This document has been
Rescinded and is located
in our Archive files.

For Active files, visit
http://www.osmre.gov/directiv.htm

	U.S. DEPARTMENT OF THE INTERIOR **OFFICE OF SURFACE MINING** **RECLAMATION AND ENFORCEMENT** **DIRECTIVE SYSTEM**	**Subject Number:** REG - 8 **Transmittal Number:** 883 **Date:** JUL 28 1999

Subject: Oversight of State Regulatory Programs

Approval: Kathy Karpan | **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 beginning October 1, 1999.

2. SUMMARY OF MAJOR CHANGES. This directive has been revised to:

a. Clarify the distinction between OSM oversight responsibilities and primacy State responsibilities for implementing SMCRA.

b. Clarify that inspections are an integral part of OSM's oversight activities and that inspections should be planned and designed to meet the overall objectives of the Field Office's oversight plan as specified in the evaluation plan/performance agreement.

c. Clarify that a primary objective and responsibility of OSM's oversight of State programs is to assist States in resolving problems that are identified.

d. Clarify and improve consistency in data collection for measuring off-site impacts. Revisions identify a goal is that each inspectable unit has minimal or no off-site impacts. Therefore, the measurement is the number and percentage of inspectable units that are free of off-site impacts. In addition, revisions indicate that the best source of data about off-site impacts are derived from State inspections in combination with some level of OSM independent evaluation.

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 the Surface Mining Control and Reclamation Act (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. In exercising its oversight responsibilities, OSM is committed to work with States and other interested parties seeking consensus while maintaining its independence and objectivity to carry out its duties under SMCRA.

(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, including inspections, independent reviews and technical analyses, 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 citizens, State and local coal associations, environmental organizations, and other groups 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. These comments will be major factors in determining where OSM will focus its limited oversight resources and what aspects of the State program will be reviewed.

(e) Prepare an evaluation plan/performance agreement (PA) in cooperation with the State Regulatory Authority.

(f) Assist States resolve identified problems by providing technical or other assistance as necessary and encourage States to pro-actively seek OSM assistance in preventing problems and issues.

(g) 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 as appropriate and provide public access to individual State annual reports and PAs/evaluation plans through OSM's wide area network or Internet site.

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 information from State-specific reports into OSM's Annual Report.

6. EFFECT ON OTHER DOCUMENTS.

Supersedes Directive REG-8, "Oversight of State Regulatory Programs," dated September 30, 1997, Transmittal Number 873.

7. REFERENCES.

a. Directive AML-22, Evaluation of State and Tribal Abandoned Mine Land Programs."

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

c. Directive INF-2, "Administrative Record Systems."

d. Directive INF-3, "Freedom of Information Act."

8. EFFECTIVE DATE: Upon issuance.

9. CONTACT: Chief, Division of Regulatory Support; 202-208-2776.

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

11. APPENDICES:

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

Appendix II - "Annual Reports."

APPENDIX I

PROCEDURES AND GUIDELINES FOR OVERSIGHT AND REPORTING

The following processes and procedures are applicable to OSM personnel involved in implementing the oversight process. These processes and procedures are intended as guidance. OSM's Coordinating Centers and Field Offices and States are encouraged to 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 I-2

II. Procedures I-2

A. General Approach I-2

B. Outreach I-3

C. Measurement and Reporting of End Results I-3

D. Performance Agreements I-12

E. Data Collection I-13

F. Innovative State Actions I-13

G. Problem Resolution I-14

H. Topic Specific Evaluation Reports I-14

I. Evaluation Files I-15

I. BACKGROUND AND PURPOSE

The Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act) requires that programs be developed and implemented to regulate surface coal mining and reclamation operations. Section 201 of SMCRA established the 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.

SMCRA encourages States to assume the primary responsibility for regulating mining activities (primacy). Once States are granted primacy, the role of achieving many of the purposes of SMCRA lies primarily with the States. Some major responsibilities assumed by the States include protecting society and the environment from the adverse affects of coal mining; assuring that mining is not conducted where reclamation is not feasible; and assuring that lands are reclaimed in a contemporaneous manner. OSM's primary role in a State with an approved program is to monitor the State to ensure that it maintains the capability to fulfill those SMCRA responsibilities, assist the State in implementing their responsibilities, and report on its evaluation of the State program. OSM maintains its authority under SMCRA to intervene when there is a clear breakdown in the States' implementation.

