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	U.S. DEPARTMENT OF THE INTERIOR **OFFICE OF SURFACE MINING** **RECLAMATION AND ENFORCEMENT** **DIRECTIVE SYSTEM**	**Subject Number:** REG - 8 **Transmittal Number:** 844 **Date:** JUN 20 1996

Subject: Oversight of State Regulatory Programs

Approval: Robert J. Uram	**Title:** Director

1. PURPOSE. This directive and its appendices establish policies, procedures and responsibilities for conducting oversight of State regulatory programs. This directive applies to all Office of Surface Mining Reclamation and Enforcement (OSM) organizational units and personnel involved in oversight of State regulatory programs during Evaluation Year (EY) 1996 (January 1, 1996 to September 30, 1996) and EY 1997 (October 1, 1996 to September 30, 1997).

2. SUMMARY OF CHANGES. Because oversight policies and procedures have undergone such a fundamental change since this directive was last revised on June 1, 1994, no summary of specific changes is included.

The revised directive is based upon recommendations of an OSM/State Title V Oversight Team. The revised directive provides a new oversight strategy. The work done by this team has contributed significantly to OSM's vision of shared commitment by developing cooperatively an oversight plan for evaluating the success of the States in meeting the Surface Mining Control and Reclamation Act's (SMCRA or the Act) environmental protection goals and achieving reclamation. Under this directive, OSM's Field Offices and Regional Coordinating Centers, in cooperation with each State, will develop a State-specific evaluation plan tailored to the unique conditions of each State program. OSM's role will not involve any duplication of the State's program implementation responsibilities. Oversight will not be process driven. Instead, OSM oversight will focus on the on-the-ground/end-result success of the State program in achieving the purposes of the Act. Also, it will focus on identifying the need for and providing financial, technical and other program assistance to States to strengthen their programs. An oversight performance agreement between OSM and a State which meets the goals of the July 1995 Report of the OSM/State Title V Oversight Team will be deemed to be in accordance with the provisions of this directive.

3. DEFINITIONS.

a. Oversight. The process of evaluating and assisting States in the administration, implementation and maintenance of approved regulatory programs.

b. State program. A State-administered program, approved by the Secretary under section 503 of SMCRA, to regulate coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands within a State. Where a cooperative agreement governing mining on Federal lands has been approved under section 523 of SMCRA, that agreement is considered part of the State program.

4. POLICY/PROCEDURES.

a. Responsibilities.

(1) Director/Deputy Director.

(a) Establish national priority review topics and standardized nationwide evaluation methodologies for specific topics when desired.

(b) Appoint an Oversight Steering Committee (OSC), consisting of OSM and State members, to analyze the implementation and results of oversight policies, standards and procedures to ensure that the objectives of SMCRA are achieved.

(2) Assistant Director, Program Support (ADPS).

(a) Develop, clarify and revise national oversight policies, standards and procedures.

(b) Coordinate with Assistant and Regional Directors (RDs) on oversight issues and activities affecting their areas of expertise and responsibilities.

(c) Coordinate with the OSC to analyze the implementation and results of oversight policies, standards and procedures to ensure that the objectives of SMCRA are achieved.

(d) Consistent with national policy, procedures and standards, provide supplemental guidance to RDs to address issues arising from implementation of the national guidance. This will not be construed as authorizing waivers of national requirements.

(3) Regional Directors, (Appalachian, Mid-Continent, and Western Coordinating Centers).

(a) Develop, clarify and revise regional oversight policies, standards and procedures.

(b) Coordinate with Assistant Directors and other RDs on oversight issues and activities affecting their areas of expertise and responsibilities.

(c) Ensure that oversight activities are planned, conducted, monitored and reported in accordance with national and regional policies, procedures and guidance. Develop supplemental standards and procedures as needed in consultation with the Field Office Directors.

(d) Provide the technical assistance necessary to support oversight activities in the Region.

(4) Field Office Directors or equivalent (FODs).

(a) Plan and conduct oversight activities and prepare related documents and reports in accordance with the guidelines in this directive and other national and regional policies and procedures.

(b) Develop day-to-day operational procedures consistent with national and regional oversight policies.

(c) Coordinate technical and other assistance with the RD when necessary to properly conduct oversight activities.

(d) Interact on a routine, periodic basis with special interest groups, such as State and local coal associations and citizen and environmental organizations, to determine their areas of concern. To further this interaction, each Field Office will conduct an outreach program within the State(s) to solicit comments from the public and interested parties regarding the oversight process, recommendations for additional review topics for the evaluation year, and suggestions for improvements of future annual evaluation reports.

(e) Prepare an annual evaluation report for each State within his or her area of responsibility.

(5) Oversight Steering Committee

Analyze and monitor, in consultation with States, RDs, FODs and other users or customers of the oversight process, the effective implementation and results of oversight policies, standards and procedures to ensure that the objectives of SMCRA are achieved. Recommend changes to any standards or procedures to the ADPS to provide continual improvement to the oversight process.

(6) Office of Communications (OC)

Coordinate with RDs and FODS to incorporate State-specific evaluation reports in the OSM Annual Report.

b. Procedures. Oversight activities will be planned, conducted and reported in accordance with this directive, its guidelines and all other relevant directives and supplemental guidance.

5. REPORTING REQUIREMENTS.

Each FOD will compile the data needed for all tables and prepare an annual evaluation report for each State within his or her area of responsibility. OC, in conjunction with RDs and FODs, will incorporate State-specific reports into OSM's Annual Report.

6. EFFECT ON OTHER DOCUMENTS.

Supersedes Directive REG-8, "Oversight of State Regulatory Programs and State and Tribal Abandoned Mine Land Reclamation Programs," Transmittal Number 815, dated June 1, 1994, and Interim Directive REG-8, "Oversight of State Regulatory Programs," Transmittal Number 842, dated January 30, 1996.

7. REFERENCES.

a. Directive INF-1, "Policy and Procedural Guidelines for OSM Records Management Systems."

b. Directive REG-23, "Development and Implementation of Action Plans."

8. EFFECTIVE DATE: Upon issuance.

9. CONTACT: Chief, Office of Title V Policy; 202-208-2651.

10. KEYWORDS: State program, evaluation, annual report, workplan, oversight, program element, performance agreement.

11. APPENDICES:

Appendix I - "Excerpts from a Report of the OSM/State Title V Oversight Team, July 1995".

Appendix II - "Procedures and Guidelines for Oversight and Reporting".

Appendix III - "Annual Reports".

Appendix I

EXCERPTS FROM A REPORT OF THE STATE/OSM TITLE V OVERSIGHT TEAM

(July 1995)

The primary objective of the OSM/State Oversight Task Force was to develop an oversight plan that will:

1. Use strategic planning to develop general guidance to OSM personnel and States, recognizing that specific measurements must be developed by the front line people who work with the issues on a daily basis [RD's, Field Offices (FO's), and State Regulatory Authorities (RA's)].

2. Provide clear guidance to FO's and SRA's on how to develop proper goals and objectives for each state taking into account the individual state terrain, climate, biological, chemical and other physical factors as set forth in 101(f) of SMCRA.

