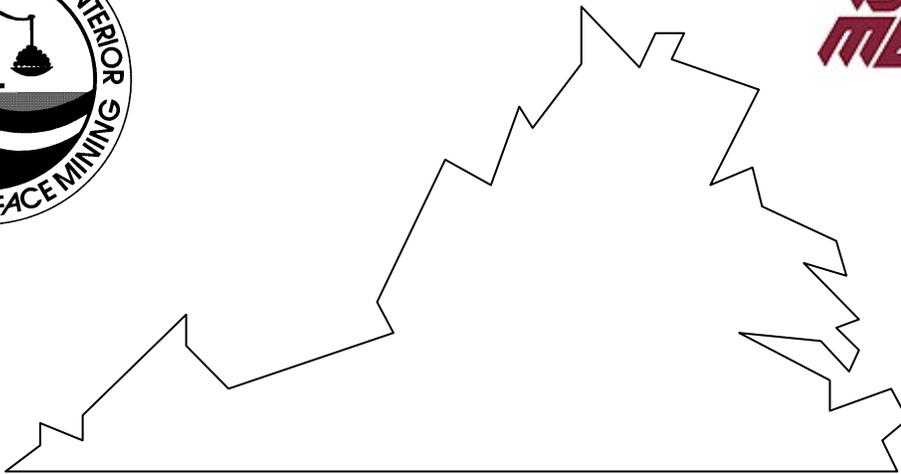


OFFICE OF SURFACE MINING
Annual Evaluation Summary Report
For the
Regulatory and Abandoned Mine Land Programs
Administered by the Commonwealth
Of
VIRGINIA
For
Evaluation Year 2005
(July 1, 2004 to June 30, 2005)



August 2005

Table of Contents

I.	INTRODUCTION.....	1
II.	OVERVIEW OF THE VIRGINIA COAL MINING INDUSTRY	1
III.	OVERVIEW OF THE PUBLIC PARTICIPATION	3
IV.	MAJOR ACCOMPLISHMENTS/ISSUES/INNOVATIONS	3
V.	SUCCESS IN ACHIEVING THE PURPOSES OF SMCRA	7
	A. OFF-SITE IMPACTS.....	7
	B. BOND RELEASE	8
	C. CUSTOMER SERVICE.....	8
VI.	OSM ASSISTANCE	8
VII.	GENERAL OVERSIGHT TOPIC REVIEWS.....	9
APPENDIX A TABLES		
	<i>TABLE 1 Coal Production.....</i>	<i>11</i>
	<i>TABLE 2 Inspectable Units.....</i>	<i>12</i>
	<i>TABLE 3 State Permitting Activity</i>	<i>13</i>
	<i>TABLE 4 Off-Site Impacts.....</i>	<i>14</i>
	<i>TABLE 5 Mining and Reclamation Results</i>	<i>15</i>
	<i>TABLE 6 optional tables not used</i>	<i>16</i>
	<i>TABLE 7 Bond Forfeiture Activity.....</i>	<i>17</i>
	<i>TABLE 8 State Staffing</i>	<i>18</i>
	<i>TABLE 9 Grants.....</i>	<i>18</i>
	<i>TABLE 10 Inspection Activity.....</i>	<i>19</i>
	<i>TABLE 11 State Enforcement Activity</i>	<i>19</i>
	<i>TABLE 12 Lands Unsuitable Activity</i>	<i>20</i>
APPENDIX B: STATE COMMENTS ON THE REPORT AND OSM DISPOSITION		
	<i>State Comments.....</i>	<i>22</i>
	<i>OSM Disposition Letter for State comments.....</i>	<i>24</i>

I. INTRODUCTION

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) created the Office of Surface Mining Reclamation and Enforcement (OSM) in the Department of the Interior. SMCRA provides authority to us to oversee the implementation of and provide Federal funding for State regulatory and abandoned mine land programs that have been approved by us as meeting the minimum standards specified by SMCRA. This report contains summary information regarding the Virginia program and its effectiveness in meeting the applicable purposes of SMCRA as specified in section 102. This report covers the period of July 1, 2004, to June 30, 2005. Detailed background information and comprehensive reports for the program elements evaluated during the period are available for review and copying at the Big Stone Gap OSM Office.

The following list contains acronyms used in this report:

AML	Abandoned Mine Land
DMLR	Division of Mined Land Reclamation
DMME	Department of Mines, Minerals and Energy
EY	Evaluation Year
NEPA	National Environmental Policy Act
SMCRA	Surface Mining Control and Reclamation Act

II. Overview of the Virginia Coal Mining Industry

Coal is Virginia's most abundant indigenous energy resource and has been important to the State's development since the colonial period. The first commercial

production of coal in the United States was in 1748 from the Richmond Coalfield just west of Richmond, Virginia. This coalfield flourished until the Civil War, which destroyed much of Virginia's coal fueled industry. In 1883, the Norfolk and Western Railway opened the first major production mine in Southwestern Virginia at Pocahontas in Tazewell County. Since that time, the seven counties comprising the Southwestern Virginia Coalfields: Wise, Buchanan, Dickenson, Tazewell, Lee, Russell and Scott (in descending order based on 1998 production) have dominated Virginia coal production, accounting for 100 percent of Virginia's production.