This document furthers these purposes by establishing procedures and general criteria for evaluating State 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 or performance agreement (PA) tailored to the unique conditions of each State program. The evaluation plan may be part of a performance agreement or a separate document if the FO and State are unable to reach agreement on a PA or portion thereof. This appendix will serve as guidance for the development of the evaluation plan or PA.

Each evaluation plan/PA must incorporate the three required national measurement elements which are off-site impacts, reclamation success, and customer service. The required review of these three elements is in addition to other oversight activities that OSM may conduct in a

State, including inspections, topic specific reviews, and technical analyses that may be developed in the State-specific evaluation plan or PA. The State-specific evaluation plan/PA also will identify these activities.

Inspections and/or site visits are an integral part of OSM's oversight activities. The evaluation plan/PA should clearly describe what is expected to be accomplished through OSM inspections and/or site visits so that both the State and OSM staff understand the purposes of the inspections/site visits. Inspections/site visits should be planned and designed to meet the overall objectives of the Field Office's oversight plan. Identifying the objectives of OSM oversight inspections and an inspection plan in the evaluation plan/PA does not alter any of OSM's enforcement responsibilities under SMCRA or Federal regulations.

A primary objective of OSM's oversight of State programs is to assist States resolve problems that are identified. OSM, in cooperation with States, should focus resources on resolving such problems. The evaluation plans/PAs should include plans directed at resolving identified problems.

While OSM is committed to working with States and other interested parties to seek consensus on oversight techniques and evaluations, the agency will maintain its independence and objectivity in implementing its oversight duties under SMCRA. OSM's oversight 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.

B. Outreach

Field Office Directors (FODs) are to interact on a routine, periodic basis with State and local coal associations, citizens, environmental organizations and other groups 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 field office (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. 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. These evaluations will report the number and degree of off-site impacts; the number and percentage of inspectable units free of off-site impacts; the number of acres that meet the bond release requirements and have been released by the State for the various phases of reclamation; and the effectiveness of customer service provided by the State. 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 resulting from surface coal mining and reclamation operations. The goal is for each inspectable unit to have minimal or no off-site impacts. However, the objective is that State and OSM programs direct efforts to continually decrease the occurrence of off-site impacts.

Purpose and Goal:

This goal and objective was chosen because a main premise of SMCRA is the protection of the public, property, and the environment outside areas authorized for mining and reclamation activities. SMCRA and equivalent State program provisions require that impacts to areas outside the permit area be minimized. The oversight strategy described here will measure the success in meeting this goal at each inspectable unit. This measurement is intended to: identify and report, for each inspectable unit, the number and degree of off-site impacts; determine causes of the impacts; and identify where improvements may be made to lessen the number and degree of impacts. If evaluation of data related to off-site impacts indicates program or implementation related problems, OSM and States will implement changes, where possible, to minimize recurring impacts. Therefore, the objective of this measurement is that State and OSM Programs direct efforts to decrease the occurrence of off-site impacts.

Because of significant variations between States in the number, size, and type of mines, and methods of data collection, data reported under this measurement cannot be used for comparisons between States. The goal is to decrease the number of impacts, not to compare State to State.

Definition of Off-Site Impact:

For purposes of this directive, an off-site impact is defined as anything resulting from a surface coal mining and reclamation activity or operation that causes a negative effect on resources (people, land, water, structures). The applicable State program must regulate or control the mining or reclamation activity or result of the activity causing an off-site impact. In addition, the impact on the resource must be substantiated as being related to a mining and reclamation activity and must be outside the area authorized by the permit for conducting mining and reclamation activities.

