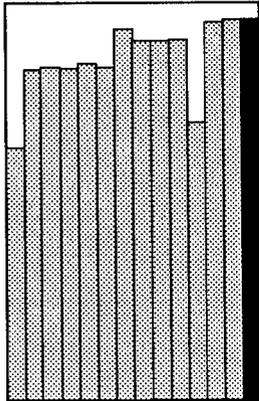


6. ABANDONED MINE LAND PROGRAM

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 danger to public health and safety.

AML FUND



AML Fund Collections 1978-91

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 AML projects. Collections into the fund consist of reclamation fees, late-payment interest, penalties, and administrative charges. Since the first fees were paid on January 30, 1978, through September 30, 1991, the fund has collected \$2,931,482,512.

Expenditures from the fund are made through the regular budgetary and appropriation 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 1991, at the direction of Congress, a formula to distribute federal-share money to the State reclamation programs was established based on historic coal production. Table 12 shows fee collections and funding by States for 1991.

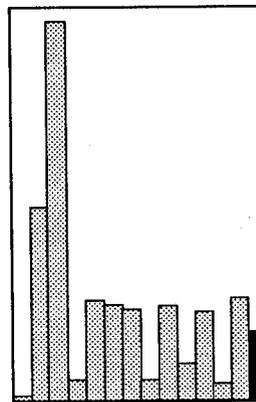
The Abandoned Mine Reclamation Act of 1990, Public Law 101-508, which was signed into law on November 5, 1990, and became effective October 1, 1991, extended the fee collection authority through September 30, 1995, and included the following amendments to Title IV of SMCRA:

- Increase in the ownership and control information required from mine operators.

- Investment of the portion of the AML Fund not needed for current withdrawals and crediting of that interest to the Fund's federal-share balance.
- Allocation of 50 percent of fees collected to the State/tribe, with the remaining 50 percent of fee collections and interest on investments to the federal-share allocation divided as follows: 40 percent to States/tribes based on historical coal production, 40 percent for federal program expenses, and 20 percent to fund the Rural Abandoned Mine Program;
- Set-asides for acid mine drainage abatement and treatment and future coal-related reclamation projects;
- Development of a procedure to allow States/tribes that have certified completion of known coal problems to utilize State-share funds for noncoal reclamation;
- Reclamation of abandoned interim program sites and insolvent surety sites;
- An increase in the tonnage requirement from 100,000 to 300,000 tons to qualify under the Small Operator Assistance Program (SOAP); and
- An increase in the minimum State program to \$2,000,000.

Federal Register publication of final rules to implement these legislative changes is planned for 1992.

FEDERAL RECLAMATION PROGRAM



Interior Department Projects 1978-91

Until States or Indian tribes received approval of their AML program, 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 1991, construction at 31 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

TABLE 12
AML FEE COLLECTIONS AND FUNDING
1991

State/ Tribe	Fees Collected	Federal Projects	RAMP Projects	State Share Allocation	Federal Share Allocation	Emergency Allocation
Alabama	\$6,258,879	\$0	\$349,823	\$2,293,385	\$1,443,418	\$300,000
Alaska	575,400	0	0	183,992	17,974	0
Arkansas	23,366	0	349,000	0	1,509,101	25,000
California	8,236	0	0	0	0	0
Colorado	4,446,232	5,986	0	1,491,551	666,375	0
Georgia	0	12,750	0	0	0	0
Illinois	12,021,878	0	85,000	5,044,438	5,472,257	405,000
Indiana	11,073,668	169,668	150,584	3,863,998	1,581,780	0
Iowa	127,911	22,891	0	0	1,467,609	0
Kansas	199,263	0	0	165,910	1,309,461	475,000
Kentucky	37,041,433	9,472,894	1,395,649	17,311,716	1,781,996	0
Louisiana	297,209	0	0	94,275	0	0
Maryland	689,952	46,986	210,000	376,066	1,071,674	0
Michigan	0	92,500	0	0	0	0
Missouri	796,192	0	0	434,866	1,080,207	0
Montana	11,952,370	0	0	4,033,366	0	200,000
New Mexico	3,666,999	793	0	1,253,390	189,496	0
North Dakota	2,901,238	5,466	89,712	1,089,403	418,573	0
Ohio	8,607,695	899,652	994,292	3,300,040	2,683,302	0
Oklahoma	643,369	0	478,000	213,209	1,231,949	0
Pennsylvania	14,689,659	2,624,627	1,177,290	6,159,708	15,554,088	0
Tennessee	1,212,414	0	506,849	0	0	0
Texas	5,480,226	0	0	1,640,348	59,976	0
Utah	3,143,111	0	0	984,780	530,055	0
Virginia	8,591,565	1,005	372,930	3,207,246	1,287,212	400,000
Washington	1,653,846	769,909	0	0	0	0
West Virginia	33,559,965	52,370	1,496,251	10,053,029	7,200,223	6,200,000
Wyoming	54,845,010	0	78,150	20,094,839	0	0
Crow Tribe	980,528	0	0	1,166,397	0	0
Hopi Tribe	1,196,834	0	0	1,022,463	0	0
Navajo Tribe	7,128,196	0	0	10,053,352	0	0
Federal Share*	(53,441)					
Total	\$243,759,223	\$14,177,497	\$7,733,530	\$95,531,867	\$46,556,726	\$8,005,000