The Southwestern Virginia Coalfield is part of the Central Appalachian Coalfield that includes Eastern Kentucky and Southern West Virginia. In Virginia, the bituminous coal is produced from over two dozen Pennsylvanian age coal seams that vary in thickness from under one foot to occasionally over six feet. The coalfield area is characterized by steep slopes and narrow valleys with some local areas having a less rugged, rolling topography. Due to steep topography, Virginia mines are predominantly drift mouth underground and contour surface operations. There are a limited number of mountaintop removal, deep shaft, and area-type operations.

Since the effective date of SMCRA, Virginia coal production increased from 29 million tons in 1978 to a high of 47 million tons in 1990. Last year's production was a little over 29.6 million tons. According to 2003 U. S. Department of Energy statistics Virginia's production ranked tenth among the coal producing states

(<http://www.eia.doe.gov/cneaf/coal/page/acr/table1.html>). In 2000 Virginia ranked eighth in coal

production. Approximately 66 percent of the production comes from underground mines and 34 percent from surface mining. Virginia produces higher quality coal with higher BTU's (British Thermal Units) and lower sulfur content than the national average. This has historically made Virginia coal attractive for metallurgical coke production and for the export market.

During 2003, coal accounted for less than one percent (0.28) of Virginia's Gross State Product (Source: U. S. Bureau of Economic Analysis <http://www.bea.doc.gov/bea/regional/gsp/>). Coal production and related industries have a significant economic impact in Southwest Virginia. In the seven coal producing counties, coal mining is one of the major industries. Employee compensation of \$401 million was derived from the mining industry during 2003 (Source: U. S. Bureau of Economic Analysis). Coal mining employment in Virginia peaked at 20,741 in 1981 and declined to 5,657 in 2003 (Source: U. S. Bureau of Economic Analysis). In 2003, 6.6 percent of the coalfield counties' workforce worked in the mining industry, compared to 8 percent in 2001. The Virginia Employment Commission projects that mining related jobs will decline at a rate of 16.7 percent between 2002 and 2012. This loss is equivalent to about 802 jobs during the period or about 80 jobs a year. As of June 2005, unemployment in the seven coalfield counties in Southwest Virginia averaged 5.7 percent, ranging from a high of 7.1 in Dickenson County to 4.6 percent in Tazewell County. The State wide average was 3.8 percent and National average is 5.2 percent. (Source: Virginia Employment Commission)

Virginia currently has 602 inspectable mining units in Virginia, 166 are surface mines, 265 are underground mines, 88 are support activities, and 83 are exploration notices. There are 131 producing surface

mines and 174 producing underground mines. The average permitted acreage is 381 acres for surface mines, 31 acres for underground mines, and 88 acres for support facilities. For comparative purposes, in 1991, we had 1,130 inspectable units of which 298 were surface mines, 492 underground mines, 163 support facilities, and 177 exploration notices. In 1991, the average permitted acreage was 124 acres for surface mines, 18 acres for underground mines, and 54 acres for support facilities. Although we have seen a reduction in the number of inspectable units during the past 12 years, the trend toward fewer, larger operations is evident.

Since the 1950's, Virginia has documented twelve deaths associated with coalfield abandoned mine land hazards. The last reported death occurred in 2000. Five deaths were drowning, three were falls from highwalls, two were burning refuse suffocations, one was caused by a gob waste landslide into a residence, and one was caused by a rockslide associated with abandoned underground mine subsidence. Two injuries occurred because of a collapsing refuse pile and one documented injury when a slumping underground face-up area slid into a residence. A large number of AML related hazards are still present in the coalfields and are being addressed on a priority basis.

The abandoned mine land program has had a significant impact in Virginia. The following is just a sampling of the many accomplishments that the abandoned mine reclamation program has had in Virginia. Since 1978, Virginia has restored 76 miles of streams and reclaimed 955 acres of clogged stream lands; eliminated 44 dangerous impoundments; reclaimed 276 acres of dangerous piles and

embankments; sealed 1,151 dangerous mine openings and 119 vertical openings; replaced 2,514 water supplies adversely impacted by mining; and reclaimed over 6 miles of dangerous highwalls.

(<http://ismhdqa02.osmre.gov/scripts/OsmWeb.dll>) Funding for this program expires in 2006 year without a Congressional extension. About a billion dollars remains unappropriated in the fund.

III. Overview of the Public Participation Opportunities in the Oversight Process and the State Program

At the beginning of the 2005 oversight year, OSM and DMLR developed an annual oversight plan. During the process of developing this plan, we published an announcement in newspapers of general circulation in the coalfields soliciting input into the plan. We also mailed notices to interested citizen, industry and environmental groups. We did not receive any comments as a result of the advertisement or direct mailing, but we did receive a few requests for copies of the completed document.

We also met with citizens, industry, and agencies on numerous occasions during the year to discuss issues such as re-mining, experimental practices, and Clean Streams. The Field Office participated in or assisted on advisory and/or ad-hoc committees for re-mining, AML, American Heritage Rivers (New River Community Partners), the Powell River Ecosystem Study, the Guest River Group, Upper Tennessee River Round Table and the Big Sandy watershed protection conference.