For example, a blasting operation that exceeds the State program's limits for vibration or air blast at a structure outside the permit area would be reported as an off-site impact where impacts to a resource (people, land, water, structure) are substantiated. However, a violation may exist that does not result in an off-site impact if damage to the resource cannot be substantiated. A second example may be where another State or Federal agency has cited a violation, for instance water quality. In this case, an off-site impact would be recorded even though no violation was noted by the SMCRA State regulatory authority. A third example is where a buffer zone within a permit area is disturbed in violation of the State program. In this case, an off-site impact would be recorded. A final example applies to State programs that allow permitted land to be bonded at a later date, but prior to disturbance. If a mining operation causes a disturbance in the non-bonded portion of the permit area, an offsite impact would be recorded.

Although the great majority of off-site impacts will be events that constitute violations of the regulatory program and may be cited as such, there may be exceptions to this general rule. For example, a breached diversion ditch may have caused sediment to leave the permit area, causing an off-site impact. However, a violation may not have been cited because the violation may have been corrected during or prior to the inspection. This example should be identified as an off-site impact even though no violation was cited. Other examples may exist where off-site impacts caused by a regulated activity are documented, but, for whatever reason, a violation was not cited.

Note: Impacts related to planned mine subsidence are not considered off-site impacts if the subsidence occurs within the area authorized for mining. Impacts related to subsidence may be addressed through other oversight processes.

Impacts Not Prohibited by the State Program:

There are many impacts from mining and reclamation that are not regulated or controlled by SMCRA or State Programs. There are also impacts that occur outside the permit even though a mine is in compliance with State program provisions. One example is a sediment control structure that meets all design standards. A rainfall event that exceeds the design standard causes the sediment control structure to discharge water that does not meet the effluent limits, resulting in off-site impacts. In this example, an off-site water quality impact occurs but, unless the condition is regulated by some aspect of the State program other than the design standard, under the definition an off-site impact would not be recorded because all program requirements were met. Another example may be nuisance impacts such as those related to blasting or dust. Blasting operations may be in full compliance with the program although local residents are impacted from noise or vibrations. Dust from coal stockpiles or spoil piles may annoy local residents, but dust may not be regulated by the State program.

Although the main purpose of OSM oversight is to evaluate a State's effectiveness in implementing its approved program, opportunities may exist where a State and OSM may

agree to collect information on off-site impacts in addition to those regulated or controlled by the State program. Such information could be used to identify areas in State and/or Federal standards where improvements may be made that would further minimize off-site impacts. Such information could be very important to improving mining and reclamation programs. Although information on these types of impacts is not required by this Directive and should not be reported in Table 4, OSM is encouraged to work with States to develop acceptable methods for considering this type of information. In cases where such information is collected, the results should be reported in a separate oversight report and summarized in the annual report.

Impacts on Bond Forfeiture Sites - Report off-site impacts identified on bond forfeiture sites separately in Table 4 and address them in a report narrative. Such impacts may be identified either through special oversight studies or through routine measurement of off-site impacts. Table 4 should include all off-site impacts identified on bond forfeiture sites during the evaluation period. Off-site impacts that were identified and reported in prior years should be clearly footnoted in the table so that new impacts can be distinguished from impacts that continue to exist that were reported in prior years. The magnitude of off-site impacts, especially those that continue from year to year, should be properly characterized. The extent of evaluation and reporting of off-site impacts associated with bond forfeiture sites should be determined based upon the significance of these sites in individual States.

Positive impacts - Documented positive impacts; e.g., improvement in water quality due to reclamation of remined areas, also may be considered and reported in the overall evaluation narrative. Consideration of positive impacts is encouraged, but should not be reported in Table 4.

Resources and Type and Degree of Impacts:

The off-site resources that may be affected during mining and reclamation operations include 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.

The off-site information to be collected, evaluated, and reported are the number of off-site impacts and the degree of impact. Additional information that should be gathered from each impact is the type of impact and the resource affected. Each impact may affect more than one resource; i.e., a blasting impact may affect both land and people.

