

**ANNUAL
REPORT
2010-2011:
Reclaiming
Oversight,
Reclaiming
Communities**



OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT

“The Secretary shall submit annually to the President and the Congress a report concerning activities conducted by him, the Federal Government, and the States pursuant to this Act.”

P.L. 95-87, the Surface Mining Control and Reclamation Act of 1977 (SMCRA)



Cover: Big Sky Coal Company's Big Sky Mine Area B project in Colstrip, Montana. The company used a cost-effective and successful geomorphic approach to create stable and sustainable landforms, establish native vegetation, and build post-mine land uses.

Right: OSM Director Joe Pizarchik takes part in a tree-planting event in Pike County, Kentucky. Working with a range of partners, OSM ensures the reclamation of lands mined for coal through reforestation and other means.

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MESSAGE FROM THE DIRECTOR

The Office of Surface Mining Reclamation and Enforcement accomplished much in Fiscal Years 2010 and 2011. Between October 1, 2009, and September 30, 2011—the period covered by this report—the bureau made progress fulfilling the mission charged to it by Congress: to protect society and the environment from the adverse effects of surface coal mining, and to do so by striking a balance between environmental protection and our Nation's need for coal.

On November 6, 2009, I became the tenth Director of OSM. Since then, I have witnessed many things of which I am proud. We have reinvigorated our approach to conducting oversight of the 24 states that have assumed primary responsibility for their surface coal mining programs. We have made strides in reclaiming the Nation's most dangerous abandoned mines. And we have trained thousands of state, tribal, and Federal employees in an effort to enable them to apply the best available technology to do their

jobs in the most effective and efficient manner possible.

I also take pride in the success of OSM's implementation of the Surface Mining Control and Reclamation Act of 1977, the law that established OSM. In the years since Congress enacted SMCRA, OSM has provided almost \$1.5 billion in grants to help fund states and tribes to better regulate active coal mines. OSM has provided over \$5.4 billion in Abandoned Mine Land grants to 25 states and three tribes, and nearly 322,000 acres of abandoned mines have been eliminated; four states and three tribes have now completed their work. Land once destroyed for coal has been restored for eternity.

I appreciate the progress that OSM, working with its state and tribal partners, made in 2010 and 2011, and I see the good work done by the bureau's employees. As you read about OSM's accomplishments and activities over the last two fiscal years, I hope that you see it, too.



Many challenges remain for OSM and the Nation with regards to the future of surface coal mining. As we move forward, the bureau will continue to address these challenges with assistance from our partners as we continue to fulfill our mission.

A handwritten signature in blue ink that reads "Joe Pizarchik". The signature is written in a cursive, flowing style.

Joe Pizarchik

MISSION

The mission of the Office of Surface Mining Reclamation and Enforcement (OSM) is to carry out the requirements of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) in cooperation with states and tribes. OSM's primary objectives are to ensure that coal mines are operated in a manner that protects citizens and the environment during mining and assures that the land is restored to productive use following mining, and to mitigate the effects of past mining by aggressively pursuing reclamation of abandoned coal mines.

BUDGET AND WORKFORCE

\$163 million in Fiscal Year 2010 and in Fiscal Year 2011 in annual (discretionary) funds.

521 full-time equivalent employees in Fiscal Year 2010, 504 in Fiscal Year 2011. Headquartered in Washington, D.C., with three Regional Offices.

ABANDONED MINE LAND PROGRAM

Addresses environmental and public safety hazards on pre-SMCRA mine sites. In Fiscal Year 2010, the Abandoned Mine Land Program made \$369 million in Abandoned Mine Land grants available to states and tribes. This funding primarily derives from a mandatory fee on every ton of coal produced in the U.S. In Fiscal Year 2011, the program made \$395 million available for this purpose.

REGULATORY PROGRAM

Implements SMCRA and sets administrative and technical standards, performs oversight of state regulatory programs, administers regulatory programs in states that have not adopted their own, and provides assistance to state regulatory programs. OSM's Regulatory Program made available \$68 million in regulatory grant funding to state and tribal regulatory authorities in Fiscal Year 2010 as well as Fiscal Year 2011.

TECHNOLOGY DEVELOPMENT AND TRANSFER

Provides technical support, assistance, training, and technology transfer for the AML and Regulatory Programs. In Fiscal Year 2010, the Technology Development and Transfer Program received nearly \$19.7 million and \$21.2 million in Fiscal Year 2011.

website: www.osmre.gov

WHAT WE DO



OSM derives its authority to regulate surface coal mining and reclamation activities in the United States from the Surface Mining Control and Reclamation Act of 1977 (SMCRA, or “the Act”). President Jimmy Carter signed the Act on August 3, 1977.

SMCRA creates two major programs: a program to reclaim lands and waters adversely affected by coal mines abandoned before the law’s enactment; and a regulatory program to ensure that active surface coal mines operate in a manner that protects citizens and the environment.

Under Title IV, most of the funding for OSM’s Abandoned Mine Land (AML) Program comes from current mine operators, which pay a fee for each ton of coal they produce (a small portion comes from private donations). SMCRA sets a fee based on the type of coal mined, and the collected monies are deposited into the AML Fund. When a state or tribe has addressed all of its AML-related issues, it can apply for certification from the Secretary of the Interior. States and tribes that have certified may use their AML funds for any purpose. Four states

and three tribes have achieved certification, but also continue to address newly discovered abandoned coal mine-related problems.

In Fiscal Year (FY) 2010, OSM distributed a total of \$369 million in AML funds to 28 states and tribes. This amount represented an increase of \$70 million from the previous year. The 21 non-certified states primarily used these grants to fill mine shafts and address other safety hazards and environmental problems resulting from lands mined and abandoned or left inadequately restored before SMCRA was passed.

In FY 2011, OSM distributed \$395 million in AML funds to the states and tribes. A FY 2011 Interior economic contributions study projected that when state and tribal AML programs invested the almost \$400 million AML funding available during that fiscal year, the cumulative economic impact in the communities where projects were funded was at almost \$1 billion. The same study projected AML fund-



ing was directly responsible for over 6,400 jobs.

Under Title V, OSM establishes Federal standards that each state or tribe must meet in order to implement its own surface coal mining regulatory program. The bureau also provides the states and tribes with the advice and consultation needed for the state to exercise primary responsibility for regulatory activities, which is known as “primacy.”

States that have assumed primacy are eligible to receive up to half of their regulatory and enforcement operating budget from OSM provided the state matches that amount to cover the full cost of the regulatory program.

OSM, in its oversight role, ensures that state agencies properly implement their regulatory programs. OSM retains the ability to take direct enforcement action where state agencies do not implement their programs appropriately. Where necessary, OSM can institute a process to take over a state’s program.



Director Pizarchik and Albuquerque Area Office Director Bob Postle with a Navajo Nation AML official.



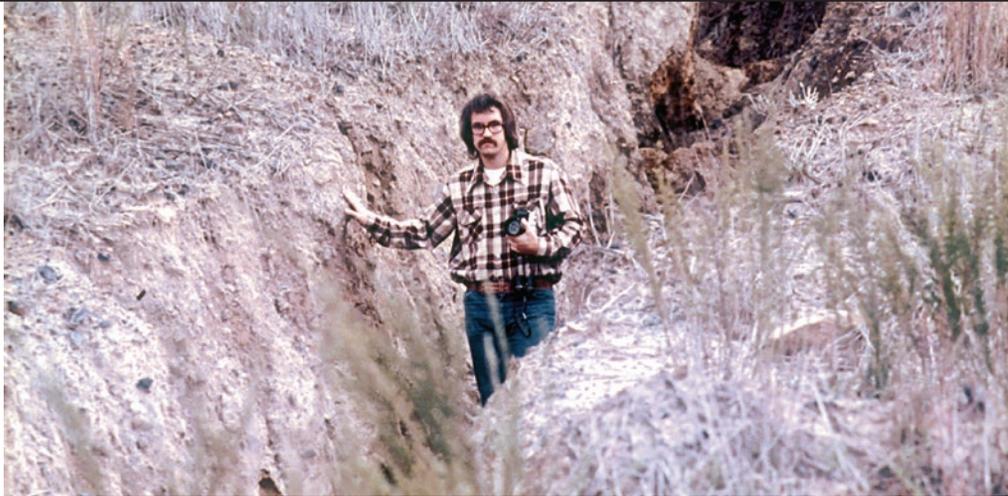
OSM is the regulatory authority for Federal Program States (currently Tennessee and Washington) as well as operations on Indian lands.