3. Provide a method for joint development of success measurements which will foster an attitude of shared commitment.

4. Develop a flexible system which allows the use of measurement tools appropriate to each state. For example, either focused or random site inspections can be used if it is agreed they are one of the appropriate data collection tools in a particular state.

5. Maximize use of existing data collection systems, while avoiding development of new data systems, at least for the early phases of oversight re-invention. New systems may be created in 2 or 3 years after careful planning and an acknowledgment that a shifting of resources for new or different data is appropriate to measure program success based upon the results of strategic planning.

6. Be customer driven, i.e. provide systems for obtaining customer feedback on performance measures.

7. Provide a system which determines whether the purposes of SMCRA are being met.

8. Develop a system which provides for OSM to assist the States in implementing the principle of continuous improvement.

9. Adopt portions of current oversight which work well in measuring success. Delete those portions which measure activity only.

10. Provide sufficient guidance so that a core of indicator data is developed for the purposes of aggregating data nationally where possible.

11. Develop an approach that allows program managers to allocate state and federal resources to the places which maximize achievement of the purposes of SMCRA and serve our customers. In this regard, states should evaluate their own processes on a continuing basis as an integral part of program management.

12. Develop a system which discourages micro-management and focuses on issues of larger importance within categories that are natural resource-based (water, land, vegetation) and people-based (health and safety, off-site protection, property protection) as described by SMCRA. OSM will give proper deference to a state's interpretation of its program. State administrative processes should be examined only when the results or customer surveys indicate a problem.

13. Develop a system which oversights success or failure of the program, rather than activities of the States or operators.

14. Develop fundamental measures and reports which are easily understood by our customers, including Congress.

Following is a list of goals and objectives that was developed by the Task Force. Each objective is broken down into several strategies that can be used as the basis for evaluating and measuring the states' success in accomplishing the objectives. The Task Force anticipates that these strategies will be used as the basis for developing more specific performance agreements or oversight work plans within each state that would then serve as the guidance document for oversight in the state. A draft document including the goals, objectives, and strategies was discussed at regional OSM/States meetings (held in May for the Western region and in June for the Mid-continent and Appalachian regions).

The Task Force believes that the suggested approach contained in this paper should be used during the next oversight evaluation year. We are therefore recommending that states and OSM field offices begin using the strategies and measurements contained herein as the basis for the oversight performance agreement or workplan effective in January of 1996. The current evaluation year will be extended until that time. This will provide OSM and the states with time to work out the details of their agreement/workplan for next year. The Oversight Steering Committee will be available to provide assistance in the way of additional information or measurements should it become necessary. The Steering Committee will remain intact to develop an annual review of the oversight guidance to determine whether specific changes may be necessary in light of experience with the guidance.

GOALS, OBJECTIVES AND STRATEGIES

GOAL 1 **Evaluate the success of states in implementing their approved programs to meet the performance standards of SMCRA.**

OBJECTIVE 1.01 OSM will measure and report on the effectiveness of a state's implementation of the environmental protection standards of SMCRA both during mining and after mining and reclamation.

Strategy 1.01.01 The OSM Field Office and the state, in consultation, as necessary, with the OSM Regional Coordinating Centers, will develop the specific areas of the SMCRA performance standards that will be evaluated and the methods for conducting the evaluations that will address those performance standards that apply during and after mining and reclamation.

To further the concept of evaluating and reporting end results, the findings from the performance standard evaluations will be reported nationally in terms of the number and extent of observed and unresolved instances of 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 mining. Specific findings on individual performance standards evaluations will be addressed through individual reports between the Field Offices and the states.

Among the areas to be evaluated are the following:

- surface water discharges
- groundwater protection
- blasting (fly rock; air blast)
- stability
- property damage (from subsidence or blasting)
- contemporaneous reclamation
- backfilling and grading to achieve AOC
- establishment of revegetation
- removal of drainage systems
- achievement of postmining land use or capability
- topsoil storage and replacement (if indicated as a problem)
- fish and wildlife protection (if indicated as a problem)
- buffer zones (if indicated as a problem)

NOTE: The Field Offices and states have discretion to determine which of the above areas should be reviewed each year.

Among the data and evaluation methods that could be used to undertake this evaluation are the following (some of which may be appropriate only where concerns are identified during initial data collection):

- quarterly and monthly monitoring reports for quality and quantity
- upstream and downstream monitoring results and testing during mining and reclamation
- comparison of collected data to PHC's and CHIA's or other baseline data available
- watershed and aquifer modeling
- interviewing local residents
- evaluating impact of toxic material during mining
- geologic test results
- citizen complaints
- blasting measurements
- state and OSM inspection results
- special studies
- aerial overflights and contour maps
- subsidence damage reports
- bond release and permitting data
- yield data and revegetation reports
- soil probing or sampling
- timeliness of bond release

GOAL 2: Support state program implementation by providing technical and other assistance.

OBJECTIVE 2.01 OSM will provide adequate financial assistance to support effective implementation and maintenance of state programs.

Strategy 2.01.01 Field Offices and Coordinating Centers, in consultation with the state, will develop an annual plan that specifies the level of financial assistance necessary to effectively implement and maintain the state program for the appropriate fiscal period.

OBJECTIVE 2.02 OSM will provide adequate technical assistance to support effective implementation and maintenance of state programs.

Strategy 2.02.01 Field Office and Coordinating Centers, based on prioritization of available resources and level and types of available state needs and requests, will provide on-site technical assistance.

Strategy 2.02.02 Field Offices will assist the states in identifying, developing and attaining technical training objectives and resources.

Strategy 2.02.03 Field Offices and Coordinating Centers will provide TIPS services and training to enhance state performance.

OBJECTIVE 2.03 OSM will provide adequate programmatic assistance to support effective implementation and maintenance of state programs.

Strategy 2.03.01 As requested, Field Offices and Coordinating Centers will assist the states in developing and timely processing state program amendments to maintain their programs.

GOAL 3 Document the scope, performance and achievements of state programs.

OBJECTIVE 3.01 To provide timely, accurate reports which reflect achievements and activities in the individual states and OSM.

Strategy 3.01.01 OSM will prepare an annual report to Congress that includes an overview of the implementation of state programs and acknowledges state and OSM achievements.

Strategy 3.01.02 OSM will utilize existing state data management systems to minimize manual review wherever possible.

Strategy 3.01.03 OSM will document, as achievements, areas of state programs that exceed minimum state program requirements.

Strategy 3.01.04 States may utilize self evaluation practices to facilitate process management and OSM will not duplicate such reviews.

OBJECTIVE 3.02 To facilitate legislative, regulatory and/or program changes.

Strategy 3.02.01 OSM will accommodate state administrative/legislative systems when establishing requirements for program changes under 732/733 processes.

Strategy 3.02.02 OSM and states will establish an informal mechanism to resolve issues prior to implementing the formal 732/733 process, where feasible.

GOAL 4 **Evaluate effectiveness of customer service provided by State Regulatory Authority.**

OBJECTIVE 4.01 To monitor responses to complaints and requests for assistance and services for timeliness, accuracy, completeness and appropriateness.