Classify the degree of impact as minor, moderate or major. General guidelines for assessing the degree of impact are:

Minor

- Small amount of disturbance outside of permit or authorized area
- Small amount of sediment, flyrock, erosion outside permit or authorized area
- Low volume or short duration water discharge that marginally exceeds effluent limits and has a marginally negative impact on receiving stream water quality
- Impact does not interfere with land use
- Impact does not jeopardize public safety
- Impact does not cause damage to uncontrolled structures or restricted areas

Moderate

- Anything not fitting guidelines for minor or major impact

Major

- Large amount of disturbance outside of permit or authorized area
- Large amount of sediment, flyrock, or erosion outside permit or authorized area
- High volume or long duration water discharge of poor quality enters a high quality stream
- Impact interferes with land use
- Impact jeopardizes public safety or causes personal injury
- Impact causes damage to uncontrolled structures or restricted areas
- Mining without a permit

Sources of Information for Off-Site Impacts:

One overall objective of this measurement is to determine, for each inspectable unit, whether off-site impacts occurred. The primary source of information for identifying off-site impacts should be State inspections. Existing State inspection procedures should result in the identification of off-site impacts for each inspectable unit. These determinations are the most effective data for use by the State and OSM to determine whether off-site impacts occurred. State enforcement actions, citizen complaint files, and civil penalty assessment data can also be factored into the off-site impact determinations. OSM/State performance agreements should identify how States will collect and provide information to OSM on all off-site impacts that are identified on State inspections. OSM offices are encouraged to include some level of independent or joint evaluation with the States and not to rely solely on information provided by the States. Such evaluation can consider OSM Ten-Day notices and inspections; citizen complaints (alleged impacts must be substantiated); special oversight studies; and information from other State and Federal environmental regulatory agencies. A variety of sources must be considered to provide a credible evaluation of the off-site impacts in each State. The sources of information and the basis used to identify and report the number of off-site impacts must be explained in the narrative description of the evaluation.

Reporting:

An off-site impact oversight report will be prepared for each State. The report will include the number and percentage of inspectable units free of off-site impacts in addition to the type and degree of off-site impacts identified. 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; discuss any conclusion on the effectiveness of the State program in preventing off-site impacts; and discuss measures taken to address any identified program or implementation deficiencies. It will identify and report on the number and degree of off-site impacts; provide a general evaluation of causes of repetitive impacts where possible; and identify where improvements may be made to lessen the number and degree of impacts.

Report the data collected in Table 4 in the annual report; along with a narrative summary of the findings from the overall evaluation with proper reference to the data provided in Table 4.

Table 4:

In general, Table 4 will be used to report off-site impacts that are identified throughout the evaluation period. Table 4 provides a separate section for reporting off-site impacts related to bond forfeiture sites. Information concerning impacts that are not prohibited by the State Program/SMCRA, such as subsidence and water supply impacts, impacts that are not regulated by the State Program, and positive impacts, should not be included in Table 4 information. Address all such impacts, when evaluated, in the narrative description of the off-site impact evaluation and supplement with other tables as necessary. Information reported in Table 4 will not stand alone and must always be fully explained by a supporting narrative.

2. Reclamation Success

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 and have been released by the State. In addition to the nationwide information reported, Field Offices and States may conduct specific evaluations and report on individual performance standards.

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

a. Land form/approximate original contour
b. Land capability
c. Hydrologic reclamation
d. Contemporaneous reclamation

Although not an on-the-ground measure of reclamation success reported in Table 5, contemporaneous reclamation is an important purpose of SMCRA "to assure that adequate procedures are undertaken to reclaim surface areas as contemporaneously as possible with the surface coal mining operations." It provides an overall perspective of how successfully reclamation is staying current with mining in the State.

In addition, mine subsidence and impacts to water supplies should be periodically evaluated to determine the success of the State Program in achieving timely restoration and repair or replacement of water supplies affected by mining and restoration of other resources impacted by mine subsidence.

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 reclamation success evaluation conducted 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 summarized in the annual report for the State.

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

a. 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 mutually acceptable manner. Acreage disturbed by mining activities that are released from Phase I bond liability will be documented as having achieved AOC.

b. 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. 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. 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. 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.

c. 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. 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 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. 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.

d. Contemporaneous Reclamation

MEASUREMENT: Timeliness of reclamation may be measured by evaluating the timeliness of Phase I, Phase II, and Phase III bond releases.