*During 1991, refunds from the Federal Share exceeded collections.

are effective over time, as well as those with demonstrated deficiencies that need to be corrected. The evaluation report issued in 1991 describes 40 of the 213 projects completed in 1988. Eighty-eight percent of the projects were very successful, while 12 percent had minor deficiencies associated with drainage problems. Deficiencies and problems were analyzed, and recommendations were provided to OSM staff to assure improvement in future projects.

EMERGENCY PROJECTS



OSM Emergency Projects 1978-91

Emergency projects are those involving abandoned coal mine lands that present a danger to 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

and 1989, Kansas, Virginia, and West Virginia took over responsibly for their emergency projects, and Alabama assumed responsibility in 1990. In 1989, OSM established an emergency policy that provided federal-share funds, in addition to the formula-based allocation, to States with emergency programs.

Because of concern over recurring shortfalls in available funds for the federal emergency program, a study was undertaken by OSM to review how the emergency program is operated. The study contained recommendations, now being implemented, aimed at tightening the scope of the emergency program, while ensuring that all immediate threats to public health, safety, or general welfare are dealt with promptly.

In 1991 the average number of days required to respond to complaints averaged 4.4 in the East and 2.6 in the West. The total days from referral to construction averaged 84 days in the East and 15 days in the West. This represents a 91 percent improvement in response and a 30 percent reduction in days-to-construction in the East. Of the 283 emergency complaint investigations referred by the field offices, 170 resulted in declarations of emergencies.

OSM initiated 119 emergency projects in 1991, while States with emergency programs initiated 101. Table 13 summarizes high-priority and emergency project obligations by State for 1991.

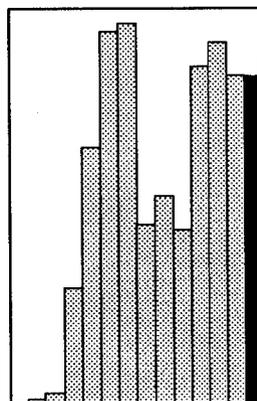
POST-ACT RECLAMATION PROGRAM

As authorized in the 1991 appropriations (P.L. 101-512), federal civil penalties collected under Section 518 of SMCRA were used to reclaim lands mined and abandoned after August 3, 1977. In 1991 OSM initiated eight reclamation projects costing a total of \$425,288. An additional \$84,220 in unobligated funds will be carried over for use in reclaiming 1992 projects. Table 14 summarizes 1991 post-Act reclamation projects.

In 1991, 31 potential projects were submitted for funding during 1992. Reclamation of these projects will require \$14,053,000 in reclamation funds.

GRANTS TO STATES AND TRIBES

Beginning with Texas in 1980, OSM has approved State



Grants & Cooperative Agreements 1978-91

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. The States and the tribes received grants totaling \$191,404,176 in 1991. Since 1981, when the States began receiving AML administrative grants to operate their programs and construction grants to complete reclamation projects, States have

received \$1,675,136,268 from the Fund, which includes grants for Federal Reclamation Projects, the Small Operator Assistance Program, and the Rural Abandoned Mine Program. Grant amounts for 1991 are shown in Table 15. On-the-ground coal mine reclamation accomplishments resulting from grant funding through 1991 are summarized in Table 16.

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.

Eight States (Arkansas, Iowa, Kansas, Maryland, Missouri, North Dakota, Oklahoma, and Utah) were eligible for minimum-level program funding during 1991 and received such grants during the year. Authorized funding of the minimum-level program was \$1,500,000 for 1991.

