



DEPARTMENT OF INTERIOR

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT



**Annual Evaluation Summary Report
Abandoned Mine Land Reclamation Program
Administered by the State
Of
WYOMING
For Evaluation Year
2003**

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ANNUAL REPORT

Part I. General

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 to oversee the regulation of coal exploration and surface coal mining and reclamation operations and the reclamation of lands adversely affected by past mining practices. SMCRA provides that, if certain conditions are met, a State may assume primary authority for the reclamation of abandoned mine lands within its borders. Once the State has obtained such approval, OSM has the responsibility to make investigations, evaluations, and inspections necessary to determine whether the State Abandoned Mine Land (AML) program is being administered in accordance with the approved program provisions.

OSM's evaluation methods are based upon OSM Directive AML-22 and a Programmatic Agreement between Wyoming AML and OSM. The agreement establishes a commitment between the State and OSM as to how oversight will be conducted. This approach allows the State to take a more active role in the entire oversight process. The State and OSM staff developed topics for review, specified methodologies for evaluation, and assisted one another in the preparation of the final report.

OSM's Casper Field Office (CFO) in partnership with the Wyoming AML Division identified specific topics to be reviewed during the review period. Wyoming AML Division and the CFO worked in concert to write the Programmatic Agreement.

The Director of the Office of Surface Mining revised the FY2003 evaluation year (EY) to consist of nine months – October 1, 2002 through June 30, 2003. Beginning with EY 2004, the

evaluation year will consist of a full twelve month period beginning on July 1 and ending on June 30 of the following year.

The assessment of the Wyoming AML program included enhancement and performance reviews of selected topics. Specific topics are past reclamation, ongoing reclamation, and financial administration.

The State certified on May 25, 1984 that all inventoried coal mines eligible for AML reclamation have been completed or were being reclaimed or scheduled for reclamation. As new coal sites are found, the State gives them first priority over non-coal sites and reclaims them as soon as possible. Wyoming gained authority to use AML funds for public facility projects in 1992. Wyoming currently concentrates approximately 30 per cent of State share funds on constructing public facility projects.

Wyoming does not have an AML Emergency program and therefore emergency projects are administrated by OSM. However, Wyoming AML Division assists OSM with AML emergencies, since most emergencies are initially reported to Wyoming AML. When this occurs, Wyoming contacts the OSM Casper Field Office and the Western Regional Coordinating Center and assists in the abatement of such emergencies. In many instances, Wyoming has AML construction activities in the area of the emergency and offers assistance through their existing contractors.

Overall, Wyoming administers its AML program in a professional manner resulting in high quality performance of the program. Excellent communication and cooperation between OSM and the Wyoming AML program staff continue.

The following is a list of acronyms used in this report:

SMCRA	Surface Mining Control and Reclamation Act
AMLR	Abandoned Mine Land Reclamation
AMLIS	Abandoned Mine Land Inventory System
AML	Abandoned Mine Land
WAMPLP	Wyoming Abandoned Mine Land Program
OSM	Office of Surface Mining
CFO	Casper Field Office
DEQ	Department of Environmental Quality
BLM	Bureau of Land Management
SHPO	State Historic Preservation Office
EPA	Environmental Protection Agency

WYAMPLP continues to administer the AML program with a staff of 11.9 FTE's from three offices. Field offices are located in Lander and Casper while additional Project Officers and the Administrators office is located in Cheyenne. The WYAMPLP Project Officers perform the bulk of the program administration. WYAMPLP continues to hire consulting engineering and design management firms to assist the AMLP with evaluation, design and construction on the

following major types of projects:

1. Shaft, adit and topographic depression closures.
2. Large open pit closures.
3. Subsidence abatement.
4. Public facilities projects.