Strategy 4.01.01 OSM will review a sample of state agency activities, as listed below, to determine timeliness, accuracy, completeness and appropriateness of the state action. In addition, the OSM review may address the state's analysis of customer satisfaction. Agency activities include:

- handling of citizen complaints
- permitting actions
- bond releases
- lands unsuitable petitions
- administrative and judicial review
- AVS determinations

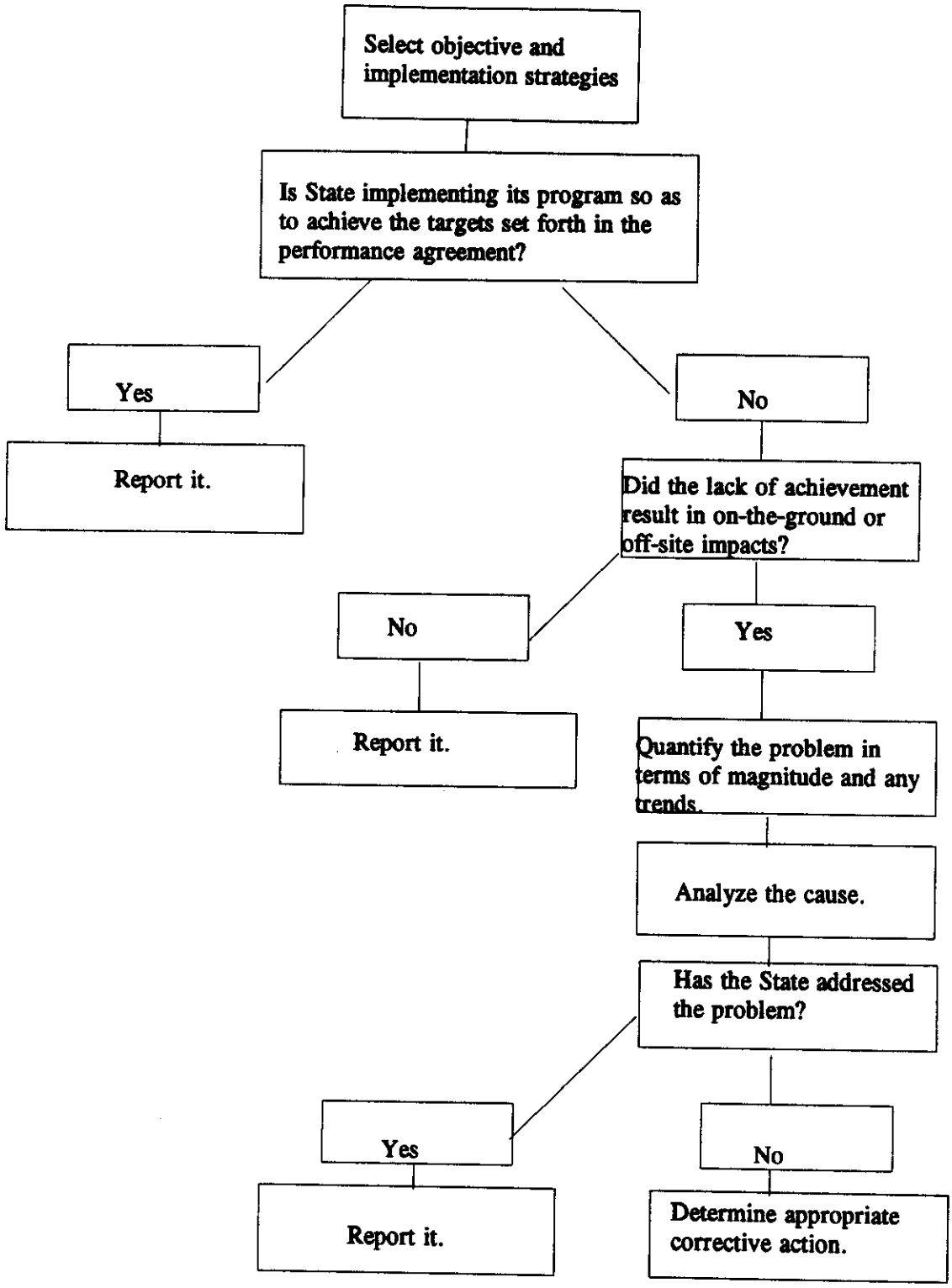
OBJECTIVE 4.02 To monitor public access and input opportunities in the state program.

Strategy 4.02.01 OSM will review the public access procedures in state programs (the availability of and access to public records and information).

Strategy 4.02.02 OSM will review a sample of activities requiring notification to evaluate the state's compliance with its procedures. These activities include permitting, rule making, bond release, lands unsuitable and other administrative actions.

Strategy 4.02.03 OSM will use the results of public oversight meetings and/or customer surveys, combined with consultation with the states, to ascertain customer interest and concerns.

For illustrative purposes, another way of diagraming the oversight approach contained in the above procedures is as follows:



APPENDIX II

PROCEDURES AND GUIDELINES FOR OVERSIGHT AND REPORTING

To expand on the concepts developed by the OSM/State Title V Oversight Team, the Oversight Steering Committee developed the following processes and procedures for OSM to follow in implementing the oversight process. These processes and procedures are intended as guidance. OSM's Coordinating Centers and Field Offices and States may develop performance agreements (PAs) that address the unique aspects of the respective State program and that provide an evaluation and overview of the State's accomplishments and issues in the State program.

TABLE OF CONTENTS

I. Background and Purpose 1

II. Procedures 1

A. General Approach 1

B. Outreach 1

C. Measurement and Reporting of End-Results 2

D. Performance Agreements 7

E. Data Collection 8

F. Innovative State Actions 8

G. Problem Resolution 8

H. Topic Specific Evaluation Reports 8

I. Evaluation Files 9

I. BACKGROUND AND PURPOSE

The Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act) requires the development and implementation of programs to regulate surface coal mining and reclamation operations and reclaim lands damaged by mining activities prior to SMCRA. SMCRA encourages States to assume the primary responsibility for regulating mining activities (primacy).

Section 201 of SMCRA established the Office of Surface Mining Reclamation and Enforcement (OSM) to administer and implement the Act. Among its responsibilities, the agency is charged with promoting the achievement of program goals and objectives, ensuring adherence to Federal and State statutory and regulatory requirements and maintaining minimum nationwide mining and reclamation standards.

This document furthers these purposes by establishing procedures and general criteria for the evaluation of regulatory programs approved under SMCRA. In addition, this document:

- Defines the respective roles and responsibilities of OSM and the States in carrying out regulatory programs; and
- Establishes the format for OSM's annual evaluation report on the status of program administration by the States.

II. PROCEDURES

A. General Approach

OSM's Field Offices (FOs) and Regional Coordinating Centers, in cooperation with each State, will develop a State-specific evaluation plan tailored to the unique conditions of each State program. OSM's role will not involve any duplication of the State's program implementation responsibilities. Oversight will not be process driven. Instead, OSM oversight will focus on the on-the-ground/end-result success of the State program in achieving the purposes of the Act. Also, it will focus on identifying the need for and providing financial, technical and other program assistance to States to strengthen their programs. This appendix will serve as guidance for the development of the evaluation plan; it is not intended to impair State/Federal negotiations of specific PAs.

