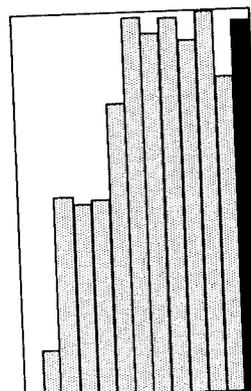
Interior Department Projects 1978-90

Until States or Indian tribes received approval of their AML programs, all reclamation was carried out as Department of the Interior projects administered by OSM. However, as State programs were approved, beginning in 1980, and as the States assumed responsibility for correcting AML problems, OSM has greatly reduced its direct participation in this portion of the program. During 1990, construction at 42 Interior Department projects

was started. These high-priority projects were principally in non-program States and, to a lesser extent, on Indian lands.

Each year OSM evaluates federal reclamation projects that have been completed for at least three years. The objective is to identify abatement or control methods that are effective over time, as well as those with demonstrated deficiencies that need to be improved. The report issued in 1990 reviewed 21 of the 244 projects completed in 1986, and 2 projects in Tennessee that were completed in 1984. Seventy-four percent of the projects were very successful, 13 percent had minor deficiencies, and 9 percent had recurring AML problems. Deficiencies and problems were analyzed and recommendations were provided to OSM staff to assure improvement in future projects.

## EMERGENCY PROJECTS



OSM Emergency Projects 1978-90

Emergency projects are those involving abandoned coal mine lands that present an immediate danger to the public health, safety, or general welfare and which require immediate action.

Since the beginning of the program, OSM has encouraged States to take over emergency project responsibility. Beginning in 1983, Arkansas and Montana assumed emergency project responsibility, followed by Illinois in 1984. During 1988-89, Kansas, Virginia, and West Virginia took over responsibility for their emergency projects, and Alabama assumed responsibility in 1990. In 1989, OSM established a new emergency program policy that provided federal share

**TABLE 12**  
**AML FEE COLLECTIONS AND FUNDING**  
**1990**

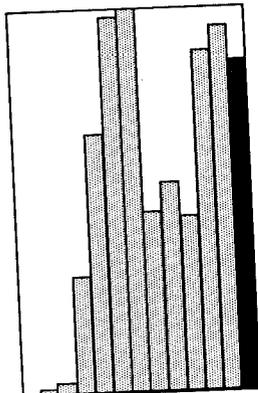
State or Tribe	Fees Collected	Federal Projects	RAMP Projects	StateShare Allocation	Federal Share Allocation	Emergency Allocation
Alabama	\$5,964,420	\$0	\$398,000	\$2,895,539	\$1,633,702	\$0
Alaska	512,448	0	0	221,052	19,506	0
Arkansas	23,920	0	463,000	0	1,500,000	0
California	6,368	0	0	0	0	0
Colorado	4,431,602	83,175	0	1,707,313	793,111	0
Georgia	0	38,984	0	0	0	0
Illinois	12,580,754	0	70,000	6,102,145	5,406,229	384,000
Indiana	11,683,791	160,927	117,000	4,155,747	1,586,210	0
Iowa	131,676	1,020	0	0	1,500,000	0
Kansas	361,815	0	0	230,079	911,917	475,000
Kentucky	38,439,851	10,234,451	1,609,000	14,998,561	1,595,373	0
Louisiana	314,324	0	0	97,393	0	0
Maryland	816,622	250	214,000	522,959	977,041	0
Missouri	1,199,504	0	0	526,663	973,337	0
Montana	12,146,492	0	0	4,375,557	385,939	250,000
New Mexico	3,873,800	1,980	0	1,388,434	278,671	0
North Dakota	2,954,286	0	25,000	1,333,144	247,777	0
Ohio	9,178,523	612,455	842,000	3,733,425	2,542,507	0
Oklahoma	622,987	3,462	388,000	246,959	1,253,041	0
Pennsylvania	17,310,250	1,421,680	1,274,000	7,304,487	17,548,384	0
Tennessee	1,1206,712	555,660	514,000	0	0	0
Texas	5,508,115	0	0	1,682,652	49,276	0
Utah	3,218,018	0	0	1,037,056	462,944	0
Virginia	8,913,788	33,791	374,000	3,739,023	1,087,291	250,000
Washington	1,661,425	141,243	0	0	0	0
West Virginia	31,318,183	3,751	1,254,000	11,076,677	10,190,594	3,000,000
Wyoming	59,763,433	0	77,000	22,978,977	0	0
Cheyenne River Sioux	0	500,000	0	0	0	0
Fort Peck Tribe	0	6,000	0	0	0	0
National Park Service	0	297,439	0	0	0	0
Crow Tribe	1,008,603	0	0	2,088,308	0	0
Hopi Tribe	1,139,149	0	0	100,000	0	0
Navajo Tribe	7,184,970	0	0	2,156,000	0	0
Federal Share Collections	84,338					
<b>TOTAL</b>	<b>\$243,560,167</b>	<b>\$14,096,268</b>	<b>\$7,619,000</b>	<b>\$94,698,150</b>	<b>\$50,942,850</b>	<b>\$4,359,000</b>