DMLR continues to work with the U. S. Army Corps of Engineers, LENOWISCO Planning District, and Black Diamond

Resource Conservation and Development, Inc. to plan and conduct stream restoration projects related to acid mine drainage in the Powell River. They also participated in numerous meetings of the Upper Tennessee River Watershed Roundtable to address mining related issues in the Clinch and Powell Rivers in Virginia. DMLR also partnered with local watershed groups to secure non-federal funding to reclaim priority 3 abandoned mine land sites.

State staff has met with citizens on numerous occasions to discuss citizen concerns. Additionally, several other meetings were held addressing agency permitting initiatives, informational exchange on “mined fields to soccer fields,” electronic permitting initiatives, and re-mining.

DMLR staff also conducted other public meetings, made presentations, and taught classes benefiting local schools, educational facilities, and government agencies.

IV. Major Accomplishments, Issues, or Innovations in the Virginia Program

This year marks the 24th anniversary of a primacy program in the Commonwealth of Virginia. The maturation of the program over the past 24 years has helped protect the public and minimize environmental impacts within the Virginia coalfields. Unfortunately, this year we must report that we had a citizen fatality due to active mining. The fatality generated public hearings and changes in State reclamation and mine safety laws. For the first time Virginia has broken with its long-standing tradition of having regulations no more stringent than the counterpart Federal regulations. Virginia passed laws related

to blasting, civil penalties, and ground control intended to increase protection to the public.

Over the past year we monitored DMLR's performance in meeting the goals and objectives of the approved State program. Once again, we find that DMLR is successfully implementing both its regulatory and abandoned mine land programs. A list of the oversight reviews used to reach this conclusion is included in section VII of this report. We look forward to working cooperatively with Virginia during the next year.

Major accomplishments and innovations in the program this year include:

- The passage of House Bill 2573, which changes the civil penalty system. Fines for violations that result in injury/harm to persons increased to a maximum penalty of \$70,000. Virginia updated its regulations to incorporate other changes mandated by the General Assembly.
- Virginia continued its partnership with the United States Army Corps of Engineers, LENOWISCO, the Tennessee Valley Authority, and Lee County, to accomplish the North Fork Powell River Ecosystem Restoration Project. This partnership conducted a bid showing in June 2005 for Phase 2 of the project.
- In partnership with The Nature Conservancy, selected a surface mine site in the Clinch River watershed for a carbon sequestration pilot project.
- DMME partnered with the Guest River Restoration Project to secure Tennessee Valley Authority funding of \$25,000 for a priority 3 AML site in the Guest River watershed.
- DMME partnered with the Tennessee Valley Authority to secure \$15,000 funding for a reclamation project in the North Fork Powell River watershed.
- DMME submitted grant requests to the U. S. Fish and Wildlife Service to fund reclamation of four abandoned mine projects in the North Fork Powell River watershed. The Fish and Wildlife Service has given preliminary approval of \$325,000 to fund three of the projects.
- DMME assisted Lee County in having the Environmental Protection Agency conduct a Phase 1 Targeted Brownfields Assessment on an abandoned tipple site in Lee County. Federal agencies have selected this site as one of six sites nationwide to serve as a demonstration project for clean up and beneficial reuse by local communities.
- Contracted for reclamation of five abandoned mine land project areas through the AML enhancement rule.
- A DMME minerals specialist attended the Office of Surface Mining Instructor Training Course.
- DMME and the U.S. Army Corps of Engineers continue to study the impacts of acid mine drainage in the Powell River watershed. Efforts continue toward a comprehensive construction project, the Powell River Ecosystem Restoration Project, to mitigate acid mine drainage impacts.
- Encouraged industry to use AML no-cost agreements to reclaim abandoned lands. Primarily no-cost agreements allow mining companies to use excess spoil from permitted mining operations to eliminate abandoned mine highwalls that we would not normally reclaimed.

In addition to reclaiming several miles of abandoned mine land highwalls, the practice also minimizes the development of new valley and hollow fills and reduces impacts to coalfield streams.

- DMME began discussion with the Army Corps of Engineers on the use of in-lieu fees for mitigation of stream impacts and for the use of stream mitigation credits for reclamation of abandoned mined lands.
- DMME, along with The Nature Conservancy and the U. S. Fish and Wildlife Service, initiated efforts to improve and protect water quality in Indian Creek. Indian Creek is designated as critical habitat of threatened and endangered species. DMME has begun to develop a comprehensive inventory of impairments in Indian Creek.
- DMME personnel authored articles for the National Association of Abandoned Mine Land Programs newsletter, the National Association of State Land Reclamationists newsletter, and the Virginia Mining Association journal.
- DMME hosted a tour of mining and reclamation sites for Assistant Secretary of the Interior, Rebecca Watson. The tour highlighted DMME's partnerships and innovative reclamation techniques as ways to increase the amount of abandoned mine land reclaimed.
- Organized and held an Arbor Day celebration in partnership with local, state, and federal agencies. Two elementary schools also participated in the event by planting over 800 trees on an abandoned mine land site in Lee County.
- Actively promoted reforestation of active mines and abandoned mine lands following guidelines of the Appalachian Regional Reforestation Initiative.
- DMLR completed reclamation and released all bond forfeitures, eliminating the entire inventory of bond forfeiture sites.
- DMME assisted the Virginia Department of Environmental Quality (DEQ) with the development of Total Maximum Daily Loads (TMDLs) for resource extraction impaired streams. During the past year, three more TMDL reports were completed on coalfield streams: Callahan Creek, Straight Creek, and Russell Prater Creek. The TMDL studies identify the specific reductions in mining related pollutants needed to restore the stream's water quality and biological communities.

