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	U·S·DEPARTMENT OF THE INTERIOR OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT DIRECTIVES SYSTEM	Subject Number: AML-1 Transmittal Number: 697 Date: NOV 26 1991

Subject: Abandoned Mine Land Inventory System

Approval: [signature] **Title:** Director

1. Purpose. This directive sets forth the Office of Surface Mining Reclamation and Enforcement (OSM) policy and procedures for maintenance of the Abandoned Mine Land Inventory System (AMLIS).

2. Summary of Changes. This directive has been revised to meet the requirements of the Abandoned Mine Reclamation Act of 1990 which amended Title IV of the Surface Mining Control and Reclamation Act (SMCRA) of 1977 concerning abandoned mine reclamation. In addition, this directive consolidates several previous appendixes; provides additional criteria and cost guidelines for use in determining the eligibility and priority status of lands and waters proposed for inclusion in AMLIS; requires the submission of information on non-coal projects both at the time of award and upon project completion; specifies that coal-related problem areas must either be included in the Abandoned Mine Land Inventory System or approved by the Inventory Review Team for inclusion before these projects will be funded. Additional procedures and schedules concerning the function of the Inventory Review Team (IRT) also have been included.

3. Definitions.

a. AML. Abandoned Mine Lands.

b. Abandoned Mine Land Inventory System (AMLIS).

(1) A nationwide computerized database with hard copy records that inventory geographic, technical and financial information provided by the States/Tribes, U.S. Department of Agriculture, Soil Conservation Service (SCS), and the Eastern and Western Support Centers (E/WSC) about AML Problem Areas (PA). Although only Priority 1 and 2 coal related problems are inventoried systematically, AMLIS also includes information on other problems and on projects completed with AML funds.

(2) Information in AMLIS includes:

(a) A description of all Priority 1 and 2 problems that occur in every PA approved for inclusion in the Inventory.

*** Note: Until OMB approves the revised OSM-76 Form, States are not required to use the revised form, but may do so if they wish. Otherwise, States must use the current OSM-76 Form approved July 1990.

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(b) A description of Priority 3 problems associated with Priority 1 and 2 problems submitted for inclusion in the Inventory.

(c) Estimated unfunded costs, funded amounts and/or actual completed construction costs to reclaim Priority 1, 2 and associated Priority 3 coal mine problems.

(d) A cumulative sum of funded and unfunded reclamation costs distributed among 17 categories of reclamation problem types for Priority 1 and 2 problems, and 12 problem types for associated Priority 3 coal problems.

(e) Funding information for other types of reclamation problems including State and tribal Priority 4, 5 and 6 problems, State administered emergencies, SCS Rural Abandoned Mine Program (RAMP), non-coal, and reclamation on post-SMCRA sites authorized under Title IV.

c. Abandoned Mine Land Problem Area Description (PAD) Form. The form describes AML problem areas and is a means by which the States and Indian tribes, SCS, and E/WSC submit information for inclusion in AMLIS and for funded and completed AML projects. A copy of this form is contained in Attachment A.

d. Abandoned Mine Reclamation Fund (AML Fund). Section 401(a) of SMCRA establishes a special fund on the books of the U.S. Treasury for the purpose of accumulating revenues designated for reclamation of abandoned mine lands and other activities authorized by Title IV of SMCRA.

e. Eligible Lands and Waters. As specified in sections 404 and 411 of SMCRA, land and waters which were mined or processed for coal and other minerals, or which were affected by such mining or processing and abandoned or left in an inadequate state of reclamation, and for which there is no continuing reclamation responsibility under State or other Federal laws.

f. Emergency Projects. A project to correct a sudden, imminent danger or impairment, caused by past coal mining, that presents a high probability of substantial physical harm to the health, safety or general welfare of people before the danger can be abated under normal program operations.

g. Federal Reclamation Program (FRP). Program administered by OSM to reclaim or abate high priority problems and emergency AML projects in nonprogram States/Tribes through Federal contracts, cooperative agreements with States/Tribes, or an

interagency agreement with another Federal agency, and funded from the AML Fund. Also, emergency projects conducted in program States/Tribes who have not elected to administer their own emergency programs.

h. High Priority Projects. Reclamation projects addressing Priority 1 and 2 problems, as defined under 3.k and l.