WYAMLPL also contracts for the following services:

1. Monitoring and certification of completed sites.
2. Cultural resource reviews and reports.
3. Consents and clearances
4. Resource reviews and reports (threatened and endangered plants and animals, wetlands delineation, paleontological artifacts, migratory birds)

Procurement of services from consultants and contractors begins with a review of the AML Inventory. Sites are prioritized according to the criteria established in SMCRA. When the sites are selected, consulting firms are asked to submit a Statement of Interest (SOI). Site selection occurs around October 1 of each year. An AML selection committee selects 3 firms for each project from reviews of submittals and then interviews each contractor. The contractor is selected after the DEQ Director, the AML Administrator and the individual Project Officer concur. The project officer negotiates a contract based on the firms written proposal.

Design work consists of obtaining land and mineral owner consents, eligibility determination, surveying and mapping, and the preparation of a Report of Investigation. This report identifies the reclamation alternatives. Following opportunity for public comment, AML selects an alternative and the consultant prepares the final reclamation design. Following a bid tour of the site, bids are received when design work is completed. Bids are awarded to the lowest responsible firm qualified for the work.

Prior to beginning any construction work, the AMLP submits to OSM a Detailed Documentation package. This set of documents includes an Environmental Assessment, NEPA clearances, an eligibility determination from the Attorney General, a threatened and endangered plant and animal species survey, a cultural resource evaluation, maps, and site photographs. The AMLP obtains an Authorization to Proceed (ATP) from the Casper Field Office prior to reclamation or construction of each project.

Part II. Noteworthy Accomplishments.

In the last twenty years, the AMLP has reclaimed over 880 abandoned mine sites encompassing over 39530 acres. Approximately \$110.7 million have been spent on coal reclamation. Most of that has been spent for stabilizing mine subsidence in business and residential areas of Rock Springs, Glenrock and Hanna. Approximately 90 acres of coal mine related reclamation was completed this evaluation year. The majority of this money was spent on grouting underground subsidence, coal fires, and surface mine reclamation.

Approximately \$71 million has been spent reclaiming abandoned bentonite pits in the northeast and northern portion of the state. Approximately \$21.4 million has been spent in the reclamation of hard-rock mine sites throughout the State. Reclamation of abandoned uranium mine sites has accounted for \$70.7 million. Uranium, conglomerate, phosphate and hard rock reclamation makes up a bulk of the remaining work to be done. AMLP initiated design activities preliminary to reclamation of phosphate mines. AMLP has invested over \$60.9 million in public facility projects around the state. This evaluation year AMLP has provided funding for \$4,250,000 million for public facilities projects. The remaining funding has been split among a mine subsidence insurance program, administrative costs, engineering services, and establishing a trust fund to address future mine subsidence and reclamation needs. The amount of funding used for construction of public facilities has been approximately 25-30 per cent of the total construction expenditure is expected to remain constant in the coming years.

During the 2000 AML Professional Service Procurement Process, a contractor was hired to perform monitoring and certification activities. During 2001, the contractor monitored 163 sites. Of those, 147 sites were determined complete and successfully reclaimed. AML has initiated the certification process on those sites. Ten sites were recommended for continuing monitoring. Six sites were recommended for remediation or new reclamation. Where immediate hazards were identified during monitoring, immediate action was taken by AML to ameliorate the hazards. Other sites will be addressed when other reclamation is scheduled in the area. The contractor monitored 51 sites during the 2002 field season. Of those, 10 sites were recommended for continuing monitoring, 15 sites were identified as requiring remediation, and 26 sites were recommended for certification. The monitoring contractor has acquired landowner consent for monitoring 85 additional sites. AML anticipates that monitoring of those sites will be completed during the 2003 field season.

The University of Wyoming and the DEQ signed an agreement in 1990 to use \$270,000 of AML funds annually to support mine reclamation research efforts. The Governor certified this research agreement through 2005. The intent of funding this research is to provide technical assistance and support to identify and quantify environmental impacts from past and present coal mining and to find appropriate and practical mitigation. The Wyoming coal mining industry, OSM and AMLP support the reclamation research because of the need to develop scientifically sound solutions to identified problems. The Land Quality Division of DEQ, which must enforce the State reclamation laws, also supports the program because the information provided allows more precise assessment of the mitigation practices of the impacts of mining. The ultimate goal of the research is to provide positive benefits to the economy and environment of Wyoming.