A significant part of TMDL development is the public participation process. Although DEQ takes the lead with public participation, DMLR is involved at all public meetings regarding TMDLs. DMLR also participates in a number of watershed organizations. These organizations include the Upper Tennessee River Roundtable, the Guest River Group, the Powell River Alliance, and the Clinch Headwaters Association.

- Successfully applied for and received National Fish and Wildlife Foundation grant funds for the Black Creek Riparian Zone Restoration project. Black Creek is included on Virginia's list of impaired waters because stream quality fails to meet the state's standards for aquatic life. The reconstruction of a riparian zone

should facilitate the restoration of the stream.

- DMME Technical Services staff members assisted with the environmental science curriculum for the Mountain Empire Community College Tech Prep camp.
- DMME environmental section employees promoted water quality and assisted identifying the local fish species and invertebrates through a program called "Kids in the Creek". Personnel demonstrated sampling techniques using an electro-shocker and field-test kits that are commonly used during the application process for obtaining surface mining permits. DMME utilized a hands-on approach and allowed the students to handle the fish and invertebrate bugs. The students gained valuable information, thus promoting the environmental resources of our area.
- Completion of an Experimental Practice related to alternative highwall elimination methods.
- Participated on the Appalachian Region Technology Transfer Team conference calls and semi-annual meetings
- DMME hosted the semi-annual meeting of the Appalachian Region Technology Transfer Team. The meeting emphasized electronic permitting.
- DMME met with OSM and other states in Roanoke, West Virginia for a regional meeting.
- DMME met with the Big Sandy watershed group at the Breaks Interstate Park.
- DMME met with the Virginia Department of Transportation and the contractor selected to construct the coalfield expressway (CFX). The group discussed potential mining along the CFX corridor.
- Along with utility companies, evaluated mine sites for possible locations for power generating facilities.
- DMME personnel serve on the Appalachian Regional Reforestation Initiative workgroup. They met with industry representatives on reforestation issues such as compaction, tree species, and ground cover.
- Discussed environmental and safety issues on permitted sites, in meetings with the coal industry, the Virginia Department of Forestry, logging companies, gas and oil companies.
- Attended OSM sponsored training sessions.
- Attended a Wildlife Summit sponsored by OSM in Louisville, KY.
- Participated in the Natural Resource Day for Wise County school students at the Powell River Project. DMME gave a presentation on post-mining land uses.
- Attended and served as a moderator for the Appalachian Regional Reforestation Team meeting in Roanoke, WV. The purpose of the meeting was the signing of the ARRI Statement of Mutual Intent. DMME was a signatory to the document.
- Geologist led field Trip at Natural Tunnel State Park for "Geology of Virginia Parks" class from Southwest Virginia Community College.

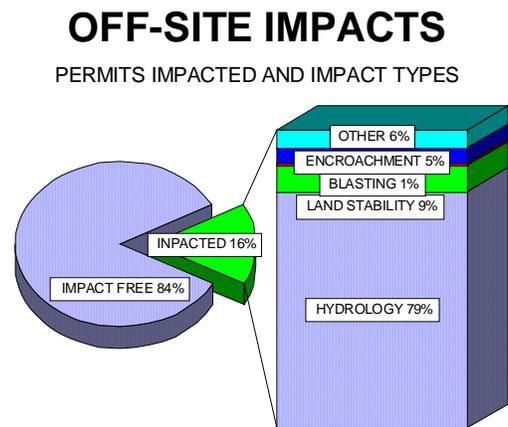
- The DMLR made a proposal to the Natural Resource Conservation Service (NRCS) for PL-566 funding for reclamation of abandoned mined land. Locally, PL-566, the Erosion and Flood Control Act has traditionally provided funding to farmers to fence livestock out of waterways and provide alternative water sources such as wells with watering troughs. This proposal was one of the first nationwide to utilize this funding source to reclaim abandoned mined land.
- The DMLR utilized Tennessee Valley Authority funding to reclaim AML outcrops near Keokee, Virginia.
- Facilitated economic development through assistance provided to the City of Norton on locating the new Wal-Mart Supercenter, scheduled to open in late August, 2005.
- Established a new Global Position System (GPS) base station at the Buchanan-Smith building in Big Stone Gap, Virginia. Data from the station is available for use by local surveyors, the National Geodetic Survey, VDOT, and other national and international geodetic and scientific organizations.

V. Success in Achieving the Purposes of SMCRA as Measured by the Number of Observed Off-Site Impacts and the Number of Acres Meeting the Performance Standards at the Time of Bond Release

To further the concept of reporting end results, the findings from performance standard evaluations are being reported nationally in terms of the number and extent of observed off-site impacts and the

number of acres that have been mined and reclaimed and which meet the bond release requirements for the various phases of reclamation. Individual topic reports are available in the Big Stone Gap OSM Office. These reports provide additional details on how the following evaluations and measurements were conducted.