The intent of this measurement is to provide an overall general picture of how successfully reclamation is staying current with mining in the State. It is recognized that most States may not have the capability to collect data that provides a complete status of the timing of mining and reclamation at this time. In order to collect this data a system to collect a baseline of the number of acres affected by mining activities and released from bond each year is needed. However, because many States do not collect disturbed acres data, this baseline information may not be available. The number of acres that are bonded each year will provide a close approximation of the number of disturbed acres. The State and OSM, as part of the PA, will plan and implement the collection of data to provide some measurement of this program area. Information provided to complete Table 5 in the annual reports summarizes mining and reclamation activity and should be considered a source for this measurement.

3. Customer Service

To evaluate effectiveness of customer service provided by the State, OSM will monitor States' responses to complaints and requests for assistance and services. Each evaluation year the FO's will review a sample of one or more of the State activities listed below to determine timeliness, accuracy, completeness and appropriateness of the State action. In addition, the review may address the State's analysis of customer satisfaction. State activities include:

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

An oversight findings report will be prepared for each customer service review conducted. 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 providing customer service. Information from the findings report will be summarized in the annual report for each State.

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 evaluation plans/PAs. **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;
- Identification of the type and number of OSM oversight inspections and/or site visits and the purposes or objectives of those inspections/site visits;
- 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. In addition to the data needs specified by this directive, OSM and the State also must consider the OSM Director's memorandum dated September 30, 1997, concerning collecting and reporting certain inspection and enforcement data.

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

One main objective of OSM's oversight of State programs is to resolve identified problems as expeditiously as possible. OSM, in cooperation with States, should focus resources on resolving such problems. Solving identified problems is a more effective approach than continuing to identify and report new problems without directing OSM resources to help resolve previously identified problems. OSM will report resolved problems and incremental improvements toward resolving problems, as well as new issues, in annual reports.

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 II

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. The intent is to have the reports finalized so that information can be used for Congressional hearings routinely conducted in the early spring and to provide information to OC for inclusion in OSM's Annual Report. 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 OC will place an electronic copy of the report on OSM's Wide Area Network or web site.

- 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 must be made to reflect the current evaluation period.) Field Offices may combine the annual report required under this directive with the annual evaluation report required by Directive AML-22, "Evaluation of State and Tribal Abandoned Mine Land Programs."

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 (Year)

(October 1, ____ to September 30, ____)

(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. Reclamation Success
- C. Customer Service

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 October 1, ____ to September 30, ____. 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's 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 Determined by Measuring and Reporting End Results

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 and public participation evaluations are being collected for a national perspective in terms of the number and extent of observed off-site impacts, the number and percentage of inspectable units free of off-site impacts, the number of acres that have been mined and reclaimed and which meet the bond release requirements and have been released for the various phases of reclamation, and the effectiveness of customer service provided by the State. 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 summary evaluation of the data reported in Table 4 identifying the sources of the information and an analysis with regard to the effectiveness of the State program in protecting the environment and public from off-site impacts resulting from surface coal mining and reclamation operations. The summary should reference the number and percentage of inspectable units that were free of off-site impacts and provide an explanation of the significance of that finding. 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. Reclamation Success:

Instructions: Prepare a summary discussing and assessing the data in Table 5 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.

C. Customer Service:

Instructions: Prepare a summary discussing the effectiveness of the customer service provided by the State program. The summary should briefly discuss any specific issues or successes identified through OSM evaluations conducted on the State's implementation of the public participation aspects of its program. It also should report the actions being taken by the State to correct programmatic deficiencies that may have been identified during OSM's evaluations.

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 short description of all oversight topics that OSM reviewed during the period. The description 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 should be used to summarize results of any topic reviews.

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 the same as the evaluation year . 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. Provide production information for the latest three full calendar years to include the last full calendar year for which data is available. Additional years may be included.

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

- Report all off-site impacts identified in a State regardless of the source of the information. All reported data will be from impacts that occurred and were identified through any source within the evaluation year.

- Impacts identified on bond forfeiture sites are to be reported separately from impacts identified on other sites as provided in Table 4. Please include a notation or reference to the report narrative if the Table includes impacts that were previously reported but continue to exist.

- Impacts related to planned underground mine subsidence that are within the area authorized for mining are not to be included in Table 4.