While no tribes achieved primacy in FY 2010 or FY 2011, OSM worked with the Crow Tribe and the Navajo Nation as they pursued tribal primacy. In December 2010, the Navajo Nation submitted to OSM a draft of a law that would result in the Nation establishing and administering its own regulatory program. OSM has reviewed the draft and provided feedback to the Navajo Nation.

States that have achieved primacy have:

- passed laws to create a regulatory program that complies with the requirements of SMCRA;
- hired and maintained sufficient staff to administer, inspect and regulate coal mining and reclamation in the state;
- coordinated with other Federal agencies to process and issue permits; and
- obtained approval of the program from the Secretary of the Interior.

An active mine site in Holden, WV. Coal-Mac, Incorporated constructed a coal slurry system to transport coal from the preparation plant. The system improves public safety by reducing traffic on local roads, and cameras installed along the slurry system allow for close monitoring of the line.



An OSM inspector in the field in the early 1980s. OSM deployed inspectors starting in 1978, shortly after they completed their initial training.

Under Title V, states and tribes that assume primacy must recognize and perform five major functions to regulate mining and protect the environment, including:

- develop and enforce performance standards on mining operations and subsequent reclamation activities;
- issue detailed mining permits to companies that specify the mining activity and how the site will be reclaimed (these permits include baseline environmental standards both for pre- and post-mining ac-

tivities, and the description of pre- and post-mining use of the land);

- determine the amounts of and issue performance bonds from mining operators to ensure post mining reclamation activities are carried out in accordance with the permit terms (regulatory authorities can only release performance bonds after operators meet all standards and reclaim the site);
- perform onsite mine inspections to ensure compliance with mining permits, and when appropriate, enforce the regulations through a series of violation notices;
- create and maintain the ability to designate lands unsuitable for mining.

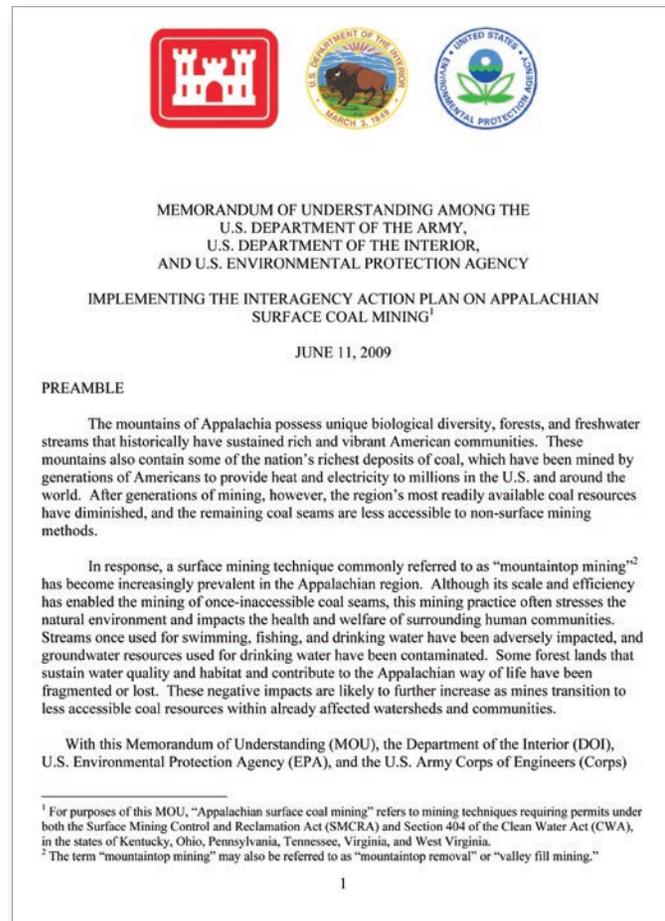


OSM MAJOR DEVELOPMENTS IN 2010-2011

RE-EMPHASIZING OVERSIGHT IN 2010 AND 2011

OSM made great strides in 2010 and 2011 in ensuring one of the bureau's primary duties: fair oversight of coal mining in the United States. Those strides came after the Department of the Interior signed a Memorandum of Understanding (MOU) with the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency (EPA) to reduce the harmful environmental effects of mountaintop mining in six states in central Appalachia in June 2009. For more information on the June 2009 MOU, refer to Page 35 of this report.

One of the commitments OSM made in the MOU was to reevaluate and determine how it would more effectively conduct oversight of state surface coal mining regulatory activities. Although the June 2009 MOU focused on central Appalachia, changes to OSM's oversight policy apply nationwide. OSM took a comprehensive look at all of its oversight policies and procedures and in November 2009, announced a num-



ber of immediate and proposed actions that it would take to meet these commitments. During FY 2010, OSM took steps to:

- increase the number of oversight inspections it conducts;
- implement policies to promote increased inspection consistency;
- clarify the authority and responsibility to review state permitting procedures and permits;
- intensify oversight of state primary regulatory programs and establish action plans to resolve identified issues;
- seek greater public involvement in the oversight process;
- improve data and information quality and availability; and
- collect and report appropriate and accurate data and performance measures to Congress, the public, and stakeholders.

In FY 2011, OSM conducted 2,088 oversight site visits in 24 states, a 40

percent increase over the number conducted in FY 2009.

National Priority Reviews

In the process of enhancing oversight, in November 2009, OSM also began conducting national priority reviews of how states carry out two specific parts of their programs: Approximate Original Contour (AOC) and bond adequacy. OSM focused specifically on AOC and bonding because it believed that regulatory programs could improve the way they implement these two critical SMCRA requirements.

The requirement to reclaim mined land to its approximate pre-mining contours is one of the underlying principles of sound reclamation under SMCRA. Likewise, requiring mine operators to obtain sufficient financial assurances to cover the full costs of their reclamation obligations is critical to protecting the public and the environment should an operator default or otherwise fail to complete required reclamation.





The first review addressed how states require coal operators to return mined lands to AOC. OSM conducted a total of 91 permit reviews and 58 mine site evaluations on AOC in 23 states. The AOC review identified areas for improvement within the state programs as well as areas where states were not properly implementing the approved regulatory program.

The second review studied bond adequacy and identified issues in ten states concerning bonding procedures or the issuance of bonds with insufficient financial assurance to cover reclamation obligations at specific mines. OSM field offices are following up on the findings and recommendations of the AOC and bond adequacy reviews and monitoring states to ensure that corrective actions are completed and that all states are fully implementing SMCRA's requirements in these two key areas.

Improving Federal Oversight of State Regulatory Programs

In Fiscal Years 2010 and 2011, OSM developed and implemented important updates to its oversight policy.

Typical reclamation of a mountaintop coal mine site. While this and similar sites comply with the Approximate Original Contour requirements of SMCRA, OSM's National Priority Review conducted in Evaluation Year 2010 identified aspects of certain state programs that needed improvement.

While OSM will continue to work collaboratively with states and tribes on oversight activities, the bureau will maintain its independence and objectivity in carrying out oversight responsibilities. As part of its immediate oversight improvement efforts, OSM increased the number of oversight inspections in FY 2010 to 2,067, a 40 percent increase over the number conducted in FY 2009, and made sure to conduct inspections in every primacy state.

State inspectors accompanied OSM on most oversight inspections; however, OSM conducted 439 oversight inspections without state participation. In addition to continuing its policy of not notifying permittees in advance of inspections, OSM planned and conducted 200 independent oversight inspections without providing advance notice to the state.

OSM increased the level of oversight inspections in FY 2011 to capture additional data and identify more conclusive findings and trends. As part of enhanced oversight, OSM will adjust the number of inspections depending on the program areas, the presence or

absence of problems, input from the public, and the terms of the performance agreements in each State.

Effective oversight requires the regular collection and analysis of pertinent, accurate, and usable data. OSM conducts hundreds of mine site inspections every year and uses the results of those inspections to evaluate state programs. During 2010, OSM modernized its “legacy” Inspection and Enforcement (I&E) Tracking System to create a web-based, centralized, dynamic database that includes a powerful geospatial component. The application is accessible internally to all OSM inspectors and managers through the wide area network and via Virtual Private Network.

Revised Oversight Policies

In 2011, as the culmination of the oversight improvement initiative that began in 2009, OSM revised its oversight policies and procedures to establish a methodology for determining the minimum number and type of oversight inspections that it will conduct in each state.