A. Off-Site Impacts:



During the evaluation year, DMLR inspectors conducted 5,847 inspections on 602 mines and exploration notices. We analyzed off-site impact data (Table 4) from 2,633 complete (includes 350 complete inspections on exploration notices) and 3,214 partial State inspections. Eighty-four percent of mine sites inspected were free of off-site impacts compared to 87 percent last year. Forty-seven percent of this year’s violations resulted in off-site impacts compared to 32 percent last year. The number of mine-sites with off-site impacts increased by 3 percent again this year capping off a two year 6 percent rise. We believe this increase resulted because State inspectors are becoming better trained and more confident in recognizing the off-site impact. Data indicates that hydrology performance standards are violated most often (68 percent) and result in the most off-site impacts (79 percent) compared to

67 percent and 76 percent last year. Appendix I, [Table 4](#), details the distribution of and resources impacted by off-site impacts. DMLR considered the impacts to resources as moderate or minor 95 percent of the time, compared to 84 percent last year.

We inspected 114 sites and gathered data on off-site impacts to verify DMLR findings. Inspectors found that 90 percent of the sites visited were free of off-site impacts. The data collected by us shows trends similar to those found by DMLR in the larger population. Both DMLR and our data indicate that the off-site impacts to resources are being minimized.

B. Bond Release:

DMLR records indicate that 1,300.04 acres of land received Phase III bond release during the evaluation year. As part of a special study, we reviewed 11 of 34 operations that applied for Phase III bond release during the evaluation year. We found on-the-ground reclamation successful on the sampled sites. The post-mining land use was achieved on the sites.

Our review of DMLR's bond release program found again that DMLR was timely in responding to public comments and bond releases were processed in a timely manner.

C. Customer Service:

The DMLR is customer service-oriented. Customer service is an integral part of the State's strategic planning. The Department of Mines, Minerals and Energy maintains a "client assistance center" in its office in Big Stone Gap to better serve its customers. We believe that the State is providing the utmost in service to all of its

customers. Our review of DMLR's bond release program found that DMLR responded to public comments and concerns in a timely manner.

VI. OSM Assistance

During the past year we provided technical training to DMLR staff members on a variety of subjects through OSM's Technical Training and Tips staffs. Technical staff assisted DMLR investigations of both AML and Regulatory technical issues by providing engineering, geologic and hydrologic expertise. The technical staff also processed a number of experimental practice release applications.

We participated on several ad-hoc committees such as remining and the State's AML Advisory Council and assisted the State in implementing its remining initiative. We continued to support State AML enhancement and "no cost" reclamation efforts.

OSM's Appalachian Region partnered with the States to develop the *Appalachian Regional Reforestation Initiative (ARRI)*, a program that promotes the reforestation of mined lands. *ARRI's* goal is re-establishment of a productive and healthy forest.

Additionally, we provided the State matching grant funds to operate the regulatory program. We also provided 100 percent funding for the abandoned mine land and emergency programs.

VII. General Oversight Topic Reviews

During the evaluation year we and/or DMME/DMLR evaluated the following oversight topics. Unless otherwise noted, copies of the detailed reports for these topics are available at our office in Big Stone Gap, Virginia.

- *Active/reclamation active permit inspections* - This joint review evaluated Virginia's regulatory program, focusing on acid mine drainage, temporary cessation, and off-site impacts. We conducted 79 inspections on active and reclamation active permits. We found that the Division of Mined Land Reclamation is successfully managing permits in temporary cessation. The acid mine drainage review found that all permits with potential long term polluttional discharges are on the Acid Mine Drainage Inventory. Off-site impacts are discussed in section V. A. of this report.
- *Phase III Bond Release Reclamation Success* – We evaluated Virginia's approval processes for final bond releases on Title V permits and close outs of reclaimed bond forfeitures. We found that DMLR has successfully implemented the program goals and objectives for processing and releasing bonds during the year. DMLR also met program goals for reclaiming and closing out bond forfeiture sites. The bond forfeiture program has reclaimed all the current bond forfeitures and released DMLR jurisdiction on all but one site.
- *Fish and Wildlife Compliance Review* - This review evaluated Virginia's regulatory program regarding the Fish & Wildlife Resource Protection Plans in the Indian Creek watershed. The review team conducted four inspections. We found that DMLR is effectively implementing the watershed protection plans and adequately enforcing related sediment and environmental control standards. The compliance rate was 97 percent for the standards inspected on the four sampled permits.
- *Abandoned Mine Land Inventory System*) – Our review found that Virginia has a system that ensures that new data entered into the Abandoned Mine Land Inventory System is accurate and timely.
- *Impoundments* - Following the coal slurry impoundment spill in Martin County, KY, in 2000, Congress funded a study by the National Research Council. The Council was tasked to examine ways to reduce the potential for similar accidents. We are currently reviewing six high risk impoundments.
- *National Environmental Policy Act (NEPA) Compliance Reviews* - During EY 2005, we conducted reviews of environmental documents submitted by DMLR for NEPA compliance and issued authorizations to proceed on 32 non-emergency AML sites. We also conducted NEPA reviews and declared emergencies on 12 sites with AML hazards.