i. Inventory Review Team (IRT). Consists of one representative from OSM Field Offices under the Assistant Director for Field Operations, one representative from either the ESC or the WSC, and a representative of the Assistant Director, Reclamation and Regulatory Policy, Division of Abandoned Mine Land Reclamation. Field representation shall be shared by the East and West. For example, if an eastern Field Office representative is selected, then the other field representative would come from the WSC. Responsibilities of the IRT are described under section 4.

j. Planning Unit. One or more designated geographical areas within a Water Cataloging Unit that contain one or more problem areas.

k. Priority 1. An AML problem category meeting the conditions under Section 403(a)(1), and 411(c)(1) of SMCRA concerning the protection of public health, safety, general welfare, and property from extreme danger or adverse effects of mining practices or a condition that could reasonably be expected to cause substantial physical harm to persons or property, and to which persons or improvements on real property are currently exposed.

l. Priority 2. An AML problem category meeting the conditions under Section 403(a)(2) and 411(c)(2) of SMCRA concerning the protection of public health, safety and general welfare from adverse effects of mining practices or a condition that is threatening people but is not an extreme danger.

m. Priority 3. An AML problem category meeting the conditions under Section 403(a)(3) and 411(c)(3) of SMCRA concerning the restoration of land and water resources and the environment previously degraded by adverse effects of mining practices or a condition that is causing degradation of soil, water, woodland, fish, wildlife, recreational resources, or agricultural productivity as opposed to the well-being of people.

n. Priority 4. Research and demonstration projects relating to the development of surface coal mining reclamation and water quality control program methods and techniques. Non-coal priority 4 projects involve utilities and other facilities under Section 411(e).

o. Priority 5. The protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation, and conservation facilities adversely affected by coal mining practices.

p. Priority 6. The development of publicly owned land adversely affected by coal mining practices including land acquired for recreation and historic purposes, conservation, and reclamation purposes and open space benefits.

q. Problem Area (PA). Subdivision(s) of a planning unit, containing one or more coal-related problem types together with immediately adjacent impacted land and water.

r. Rural Abandoned Mine Program (RAMP). A reclamation program established by Section 401(c)(2) of SMCRA which is administered by the SCS, U.S. Department of Agriculture with AML funds.

4. Policy/Procedures.

a. Background.

(1) Title IV of SMCRA, as amended, establishes the AML Fund, moneys of which are to be used primarily for reclamation and restoration of land and water resources adversely affected by past coal mining. Section 403(c) of SMCRA requires the Secretary of the Interior to maintain an inventory of certain lands and waters eligible for reclamation. The lands and waters to be included in the Inventory consist of those which meet both the eligibility requirements of Section 404 and the priorities stated in Section 403, subsection (a), paragraphs (1) and (2). While information on Priority 3 problems, particularly those related to Priority 1 and 2 areas are also included in the Inventory, they are not required to be inventoried under SMCRA. OSM will not inventory non-coal mining problems but accomplishments information will be maintained in the Inventory. Information concerning all funded and/or completed Title IV projects (which includes those funded under RAMP, lower priority coal mining and non-coal mining) is also to be noted on the Inventory on a regular basis, but not less than annually. The Inventory is to be maintained for the purposes of planning and evaluation of reclamation projects and to assist States and

Indian tribes having an approved abandoned mine reclamation program in certifying to the Secretary that all of the coal mining priorities have been completed.

(2) During the immediate years after enactment of SMCRA OSM, together with States and Indian tribes, conducted surveys of eligible lands and waters for inclusion in the Inventory. Subsequently, the primary objective has shifted to maintaining and updating the Inventory to reflect: (1) newly-discovered PA's meeting eligibility and priority criteria for funding, (2) changes in priority status due, for example, to on-the-ground events, and (3) to report program accomplishments in terms of monetary and problem type measures. While SMCRA refers to an inventory, OSM has established a computer database to record much, but not all, of the information comprised in the hard copy files. Thus, AMLIS refers to the combined computerized database together with the hard copy records and the process for PA review described in this directive.

b. Policy. It is OSM policy that:

(1) moneys from the AML Fund are used for reclamation projects that meet the eligibility and priority requirements of SMCRA and Federal regulations;

(2) AMLIS will be the means to conduct and document reviews of all high priority reclamation and to report accomplishments for all completed Title IV problems; and *

(3) pre-SMCRA, non-RAMP coal problems must be in AMLIS or approved by the IRT for inclusion in AMLIS, and be assigned the same or higher priority as shown in the grant application or grant amendment, before OSM (Field Office Directors or Assistant Directors of the Eastern and Western Support Centers) approves projects, within those problem areas, to fund reclamation of a problem in accordance with Directive GMT 10-2, "Federal Assistance Manual."