B. Outreach

Field Office Directors (FODs) are to interact on a routine, periodic basis with special interest groups, such as State and local coal associations and citizen and environmental organizations and the general public, to actively seek out and determine their areas of concern and suggestions, as well as to provide timely information about OSM activities that may interest such groups. To further this interaction, each FO will develop and conduct an outreach

program within the State(s) to solicit comments from the public and interested parties regarding the oversight process, recommendations for additional review topics for the evaluation year, and suggestions for improvements of future annual evaluation reports. FODs are encouraged to work with the respective States in developing such programs and conducting such outreach jointly with the State whenever possible. Such outreach efforts may be described in PAs.

C. Measurement and Reporting of End Results

To further the concept of reporting end results and on-the-ground success, the FOs, using the guidance set forth below, will prepare findings from performance standard evaluations which OSM will report 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 topical reports will be developed to provide specific information on how these measurements were carried out and reported.

1. Off-Site Impacts

OSM will evaluate and report on the effectiveness of State programs in protecting the environment and public from off-site impacts (prohibited by the State programs) resulting from surface coal mining and reclamation operations. Specific information should be collected, evaluated, and reported in a consistent manner nationwide.

The off-site resources that may be affected during mining and reclamation operations include the land, water, people, and structures. Water resources include surface and ground water quality and quantity. Fish and wildlife resources that may be impacted are included as part of water and land resources.

The types of impacts that may affect these resources include, but are not limited to blasting, land stability, and hydrologic impacts; unauthorized encroachments onto protected or non-permitted areas; and other impacts. An off-site impact is normally one that occurs outside the permit area. However, off-site impacts also may occur within a permit area but outside the approved disturbance area, such as an encroachment into a buffer zone or area prohibited from mining.

The off-site information to be collected, evaluated, and reported is the number of observations made to evaluate off-site impacts; number of impacts found; and the degree of impact. Additional information that should be gathered from each impact is the type of impact; the resource being affected; the number of permits or mine sites with observed off-site impacts; and the number of permits or mines evaluated. Each impact may affect more than one resource, i.e., a blasting impact may affect both land and people.

The sources of information are State inspection reports, notices of violation (NOV), and civil penalty assessment data, OSM's ten-day-notices and inspection reports, citizen complaints, and special studies. All complete inspections, both State and Federal, and any partial inspection that specifically included an assessment of off-site areas should be specifically considered an observation. Citizen complaints should be used as a source of information, however, they should only be considered an observation if an impact was identified and verified by the State or OSM.

An off-site impact is any occurrence that has been identified and verified. An occurrence should have been noted in a NOV; however, off-site impacts that have not been subject to a NOV can also be noted.

The degree and type of impact may be obtained from the civil penalty assessment data. If an impact was identified that was not subject to a civil penalty assessment, the degree and type of impact should be assessed by the reviewer. The data should indicate if the impact was minor, moderate, or major.

An off-site impact oversight report will be prepared for each State. This report is independent from the annual report and will be used as supporting documentation for the annual report. It will include detailed information on data collection, verification and analysis and draw a conclusion on the effectiveness of the State program in preventing off-site impacts.

The data collected will be reported in Table 4 for the annual report.

2. Bond Release

OSM will evaluate and report on the effectiveness of State programs in ensuring successful reclamation on lands affected by surface coal mining operations. Success will be determined based on the number of acres that meet the bond release standards. Specific information on evaluating compliance with performance standards will be collected, evaluated, and reported in a consistent manner nationwide. In addition to the nationwide information reported, Field

Offices and States may conduct specific evaluations and report on individual performance standards.

Data measurements will be collected to measure program performance in the following areas:

1. Land form/approximate original contour
2. Land capability
3. Hydrologic reclamation
4. Contemporaneous reclamation

Existing systems and forms should be used to the extent possible. However, States and OSM will work together to attain procedures over time that will capture bond release data necessary to measure program performance.

After the State and OSM have agreed on interpretations, what to report and how to report it, OSM will verify the accuracy of State data using tools established in the PA or as otherwise negotiated. Data verification tools to be used include but are not limited to random inspections, OSM participation in state bond release inspections (all or sample), special studies, or other methods mutually agreed upon by the State and OSM that take into account the unique characteristics of the State and its program. Once the data collection system and verification procedures have been established, the acres released from bond will represent accomplishment of specific on-the-ground reclamation.

An oversight findings report will be prepared for each measurement in each State. This report will include detailed information on the collection and analysis of data, verification of data, and draw a conclusion on the effectiveness of the State program in ensuring successful reclamation of mined lands. Information from the findings report will be used to prepare the annual report for the State.

In conducting this evaluation, OSM will adhere to the following guidelines for each of the four areas.

1. Land form/approximate original contour (AOC)

MEASUREMENT: AOC achievement will be measured by the ACRES of Phase I bond released.

Due to differences in topography, geography, geology and land forms in the coal producing states, it is necessary that OSM and the State concur on an accepted interpretation of AOC. When the AOC interpretation is established for a State, the State and OSM will document it in a PA or other acceptable manner. The PA also will establish that the State will determine whether the permittee has achieved AOC no later than Phase I bond release. Acreage disturbed by mining activities that are released from Phase I bond liability will be documented as having achieved AOC.

2. Land Capability

There are several measurements that may be conducted to demonstrate the reestablishment of land capability on mined areas. These measurements and the timing of each measurement are discussed below.

MEASUREMENT: Proper replacement of soil resources will be measured by ACRES of Phase II bond release.

Land capability may be demonstrated by the ACRES where topsoil, subsoil, or other suitable materials have been properly redistributed at the time of Phase II bond release. In those States where soil replacement is a Phase I reclamation activity, this measurement should be conducted at the time of Phase I bond release. The State and OSM will document in the PA or otherwise that at the time of Phase II (Phase I in some States) bond release, the State will have inspected and documented the acreage of soil replacement. Because it has been established and documented by inspection, the acreage of bond release can be documented as having achieved soil replacement.

MEASUREMENT: Vegetation stability will be measured by ACRES of Phase II bond release.

Land capability may be demonstrated by the ACRES where vegetative cover or other erosion control techniques have adequately stabilized the surface from erosion at the time of Phase II bond release. The State and OSM will document in the PA or otherwise that at the time of Phase II bond release, the State will have inspected and documented the acreage where erosion has been controlled. Because it has been established and documented by inspection, the acreage of Phase II release can be documented as having achieved erosion stability.

MEASUREMENT: Achievement of postmining land uses will be measured by ACRES of Phase III bond release.

Land capability may be demonstrated by the ACRES where approved post mining land uses have been achieved at the time of Phase III bond release. Achievement of post mining land uses will be measured by the acreage of each land use type released from Phase III bond liability, i.e. cropland, pasture, forest, water, etc. acreage will be documented and reported. The State and OSM will document in the PA or otherwise that at the time of Phase III bond release, the State will have inspected and documented the acreage where each approved post mining land use has been established. Because it has been established and documented by inspection, the acreage of Phase III release can be documented as having achieved the approved post mining land uses.

MEASUREMENT: Successful revegetation will be measured by ACRES of Phase III bond release.

Land capability may be demonstrated by the ACRES where revegetation success has been successfully demonstrated at the time of Phase III bond release. The bond release will document the ground cover, yields, or stems per acre as appropriate for the land use. For example, if cropland (including prime farmland) is released, the State will report the bushels or tons per acre. This data can then be aggregated for all cropland (or prime farmland as a

subset of cropland), or pasture land, etc. released annually, so bushels per acre (corn, wheat, beans, or other crops) or tons of hay can be reported.