APPENDIX A

Appendix A: Tabular Summary of Core Data to Characterize the Program

TABLE 1

COAL PRODUCTION (Millions of short tons)			
Period	Surface mines	Underground mines	Total
Coal production ^A for entire State:			
Annual Period			
2002	9.057	19.629	28.686
2003	10.028	21.000	31.028
2004	10.003	19.639	29.642
Total	29.088	60.268	89.356

A Coal production as reported in this table is the gross tonnage which includes coal that is sold, used or transferred as reported to OSM by each mining company on form OSM-1 line 8(a). Gross tonnage does not provide for a moisture reduction. OSM verifies tonnage reported through routine auditing of mining companies. This production may vary from that reported by States or other sources due to varying methods of determining and reporting coal production.

TABLE 2

INSPECTABLE UNITS												
As of June 30, 2005												
Coal mines and related facilities	Number and status of permits									Permitted acreage^A (hundreds of acres)		
	Active or temporarily inactive		Inactive Phase II bond release		Abandoned		Totals		Insp. Units^D			
	IP	PP	IP	PP	IP	PP	IP	PP		IP	PP	Total
	STATE AND PRIVATE LANDS REGULATORY AUTHORITY: STATE											
Surface mines	0	131	0	35	0	0	0	166	166	0	63.3	63.3
Underground mines	0	174	0	90	0	1	0	265	265	0	8.3	8.3
Other facilities	0	65	0	23	0	0	0	88	88	0	7.7	7.7
Subtotals	0	370	0	148	0	1	0	519	519	0	79.3	79.3
FEDERAL LANDS REGULATORY AUTHORITY: STATE												
Surface mines	0	0	0	0	0	0	0	0	0	0	0	0
Underground mines	0	0	0	0	0	0	0	0	0	0	0	0
Other facilities	0	0	0	0	0	0	0	0	0	0	0	0
Subtotals	0	0	0	0	0	0	0	0	0	0	0	0
ALL LANDS^B												
Surface mines	0	131	0	35	0	0	0	166	166	0	63.3	63.3
Underground mines	0	174	0	90	0	1	0	265	265	0	8.3	8.3
Other facilities	0	65	0	23	0	0	0	88	88	0	7.7	7.7
Totals	0	370	0	148	0	1	0	519	519	0	79.3	79.3
Average number of permits per inspectable unit (excluding exploration sites)									<u>1</u>			
Average number of acres per inspectable unit (excluding exploration sites)									<u>153</u>			
Number of exploration permits on State and private lands:							<u>1</u>		On Federal lands ^C :		<u>0</u>	
Number of exploration notices on State and private lands:							<u>82</u>		On Federal lands ^C :		<u> </u>	
<p>IP: Initial regulatory program sites PP: Permanent regulatory program sites</p> <p>^A When a unit is located on more than one type of land, include only the acreage located on the indicated type of land. ^B Numbers of units may not equal the sum of the three preceding categories because a single inspectable unit may include lands in more than one of the preceding categories. ^C Includes only exploration activities regulated by the State pursuant to a cooperative agreement with OSM or by OSM pursuant to a Federal lands program. Excludes exploration regulated by the Bureau of Land Management. ^D Inspectable Units includes multiple permits that have been grouped together as one unit for inspection frequency purposes by some State programs.</p>												

TABLE 3

STATE PERMITTING ACTIVITY												
As of June 30, 2005												
Type of Application	Surface mines			Underground mines			Other facilities			Totals		
	App. Rec.	Issued	Acres	App. Rec.	Issued	Acres^A	App. Rec.	Issued	Acres	App. Rec.	Issued	Acres
New Permits	5	6	2,257	8	6	152	3	4	156	16	16	2,565
Renewals	13	21	NA	17	21	NA	12	16		42	58	NA
Transfers, sales and assignments of permit rights	2	3		1	2		6	6		9	11	
Small operator assistance	0	0		0	0		0	0		0	0	
Exploration permits	NA	NA		NA	NA		NA	NA		1	1	
Exploration notices ^B		NA			NA			NA			60	
Revisions (exclusive of incidental boundary revisions)		139			181			118			438	
Incidental boundary revisions		50	2,906		32	276		15	258		97	3,440
Totals	20	219	5,163	26	242	428	21	159	414	68	681	6,005
OPTIONAL - Number of midterm permit reviews completed that are not reported as revisions.										<u>NA</u>		
^A Includes only the number of acres of proposed surface disturbance.												
^B State approval not required. Involves removal of less than 250 tons of coal and does not affect lands designated unsuitable for mining.												

TABLE 4

OFF-SITE IMPACTS														
RESOURCES AFFECTED			People			Land			Water			Structures		
DEGREE OF IMPACT			minor	moderate	major	minor	moderate	major	minor	moderate	major	minor	moderate	major
TYPE OF IMPACT AND TOTAL NUMBER OF EACH TYPE	Blasting	1	0	0	0	0	0	0	1	0	0	0	0	0
	Land Stability	12	0	0	0	8	1	0	7	1	0	1	0	0
	Hydrology	108	10	7	0	10	5	0	66	18	5	5	2	0
	Encroachment	7	0	0	1	5	0	1	3	0	0	0	0	1
	Other	8	3	1	1	3	1	1	2	0	0	0	0	0
Total	136	13	8	2	26	7	2	79	19	5	6	2	1	
Total number of inspectable units:			<u>519</u>											
Inspectable units free of off-site impacts:			<u>438</u>											
OFF-SITE IMPACTS ON BOND FORFEITURE SITES														
RESOURCES AFFECTED			People			Land			Water			Structures		
DEGREE OF IMPACT			minor	moderate	major	minor	moderate	major	minor	moderate	major	minor	moderate	major
TYPE OF IMPACT AND TOTAL NUMBER OF EACH TYPE	Blasting	0	0	0	0	0	0	0	0	0	0	0	0	0
	Land Stability	0	0	0	0	0	0	0	0	0	0	0	0	0
	Hydrology	0	0	0	0	0	0	0	0	0	0	0	0	0
	Encroachment	0	0	0	0	0	0	0	0	0	0	0	0	0
	Other	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	
Total number of inspectable units:			<u>0</u>											
Inspectable units free of off-site impacts:			<u>0</u>											