Through revisions to Directive REG-8, Oversight of State Regulatory Programs, OSM underscored the fundamental purpose of oversight while maintaining the cooperative relationship with states. REG-8 clarifies review of state permitting procedures and state-issued permits; establishes inspection frequency standards for OSM; establishes inspection criteria; improves outreach; and details consistent reporting of results.

Historically, to make the best use of limited resources, most OSM oversight inspections have focused on areas in which there is a high level of activity or public concern or where systemic problems have been observed. This approach will continue under the revised directive, but, in states with 1,000 or more inspectable units, OSM also will conduct inspections of a random sample of those units to provide an unbiased evaluation of the effectiveness of the state program in ensuring compliance with program requirements. The revised directive also

ensures that OSM will conduct oversight inspections in all primacy states.

In addition, the revised directive provides for enhanced outreach to the public in designing the annual oversight plan for each state. It expands the data elements in the annual evaluation report and requires that charts and tables in annual state evaluation reports include historical trends to facilitate analysis. The revised directive will increase transparency by requiring that all data be more readily available and easily accessible to the public, and by offering all interested parties more opportunities for input concerning OSM's oversight activities. The increased transparency documents OSM's oversight activities and the results.

OSM also updated Directive REG-23, Corrective Actions for Regulatory Program Problems and Action Plans. This directive, which provides measured strategies to document and resolve problems identified during oversight, will help to ensure consistency in the overall approach to having more effective oversight.

During FY 2010, OSM observed a marked increase in the number of potential violations from the previous year. The 86 Ten-Day Notices (TDNs) issued to states identified 197 potential violations. While the number of TDNs issued increased 22 percent from FY 2009, the number of potential violations increased by 47 percent. The states have worked with OSM to address the majority of these violations, and OSM and the states will continue to work to resolve those that are still outstanding (see page 34 for more information on TDNs).

In FY 2011, OSM reinstated Directive INE-35, Ten-Day Notices, which establishes the policy and procedures that OSM will follow when staff have reason to believe there is a violation of SMCRA, the state regulatory program, or a state-issued permit at a coal mine. Issuing INE-35 emphasizes OSM's obligation under section 521 of SMCRA to take steps to ensure violations are addressed. If the state does not address a violation, OSM will act to do so. As INE-35 provides, OSM can address all types of violations, including viola-

tions of permitting requirements, performance standards, or permit conditions.

BEGINNING THE RULEMAKING PROCESS FOR THE STREAM PROTECTION RULE

OSM also continued its work in 2010 and 2011 to modernize its regulations to more completely implement the law and better protect streams from the harmful effects of coal mining.

Despite the enactment of SMCRA and the promulgation of Federal regulations implementing the statute, surface coal mining continues to have well-documented negative effects on streams, fish, and wildlife. These problems prompted OSM to consider whether it should take a different approach in the regulations that carry out SMCRA's provisions related to stream protection.





About one thousand citizens attended OSM's Open Houses on the scope and design of an Environmental Impact Statement to inform a new rule on protecting streams.

In 2010 and 2011, OSM conducted public outreach to help determine the scope and content of both the rule-making and the accompanying EIS. OSM received comments via email, U.S. Mail, and hand delivery.

The scoping process for the EIS included open houses in nine cities located in or near the major coal-producing regions of the U.S.: Carbondale, IL; Evansville, IN; Birmingham, AL; Fairfield, TX; Hazard, KY; Beckley, WV; Morgantown, WV; Farmington, NM; and Gillette, WY. Attendees to those open houses provided almost 450 written and oral comments.

In addition, OSM received more than 22,000 written comments through email, public facing website, hand carried submissions, and U.S. Mail.

At publication time of this report, OSM is completing the draft EIS and regulatory impact analysis to better assess the environmental benefits and potential costs associated with the alternatives under consideration for the rulemaking.

TRANSITIONING RESPONSIBILITY FOR AML EMERGENCY PROJECTS TO STATES WITH AML PROGRAMS

Under the 2006 amendments to SMCRA, AML grants to states and tribes increased from \$145 million in FY 2007 to \$395 million in FY 2011. The increase in funding allowed states to take responsibility for their AML emergencies as part of their regular AML programs.

Until FY 2011, OSM provided Abandoned Mine Land (AML) State Emergency grants to the 15 states that manage their own emergency programs under the Abandoned Mine Land Reclamation Program. Thirteen other states and tribes that had approved AML programs did not receive emergency grants. OSM managed emergencies in those 13 states and tribes as well as in Federal Program States without AML programs.





OSM officially notified the state and tribal officials and Congressional delegations that, starting on October 1, 2010, they would fully assume responsibility for funding their emergency programs. OSM then worked with states and tribes to ensure a smooth transition to the states' assumption of responsibility for administering state emergency programs. New funding and carryover balances were used during the transition to address immediate needs.

Overall, OSM successfully transitioned the financial responsibility to the states in FY 2011, and continues to provide technical and program assistance when needed. States with AML programs are now in a position to effectively handle emergency programs.



Director Pizarchik accepts the first ever Presidential Migratory Bird Federal Stewardship Award.

APPALACHIAN REGIONAL REFORESTATION INITIATIVE RECEIVES FIRST PRESIDENTIAL MIGRATORY BIRD FEDERAL STEWARDSHIP AWARD

On May 25, 2011, Secretary of the Interior Ken Salazar announced that OSM had won the first-ever Presidential Migratory Bird Federal Stewardship Award. OSM received the award for its leadership in forming a successful initiative to restore areas deforested by surface coal mining.

At an event in Washington, D.C., Salazar commended OSM for establishing and implementing the Appalachian Regional Reforestation Initiative, or ARRI.

“This project is helping restore forest habitat that is vital for countless neo-tropical migratory birds and other wildlife while improving the quality of life for many communities in Appalachia,” Salazar said. “Moreover, this OSM initiative has fostered partnerships that will further the conservation of migratory birds for generations to come,” he added.

OSM created ARRI in 2004. Under the initiative, OSM partners with SMCRA regulatory authorities in coal-producing states, academia, mining companies, environmental organizations,

and private landowners to focus on restoring forests where deforestation by surface coal mining has occurred. These areas include the Appalachian breeding range of neo-tropical migratory song birds, notably the Cerulean Warbler, which depends on intact interior forests. Under the leadership of OSM and ARRI, the surface coal mining industry has planted about 70 million trees on about 103,000 acres of previously mined land that might have otherwise been reclaimed with grass and dense ground cover. ARRI has attracted significant international attention. It is serving as an organizational model for other groups across the world seeking to restore disturbed landscapes with reforestation on a regional scale.

The Council for the Conservation of Migratory Birds, led by the U.S. Fish and Wildlife Service and composed of other Federal agencies with migratory bird responsibilities, selected the winner of the award. FWS Deputy Director Dan Ashe presented the 2011 award to OSM Director Joe Pizarchik at a re-

ception at the Dumbarton House in Washington.

“ARRI’s work demonstrates how government agencies working cooperatively can create effective environmental protection programs that benefit everyone,” said Pizarchik. “Programs like ARRI also develop the talents of hard-working volunteers, many of whom have chosen careers in the environmental field.”

To learn more about the award, visit <http://www.fws.gov/birds/imbd/>.

ABANDONED MINE LAND PROGRAM 2010-2011



The Abandoned Mine Land Reclamation Program is OSM's largest program and one of OSM's primary responsibilities under SMCRA. Since Congress enacted SMCRA, the AML program has collected nearly \$9.5 billion in coal production fees and distributed more than \$7 billion in grants to states and tribes to reclaim land and waters damaged by coal mining before the law's passage in 1977.

One of the underlying principles of SMCRA is that those who profit from coal mining should bear the cost of any damage caused by their mining. Today's coal operators also bear the cost of reclaiming areas affected by mines abandoned before SMCRA.

Despite remarkable achievements since 1977, the job of remediating abandoned mine land-related hazards and problems is far from complete. More than \$3 billion worth of Priority 1 and 2 health and safety coal-related abandoned sites remain in OSM's inventory of AML priority sites. These sites are not just eyesores; they are serious, life-threatening, high priority hazards.

Today, millions of Americans live less than a mile from health and safety hazards posed by abandoned coal mines. Those numbers are increasing in many states as communities expand into areas affected by past mining. OSM and its state and tribal partners are also aware of areas overlying deep mines that are not listed in the inventory because they do not currently present a danger to life or property. These sites may become reclamation priorities as the old mines deteriorate and subside in the future.