funds, in addition to the formula-based allocation, to States with emergency programs.

Since 1988, it has been OSM policy to stabilize the emergency portion of AML problems permanently, and then to refer any remaining work at the site to the State for consideration under its regular AML reclamation program. OSM initiated 189 emergency projects in 1990, while States with emergency programs initiated 118 in 1990.

Table 13 summarizes high-priority and emergency project obligations by State for 1990.

## GRANTS TO STATES AND TRIBES



Grants & Cooperative Agreements 1978-90

Beginning with Texas in 1980, OSM has approved State reclamation programs so that currently all primacy States except Mississippi have approved AML programs. During 1988 the Navajo and Hopi Tribe programs were approved, and in 1989 the Crow Tribe received approval for its program. States and the Tribes received grants totaling \$191,625,030 in 1990. Since 1981, when the States began receiving AML administrative grants to operate their programs and construction grants to complete reclamation projects, through 1990, they have received \$1,466,608,340 from the Fund. Grant amounts for 1990 are shown in Table 14. On-the-ground coal mine reclamation accomplishments resulting from grant funding through 1990 are summarized in Table 15.

## MINIMUM PROGRAM GRANT FUNDING

The minimum-level AML program was established by Congress in 1988 to assure funding of existing high-priority projects in States where the annual State share allocation is too small for the State to administer a program and initiate reclamation.

Seven States (Arkansas, Iowa, Kansas, Maryland, Missouri, North Dakota, and Oklahoma) were eligible for minimum-level program funding during 1990 and received such grants during the year. Authorized funding of the minimum-level program was \$1,500,000 for 1990. Eligible States received \$7,951,324 of federal-share money in 1990. This includes \$2,231,324 of normal federal-share distribution, plus \$5,720,000 of contributions from non-minimum program States. These contributions bring the seven States to the minimum program level. Once minimum-program States complete their high-priority projects listed in the National Inventory of AML Problems, annual funding is limited to State-share money.

## STATE-SHARE SET-ASIDE GRANTS

Beginning in 1987, Public Law 100-34 authorized States to set aside up to 10 percent of the State-share portion of their annual AML reclamation grants. Set-aside money must be deposited into special trust funds, and will be available, along with interest earned, for use by the State for reclaiming AML problems after August 3, 1992--the original expiration date for the collection of AML reclamation fees, until legislation in late 1990 extended the program for three years.

In 1990, six States and the Crow and Navajo Tribes set aside \$3,741,428.

## SUBSIDENCE INSURANCE PROGRAM

Public Law 98-473 authorized the States and Tribes with approved reclamation plans to use abandoned mine land funds for establishing self-sustaining, individually administered programs to insure private property against damages caused by land subsidence resulting from abandoned underground coal mines. Implementing rules were promulgated in February 1986. Under these rules, States can receive a subsidence insurance grant of up to \$3 million, awarded from the State's share of the AML Fund. In 1990 there were no subsidence insurance grants issued. Through 1990, OSM has granted a total of \$9,089,881 to the States of Colorado, Indiana, Kentucky, Ohio, West Virginia, and Wyoming to develop and administer subsidence insurance programs.