3. Hydrologic Reclamation

There are several measurements that may be conducted to demonstrate the reestablishment of the hydrologic balance and successful hydrologic reclamation on mined areas. Listed below are some suggested measurements and their timing.

MEASUREMENT: Achievement of surface water quality and quantity restoration can be measured by ACRES of Phase III bond release.

Surface water quality and quantity restoration may be measured in terms of acres of water impoundments released. Bond release will document that water quality meets surface water quality standards and water quantity is adequate for its intended use. The State and OSM will document in the PA or otherwise that at the time of Phase III bond release, the State will have inspected and documented that the water impoundments meet these requirements. Because it has been established and documented by inspection, the acreage of Phase III release can be documented as having achieved restoration of this aspect of surface water quality and quantity.

MEASUREMENT: Achievement of groundwater recharge capacity and ground water quantity and quality restoration can be measured by ACRES of Phase III bond release.

Groundwater recharge, quality and quantity will be measured in terms of acreage of Phase III released. The State, in the Phase III Bond Release Documents, determines whether ground water recharge and restoration of the hydrologic balance, as defined in the PA, has been achieved. Provided the State has determined and documented that groundwater quality, quantity, and recharge capacity have been protected, these documents could be used to measure the achievement of this goal.

MEASUREMENT: Achievement of surface water quality and quantity restoration can be measured by ACRES of Phase III bond release.

Surface water quality and quantity restoration may be measured through a comparison of the premining water quality and quantity to the postmining water quality and quantity at the time of Phase III bond release. Bond release will document that the water quality and quantity leaving the mine site meets the applicable standards and is comparable to or better than the premining quality and quantity. The State and OSM will specify in the PA or otherwise that the State will have inspected and documented that the water quality and quantity leaving the mine site meets the applicable standards at the time of Phase III or other appropriate bond release determination. Because it has been established and documented by inspection, the acreage of Phase III release can be considered as having achieved restoration of this aspect of surface water quality and quantity.

4. Contemporaneous Reclamation

MEASUREMENT: Contemporaneous reclamation will be measured by comparing the year in which an acre was disturbed to the year it received Phase I, Phase II, and Phase III bond release.

It is recognized that most States do not have the capability to collect such data at this time. In order to collect this data a system to collect a baseline of the number of acres affected each year is needed. While the baseline data collection system may provide some resource challenges, information gleaned from reports, aerial photos and maps will enhance inspection efficiency, and enhance report accuracy and evidence clarity. The State and OSM, as part of the PA, jointly will plan and implement the collection of this data. Options include but are not limited to annual aerial photographs with an acreage report, and annual operator report and maps of affected land, a revegetation report and map, an annual complete inspection, etc.

D. Performance Agreements

To foster a shared commitment by OSM and the States in achieving the goals of SMCRA and to ensure that all parties understand what is expected of them, OSM and the States will develop PAs/work plans. OSM and the States are encouraged to develop PAs covering more than one evaluation year since the process is continuous and not necessarily limited to one year.

There is no specified format for the agreements. Content and structure will be left to the discretion of the individual FOs and States to work out so that each is familiar and comfortable with the content and meaning. Although there is no required form or content; OSM/States should consider inclusion of the following items in performance PAs.

- OSM and State program goals and the plans to achieve these goals;
- A plan jointly developed between OSM and the State, considering input from the public, which includes the topics or areas where program evaluations will be conducted and measures or levels of success;
- Method(s) for resolving implementation problems and action plan issues that were identified in previous evaluations;
- Technical or programmatic assistance to be provided by OSM to the State and expected outcomes of the assistance;
- Core program data that the State will provide to OSM and the agreed upon format for this data;

- As available, the summaries and conclusions of any completed or planned internal reviews of the State program that the State will provide to OSM; and

- Any other provisions that would promote full program performance.

E. Data Collection

To the extent practical, OSM and the State, as a part of a PA, will establish a joint OSM-State database that will be maintained and updated by the State in a timely manner. Such a database will maximize consistency, minimize duplicative efforts, and reduce the need for document review. In States where databases are not developed or during the time that data bases are being developed, OSM and the State should develop an understanding on the data that will be shared and how such data sharing will be accomplished.

F. Innovative State Actions

Emphasis will be placed on recognition of innovative State approaches to managerial efficiency, problem resolution, and environmental protection and of extraordinary achievements in program implementation.

G. Problem Resolution

FOs and States should resolve identified problems as expeditiously as possible in a manner addressed in the PA and/or in accordance with the procedures described in Directive REG-23.

H. Topic-Specific Evaluation Reports

A PA may identify a specific program area or topic for evaluation and reporting. Whenever the FO completes the topical evaluation, it will prepare an evaluation report independent of the annual evaluation report. Although there is no specified format or style for such topical reports, the FO should consider including the following information:

- The program area or topic reviewed and why it was selected.

- The scope and method of review.

- The dates of the oversight activity and the period for which State actions and documents were evaluated.

- All findings, both positive and negative.

- Facts supporting the findings.

- A list of all specific permits, mine sites, or State actions reviewed.
- The actual or potential impact or significance of any deficiencies identified.
- A clear description of any corrective action required or recommended, if problems or potential problems are identified.
- If appropriate, an offer of technical or administrative assistance.

Records will be maintained of all OSM personnel involved in the review and all State personnel contacted. When OSM personnel outside the Field Office have participated in the review, they will be afforded an opportunity to review and comment on the report in draft form.

A draft report will be sent to the State with a request for comments and, if appropriate, a schedule of actions to be taken to address any issues or resolve any problems. A final report, developed after consideration and inclusion of State comments will be provided to the State. Both draft and final reports that were provided to the State will be included in the Evaluation File.

I. Evaluation Files

The Field Office will maintain a public review file for each evaluation year on an ongoing basis in accordance with Directive INF-1. This file will be maintained independent of the administrative record. It will be kept current and include all documents pertinent to the evaluation year in question regardless of the date of preparation or receipt. In some cases, such as a multi-year action plan, this may require that a document be duplicated and placed in several files (one for each year to which the document pertains). The file for each evaluation year must contain the following items:

- National/regional oversight guidance and format documents and revisions and clarifications thereof.
- The PA between OSM and the State.
- A list of the inspections conducted, including the type of facility and its activity status.
- All topic specific evaluation reports, both draft and final that were provided to the State, prepared for the evaluation year.
- Any data summaries used to prepare the findings in the annual evaluation report.

- Action plans developed or in effect during the evaluation year.

- OSM-State meeting minutes and substantive correspondence concerning evaluation techniques, topics, schedules and findings.

- The annual evaluation report (both the version initially provided to the State and the final version) and all State comments thereon.

- Public comments, complaints or observations pertaining to the annual evaluation report or the evaluation process.

- Summaries of public meetings held concerning the oversight process.

The evaluation file will not include the following items:

- Working papers.

- State or Federal inspection reports.

- Raw, unorganized data.

- Confidential permit application documents or other confidential information.

- Grant reports and related documents (although the file should include a note explaining where and how these documents may be reviewed).

- Briefing papers.