TABLE 5

ANNUAL STATE MINING AND RECLAMATION RESULTS		
Bond release phase	Applicable performance standard	Acreage released during this evaluation period
Phase I	- Approximate original contour restored - Topsoil or approved alternative replaced	414.71
Phase II	- Surface stability - Establishment of vegetation	106.79
Phase III	- Post-mining land use/productivity restored - Successful permanent vegetation - Groundwater recharge, quality and quantity restored - Surface water quality and quantity restored	1,300.04
Bonded Acreage Status^A		Acres
Total number of acres bonded at end of last review period (June 30, 2004) ^B		66,565.00
Total number of acres bonded during this evaluation year		67,321.47
Number of acres bonded during this evaluation year that are considered re-mining, if available		5,570.00
Number of acres where bond was forfeited during this evaluation year (also report this acreage on Table 7)		0.00

^A Bonded acreage is considered to approximate and represent the number of acres disturbed by surface coal mining and reclamation operations.

^B Bonded acres in this category are those that have not received a Phase III or other final bond release (State maintains jurisdiction).

OPTIONAL TABLE(S) 6

Not Used

TABLE 7

STATE BOND FORFEITURE ACTIVITY (Permanent Program Permits)		
Bond Forfeiture Reclamation Activity by SRA	Number of Sites	Acres
Sites with bonds forfeited and collected that were unreclaimed as of June 30, 2004 (end of previous evaluation year) ^A	1	1.83
Sites with bonds forfeited and collected during Evaluation Year 2005 (current year)	0	0.00
Sites with bonds forfeited and collected that were re-permitted during Evaluation Year 2005 (current year)	0	0.00
Sites with bonds forfeited and collected that were reclaimed during Evaluation Year 2005 (current year)	1	1.83
Sites with bonds forfeited and collected that were unreclaimed as of June 30, 2005 (end of current year) ^A	0	0.00
Sites with bonds forfeited but uncollected as of June 30, 2005 (end of current year)	0	0.00
Surety/Other Reclamation (In Lieu of Forfeiture)		
Sites being reclaimed by surety/other party as of June 30, 2004 (end of previous evaluation year) ^B	0	0.00
Sites where surety/other party agreed to do reclamation during Evaluation Year 2005 (current year)	0	0.00
Sites being reclaimed by surety/other party that were re-permitted during Evaluation Year 2005 (current year)	0	0.00
Sites with reclamation completed by surety/other party during Evaluation Year 2005 (current year) ^C	0	0.00
Sites being reclaimed by surety/other party as of June 30, 2005 (current evaluation year) ^B	0	0.00
^A Includes data only for those forfeiture sites not fully reclaimed as of this date ^B Includes all sites where surety or other party has agreed to complete reclamation and site is not fully reclaimed as of this date ^C This number also is reported in Table 5 as Phase III bond release has been granted on these sites		

TABLE 8

VIRGINIA STAFFING (Full-time equivalents at the end of evaluation year)	
Function	EY 2005
Regulatory Program	
Permit review	23.00
Inspection	26.00
Other (administrative, fiscal, personnel, etc.)	30.00
Regulatory Program Total	79.00
AML Program Total	15.00
TOTAL	94.00

TABLE 9

FUNDS GRANTED TO VIRGINIA BY OSM (Millions of dollars) EY 2005		
Type of Grant	Federal Funds Awarded	Federal Funding as a Percentage of Total Program Costs
Administration and Enforcement	\$3,309,433.00	50%
Small Operator Assistance	\$0.00	NA
Total Administration and Enforcement	\$3,309,433.00	
Abandoned Mine Land	\$5,876,344.00	100%
Totals All Programs	\$9,185,777.00	

TABLE 10

STATE OF VIRGINIA INSPECTION ACTIVITY		
PERIOD: JULY 1, 2004 - JUNE 30, 2005		
Inspectable Unit Status	Number of Inspections Conducted	
	Complete	Partial
Active	1,599	3,119
Inactive	665	88
Abandoned	19	5
Total	2,283	3,212
Exploration	350	2

TABLE 11

STATE OF VIRGINIA ENFORCEMENT ACTIVITY		
PERIOD: JULY 1, 2004 - JUNE 30, 2005		
Type of Enforcement Action	Number of Actions	Number of Violations
Notice of Violation	245	274
Failure-to-Abate Cessation Order	2	2
Imminent Harm Cessation Order	9	9