Reclamation fees are assessed on current production at the rates of \$0.315 per ton on surface mined coal, \$0.135 per ton on underground mined coal, and \$0.09 per ton on lignite. These monies are deposited into the interest-bearing Abandoned Mine Land Reclamation Fund.

Abandoned Mine Land funding to states and tribes was also increased during the reporting years from \$298 million in 2009 to slightly over \$369 million in 2010 to over \$395.5 million in 2011. This increase is a result of changes that Congress made to SMCRA in 2006 that dramatically in-

creased the funds available for states and tribes to reclaim abandoned coal mines. The amendments established a phase-in period that ended as of September 30, 2011, or the end of FY 2011. Starting in FY 2012, about 83 percent of the reclamation fees collected each year will be made available to the 21 uncertified states and tribes that still have AML problems to address.

In the early years of the AML program, OSM focused on the physical reclamation of hazards affecting coalfield communities. More recently, the program has started working to reclaim communities left impoverished and degraded by mining. OSM employees are doing so in concert with watershed groups by assisting with community improvement projects to address local challenges.

Shown here in September 2010, the Crane's Nest Gob pile in Wise County, Virginia, is a good example of an abandoned mine reclaimed using AML funds.



VOLUNTEERS IN SERVICE TO AMERICA

As part of its Watershed Assistance efforts, OSM created a partnership with Volunteers in Service to America (VISTA) to bring college-educated volunteers to local communities that have experienced the adverse impacts of pre-SMCRA mining. These OSM/VISTA volunteers work in the communities for a year on a full-time basis. The first goal is to build the capacity of the local watershed groups to ensure their long-term stability and success. OSM/VISTA members in turn recruit and maintain local community volunteers to support the organization in fulfilling its mission. To ensure financial sustainability, the volunteer members raise funds and build partnerships on many levels: local, private, state, commercial, and Federal.

The second goal of the OSM/VISTA partnership is to encourage economic development by helping local organizations to address the socio-economic challenges from the boom and bust economies of historic mining towns. OSM/VISTA Teams support community revitalization through economic redevelopment projects that increase

awareness of, and access to local history, culture, and the continuing relationship between the watershed and the community. In particular, OSM/VISTAs have helped to coordinate between community/watershed improvement organizations and other local redevelopment interests; assisted in the development of watershed-based interpretive trails and parks; supported and developed historic mining-related historic preservation projects, and other related community projects.

As part of a third goal, the OSM/VISTA Teams promote environmental stewardship by supporting watershed research and water-quality monitoring, project development and implementation, and community support.

In 2011 alone, the OSM/VISTA Teams generated more than \$995,000 of in-kind resources, secured \$1.2 million in grants, created 411 new partnerships, and recruited volunteers for a combined 26,393 hours of service. All of these resources go directly to the communities in which the VISTAs serve, improving the environment, boosting local economies, and edu-

cating residents. Currently, the OSM/VISTA Teams have over 50 VISTAs serving in more than 40 sites across six Appalachian states, Colorado, and New Mexico, with more sites applying for VISTAs. The teams are growing at a steady pace as is the need for service and partnership in low-income communities.

Right: OSM provides scientific guidance and opportunities for VISTA to help in the reclamation and reforestation of mine sites.



OSM DEPLOYS ENHANCED WEB-BASED AML DATABASE

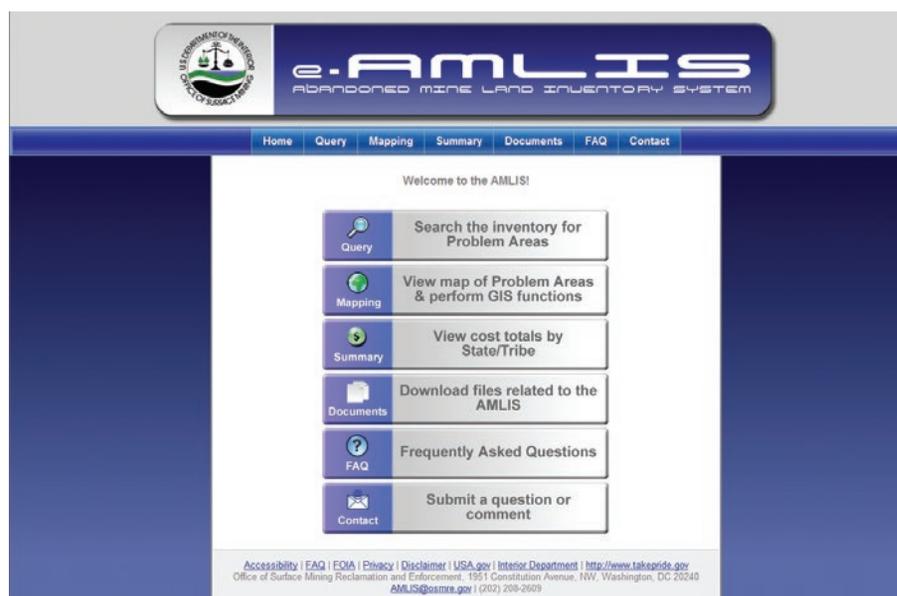
OSM fulfilled other important AML program priorities, including the May 2011 deployment of an enhanced inventory of the Nation's remaining abandoned mine sites. The Abandoned Mine Land Inventory System (e-AMLIS) serves as a planning and evaluation tool for states, tribes, OSM, and the public. States and tribes use the inventory as a planning tool for funding decisions and reporting program metrics and accomplishments under the AML program.

The e-AMLIS users can search for information about individual problem areas or query the inventory. Results can be displayed in maps or preformatted reports and can be downloaded in various formats. Also, OSM solicited and received input from state AML programs to develop the bureau's ability to improve AML oversight, program evaluation techniques and program metrics. Combined with other e-AMLIS enhancements, this will improve OSM's capabilities to consistently collect and report nationwide AML reclamation progress and accom-

plishments toward eliminating abandoned coal mines in the United States.

The e-AMLIS is accessible at:

<http://amlis.osmre.gov/Default.aspx>.



OSM EMPLOYEES HONORED FOR INNOVATIVE DESIGN IN ABATING EMERGENCY LANDSLIDE

Employees working for OSM's Federal Reclamation Program Division received an award from Interior Secretary Ken Salazar at the 2011 Department of the Interior Environmental Achievement Awards ceremony.

On November 3, 2011, OSM's Dan Pollock and Mike Shapaka were honored with the "Green Innovation" award in recognition of their efforts in designing and constructing a soil retaining wall to abate an AML-related emergency landslide in Pikeville, Kentucky.

These awards recognize Departmental employees and partners who have attained exceptional achievements for cleaning up contaminated lands while working under Executive Order 13514, entitled "Federal Leadership in

Environmental, Energy, and Economic Performance."

The winning project abated the Shawnee Wells Landslide, which occurred behind two residences, by compacting samples of the site's native soils integrated with layers of geo-grid reinforcement. The design incorporated a stone blanket drain to prevent the soil from becoming oversaturated. The result was the creation of a gravity wall that was able to support and abate the emergency and promote vegetation. One surprising benefit from this "green" initiative was that it was both economical and practical. The green concepts used on this project can be adapted to abating other AML emergencies and reclamation projects.

The total project construction cost was about \$60,000, representing a savings of about \$40,000 that would have been required if more traditional

landslide abatement techniques were used.

The concept also allowed OSM to reduce the risk of the project by allowing abatement of the landslide sequentially. In traditional wall or buttress projects, workers must cut all the material out at the same time near the toe of the slope in order to place the structures. With this concept, OSM's team was able to buttress one section of the slide at a time, thus reducing the exposed unsupported sections of the slide material, which is crucial when dealing with landslides near homes.

INCREASED AML GRANT AMOUNTS IN 2010 AND 2011

To date, more than 200,000 acres of coal mining-related abandoned mine lands still need to be fully reclaimed in the United States. The cost of returning these sites to their pre-mining state is estimated at \$3.9 billion. After Congress reauthorized the AML Fund in 2006, 23 states and three Indian tribes began receiving increased AML grants in an effort to accelerate AML site restoration, as represented by the chart below.

The Department of the Interior's Economic Contributions, FY 2011, report, estimated that OSM's FY 2011 AML grants of almost \$400 million had an economic impact of about \$1 billion and resulted in more than 6,400 jobs in direct and indirect AML reclamation-related jobs in the U.S. coalfields.