**TABLE 13
FEDERAL RECLAMATION PROGRAM PROJECTS
1991 OBLIGATIONS**

State or Tribe	Emergency	High Priority	Total 1978-91
Alabama	\$0	\$0	\$13,994,015
Alaska	0	0	194,638
Arkansas	0	0	84,904
California	0	0	1,048,843
Colorado	5,986	0	1,816,268
Georgia	0	12,750	1,722,106
Illinois	0	0	5,376,749
Indiana	169,668	0	3,846,767
Iowa	22,891	0	1,021,674
Kansas	0	0	5,094,172
Kentucky	9,462,799	10,095	61,117,764
Maryland	46,986	0	1,925,799
Michigan	0	92,500	1,622,043
Missouri	0	0	7,720,688
Montana	0	0	729,058
New Mexico	0	793	2,364,696
North Carolina	0	0	205,407
North Dakota	5,466	0	1,710,686
Ohio	899,652	0	15,973,523
Oklahoma	0	0	1,159,798
Oregon	0	0	42,275
Pennsylvania	2,610,166	14,461	81,677,749
Rhode Island	0	0	556,229
Tennessee	291,535	579,861	14,235,798
Texas	0	0	264,613
Utah	0	0	123,791
Virginia	1,005	0	9,855,711
Washington	197,450	572,459	2,999,148
West Virginia	3,240	49,130	28,749,235
Wyoming	0	0	1,063,471
Cheyenne River Sioux Tribe	0	0	2,162,372
Crow Tribe	0	0	1,097,895
Fort Berthold Tribe	0	0	69,972
Fort Peck Tribe	0	0	147,991
Hopi Tribe	0	0	1,263,409
Jicarillo Apache Tribe	0	0	50,998
Navajo Tribe	0	0	2,222,792
Northern Cheyenne Tribe	0	0	580,005
Southern Ute Tribe	0	1,936	94,206
Rocky Boy Tribe	0	6,330	60,188
Ute Mountain Ute Tribe	0	14,300	136,837
White Mountain Apache Tribe	0	0	1,838
Wind River Tribe	0	175	71,767
Zuni Tribe	0	0	125,009
Total	\$13,716,844	\$1,354,790	\$276,382,697

Eligible States received \$8,921,401 of federal-share money in 1991. This includes \$2,683,912 of normal federal-share distribution, plus \$6,237,490 of contributions from non-minimum-program States. These contributions bring the eight 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, which was extended three years by legislation passed in late 1990).

In 1991, eight States and the Crow, Hopi, and Navajo Tribes set aside \$4,669,398.

SUBSIDENCE INSURANCE PROGRAM

Public Law 98-473 authorized States and tribes with approved reclamation programs to use abandoned mine

land funds for establishing self-sustaining, individually administered programs to insure private property against damage 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 1991 one subsidence insurance grant was issued. Through 1991, OSM has granted a total of \$9,789,881 to Colorado, Indiana, Kentucky, Ohio, West Virginia, and Wyoming to develop and administer subsidence insurance programs.

FEDERAL RECLAMATION PROGRAM MANAGEMENT SYSTEM

During 1991 a microcomputer-based data management system was developed to replace the aging mainframe system that had been used to record federal project statistics since the program began in 1978. The new system enables tracking, reporting, and analysis using data for emergency and non-emergency projects, plus projects funded by federal civil penalty proceeds, throughout the country. This system, operated at the Eastern and Western Support Centers, now provides consolidated information for national reporting and more consistent quality to data acquisition and management.

**TABLE 14
POST-ACT RECLAMATION PROJECTS
1991**

State	Project Name	Interim Program	Permanent Program	Civil Penalty Funds	Other Funds
Arkansas	Sugar Loaf	No	No	\$75,000	\$0
Arkansas	Harmony	No	No	130,000	0
Kentucky	Hall and Sons	No	Yes	60,218	127,734
Kentucky	Muriel Felner	No	Yes	Cancelled*	0
Pennsylvania	BF-230 Glen Coal Co.	Yes	No	135,000	72,230
Tennessee	Habersham Wildcat Site	No	Yes	10,070	0
Virginia	Clinch Valley College	No	No	5,000	0
Virginia	Woodland Acres II	No	Yes	10,000	0
Virginia	Tarheel Impoundment	Yes	No	Cancelled **	0
Total				\$425,288	\$199,964

*Due to litigation.