As of June, 1999 WYAML P had only a handful of entries in the OSM AMLIS. This was due in part to a shortage of staff and administrative direction, and in part to the difficulties encountered in making entries into the AMLIS database of that era. In October of 1999, AML contracted a firm to conduct a state-wide inventory of abandoned mine sites and update WYO AML AMLIS for both completed projects and for those remaining on the AML inventory of sites to be reclaimed. Currently, AMLIS lists \$40.9 in unfunded costs, \$368.4 in completed costs, and \$409.3 in total costs. It should be noted that the AMLIS figures do not represent an accurate estimate of total remaining Priority 1 and Priority 2 work in Wyoming.

During the onset of the 2003 evaluation year, a total of 3396 sites were listed in the inventory database. Continued refinement of the database through field visits, records research and quality assurance was a priority throughout the year. Entries in the AMLIS inventory system were limited to sites which were identified in the 2002 inventory but had no AMLIS hazards identified at that time. The 2003 WYAMLPL inventory shows 1,434 sites with 3,200 hazards, including public facilities projects and some sites completed under the RAMP program. The database is under constant updating, and new sites are identified or reported on a regular basis. A significant enough portion of the abandoned mine sites in Wyoming were discovered to not have been identified in the 1999 project, that another firm has been contacted to assure an accurate inventory for the state. During the 2003 field season, WYAMLPL evaluated over 34 new hazardous sites that had previously gone unreported to WYAMLPL.

Included in the FY-2002 grant application and continued in the FY-2003 application was a request for establishment of a ten per-cent set-aside fund for future construction. The OSM determined that funds from Type 1 set-asides can be used for any public facility project which is allowable in AML. Funds from Type 2 set-asides can be used for any public facility project which meets the test in Priority 4 of being adversely affected by coal mining practices. However, the WYAMLPL intends to use the set-aside funds for any future AML eligible reclamation project, including public facilities and subject to the State Program priority requirements.

Five WYDEQ employees participated in abandoned mine reclamation training conducted by OSM National Technical Training Program this EY. One project officer attended the Historic and Archeological Resource Training. Two project officers attended the AML-Dangerous Highwall Training. OSM contributed more than \$6,300.00 towards the training costs of these employees.

Public Outreach

Wyoming DEQ continues to solicit public comment and invite input on the WYAMLPL program. Notices of public hearings are published in the local newspapers. When the project involves public facilities, the State Loan and Investment board provides for additional opportunity for public input prior to rendering a final decision on each project.

Wyoming DEQ maintains an excellent Web site that includes links to information on AML dangers, calendar of upcoming AML projects, current construction bidding, project selection, department contacts, rules and regulations, and professional procurement information.

WYAMLPL participates in the Mine Safety and Health Administration "Stay Out Stay Alive" (SOSA) Program. A public outreach booth was set up at the 2002 Wyoming Game and Fish Expo in Casper where information on the program was available and publications distributed.

WYAMLPL sent representatives to congressional briefings relating to reauthorization of the AML Program and has been actively involved in discussions by various interested parties on

the reauthorization of the Act, as well as other discussions on the draft proposals for an act supporting reclamation of abandoned hardrock mines.

The CFO reviewed a portion of the WYAML procedure for awarding construction contracts. The CFO investigated that portion of the procurement practices that allows adding five percent to all out of state contract bids. The State of Wyoming's procurement procedures require that resident (in-state) bidders receive a five percent preference (Wyoming Statute, Section 9-8-302.) In addition, other statutes require the use of Wyoming labor, raw materials, and products under specified contractual conditions (Wyoming Statute, Section 16-6-203.) In several cases, this preference has led to situations in which the low bidder for AML work was denied a contract award in favor of contractors who submitted higher bids. The CFO concluded that Wyoming is adhering to all applicable State and Federal procurement regulations in applying the State procurement procedures to AML funded projects and exercising its five percent preference rules when awarding AML contracts.