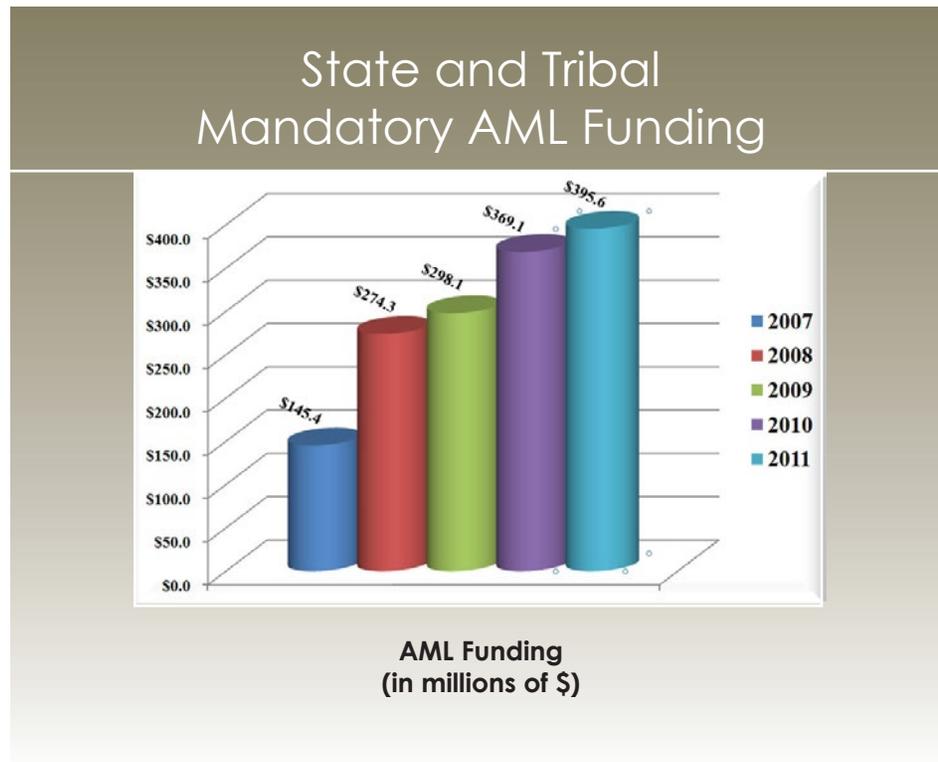
These jobs include employment in the area of environmental and technical consulting services, related to coal mining such as conducting drilling, testing, and sampling programs as well as performing design, overseeing, and monitoring of AML projects. The on-the-ground work requires project managers, engineers, geologists, bi-

ologists, technicians, surveyors, and technicians.

Job types also include construction inspectors, heavy equipment operators and general labor categories of workers. The work also requires materials such as specialized rental equipment, electricity, water, and construction materials such as concrete, chemicals, seeds, plants, personal and public

safety products, signage, fencing, and a variety of pumps and motors.

The impact of this program on the coal-field economy is not limited to jobs. Eliminating environmental, health, and safety hazards improves the quality of life by promoting tourism, recreation, hunting and fishing, and attracting new residents and employers.



Supreme Court Denies Request for Review of *Consolidation Coal et al. v. United States*

On June 13, 2011, the United States Supreme Court declined to hear a case that had the potential to reduce by millions of dollars the amount of Abandoned Mine Land fees that OSM collected.

The plaintiffs in the case, *Consolidation Coal, et al. v. United States*, claimed that the AML fee that OSM collects on each ton of coal produced was unconstitutional as applied to coal exported from the United States. The case originated in 2002.

The Supreme Court was asked to consider the following question:

“Whether, when applied to coal that is eventually exported, the Surface Mining Control and Reclamation Act of 1977’s Abandoned Mine Land fee—which by regulation is not assessed and collected until the time of first sale, transfer, or use of the coal—violates Article I, Section 9, Clause 5 of the Constitution, which provides

that ‘[n]o Tax or Duty shall be laid on Articles exported from any State.’”

Consolidation Coal and the 68 other industry co-plaintiffs claimed the AML fee was an unconstitutional tax collection because it is nearly impossible to discern which coal might be eventually exported, and that if the government levied the fee without making that determination, the fee would be improperly placed on exported coal.

The lower court ruled that a company incurs liability when coal is extracted, not when it is sold, so regardless of where the coal is used, the AML fee does not violate the Export Clause of the Constitution.



2010 ABANDONED MINE LAND RECLAMATION AWARD WINNERS



Appalachian Regional Award

Barnes-Watkins Refuse Pile Reclamation

*Commonwealth of Pennsylvania
Department of Environmental Protection,
Bureau of Abandoned Mine Reclamation*

The Barnes-Watkins refuse pile contained 1.3 million tons of coal refuse and was situated on the bank of and, in some locations, directly in the West Branch Susquehanna River. The refuse pile was discharging iron and aluminum into the river, and the refuse pile also was burning, posing air quality concerns for nearby residents. In addition to the environmental and health hazards it posed, the site contained steep, dangerous embankments. This reclamation project successfully eliminated dangerous piles and embankments, eliminated the material burning within the refuse pile, and largely eliminated the site's Priority 3 water problems.

Acid mine drainage caused heavy pollution in the West Branch Susquehanna River near the Barnes-Watkins refuse pile. Without intervention from Pennsylvania's AML program, the refuse pile likely would have not been reclaimed, and would have continued to degrade the river.



At the Barnes-Watkins site, workers planted trees near the refuse pile and the river as part of the plan to eliminate acid mine drainage.

Mid-Continent Regional Award

The 61st Street North SW Abandoned Mine Land Reclamation Project

*Oklahoma Conservation Commission,
Abandoned Mine Land Program*

The 61st Street North SW abandoned mine site in eastern Oklahoma was not just a lure to thrill seekers for riding all-terrain vehicles, target practice, and other recreational activities; the site also posed a danger to visitors because of an abandoned highwall and a hazardous body of water. The project eliminated a dangerous 20-foot highwall, which extended almost 2,000 feet, and a 20-foot-deep body of water. The project also addressed water quality concerns. In addition to preserving the nearly six acres of existing wetlands at the site, the project added more than four acres of new wetlands.

Western Regional Award

The Temple Mountain Project

*Utah Division of Oil, Gas & Mining
Abandoned Mine Land Reclamation
Program*

After conducting an inventory of the hazards the project needed to address, the project team identified more than 140 mine openings that needed to be safeguarded. Closure methods employed included steel gates, masonry walls, earthen backfills, and foam plugs to block entry to abandoned mines. Grates seal off abandoned mine openings and prevent people from entering and possibly injuring themselves, but they allow bats access to habitat within the mines. Access to some of the abandoned mine features was limited by the extremely steep and rugged terrain.

Small Project Award

Cranes Nest Gob Pile

*Virginia Department of Mines, Minerals
and Energy, Division of Mined Land
Reclamation*

The gob pile, an accumulation of waste material removed during coal processing, dated back to coal processing operations during the early 1900s and was the focus of minimal reclamation efforts in the 1980s. In 2007, engineers determined that removing the entire gob pile was the only way to eliminate the possibility that it might combust or degrade water quality on the Clinch River watershed. As a contractor removed the gob pile, incidental coal recovered from the pile was sold, and the proceeds were used to offset reclamation costs. After removing the gob pile, the contractor followed established stream restoration methods to construct a stream with pools and riffles. A professional tree planting contractor and community volunteers also planted 3,600 native hardwood seedlings throughout the site.

National Award

The Crellin Elementary School Environmental Remediation and Education Project

State of Maryland Department of the Environment, Abandoned Mine Lands Division

In 2003, schoolchildren noticed orange water flowing into a creek adjacent to the Crellin Elementary School in western Maryland. Their questions led to identification of the problem and the resulting project, which began in 2010.

The orange water's source was an abandoned site where coal had been loaded onto rail cars. The project mitigated the acid mine drainage seeps with a treatment system, enhanced

280 feet of stream bank, and returned the five-acre site to more natural conditions. The site location adjacent to the elementary school also presented the students with an educational opportunity. Following completion of the project, a vernal pool area was created, allowing students to observe the development of amphibians from egg to adult stages during spring. A limestone leach bed was constructed to add alkalinity to the nearby stream and neutralize acidic inputs. Two bat houses were constructed on-site for student observation. Two wetland areas were created, and a walkway now provides access to students and teachers to learn about wetland processes.

Top Right: Before reclamation, the water in Maryland's Snowy Creek contained acid mine drainage seeps from an abandoned railroad coal-loading site, and the riverbank suffered ongoing erosion, causing it to become unsafe.