- 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). Refer to guidelines in Directive REG-

8 for determining degree of impact. More than one resource may be affected by each type of impact.

- 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.

- Report the total number of inspectable units for both non-forfeited and forfeited sites within the State. This number is entered because all inspectable units within the State are evaluated for off-site impacts.

- Report the number of inspectable units that are free of off-site impacts for the entire evaluation year.

Table 5: Annual State Mining and Reclamation Results

- 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 bonded acres that existed at the beginning of the review period and how many new acres are bonded during the evaluation period. Table 5 information will show the number of acres bonded and the number of acres achieving successful reclamation through bond release. Such information may be one indicator for evaluating the overall success in which reclamation is staying current with mining.

- 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 BONDED AT END OF LAST REVIEW PERIOD - Enter the cumulative bonded acres that existed at the end of the last evaluation period. 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 BONDED DURING THIS EVALUATION YEAR - Enter number of acres bonded during the current evaluation period .

- NUMBER OF ACRES BONDED THAT ARE CONSIDERED REMINING - If available, enter the number of acres bonded during the current evaluation period that the State considers to be remined; i.e., areas that were previously mined and not properly reclaimed and will be re-affected by current mining and reclamation.

- NUMBER OF ACRES WHERE BOND WAS FORFEITED DURING THIS EVALUATION YEAR (also report this acreage on Table 7) - Enter the number of acres on which the State forfeited bond during the evaluation year.

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	

The following tables or others developed by a FO or the State may be added to document specific aspects of reclamation success that are important to the State. These tables can document various aspects of reclamation in a State where bond release standards have been met and where the State has made no final determination concerning site conditions as they relate to meeting all performance standards necessary for bond release. However, if there has been no final determination on the acceptability of reclamation reported in these tables for bond release purposes, there should be no implication that any of the reported reclamation meets the bond release performance standards.

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:			
Annual Period	-	-	
	-	-	
	-	-	

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

TABLE 2

INSPECTABLE UNITS

As of (end of evaluation period)

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 ACTIONS
As of _____(indicate end of evaluation period)

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

DEGREE OF IMPACT		RESOURCES AFFECTED												Total
		People			Land			Water			Structures			
		minor	moderate	major	minor	moderate	major	minor	moderate	major	minor	moderate	major	
TYPE OF IMPACT	Blasting													
	Land Stability													
	Hydrology													
	Encroachment													
	Other													
	Total													

Total number of inspectable units: _____
Inspectable units free of off-site impacts:

OFF-SITE IMPACTS ON BOND FORFEITURE SITES

DEGREE OF IMPACT		RESOURCES AFFECTED												Total
		People			Land			Water			Structures			
		minor	moderate	major	minor	moderate	major	minor	moderate	major	minor	moderate	major	
TYPE OF IMPACT	Blasting													
	Land Stability													
	Hydrology													
	Encroachment													
	Other													
	Total													

Total number of inspectable units: _____
Inspectable units free of off-site impacts:

Refer to the report narrative for complete explanation and evaluation of the information provided by this table.

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	-
	Bonded Acreage Status [A]	**Acres**
	Total number of bonded acres at end of last review period [B]	-
	Total number of acres bonded during this evaluation year	-
	Number of acres bonded during this evaluation year that are considered remining, if available	-
	Number of acres where bond was forfeited during this evaluation year (also report this acreage on Table 7)	-

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

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

OPTIONAL TABLES 6

(See instructions)

TABLE 7

STATE BOND FORFEITURE ACTIVITY
(Permanent Program Permits)

	Number of Sites	Dollars	Disturbed Acres
Bonds forfeited as of _____ (end of last review period)[A] Bonds forfeited during _____ (identify review period)			
Forfeited bonds collected as _____(end of last review period)[A] Forfeited bonds collected during _____ (identify review period)			
Forfeiture sites reclaimed during _____ (identify review period) Forfeiture sites repermitted during _____ (identify review period) Forfeiture sites unreclaimed as of _____ (identify end of review period)		[B]	
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 ___**
Regulatory program	
Permit review	_
Inspection	_
Other (administrative, fiscal, personnel, etc.)	_

TABLE 9

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