Part III. Results of Enhancement and Performance Reviews

Pre Construction AML Reclamation

Sagebrush Table Stakes – This abandoned open pit uranium mine site is located in the Gas Hill Mining District and contains hazards including dangerous highwalls and water filled pits. The project includes 250 acres of intensely disturbed mine lands located entirely on public lands administered by the Bureau of Land Management. The intent of the project is to backfill the pit and reduce all highwalls as well as provide one surface-fed impoundment. The mitigation plan includes elimination of acidic water, acid forming materials, high radium spoils, and overburden with elevated selenium levels. These features are hazardous to humans, livestock, and wildlife. In addition, surface drainage has caused erosion and on-site and off-site environmental degradation, mainly in the form of local sedimentation of drainages and waterways. The current land use of the area is livestock grazing, and it is intended that the land use will remain the same after reclamation. The original Environmental Assessment submitted to OSM by WYAML did not describe methods for mitigating all of the hazards existing at this site. Subsequent supplemental information was submitted to OSM by WYAML upon request. This supplemental information provided descriptions of methods to be used to mitigate the environmental hazards including selectively handling acid material, handling high selenium materials, and creating perched impoundments above the predicted groundwater table.

Echeta fire – This coal seam outcrop fire is located in Campbell County, Wyoming. The fire is actively burning on public lands administered by the BLM and if allowed to continue to burn could threaten a home and other structures of a nearby ranch. There is no history of coal mining in the area. Experts agree that the extended drought in the region and possibly the drawdown of the water table has greatly contributed to the outbreak of several outcrop fires in the State. The WYAML has agreed to take the lead in the suppression of coal seam outcrop fires on public lands in Wyoming. The BLM and Campbell County wildfire office has agreed to provide fire suppression assistance. The OSM has agreed to pursue funding for non-mine related coal seam outcrop fires. OSM has also agreed to support a request from WYAML to use public facilities monies to combat

coal seam fires.

Post Construction AML

North Hanna Access Road – Project 31 – was visited. This project was designed to remove potential health and safety risks to the town of Hanna by providing additional access for fire and emergency vehicles. This project constructed a second overpass into the town of Hanna over the Union Pacific rail lines. Governor Jim Geringer certified this project July 1999, indicating the threat to the town of Hanna resulting from the lack of an alternative vehicle route for emergency response services and the potential impact on the public health and safety was more urgent than completion of the remaining inventory of non-coal reclamation.

The overpass and connecting roads are open to vehicle traffic and now provides additional access from the state highway into the town of Hanna. Two underground coal mine subsidence holes were observed near the right-of-way of the new overpass approaches. WYAML had signed and barricaded the holes and mobilized a contractor to begin cut and fill operations to eliminate the subsidence as soon as possible.

Ongoing AML Construction



Project 16L Sunset Uranium Mine

OSM visited one project site where reclamation was ongoing during this evaluation year. This site was the Sunset Uranium Mine in the Gas Hills. Detailed documentation was submitted on the second phase of this project in October 2002. The purpose of this project is to mitigate

existing surface and underground hazards including highwalls, pits, open shafts, spoil piles and substandard water. The goal is to eliminate hazards to public health and safety, and control environmental degradation, while being sensitive to public concerns and landowner issues. Abandoned unvegetated and ungraded spoils have caused erosion and off site sedimentation which is filling drainages and waterways increasing flooding potential and further damage. The land is owned by the public and managed by BLM. BLM stated during scooping that they would prefer elimination of all highwalls associated with the site. WYAMLP proposes to reduce highwalls, eliminate acidic ground water, revegetate the surface, and establish a stable surface drainage system. Work on this project appears to be progressing as planned and in a workmanlike and proper manner. No additional hazards were noted during this visit.