**Alternate reclamation in lieu of penalty.

TABLE 15
AML GRANTS* TO PRIMACY STATES AND INDIAN TRIBES
1991

State/ Tribe	Subsidence Insurance	10% Program Set-Aside	Administration	Construction	Emergency	Total
Alabama	\$0	\$0	\$2,057,447	\$2,004,948	\$300,000	\$4,362,395
Alaska	0	0	155,835	150,300	0	306,135
Arkansas	0	0	0	1,786,212	25,000	1,811,212
Colorado	0	149,155	896,390	1,179,000	0	2,224,545
Illinois	0	0	1,404,799	10,020,000	404,999	11,829,798
Indiana	0	386,400	1,609,966	1,883,175	0	3,879,541
Iowa	0	0	342,627	1,155,149	0	1,497,776
Kansas	0	0	381,471	0	474,614	856,085
Kentucky	0	0	3,934,233	12,565,313	0	16,499,546
Louisiana	0	0	119,023	0	0	119,023
Maryland	0	0	183,856	2,040,141	0	2,223,997
Missouri	0	0	688,220	1,767,355	0	2,455,575
Montana	0	403,337	2,050,000	3,850,821	200,000	6,504,158
New Mexico	0	125,339	545,500	1,246,699	0	1,917,538
North Dakota	0	108,940	761,074	1,202,331	0	2,072,345
Ohio	0	0	3,761,124	3,124,804	0	6,885,928
Oklahoma	0	0	645,330	860,375	0	1,505,705
Pennsylvania	0	0	12,844,368	41,793,105	0	54,637,473
Texas	0	164,035	1,053,634	1,230,000	0	2,447,669
Utah	0	98,478	638,560	724,947	0	1,461,985
Virginia	0	0	1,375,883	0	400,000	1,775,883
West Virginia	700,000	0	4,641,492	20,949,401	6,200,000	32,490,893
Wyoming	0	2,009,494	3,930,834	18,153,833	0	24,094,161
Crow Tribe	0	116,639	497,000	689,317	0	1,302,956
Hopi Tribe	0	102,246	157,287	0	0	259,533
Navajo Tribe	0	1,005,335	1,627,225	3,349,761	0	5,982,321
Total	\$700,000	\$4,669,398	\$46,303,178	\$131,726,987	\$8,004,613	\$194,404,176

*Funding for these grants is derived from the FY 1991 allocation and funds recovered or carried over from previous years. Downward adjustments of prior-year awards are not included in the totals.

**TABLE 16
HIGH-PRIORITY RECLAMATION PROJECT ACCOMPLISHMENTS*
1977-1991**

State/ Tribe	Acres Reclaimed	Number of Mine Openings Reclaimed	Acres of Mine Fires Reclaimed	Acres of Subsidence Reclaimed	Feet of Highwall Reclaimed
Alabama	3,619	898	15	13	64,290
Alaska	68	14	3	0	1,100
Arkansas	652	26	2	1	18,910
Colorado	905	2,529	17	0	0
Georgia	4	52	0	1	800
Illinois	5,359	306	12	22	5,990
Indiana	3,088	212	1	10	0
Iowa	1,340	8	1	1	39,181
Kansas	360	66	0	14	9,175
Kentucky	8,907	1,248	200	5	7,549
Maryland	419	22	0	0	18,600
Michigan	9	16	8	0	950
Missouri	2,581	34	17	0	15,874
Montana	4,137	2,606	19	697	3,520
New Mexico	111	263	0	27	0
North Dakota	2,559	7	0	881	53,250
Ohio	4,986	247	12	39	22,800
Oklahoma	1,637	56	0	6	93,116
Pennsylvania	8,583	560	469	4,648	175,723
Tennessee	351	82	0	5	5,211
Texas	966	171	0	0	2,400
Utah	282	765	41	0	1,925
Virginia	1,095	571	10	1	9,243
Washington	0	1	0	0	0
West Virginia	2,136	909	143	80	66,485
Wyoming	6,421	431	111	533	300,960
Crow Tribe	60	13	0	0	1,400
Hopi Tribe	7	5	0	0	0
Navajo Tribe	87	75	0	0	0
Total	60,729	12,193	1,081	6,984	918,432

*Source: Data for program States and tribes is from State Oversight Reports. Data for Non-program States is from the Abandoned Mine Land Inventory System. Data may differ from the FY 1990 report where program accomplishments were summarized from the Abandoned Mine Land Inventory System.