Evaluation files will be available for public review during normal business hours in the same manner as the administrative record files (see Directive INF-2). Single copies of the annual evaluation report and topic specific reports will be provided free of charge upon request. Requests for copies of other evaluation file documents may be processed in accordance with Directive INF-3 (Freedom of Information Act procedures) if the Field Office Director determines that the request imposes a significant burden on Field Office resources.

APPENDIX III

ANNUAL REPORTS

A. Reporting Requirements

- The FOD will prepare an annual evaluation report for each State within his or her area of responsibility. The target date for completion of a final report, including all changes as a result of comments from all parties, is no later than 60 days after the end of the evaluation period (December 1). The intent is to have the reports finalized so that information can be used for Congressional hearings routinely conducted in the early spring. The following is a suggested timetable.

  - The draft report should be forwarded to the State within 30 days of the close of the evaluation year.

  - The State will be provided no less than a 15-day comment period.

  - Within 5-10 days of receipt of the State's comments, the FOD should make any necessary revisions to the report. The State's comments and a summary of the FOD's disposition of those comments will be appended to the report.

  - If the FOD substantively revises the report, the State will be allowed a brief time (5 days) to provide additional comments. Any comments submitted will be appended to the report in place of the comments provided earlier, unless the new comments incorporate the previous ones by reference.

  - Once the FOD determines that all necessary changes resulting from State and OSM comments have been made, the FOD will finalize the report and arrange to have sufficient copies of the report printed and distributed to the appropriate parties, including the Director, Regional Director, Office of Communications, and other OSM units as necessary.

  - The FOD will place an electronic copy of the report on OSM's Wide Area Network.

  - To promote dissemination of oversight information, the FOD will provide copies of the report to States and other interested parties.

B. Format and Instructions

Unless additional tables and graphics are needed to illustrate and supplement the report's findings, the reports will be prepared in accordance with the format and instructions provided on the following pages. (Note: Appropriate changes to dates in the text of the annual report and tables will need to be made when reports are prepared for EY 1997. The reporting period for EY 1997 is October 1, 1996 to September 30, 1997.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Annual Evaluation Summary Report

for the

Regulatory Program

Administered by the [State/Commonwealth]

of

(Capitalize name of State)

for

Evaluation Year 1996

(January 1, 1996 to September 30 , 1996)

(Month/Year)

TABLE OF CONTENTS

I. Introduction

II. Overview of Coal Mining Industry

III. Overview of Public Participation in the Program

IV. Major Accomplishments/Issues/Innovations

V. Success in Achieving the Purposes of SMCRA

A. Off-site Impacts

B. Bond Releases

VI. OSM Assistance

VII. General Oversight Topic Reviews

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

Appendix B: State Comments on the Report

I. Introduction

Instructions: Insert the following text into the report verbatim, substituting State-specific information where so indicated.

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 OSM to oversee the implementation of and provide Federal funding for State regulatory programs that have been approved by OSM as meeting the minimum standards specified by SMCRA. This report contains summary information regarding the [State] Program and the effectiveness of the [State] program in meeting the applicable purposes of SMCRA as specified in section 102. This report covers the period of January 1, 1996 to September 30, 1996. Detailed background information and comprehensive reports for the program elements evaluated during the period are available for review and copying at the [City] OSM Office.

The following list of acronyms are used in this report: [list all acronyms used]

II. Overview of the [State] Coal Mining Industry

Instructions: To provide a context or characterization for the reader to understand the significance of coal mining within the State, prepare a short narrative of one page or less setting forth general information on coal mining in the State considering the following topics:

- Types of mining [surface and underground (further separation by longwall and conventional, if available)]; number, type, and size of mines currently and historically.
- Significance of coal mining to the local and State economies.
- Amount and nature of coal reserves in the State.
- Any other information characterizing coal mining in the State and providing a sense of conditions in the State.
- Any significant changes in the above information during the evaluation period.

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

Instructions: To provide a context or characterization for the reader to understand the level of public and industry involvement and the opportunities provided for public

input by the State, prepare a brief narrative setting forth general information on public participation in OSM's oversight process and in the State's program considering the following topics:

- Identify the opportunities and information provided by OSM/States to the public to provide input into the oversight and State regulatory processes.

- Identify public meetings held and quantify the amount of participation that occurred.

- Identify outreach efforts that State/OSM provided.

- Characterize any significant organizational involvement from environmental, industry, grassroots organizations that have expressed active involvement with OSM/States.

- Identify any results/impacts to the effectiveness of the program that have occurred due to public participation.

- Identify any highly controversial areas or concerns that have occurred due to public involvement.

- Identify any precedent-setting legal issues decided during the period.

- Briefly summarize any specific issues or successes identified through OSM process evaluations conducted on the (State) implementation of the public participation aspects of the program.

(Note: The term "public" includes the citizenry at large, industry, and environmental groups.)

IV. Major Accomplishments/Issues/Innovations in the (State) Program

Instructions: Briefly summarize the State's overall performance in implementing its regulatory programs in meeting the applicable purposes listed in section 102 of SMCRA. Identify any significant accomplishments, innovations, problems that may be of national or regional interest, placing each in context. This description should include areas of the State program that go beyond the minimum requirements and should include areas of the State program where innovative approaches to solving problems have proven successful. Significant problems should be described along with a brief statement on how the problems are being addressed between OSM and the State. Provide an overall summary of the success of the State program and the State and OSM's expectations for the program in the coming year as they relate to the accomplishments/problems/innovations described above.

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

Instructions: Insert the following text verbatim into the report substituting State-specific information where so indicated.

To further the concept of reporting end results, the findings from performance standard evaluations are being collected for a national perspective 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 [City] Office which provide additional details on how the following evaluations and measurements were conducted.

A. Off-Site Impacts:

Instructions: Prepare a brief summary discussing and assessing the data in Table 5 with regard to the effectiveness of the State program in protecting the environment and public from off-site impacts (prohibited by the State program) resulting from surface coal mining and reclamation operations. The summary also should report the actions being taken with the State to correct any programmatic deficiencies that may have caused off-site impacts to occur and to develop ways to lessen the number of future impacts.

B. Bond Release:

Instructions: Prepare a brief summary discussing and assessing the data in Table 6 with regard to the effectiveness of the State program in ensuring successful reclamation on lands affected by surface coal mining operations. The summary also should report the actions being taken with the State to prevent future occurrences where areas do not meet release standards.

VI. OSM Assistance

Instructions: To provide a context or characterization for the reader to understand the level of assistance that OSM has provided to the State. Include specific technical assistance, training, management assistance, financial (reference Table 9), and any other notable assistance provided and the expected results. Prepare a short narrative setting forth general information about OSM's assistance role.

VII. General Oversight Topic Reviews

Instructions: Provide a listing including a short description of all oversight topics that OSM reviewed and concluded during the period. The list also may include issues that were identified through means other than a formal oversight study topic. Include a statement on how and where to obtain individual topic reports and information. This section is not to be used to describe any results of any topic reviews. It is only a reference so that the reader is informed of specific topics and is directed to where the specific reports can be obtained.

APPENDIX A:

Instructions: Insert the following paragraph into the report verbatim. Complete the tables in accordance with the format and instructions provided for each table. If a table is inapplicable in a particular State, enter an explanatory statement in lieu of the table. The reporting period for all tables is the entire evaluation year unless the instructions for the table state otherwise. When data are not available at the time the first draft of the report is due, the tables may be left blank and completed prior to submission of the second draft.