* While Federal emergency projects are normally tracked exclusively in the Federal Reclamation Program Management System, AMLIS will contain data on Federal emergencies to the extent that it becomes necessary to fund and complete reclamation as a high priority project under the State or Federal reclamation programs. This is necessary so that AMLIS can reflect total project completions from combined program funding sources.

c. Responsibilities.

(1) Assistant Director for Reclamation and Regulatory Policy is responsible for developing and implementing AMLIS policies and procedures and appointing a representative to the IRT.

(2) Assistant Director for Field Operations is responsible for appointing a representative to the IRT.

(3) Assistant Directors for Eastern and Western Support Centers (E/WSC) are responsible for appointing a representative to the IRT and for completing PAD forms for all nonprogram States/Tribes and for projects they administer, both emergency and nonemergency, in accordance with this directive.

(4) Field Office Directors (FOD's) are responsible for providing guidance and assisting States and Indian tribes in completing PAD forms, and for reviewing and making initial certification that PAD's and PAD updates are complete, accurate and eligible for inclusion into AMLIS.

(5) Inventory Review Team is responsible for assuring that new problems as described in section 4.d.(2)(a)5. and proposed for inclusion in AMLIS meet priority requirements, assuring consistency in FO determinations that other problem types are eligible for inclusion into AMLIS, and resolving disputes which may arise between FO's and State/Tribal authorities over problem priorities proposed for inclusion into AMLIS.

d. Procedures. The quality control procedures described herein have been developed for reviewing all AMLIS submissions to ensure that all data are processed consistently and treated fairly and equally. Requirements for implementing these procedures are: 1) use of the standard PAD form; 2) mandatory submittal of specified information to support priority and cost claims; 3) field review of a sample of program State/Tribe PAD forms; and 4) IRT review and approval for inclusion in AMLIS of certain PAD's.

(1) PAD Submissions.

(a) Reason for Submission:

1. Except as specified in (a)2. through 6., PAD's are submitted for Priority 1, 2, and associated Priority 3 problems: when new PA's are identified, when new problems occur on existing PA's, when estimated costs are revised, when

priority rankings change, when construction grant applications are submitted and when grants are closed out or projects completed.

2. If, at the time of grant application, a project includes one or more new hazards on an existing PA or is in a PA not previously inventoried, the new or updated PAD must be submitted with the application and await review and acceptance by the IRT. Once funded, the FO must assure that funding information is reflected in the updated PAD submitted to DAMLR.

3. Interim program coal problems and insolvent surety coal problems require PAD submissions with the construction grant application and at the time of grant closeout.

4. PAD submissions required only at the time of grant closeout or project completion are: Priority 4, 5, and 6 coal-related problems, all non-coal problems, and all priorities addressed under private projects. Also, State administered emergency projects (and those Federal emergency projects discussed in Section 4.b.(2)) require completion reports on an individual PA basis.

5. Updated PAD's are not required under the following conditions: a. when Priority 1 and 2 coal problem types are limited to those involved solely in design and engineering projects since there is no proposed construction work; however, the problems to be addressed by these design projects must be in AMLIS; b. when problem types that are added to an active grant project are ones that under Chapter 5-30 of the Federal Assistance Manual do not require an amendment to the grant, i.e., where the additional hazard is not considered to be a change in scope. The nonamendment hazard can be reported on the completion PAD.

6. Specific instructions for submission of PAD's are contained in the PAD form and accompanying instructions. FO's and E/WSC AML staff are responsible for being knowledgeable of and ensuring compliance with those instructions.

(b) Source and Timing of Submission.

1. States and Indian tribes submit PAD's to the cognizant FO's. FO's submit completion reports to DAMLR within 30 days of receipt of closeout documents and all other PAD's

within 90 days of receipt. FO's must assure that PAD's submitted to DAMLR after FO funding or project completion accurately reflect the action taken by the FO.

2. E/WSC are to submit PAD's to DAMLR within 30 days of closeout action.

3. SCS submits all RAMP PAD's to the appropriate States which transmit the PAD's to DAMLR through the cognizant FO's.

(2) Review Procedures/Resolution of Problems.

(a) Review by FO and DAMLR. When the FO's review PAD submissions from the States and Tribes, and DAMLR reviews those submitted by E/WSC, the following should be addressed:

1. Ensure completeness of documentation and accuracy of all information for Priorities 1 through 3.

2. Ensure that all keywords identified in the standardized data have been included and that any changes that may have occurred are explained.