Bottom Right: A treatment system removed the majority of the acid mine drainage, allowing aquatic life to return. The banks were also rebuilt, which helped eliminate erosion.



2011 ABANDONED MINE LAND RECLAMATION AWARD WINNERS

Appalachian Regional Award

Kempton Refuse and AMD/AML Project

Tucker County, West Virginia

The project addressed hazards from more than 100 years of underground and surface mining. The project sealed two underground mine portals, eliminated two dangerous waste impoundments, and cleared more than 2,500 feet of decaying highwalls, all of which were allowing acidic water to enter tributaries to the North Branch Potomac River.

Mid-Continent Regional Award

Westercamp AML Reclamation Project

Mahaska County, Iowa

The Westercamp project lies about a mile from the town of Beacon, Iowa, and covers about 55 acres. The project involved the clean-up of an abandoned coal mine, which included 13 polluted ponds filled with acidic water, 10 acres of industrial and residential waste (which included abandoned cars and trucks), and the elimination of more than five linear miles of dangerous highwalls.

Western Regional Award

Kleenburn Coal Mine AML Site

Sheridan County, Wyoming

The project addressed hazards from World War II era underground and surface mining. Years of unrestricted use by the public had also led to the site's deterioration. The project cleaned up two strip-mined pits, large piles of mine spoil, and fire hazards, and created 16 acres of usable park land for public fishing, boating, bird watching and picnicking.

Right: Before it was reclaimed, the holding pond at Sheridan County, Wyoming's Kleenburn site contained trash, mine spoils, and other hazards

Far Right: The reclaimed 16-acre site is now pedestrian-only, and provides ample opportunities for fishing, walking, bird watching, boating, and picnicking.



Small Project Award

Thomas Acid Mine Drainage Reclamation Project

Carroll County, Ohio

The Thomas AMD project was 10 years in the planning phase, and cleaned up acid mine drainage from underground coal and clay mining. For nearly a century, pollution at the project site was being discharged from a series of pits, deep mine leaks, and mine spoil. Project proponents returned the land to suitable habitat for fish and wildlife.

National Award

Newport North Project

Luzerne County, Pennsylvania

The Newport North Project stands alone as the best in the country in 2011. The project targeted an abandoned area that led to the deaths of six people in six years, all in one small half-acre mine pit. The combined efforts of State government, private

property owners, and a citizens' group enabled the project to reclaim 36 acres, backfill several strip pits, eliminate 3,000 feet of dangerous highwall, and return the site to its approximate

original contour. Project coordinators also held an event to raise awareness of the dangers posed by abandoned mine lands.



This small pond at the Newport North site in Luzerne County, Pennsylvania, claimed six lives in six years before the Pennsylvania AML program made reclaiming the pond a priority.

OSM'S REGULATORY PROGRAM 2010-2011



In primacy states—those with Federally approved regulatory programs—OSM assumes an oversight role. This role includes both programmatic evaluations and inspections of individual mine sites to determine whether primacy states are properly implementing, administering, and enforcing their approved regulatory programs. The vast majority of oversight inspections are joint inspections, in which the state or tribal inspector accompanies the OSM inspector. OSM's revised oversight directive explains the statutory authority for independent oversight inspections to validate and enhance the credibility of both the regulatory program and the oversight process.

In primacy states, SMCRA requires that the OSM inspector issue a Ten-Day Notice (TDN) to the state regulatory authority whenever, on the basis of any available information, including a Federal inspection or any information received via a citizen complaint, the inspector has reason to believe that a violation exists. The state regulatory authority then has ten days to take enforcement action, initiate other action

to cause the violation to be corrected, or demonstrate good cause for not taking such action. If OSM determines that the state response to a Ten-Day Notice is not appropriate, an OSM inspector will conduct a Federal inspection of the site and take any necessary enforcement action.

This procedure does not apply to situations in which there is an imminent danger to public health or safety or if the observed or alleged violation is causing or can reasonably be expected to cause significant, imminent environmental harm. In those cases, the OSM inspector must issue a cessation order if the violation is observed on an inspection, or conduct a Federal inspection if a citizen complaint alleges that a violation of this nature exists.

Oversight inspections are conducted on a range of sites, from those actively producing coal to forfeited bond sites awaiting reclamation. OSM's policy gives Regional and Field Office managers the guidance and flexibility to set inspection priorities and target inspections to focus on issues and activities that offer the best opportunity to address high-priority environmental

problems, or the best means of evaluating the impact of programs and activities on the public and the environment.

IMPROVED PERMITTING PROCESS NATIONWIDE

In addition to OSM reinvigorating its approach to how it conducts oversight of surface coal mining regulatory programs, the bureau also improved the coordination of the permitting process for coal mine operations.

Historically, the overlapping jurisdictions and interrelated regulatory goals of different Federal agencies have posed one of the greatest challenges to a company seeking a permit to mine coal. Conducting a mining operation requires permits from several state and Federal agencies, each of which may have similar requirements but differing permitting procedures. In the past, each agency has conducted independent reviews without the benefit of consultation with the other agencies.

In one case, an agency approved an application after requiring modification

of the original mining plan, despite the fact that another agency had approved the application without modification. However, the modification then required the applicant to submit the revised application to the second agency for review and approval, to ensure the scope and sequence of the mining plan matched what the first agency approved.

It became clear that reviewing permit applications without consulting with each agency was inefficient. It led to considerable frustration for the applicant along with potential confusion of the public and other stakeholders as to what exactly will occur where and when with the onset of mining operations.

The 2009 interagency Memorandum of Understanding among OSM, the EPA and the U.S. Army Corps of Engineers established an Interagency Action Plan to establish a coordinated, stringent environmental review of permit applications required by the Clean Water Act (CWA) and SMCRA. A coordinated permitting concept envisioned improved, coordinated, but independent decisions on coal mining projects that





are required under each agency's established legal authority.

Close coordination among responsible Federal and state permitting agencies ensures that all appropriate regulatory agencies are fully engaged, share project information, consider water quality and other environmental impacts, and agree on mine design alternatives that avoid and minimize these impacts. By sharing data and integrating staff efforts to review projects early in the application process, coordination increases efficiency at a time when most Federal and state agencies are experiencing staff reductions. Further, coordinated permitting by the agencies in a collaborative fashion, with concurrent reviews and agency decisions, ensures compliance with all applicable Federal and state regulations, laws, and guidance. Coordinated permitting provides additional benefits, including:

- Making the permit process more transparent and accessible to the public, more predictable and understandable for the regulated community, and more clear regarding the scientific information;

- Improving: 1) procedures for collecting environmental resource information and data sharing among regulators and stakeholders, 2) prediction of impacts, and 3) planning for mitigation and reclamation of a project;
- More effectively cataloguing threatened and endangered species, cultural, and historic properties, and addressing related issues at the earliest possible stages of permit review;
- Increasing the efficiency and effectiveness of permitting, including timelines, clarity, and predictability in the permit decision-making process; and
- Better decisionmaking under the agencies' respective programs; enhanced communication among stakeholders and regulators; and a better job of avoiding or minimizing adverse environmental impacts from a coal mining operation.

In late 2009, representatives from Tennessee's Department of Environment and Conservation, OSM, U.S. Fish and Wildlife Service (FWS), EPA, and the U.S. Army Corps of Engineers rec-

ognized the need for a better coordinated coal mine permitting process. The group also recognized the implications of each agency's involvement in the June 2009 MOU.

After mapping each agency's application review processes and procedures and deliberating about overlapping responsibilities and opportunities for efficiency, the group settled on the need to develop coordination and communication protocols.

The work that followed became a formal document called the Tennessee Local Interagency Working Agreement (LIWA, or "Agreement"). Signed in December 2010, the LIWA satisfies the intent of the June 2009 MOU by establishing standard operating procedures among the agencies involved in coal mining permit application review in Tennessee.

The procedures provide specific instructions to ensure that the agencies collaborate on ten discrete stages of coal mining permit application development and review:

1. stream jurisdictional determinations;
2. avoidance and minimization evaluations;
3. mitigation/restoration reviews;
4. Clean Water Act section 401 and 404 permit validations;
5. cumulative hydrological impact assessments;
6. a public participation phase;
7. Endangered Species Act reviews;
8. National Historic Preservation Act compliance;
9. application revision coordination; and
10. water quality data management.