These tables present data pertinent to mining operations and State and Federal regulatory activities within [State]. They also summarize funding provided by OSM and [State] staffing. Unless otherwise specified, the reporting period for the data contained in all tables is January 1, 1996 to September 30, 1996. Additional data used by OSM in its evaluation of [State's] performance is available for review in the evaluation files maintained by the [City] OSM Office.

Instructions for Specific Tables

Table 1: Coal Production

- Report coal production based on gross tons reported to OSM on line 8(a) of form OSM-1, Coal Reclamation Fee Report. This form is filed quarterly with OSM by each coal company and is a report of all coal sold, used or transferred during the calendar quarter. Gross tonnage does not include a reduction for moisture content. This information is available from the Denver Division of Financial Management.

Table 2: State Inspectable Units

- To provide national consistency, use the following definitions for inspectable unit status categories even if they differ somewhat from those approved in the State program:

  - Active: Any mine site or related facility not included in one of the other categories. Does not include sites on which no disturbance has occurred.

  - Phase II bond release: Phase II reclamation completed or, for initial program or unpermitted sites. revegetation established.

  - Abandoned: Any site meeting the criteria of 30 CFR 840.11(g).

- Reclaimed bond forfeiture sites will not be included in this table unless the reclamation performed is inadequate to fully abate all outstanding violations, in which case the site will be listed in one of the above categories in accordance with the criteria established in 30 CFR 840.11.

- For underground mines, include only the acreage of actual or proposed surface disturbance.

- The inspectable unit column may be used to report the number of inspectable units in states where multiple permits are combined into one unit.

- State programs differ greatly in coal exploration requirements and terminology. For purposes of this table, any exploration activity which requires prior approval from the regulatory authority will be considered a "permit", and any activity for which an individual need only provide prior notice to the regulatory authority will be considered a "notice."

Table 3: State Permitting Activity

- Under the columns "App. Rec." report the number of applications received for each type of application and for each mining type.

- Under the columns "Issued" include only those actions for which the State has both approved the application and issued an authorization to initiate operations. For example, do not include approved permit applications for which bond has not yet been posted or final compliance checks have not been completed.

- Use the definitions of "exploration permit" and "exploration notice" provided in the last bullet of the instructions for Table 2.

- Delete the first asterisk and footnote if the State requires prior approval (rather than just prior notice) of all coal exploration activities.

- In the incidental boundary revisions category, report only the net acreage added by this means.

- If State program allows acreage to be added via permit amendment, add a line to the table to report all such amendments and associated acreage.

- The number of mid-term permit reviews completed may be reported but this information is optional.

Table 4 : Off-Site Impacts

- All data to be reported will be from observations and impacts that occurred within the evaluation year.

- Report the DEGREE OF IMPACT (minor, moderate, major) under each RESOURCE AFFECTED (people, land water, structures) by each TYPE OF IMPACT (blasting, land stability, hydrology, encroachment, other).

- Report the total number of each TYPE OF IMPACT. Be aware that more than one resource may be affected by each type of impact. For example one blasting impact could affect people, structures, and land with each resource receiving a different degree of impact. Therefore, the total number of impacts will likely be less than the total number of resources affected; i.e. the numbers under the resources columns will not necessarily add horizontally to equal the total number for each type of impact.

- To determine whether to report the number of mine sites or permits evaluated use the same criteria used to determine an inspectable unit in the State.

- Number of observations is based upon the criteria developed between each State and OSM and may include observations by both the State and OSM.

Table 5 : Annual State Mining and Reclamation Results

- Table 4, **Off-Site Impacts**, along with Table 5, are the essence of on-the-ground results data reporting.

- Table 5 is designed to capture and summarize data about reclamation results on an annual basis. To provide a baseline for comparative purposes it is necessary to report the number of disturbed acres that existed at the beginning of the review period and how many new acres are disturbed during the evaluation period. If hard data is not available through existing data collection systems, an estimate will be sufficient until hard data on disturbed acreage as well as remined acreage can be captured and reported.

- PHASE I - Enter the number of acres upon which the State has approved Phase I bond release and determined that all applicable standards are met including AOC and replacement of topsoil or approved alternative. (If State does not require resoiling at Phase I the table should be modified to move the soil replacement row to the Phase II section of the table).

- PHASE II - Enter the number of acres upon which the State has approved Phase II bond release and determined that all applicable standards are met including surface stabilization and establishment of vegetation.

- PHASE III - Enter the number of acres upon which the State has approved Phase III bond release and determined that all applicable standards are met including restoration of post mining land use, productivity, successful permanent vegetation, restoration of ground and surface water quality and quantity.

- TOTAL NUMBER OF ACRES DISTURBED AT END OF LAST REVIEW PERIOD - Disturbed acres are those affected by mining and reclamation operations as defined by 30 CFR 701.5. Enter the cumulative disturbed acres that existed at the end of the last evaluation period (use December 31, 1995). In calculating this number exclude any acres that had received a Phase III or other final bond release (jurisdiction terminated) as of the beginning of the evaluation period.

- TOTAL NUMBER OF ACRES DISTURBED DURING THIS EVALUATION YEAR - Enter number of acres disturbed during the current evaluation period (disturbed acres between January 1, 1996 and September 30, 1996). A footnote

should be added to explain any significant increase in disturbed acreage that is not offset by reclaimed acres, such as opening a new mining area or starting a new mine.

- NUMBER OF ACRES DISTURBED THAT ARE CONSIDERED REMINING - Enter the number of acres disturbed during the current evaluation period that the State considers as remined; i.e. disturbance of areas that were previously mined and not properly reclaimed and have now been reaffected by current mining and reclamation.

Table 6: Optional Data Tables

- If agreed to in the PA, the collection and presentation of additional data for annual State mining and reclamation results is permissible and encouraged in an effort to report the reclamation performance of the State. Listed below are some suggestions, not intended to be all inconclusive, for collection of data. FOs and States will need to develop appropriate tables for the data. If optional tables are not included, Tables 7, 8, and 9 must be renumbered.

Table 6a:

This table or a similar table may be used where a State provides data to OSM on the status of reclamation in a State even though the State has made no final determination concerning site conditions as they relate to meeting all performance standards necessary for bond release. Data reported in this table must not be included in Table 5. Note: Since there has been no final determination on the acceptability of acres reported in this table for bond release purposes, there should be no implication that any of the acreage reported in this table meets any of the phase bond release performance standards.