## NATIONAL INVENTORY OF AML PROBLEMS

As part of its 1989 appropriation, OSM was directed by Congress to conduct a review and revision of the existing National Inventory of Abandoned Mine Land Problems and to improve the inventory's site evaluation and data consistency among States. The FY 1989 OSM appropriation provided funding of up to \$2 million to implement this project. Since the Association of State AML Programs and a number of individual States were not interested in performing the effort, OSM undertook the project directly, utilizing \$1.5 million in reprogrammed funds. Due to the limited time and funds available, the project included only dangerous highwall, subsidence, and underground mine fire problems. These three areas account for three-quarters of the costs and one-third of the problems in the inventory.

During the summer of 1989, OSM reviewed 3,900 problem areas using newly developed criteria for defining the degree of the hazard at these sites. Initial results were reviewed by the States, and disputed areas were reviewed again. The review resulted in a \$3 billion decrease in the inventory (from \$5.9 to \$2.9 billion for priority 1 and 2 problem areas). Most of the decrease

**TABLE 13**  
**FEDERAL RECLAMATION PROGRAM PROJECTS**  
**1990 OBLIGATIONS**

State or Tribe	Emergency	High Priority	Total 1978-90
Alabama	\$0	\$0	\$13,993,114
Alaska	0	0	175,247
Arkansas	0	0	82,803
Colorado	12,378	0	1,815,333
Georgia	0	38,984	1,712,900
Illinois	0	0	5,375,249
Indiana	160,927	0	3,541,452
Iowa	61,497	0	207,736
Kansas	0	0	4,173,058
Kentucky	10,234,451	0	49,696,482
Louisiana	0	0	0
Maryland	250	0	1,880,052
Michigan	0	54,000	1,347,292
Missouri	0	0	7,707,578
Montana	0	0	1,271,799
New Mexico	0	0	2,408,065
North Carolina	0	0	205,407
North Dakota	3,000	0	1,776,945
Ohio	612,455	0	14,861,994
Oklahoma	5,985	0	464,824
Pennsylvania	1,421,680	0	72,525,639
Tennessee	0	555,660	11,206,782
Texas	0	0	269,288
Utah	0	0	248,024
Virginia	33,791	0	9,908,055
Washington	773	140,470	2,119,711
West Virginia	3,751	0	28,465,931
Wyoming	971	0	1,122,188
Cheyenne River Sioux Tribe	0	250,000	1,243,537
Crow Tribe	0	0	1,095,267
Fort Peck Tribe	0	6,000	6,599
Hopi Tribe	0	0	1,003,105
Navajo Tribe	0	0	2,472,682
Northern Cheyenne Tribe	0	0	544,014
<b>Total</b>	<b>\$12,551,909</b>	<b>\$1,045,114</b>	<b>\$244,927,952</b>