The Agreement established joint meetings among the Corps District, OSM, EPA, FWS, other appropriate regulatory and reviewing agencies, and the mining company before the company submits its application. The LIWA addresses concurrent, coordinated, and collaborative completeness and technical adequacy reviews of a permit,





ultimately resulting in simultaneous or consecutive approvals without the need for subsequent revisions to accommodate any agency's issues or concerns.

OSM is now facilitating consideration of similar state/Federal coordinated processes in most coal mining states. The process is in varying stages of discussion within each state responsible for coal mine application reviews. Coordination protocols are developed or under review in several other states, including Alabama, Indiana, Ohio, Kentucky, Virginia, and West Virginia.

IMPROVING WATER QUALITY

In FY 2010 and FY 2011, OSM renewed its commitment to improve water quality in coalfield communities. To do so, it focused on reclamation, hydrology, and better enforcement of existing rules. What follows are some of the actions taken under that renewed emphasis.

Addressing Pollutonal Drainage

SMCRA requires that coal mining and reclamation be conducted in a manner that minimizes disturbances to the quality and quantity of surface water and groundwater. Recent OSM efforts in the hydrologic protection arena include the following:

Acid Drainage Technology Initiative (ADTI)

This collaborative effort among Federal agencies, industry, states, academia, and the National Mine Land Reclamation Center promotes communication and technology enhancement in the field of water quality prediction and management. During FY 2010 and FY 2011, the ADTI, funded by OSM at a level of almost \$200,000 annually, conducted a comprehensive review of passive treatment technology literature for coal mine drainage to compile a best practices document encompassing anaerobic, aerobic, microbiological and limestone-based treatment techniques.

These technologies had previously been unevenly applied to hundreds of coal mine discharges with mixed results for variable chemical composition and flows.

The review, which is available on ADTI's website (www.aciddrainage.com) for all practitioners, synthesized current analysis of coal mine drainage design criteria and expected performance for treatment technologies.

During FY 2011, ADTI funds also supported field research on selenium leaching from mining overburden, a serious new water quality issue in the Appalachian coalfields. Results of these studies will assist mine planners to recognize presence of selenium and develop practical material handling methods to minimize leaching and mobilization. Under consideration for FY 2012 and 2013 funding are projects to outline the most effective methods available to remediate discharges of high rates of Total Dissolved Solids (TDS).

Hydrologic Impact Assessments

Over the decades of implementing SMCRA, OSM and the environmental community have questioned whether certain states properly evaluate the Cumulative Hydrologic Impact Assessment (CHIA) of all coal mining occurring in a watershed and the Probable Hydrologic Consequences (PHC) of each new proposed mine. OSM's efforts in recent years are geared toward improving data quality and predictive tools to ensure SMCRA programs maintain and protect the hydrologic balance.

Interagency Cumulative Impact Modeling

OSM collaborated with the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers to find ways to improve the cumulative impact effect analyses required by SMCRA, the National Environmental Policy Act, and the Clean Water Act.

During 2011, each agency independently analyzed the same West Virginia watershed affected by surface



and underground mining. The project compared and contrasted each agency's cumulative assessment models to identify common data needs, adequacy, and to eliminate redundancy. When the demonstration was finished in mid-July 2011, the team presented the results and recommendations to agency principals. The agencies plan to continue to share ideas on better predictive tools for cumulative assessments to improve each agency's jurisdictional decisions on new coal mining applications.

Underground Mine Pool Characterizations

OSM is assisting West Virginia, Maryland, and Pennsylvania state regulatory agencies to define characteristics of very large mine pools. These are underground coal mines filled with hundreds of acres of groundwater.

Large mine pools can cause significant problems in surface and groundwater quality and quantity, or lead to mine "blowouts," which are hazards to life and property, if mining operations and pool water management are not

properly planned, monitored, and analyzed during and following mining.

Active and proposed underground mines or mine expansions must be carefully evaluated to ensure SMCRA hydrologic balance performance standards are attained and bonding mechanisms are in place to account for any unexpected long-term water-treatment issues. These projects are needed because of the expanse of past and planned mining, the length of time needed to establish monitoring networks, and the years of monitoring required to adequately assess and understand the hydrologic system alterations. These activities will likely continue for several years.

Bond Forfeiture Actions

In November 2002, the Horizon Natural Resources Company filed for Chapter 11 bankruptcy protection, resulting in the largest coal company bankruptcy in U.S. history. In August 2004, a U.S. Bankruptcy Court in Kentucky approved the company's reorganization plan, which included the formation of a new company, the Lexington Coal Company (LCC).

LCC's primary responsibility is to complete land reclamation on the remaining permits and develop plans to provide for the treatment of any pollutional discharges that may be present. Working with State regulatory authorities in Illinois, Kentucky, Tennessee, and West Virginia, OSM continues to monitor the progress of LCC in completing reclamation of the remaining sites in these states.

In 2008, there were 97 permits covering 97 mine sites in Illinois, Kentucky, Tennessee, and West Virginia that required reclamation by LCC. By 2011, LCC remained the permittee on 69 remaining Horizon permits for which LCC was responsible for completely reclaiming, and these permits were in various stages of reclamation and bond release. The 14 sites that require water treatment have been reclaimed, but the chemical treatment of all water discharges from those sites will continue indefinitely to meet water quality standards using trust funds. The States and LCC had completed and executed trust fund agreements for 14 of the remaining sites by the end of FY 2011.



The Keeley Decision – Implications for SMCRA of a 2009 Federal Court Order

In January 2009, a Federal judge in West Virginia issued a decision that may have broad implications for state regulatory agencies, as well as environmental, watershed protection, and citizens groups.

In the original case, *West Virginia Highlands Conservancy, Incorporated, West Virginia Rivers Coalition v. Randy C. Huffman, Secretary, West Virginia Department of Environmental Protection*, environmental groups sued the West Virginia Department of Environmental Protection (WVDEP), claiming the agency failed to prevent the discharge of pollutants from bond forfeiture sites into West Virginia waters without a permit.

In the ruling, U.S. District Court Judge Irene Keeley required state agencies that install a water treatment system at bond forfeiture sites to mitigate acid mine drainage to obtain a National Pollutant Discharge Elimination System (NPDES) permit under the Clean Water Act.

The 4th Circuit Court of Appeals affirmed what became known as “The Keeley Decision” in November 2010.

In the decision, Judge Keeley ordered WVDEP to improve the treatment of acid mine drainage and other pollution at those sites and to obtain NPDES permits for 18 bond forfeiture sites in the northern part of the state that require water treatment.

A similar previous District Court decision required WVDEP to improve treatment of discharges from three other sites in the southern part of West Virginia so they would comply with state water quality standards. Although the appeals court ruling only addressed the 18 northern sites, WVDEP developed NPDES permit applications for all bond forfeiture sites where water discharges are currently being treated by the State.

In August 2011, after the appeals court decision, the parties entered into a consent decree. Under the agreement, the State had to obtain NPDES permits for all 21 bond forfeiture sites cited in the litigation by September 1, 2011.

On December 1, 2011, the State estimated approximately \$38.7 million in costs to comply with the agreement.

Although filed in Federal court, the case only applies to West Virginia’s, Virginia’s, and Maryland’s bond forfeiture reclamation programs. Until this case was decided, only mine operators were required to secure NPDES permits for point source discharges.

Some non-profit citizens and environmental groups, however, have expressed concern that the Keeley decision could force them to obtain NPDES permits prior to undertaking watershed improvement activities within West Virginia. If so, the liability, cost, and complexity of obtaining the permit could prevent environmental and citizens’ groups from proceeding with cleanup and remediation work in watersheds.

In addition, State officials question whether the ruling, if applied broadly, could require them to obtain NPDES permits when treating water discharges during the completion of abandoned mine land reclamation projects.

OSM PRESENTS DOI CITIZEN AWARD FOR EXCEPTIONAL SERVICE POSTHUMOUSLY TO WEST VIRGINIA WATERSHED NETWORK MEMBER

There are thousands of people who work on a volunteer basis every year in an effort to address the wide variety of issues caused by past coal mining operations. Few have had a greater impact than a West Virginia man who worked tirelessly to improve water quality during a lifetime cut tragically short.

Keith Pitzer was the Executive Director for Friends of the Cheat, a non-profit organization dedicated to restoring and promoting West Virginia's Cheat River. Friends of the Cheat formed after a blowout from an underground coal mine killed aquatic life along 16 miles of the Cheat River in north-central West Virginia. Pitzer also served as the Chairman of a diverse group of more than 20 stakeholder groups all interested in cleaning up acid mine drainage (AMD) in the Cheat River.