ANNUAL STATE MINING AND RECLAMATION RESULTS

Reclamation Activity	Applicable Performance Standard	Acreage During This Evaluation Period
Backfilled/Graded	•Approximate original contour restoration •Drainage reestablishment	
Topsoil Replaced	•Topsoil or approved alternative replacement •Surface Stability	
Revegetation	•Establishment of vegetation	

Table 6b:

LAND USE ACREAGE

Land Use	Acreage
Cropland	
Pasture/Hayland	
Grazingland	
Forest	
Residential	
Fish and Wildlife Habitat	
Developed Water Resources	
Public Utilities	
Industrial/Commercial	
Recreation	
Remined	

Table 6c:

AVERAGE PRODUCTIVITY ACHIEVED

Crop	Yield	Percent of Original Yield
Corn (bu/ac)		
Beans (bu/ac)		
Wheat (bu/ac)		
Hay (bu/ac)		
Other		

Table 6d:

COVER RESTORED

Cover Type	Percent Cover or Stems/Acreage
Forest	
Fish and Wildlife Habitat	
Grazingland	
Residential	
Industrial/Commercial	

Recreation
Remined
Other

Table 6e:

WATER QUALITY

	Average Upstream Data	Average Downstream Data
pH		
Fe		
TSS		
Mn		
Set. Solids		

Table 6f:

DISCHARGE POINTS

Percent of Complying Discharge Observations
NPDES Results
pH
Fe
TSS
Mn
Set. Solids

Table 7: State Bond Forfeiture Activity

- Include only those sites for which the indicated action is complete. For example, the "Bonds forfeited" categories do not include sites for which bond forfeiture proceedings have been initiated but not finalized, and the "Forfeiture sites reclaimed" category does not include sites on which reclamation has begun but which have not yet been fully regraded and planted.

- Exclude all sites reclaimed by sureties or other third parties in lieu of forfeiture.

- If AMLR grants or funds collected from State or Federal civil penalty assessments are used to reclaim any bond forfeiture sites, add a line listing the funds expended and the number of sites and acres reclaimed in this fashion.

- If bond is forfeited on undisturbed or reclaimed acreage, the acreage column should be split to differentiate between disturbed and undisturbed/reclaimed acres.

Table 8: [State] Staffing

- Include only personnel actually in place or hired as of the end of the evaluation year.

- Do not include supervisory or clerical personnel in the "Permit review" and "Inspection" categories.

Table 9: Funds Granted to [State] by OSM

- Provide all funding figures in millions of dollars rounded to two decimal places.

- The "Federal funds awarded" column will include the sum of all grant applications, grant amendments and supplementary funds approved during the indicated evaluation year.

- Generally, for purposes of the "Federal funds awarded" column, a grant will be considered awarded on its effective date. However, except for initial grant applications, this principle does not apply if the award is retroactive.

- Calculate the entries in the "Percent Federally funded" column for the "Totals" row by use of a weighted average.

TABLE 1

COAL PRODUCTION (Millions of short tons)			
Period	Surface mines	Underground mines	Total
Coal production[A] for entire State:			
1994	-	-	
1995	-	-	
1996[B]	-	-	

[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.

[B] Indicate period if other than a full calendar year.

TABLE 2

INSPECTABLE UNITS
(As of September 30, 1996)

Coal mines and related facilities	Number and status of permits								Insp. Unit[D]	Permitted acreage[A] (hundreds of acres)		
	Active or temporarily inactive		Inactive		Abandoned		Totals					
			Phase II bond release									
	IP	PP	IP	PP	IP	PP	IP	PP		IP	PP	Total
STATE and PRIVATE LANDS	**REGULATORY AUTHORITY: STATE**											
Surface mines	-	-	-	-	-	-	-	-	-	-	-	-
Underground mines	-	-	-	-	-	-	-	-	-	-	-	-
Other facilities	-	-	-	-	-	-	-	-	-	-	-	-
Subtotals												
FEDERAL LANDS	**REGULATORY AUTHORITY: STATE**											
Surface mines	-	-	-	-	-	-	-	-	-	-	-	-
Underground mines	-	-	-	-	-	-	-	-	-	-	-	-
Other facilities	-	-	-	-	-	-	-	-	-	-	-	-
Subtotals												
ALL LANDS[B]												
Surface mines	-	-	-	-	-	-	-	-	-	-	-	-
Underground mines	-	-	-	-	-	-	-	-	-	-	-	-
Other facilities	-	-	-	-	-	-	-	-	-	-	-	-
Totals												

Average number of permits per inspectable unit (excluding exploration sites) . . . . . ____

Average number of acres per inspectable unit (excluding exploration sites) . . . . . – ____

Number of exploration permits on State and private lands: ____ On Federal lands: ____ [C]

Number of exploration notices on State and private lands: ____ On Federal lands: – ____ [C]

IP: Initial regulatory program sites.
PP: Permanent regulatory program sites.

[A] When a unit is located on more than one type of land, includes 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.

TABLE 3

STATE PERMITTING ACTIVITY

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												
Renewals												
Incidental boundary revisions												
Revisions (exclusive of incidental boundary revisions)												
Transfers, sales and assignments of permit rights												
Small operator assistance												
Exploration permits												
Exploration notices[B]												
Totals												

OPTIONAL - Number of midterm permit reviews completed that are not reported as revisions _____

[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												
	Land Stability												
	Hydrology												
	Encroachment												
	Other												
	Total												

Total number of permits or mine sites with observed off-site impacts:
Permits _____ or Mine Sites _____

Total number of permits or mine sites evaluated:
Permits _____ or Mine Sites _____

Total number of observations made to evaluate mine sites or permits for off-site impacts _____

Report the degree of impact under each resource that was affected by each type of impact. More than one resource may be affected by each type of impact. Therefore, the total number of impacts will likely be less than the total number of resources affected; i.e. the numbers under the resources columns will not necessarily add horizontally to equal the total number for each type of impact. To report the number of mine sites or permits use the same criteria used to determine an inspectable unit in the State. Number of observations is based upon the criteria developed between each State and OSM and may include observations by both the State and OSM.

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	-
Phase II	●Surface stability ●Establishment of vegetation	-
Phase III	●Post-mining land use/productivity restored ●Successful permanent vegetation ●Groundwater recharge, quality and quantity restored ●Surface water quality and quantity restored	-
	Total number of disturbed acres at end of last review period (December 31, 1995)[1]	-
	Total number of acres disturbed during this evaluation year	-
	Number of acres disturbed during this evaluation year that are considered remining	-

[1] ***Disturbed acres in this category are those that have not received a Phase III or other final bond release (State maintains jurisdiction).***

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OPTIONAL TABLES 6

(See instructions)

TABLE 7

STATE BOND FORFEITURE ACTIVITY
(Permanent Program Permits)

	Sites	Dollars	Acres
Bonds forfeited as of January 1, 1996[A]			
Bonds forfeited during EY 1996			
Forfeited bonds collected as January 1, 1996[A]			
Forfeited bonds collected during EY 1996			
Forfeiture sites reclaimed during EY 1996		[B]	
Forfeiture sites repermitted during EY 1996			
Forfeiture sites unreclaimed as of September 30, 1996			
Excess reclamation costs recovered from permittee			
Excess forfeiture proceeds returned to permittee			

[A] Includes data only for those forfeiture sites not fully reclaimed as of this date.

[B] Cost of reclamation, excluding general administrative expenses.

TABLE 8

[STATE] STAFFING (Full-time equivalents at end of evaluation year)	
Function	**EY 1996**
Regulatory program	
Permit review	–
Inspection	–
Other (administrative, fiscal, personnel, etc.)	–

TABLE 9

FUNDS GRANTED TO [STATE] BY OSM (Millions of dollars)		
Type of grant	**Federal funds awarded**	**Federal funding as a percentage of total program costs**
Administration and enforcement	–	–
Small operator assistance	–	–
Totals		