TABLE 12

LANDS UNSUITABLE ACTIVITY			
PERIOD: JULY 1, 2004 - JUNE 30, 2005			
Number of Petitions Received	0		
Number of Petitions Accepted	0		
Number of Petitions Rejected	0		
Number of Decisions Declaring Lands Unsuitable	0	Acreage Declared as Being Unsuitable	0
Number of Decisions Denying Lands Unsuitable	0	Acreage Denied as Being Unsuitable	0

APPENDIX B
STATE COMMENTS ON THE REPORT
OSM DISPOSITION OF STATE COMMENTS

From: Collins, Gerald [Gerald.Collins@dmme.virginia.gov]
Sent: Wednesday, August 17, 2005 3:27 PM
To: Smith, Sandy; Ian B. Dye, JR
Cc: Vincent, Les; Williams, Roger; Barker, Ernie
Subject: FW: OSM 2005 Draft Annual Report

Attachments: OSM-05-AnnualReportEdits.doc

Ian,

Here are our comments on the draft EY05 report. Thanks for your work in again putting this together.

> -----Original Message-----

> From: Vincent, Les
> Sent: Wednesday, August 17, 2005 4:21 PM
> To: Collins, Gerald
> Cc: Smith, Sandy
> Subject: FW: OSM 2005 Draft Annual Report

>
> I added a couple of comments otherwise it is ready to go as no one but you and I provided comments.

>
> Thanks

>
> Les Vincent, P.E.
> C.S. Unit Manager
> Department of Mines, Minerals and Energy Division of Mined Land
> Reclamation P.O. Drawer 900 Big Stone Gap, VA 24219 Ph. (276)
> 523-8156 Fax (276) 523-8163 <mailto:les.vincent@dmme.virginia.gov>

> -----Original Message-----

> From: Smith, Sandy
> Sent: Wednesday, August 17, 2005 8:28 AM
> To: Vincent, Les
> Subject: FW: OSM 2005 Draft Annual Report

> -----Original Message-----

> From: Collins, Gerald
> Sent: Wednesday, August 17, 2005 8:24 AM
> To: Smith, Sandy
> Subject: OSM 2005 Draft Annual Report

> Here are some proposed edits:

> > <<OSM-05-AnnualReportEdits.doc>>

> Thanks,

>
> Gerald D. Collins, P.E.
> Environmental Manager
> Virginia Division of Mined Land Reclamation P.O. Drawer 900 Big Stone
> Gap, VA 24219
> (276) 523-8166; e-mail: Gerald.Collins@dmme.virginia.gov

PROPOSED CHANGES TO THE OSM DRAFT 2005 ANNUAL REPORT:

A. Additions

Under accomplishments, please add the following:

*Establishment of a new DMME GPS base station at the Buchanan-Smith building in Big Stone Gap, Virginia. The **National Geodetic Survey (NGS)** collects and archives GPS data from the FTP site in their database. They compute a daily position for the site and publish and maintain an official position in the NAD83(CORS96) reference frame. The site is included in the NGS CORS network and is named **VABG**. Data is also sent to the Scripts Orbit and Permanent Array Center (SOPAC) to be archived. Data from the station is made available for use by DMME, local surveyors, the National Geodetic Survey, VDOT, and other national and international geodetic and scientific organizations. Site **VABG** is also proposed to be an International GPS Service station.*

Page 6, next to last bullet: Add the following sentence:
DMME was a signatory to the document.

B. Proposed Changes:

Page 1, 1st column, middle paragraph – "As of June 2005, employment in the seven coalfield counties ... averaged 5.7 percent ..." *Should this refer to the unemployment rate rather than employment?*

Page 3, First paragraph, *note the AML extension*, last paragraph:

Delete the hyphen from "mine-safety"

Delete the hyphen and make "counter-part" into "counterpart"

Page 4, first bullet:

Change "with changes" to "which changes"

Page 4, 7th bullet:

Change "beneficially" reuse to "beneficial" reuse

Page 4, last bullet, last word:

Change "reclaimed" to "reclaim"

Page 5, second bullet:

Change "impoundments" to "impairments"

8th bullet:

Change the semi-colon after "coalfield streams" to a colon

Page 6, 2nd bullet:

Change "electro shocker" to "electroshocker"

Page 8, under section C:

First line, add a hyphen after service to make "service-oriented"

Third line, add an apostrophe to States to make it "State's"



United States Department of the Interior

OFFICE OF SURFACE MINING

Reclamation and Enforcement

1941 Neeley Road, Suite 201

Big Stone Gap, Virginia 24219

AUG 22 2005

Benny R. Wampler, Deputy Director
Department of Mines, Minerals and Energy
P. O. Drawer 900
Big Stone Gap, Virginia 24219

Dear Mr. Wampler:

Enclosed you will find a copy of the 2005 Annual Report on Virginia's performance under the Virginia Coal Surface Mining Control and Reclamation Act of 1979. Once again, we congratulate you and your staff on a successful year!

We appreciate the comments your staff provided to us on the draft report and have edited the report to include the recommended changes. We shortened the write-up about your new GPS station to make it consistent with the format of the other accomplishments.

Thanks to you and your staff for the assistance and cooperation in conducting this year's performance reviews and preparing the annual report. Please feel free to contact either Ian Dye or me if you have questions regarding the report.

Sincerely,

Robert A. Penn, Director
Big Stone Gap Field Office

Enclosure