**TABLE 14**  
**AML GRANTS\* TO PRIMACY STATES AND INDIAN TRIBES**  
**1990**

State or Tribe	Plan Preparation	Subsidence Insurance	10% Program Set-Aside	Administration	Construction	Emergency
Alabama	\$0	\$0	\$0	\$1,932,340	\$2,803,219	\$0
Alaska	0	0	0	128,910	0	0
Arkansas	0	0	0	701,187	503,339	50,000
Colorado	0	0	170,731	764,761	1,611,337	0
Illinois	0	0	0	1,588,761	10,602,356	411,546
Indiana	0	0	0	1,181,423	4,360,000	0
Iowa	0	0	0	298,841	1,202,056	0
Kansas	0	0	0	338,931	1,131,600	475,000
Kentucky	0	0	0	3,207,101	5,515,087	0
Louisiana	0	0	0	102,769	0	0
Maryland	0	0	0	186,351	972,000	0
Mississippi	0	0	0	0	0	0
Missouri	0	0	0	802,722	5,659,240	0
Montana	0	0	437,556	3,407,834	2,232,426	250,000
New Mexico	0	0	138,843	1,032,301	911,500	0
North Dakota	0	0	0	1,152,938	2,138,723	0
Ohio	0	0	0	3,166,909	4,408,039	0
Oklahoma	0	0	0	930,605	801,789	0
Pennsylvania	0	0	0	24,120,770	27,474,074	0
Tennessee	0	0	0	0	0	0
Texas	0	0	168,265	1,248,399	2,050,100	0
Utah	0	0	103,705	603,264	982,029	0
Virginia	0	0	0	1,303,020	4,376,295	250,000
West Virginia	0	0	0	3,787,047	26,888,500	3,000,000
Wyoming	0	0	2,297,898	4,915,318	16,716,136	0
Crow Tribe	0	0	208,830	728,932	985,280	0
Hopi Tribe	0	0	0	188,410	134,214	0
Navajo Tribe	0	0	215,600	1,167,873	0	0
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$3,741,428</b>	<b>\$58,987,717</b>	<b>\$124,459,339</b>	<b>\$4,436,546</b>

\*Funding for these grants is derived from the FY 1990 allocation and funds recovered or carried over from previous years.

**TABLE 15**  
**HIGH-PRIORITY PROJECT RECLAMATION ACCOMPLISHMENTS\***  
**1977-1990**

State or Tribe	Number of Problem Areas Reclaimed	Acres Reclaimed	Feet of Highwall Reclaimed	Water Problems Reclaimed	Mine Fires Reclaimed	Mine Openings Reclaimed	Subsidence Reclaimed
Alabama	230	172	31,076	27	18	813	8
Alaska	15	5	55	2	0	6	0
Arkansas	20	21	18,485	5	0	18	0
Colorado	261	5	42,310	1	25	451	7
Illinois	231	1,354	7,754	14	606	222	2
Indiana	242	998	88,643	89	2	328	14
Iowa	16	592	29,535	42	0	1	0
Kansas	17	1	12,710	1	0	1	4
Kentucky	384	11,541	18,111	165	204	1,158	12
Louisiana	0	0	0	0	0	0	0
Maryland	24	41	9,344	11	0	9	4
Missouri	45	2,459	58,027	65	7	32	1
Montana	197	35	0	37	176	710	62
New Mexico	23	0	0	2	7	112	11
North Dakota	21	4	9,000	3	1	65	11
Ohio	56	2,452	10,120	15	0	69	24
Oklahoma	45	38	95,729	46	0	33	5
Pennsylvania	239	751	252,542	47	3,568	223	34
Tennessee	55	380	30,059	21	1	143	1
Texas	1	0	0	0	0	8	1
Utah	32	35	3,525	8	40	406	0
Virginia	131	2,021	28,011	91	36	946	3
West Virginia	252	1,537	66,303	45	188	527	30
Wyoming	82	3	10,000	1	18	423	4
Crow Tribe	0	0	0	0	0	0	0
Hopi Tribe	2	0	5,810	0	0	0	0
Navajo Tribe	10	71	0	0	34	44	1

Total                    2,631            24,515            827,149            738            4,930            6,748            239

\*Source: National AML Inventory, includes all high-priority projects completed by federal and State programs. Data may differ from previous annual reports where only State program accomplishments were summarized from annual oversight reports.

occurred in the highwall category, where reviewers found that considerable numbers of highwall sites were remote and seldom visited and were, therefore, not significant threats to public safety.

## **OSM STUDY ON AML FUND REAUTHORIZATION**

During 1990, OSM prepared a final draft study to quantify the accomplishments of the current AML reclamation program, evaluate the impacts of the reclamation fee on the coal mining industry, and assess the nature and distribution of remaining abandoned coal mining land problems. The study was designed to provide information about the AML program, the AML problem nationwide, and the issues that are of central concern to any decision on renewal of the program. The study also addressed the impacts of potential modifications to Title IV of SMCRA.