Highwall Hazard on Public Lands, Gas Hills Uranium Mine

The Gas Hills Uranium District still contains numerous public safety hazards and large-scale reclamation challenges. In many old uranium pits, 100-200 foot highwalls drop to deep water impoundments containing acid water with no edge barriers for fall protection. Environmental impacts and safety hazards at abandoned mines sites are numerous, but Wyoming has

prioritized use of its limited funds to first address health and safety hazards. Some previously reclaimed uranium sites will require additional reclamation to eliminate hazards. Some highwalls were not eliminated at the George Pit and continue to pose a threat to public safety.

Coal site reclamation, and remediation of previous AML work, and pre-law company reclamation continues in the state. The AML state-wide coal reclamation design contract is addressing 26 sites this year. Coal sites near Rock Springs, Superior, Hanna, Sheridan, Thermopolis and Glenrock continue to deteriorate, subside, and create hazards. Future funding will be needed to address these sites.



Dangerous Highwalls, Open Pit, and Hazardous Water on Public Lands

Program Maintainence

Pursuant to 30 CFR 884.15, Wyoming is required to submit to OSM a reasonable timetable for submitting an amendment to the State reclamation plan. Wyoming is required to submit a schedule for revising Statutes (W.S. 35-11-1206a) to remove certain language concerning lien requirements. Wyoming is also required to submit a schedule for revising Statutes language concerning establishing contractor's eligibility by use of OSM's Applicant Violator System. This evaluation year, Wyoming submitted a schedule to introduce amendments to Wyoming Statutes in the 2005 Legislative sessions concerning both of the program deficiencies OSM has identified.

Financial Administration

Financial Administration, Grants

CFO conducted financial oversight during the evaluation period. CFO visited DEQ offices in Cheyenne, Wyoming and reviewed financial information. Specifically, drawdowns, timeliness of grant applications and reports, program income, travel, Federal lands documentation, accounting, audits and property was reviewed.

No drawdown analysis was conducted for the existing AML grants because Wyoming DEQ has an agreement with the US Treasury and therefore a drawdown analysis is not required.

DEQ was timely regarding both reporting financial status of the existing Administrations and Enforcement grant and filing their grant application.

No program income was earned during this period.

Travel policies and procedures were reviewed and travel vouchers were sampled to ensure that DEQ is following their own travel policies and procedures. Authorization, per diem and other cost allowances were found to meet the requirements of the policies and procedures.

Wyoming DEQ has completed an A-133 Audit for one year ended June 30, 2002. There are no findings for the period. There are no outstanding findings for any previous A-133 Audits. A current audit is being conducted for the year ended June 30, 2002.

DEQ continues to report property and transfer property in a timely matter. A new property inventory was taken during the Spring of 2003, meeting Common Rule requirements.

Part IV. Accomplishments and Inventory Reports

The WYAML program accomplishments in the past 11 years include: 21,260 surface mined acres reclaimed including highwalls, landslides, refuse piles, and water impoundments; 1,342 mine openings safeguarded including shafts, portals, adits, stopes, and subsidence; 23 coal fires abated or controlled; and one acid mine drainage project completed. A total of \$438,499,742 million dollars in AML funds have been returned to WYAML as the State share for AML reclamation since beginning of the program.

Wyoming has completed 18 projects during the past year. Work included closing 10 open shafts and adits, and 2 major projects grouting under residential and commercial structures at a cost of \$3,038,818, and reclaiming over 817 acres. Wyoming also completed 3 public facility projects during this evaluation year.

WYAML continues to increase funding for non-coal reclamation and public facilities projects. During the past year, WYAML made significant progress in reclamation in the Gas Hills

Uranium District and complete closure of several hazardous shafts, portals, and reclamation of bentonite and phosphate mines.

The WYAML P staff and contractors continue to revise and update the AMLIS inventory as additional sites are discovered or access is gained.

SUMMARY

Site visits were coordinated with the WAML P Administrator of on-the-ground and office evaluation of topics. No problems were identified in the evaluation of past projects, on-going projects, procurement procedures, program maintenance, and financial administration.

The WYAML P continues to be implemented according to the approved State reclamation plan and administered in a sound professional manner.