3. Ensure that documentation provides evidence sufficient to support the problem conclusions, that the priority designation is supported by the appropriate criteria, that the cost estimates follow the cost guidelines and, if not, that the method used for estimating costs is explained.

4. Ensure completeness and accuracy of PAD completion reports for all projects.

5. FO's are required to field review new PAD's and new problems on existing PAD's with Priority 1 and 2 coal problems that have an estimated reclamation cost greater than $500,000 and at least a 10-percent random sample of all other projects prior to submission to DAMLR.

6. The FO's must decide whether to accept or reject a PAD. In addition, deficient PAD's having a common problem may be rejected separately from other problems.

7. The DAMLR will receive all PAD's from the FO's and E/WSC, determine those PAD's that need to be reviewed by the IRT and those PAD's that can be entered into AMLIS.

8. Where the FO and a State/Tribe are unable to resolve disputed PAD information, FO's are to forward the PAD together with an explanation of the dispute for resolution by the IRT.

(b) Resolution of Problems by FO/DAMLR. When attempting to resolve PAD problems, the following steps should be taken:

1. Identify problems. Record for each PAD form any deficiencies, specific questions, or additional information needs.

2. Ensure that issues are resolved or all the facts on both sides of an unresolved dispute are developed fully. If a FOD is unable to resolve any issues pertaining to a PAD form, note this on a sheet attached to the front of the PAD along with a brief description of the unresolved issue.

(c) Review by IRT.

1. The IRT may select and review PAD's from those meeting any of the following criteria in order to ensure consistency in FO review:

a. A new PA or new/modified problem(s) in an existing PA for priorities assigned to problem types and cost estimates.

b. A PAD submitted prior to a grant application or amendment adding P1 and/or P2 problems to the PA or upgrading Priority 3 problems currently in AMLIS to P1 and/or P2 problems.

c. A PAD submitted after a grant application or amendment has been approved and when remaining problem(s) have been given a higher priority than they had prior to the partial reclamation of the PA.

d. Completion reports when remaining problem(s) have been given a higher priority than they had prior to the partial reclamation of the PA.

2. In addition, the IRT will review:

a. All disputed PAD forms.

b. All PAD forms meeting any of the four criteria listed above with estimated Health, Safety and General Welfare (HS&GW) reclamation costs greater than $500,000.

c. At least 10 percent of all PAD's submitted by a State/Tribe or E/WSC meeting the four criteria listed above and having an estimated HS&GW reclamation cost less than $500,000.

(d) Resolution of Problems by IRT.

1. Problems identified by the IRT will be included in the review results transmitted to each FOD and AD/E/WSC. AD/E/WSC are responsible for resolving identified problems. FOD's are responsible for working with the States and Tribes to resolve any problems with PAD's they submitted.

2. The States/Tribes or E/WSC may correct deficiencies or areas in question if they choose and resubmit the corrected PAD's at their earliest opportunity.

(e) Final Decision by the IRT.

1. Once problems have been resolved, or if resolution efforts have not been successful, the IRT decision to accept or reject a PAD for inclusion in AMLIS must be unanimous and is considered to be final.

2. Within 15 days of the team meeting, the IRT will inform each FOD and AD/E/WSC of the team's final decision, and provide a list of all PAD's received, accepted and rejected.

3. Accepted PAD's will be entered into the AMLIS computer system.

5. Reporting Requirements. None.

6. Effect on Other Documents. Supersedes Directive AML-1, "AML Inventory Update Manual," dated August 25, 1987 and Directive AML-17, "Abandoned Mine Land Inventory System Quantitative Measurements," dated 8/14/90, and Temporary Directive No. 91-3, dated February 25, 1991, which modified AML-1. Impacts the Federal Assistance Manual (FAM). These changes to FAM are being made in a concurrently-issued Temporary Directive and will be incorporated into FAM at a later date.

7. References.

A. Abandoned Mine Reclamation Act of 1990,
B. Surface Mining Control and Reclamation Act of 1977, Title IV,
C. 30 CFR Parts 795, 870, 872, 873, 874, 875, 876, and 886,
D. Directive GMT 10-2, "Federal Assistance Manual."

8. Effective Date. Upon issuance.

9. Contact. Chief, Branch of Technical Support, FTS 268-2999 or (202) 208-2999.

10. Keywords. Abandoned Mine Land Inventory, Health and Safety.

11. List of Attachments.

Attachment A: OSM 76 Form and Instructions.