The river faces some major challenges, however. As the largest free-flowing river east of the Mississippi, the Cheat is a prominent watershed in West Virginia. Its lower portion is impaired by AMD, making it one of the most severely degraded rivers in West Virginia. Hundreds of abandoned mines

throughout the watershed produce the AMD, which contains high levels of iron and other metals and has a low pH.

In 2001, Pitzer became Chair of the River of Promise (the group of stakeholders devoted to mitigating AMD in the river), and the river saw vast improvements that included implementing 19 AMD remediation projects in the watershed and raising more than \$2 million for water quality improvements.

After treatment began, scientists documented a resurgence of fish and fishing birds such as heron, osprey, and eagles along the banks of the Cheat River, and Cheat Lake is now home to bass tournaments and a thriving yellow perch fishery. Fourteen miles of the main stem of the Cheat have returned to a normal color after years of orange staining.

Late in 2009, Pitzer set a schedule for 2010 that would make Sovern Run, a tributary to the Cheat River, the first AMD-polluted stream in West Virginia to be removed from the State's list of impaired streams. In December 2009,

however, Pitzer died, shortly after friends began work to nominate him for an OSM Citizen's Award.

On November 6, 2010, OSM Director Joe Pizarchik and a representative from the bureau's Charleston Field Office presented Pitzer's widow, Joan, with a Department of the Interior Citizen's Award honoring her husband's contributions. The true impact of Pitzer's life might best be measured by the words his friends wrote to support the nomination for his award.

"He has inspired so many other individuals throughout the Eastern coalfields. His premature death in December 2009 has created a large void in the watershed community, but his voice and vision will continue for future generations. He truly is a citizen who has performed exceptional service, for not only OSM, but for the entire region," read the nomination.



Joan Pitzer (center), widow of Keith Pitzer, accepts the U.S. Department of the Interior Service Citizen's Award from OSM Director Joe Pizarchik (left) and OSM's Rick Buckley (right).

2010-2011 EXCELLENCE IN SURFACE MINING AWARDS

2010 AWARDS

National Awards

Antelope Coal, LLC

Gillette, Wyoming

The company successfully established wildlife habitat at its mine site through a three-phase approach. After evaluating the post-mining topographic surface to identify land areas with the highest shrub potential, the company then used features such as basins and ridgeline breaks to enhance moisture collection and improve deep soil moisture conditions for perennial shrub species. In the final phase, the company used an advanced planting technology that targeted optimal planting dates, planting rates, and specialized drilling equipment for shrubs. By following this approach, the mine operators developed consistent, high-quality habitat for elk and mule deer antelope.

Coal-Mac, Inc.

Holden, West Virginia

This award winner emphasized protecting the environment and the public during construction and the operation

of its slurry line system. The operator built a seven-mile overland slurry line system to carry slurry from the preparation plant to an existing impoundment and installed cameras along the slurry line to allow for instantaneous monitoring. The company also eliminated truck traffic on public roads through the use of the overland belt-line, thereby increasing public safety during surface mining operations.

Larry D. Baumgardner Coal Company, Inc.

Lanse, Pennsylvania

Before reclamation, the project site was heavily scarred with open pits, dangerous highwalls, and spoil material. The mine operator remined about 60 acres of this site in central Pennsylvania, including 7,740 feet of highwall and underground mines. The re-mining effort not only eliminated the abandoned highwalls but also resulted in the recovery of topsoil-type material that had been buried by previous mining. This material was saved during the operation to be later used for planting. This allowed the site to be restored to a post-mining land use of forestland and some industrial and



Preserving and enhancing wildlife habitat is the focus of many award-winning active mine reclamation plans. (Credit: Coal-Mac, Inc.)



Crews construct an arch for water and wildlife to pass through at Western Fuels' reclaimed site in Wyoming.

Deer passing below the roadway at the reclaimed site.

pasture land. The local environment benefited from reductions in iron and acid at the site, which resulted from the operator's re-mining effort.

Western Fuels – Wyoming, Inc.

Gillette, Wyoming

The company took steps to minimize disturbing wetlands when it established a road and conveyor route at its mine. The company also built its conveyor along a route that lessened the impact on water quality than other available options and used a wide arch span for a bridge, which reduced the project's impact on the wetlands. The benefits of the project's design and construction techniques will have short- and long-term benefits. These benefits include immediate reestablishment of wetlands and stream conditions, without the 60- to 70-year delay typically expected from a facility that will be in existence for decades.

Good Neighbor Award – Gold

ICG Beckley, LLC

Eccles, West Virginia

ICG completed numerous community projects and environmental improvements in and around the town of Eccles. Some of these projects and improvements include partnering with the West Virginia Department of Highways to re-pave approximately one mile of local roads and more than one mile of access roads to the mine site, reclaiming an abandoned refuse site while enhancing more than 3,100 feet of stream, and installing fan insulation coatings and refuse bin insulation in order to reduce noise for nearby residents. The company also donated laptop computers to a high school and bleachers for a Little League field in the community.

Good Neighbor Award – Silver

Energy West Mining Company

Huntington, Utah

Energy West Mining Company developed an ambitious and innovative spring development and pipeline project with the North Emery Water Users





Big Horn Coal Company's reclaimed site is home to an annual fishing derby each year.

Special Service District (NEWUSSD). The goal of the project was to provide a long-term, dependable water supply to a water treatment plant in Huntington Canyon that would not be interrupted or affected by surface activities, or by underground coal mining activities which are common to the area. The mining company donated time needed for the project's permitting activities, and worked closely with NEWUSSD to develop mitigation measures and help the District supply water to their constituents. In order to complete the project, the team members also needed to overcome the obstacles that rugged terrain and harsh winter weather posed.

2011 AWARDS

National Awards

Oxford Mining Company

Columbus, Ohio

Oxford Mining won for embracing the goals of a reforestation initiative developed by OSM in concert with the states, academia, and the mining industry. Using the Forestry Reclamation Approach at its Jockey Hol-

low West mine site, Oxford reclaimed more than 85 acres of land, planted more than 80,000 trees, and perfected a land reclamation technique that minimized erosion during water runoff.

Big Horn Coal Company

Sheridan County, Wyoming

Big Horn won for executing an integrated geomorphic mine reclamation plan. Big Horn's effort covered 705 acres and fully reclaimed a large coal pit; restored a 2,500-foot portion of the Tongue River; reclaimed pre-SMCRA subsidence; designed and constructed a permanent post-mining reservoir; and integrated each project into the surrounding landscape using sound geomorphic and engineering principles.

Good Neighbor Award

Oxford Mining Company

Columbus, Ohio

Oxford Mining (also a National Award Winner) won for a wide array of community projects it has carried out in Harrison County, Ohio. The company allowed groups to use its Jockey Hol-

low West site as an outdoor classroom for state, industry, and landowner groups to study reforestation and for training coal mine inspectors. It also allowed the American Chestnut Foundation to use the site as a production source for blight resistant chestnut tree seeds.

Director's Award

Each year, one or more coal mining operations in the country is selected to receive the Director's Award for outstanding performance in a specific area of reclamation.

The 2011 Director's Award was presented to companies that exhibited exemplary use of geomorphic reclamation techniques, which return the land to a similar condition to what it was prior to mining. Two companies received the award in 2011.

Western Energy Company

Colstrip, Montana

Western Energy won for its longtime use of geomorphic reclamation at its Thin Breaks site in eastern Montana. The company replanted native species in the area, increased shrub di-





Western Energy's Thin Breaks reclaimed mine site in Colstrip, Montana. The company is one of the first to adopt the geomorphic reclamation technique. Western Energy won an Excellence in Surface Coal Mining Director's Award for this eastern Montana site in 2011.

versity, and reclaimed ponderosa pine and sagebrush habitat. To achieve a natural-looking topography, the company showed equipment operators undisturbed areas near the mine to give them an idea of how to create the topography, and later put computers on the bulldozers to help the operators achieve the proper contours.

Big Sky Coal Company

Colstrip, Montana

Big Sky Coal won for its Big Sky Mine Area B project. The company used a cost-effective and successful geomorphic approach to create stable and sus-

tainable landforms, establish native vegetation, and build post-mine land uses. Big Sky developed sustainable landforms in reclamation, restored land use function and utility, and protected the public while maximizing the recovery of the coal resource.

Big Sky Coal Company was successful at integrating the geomorphic reclamation technique into its post-mining plans.



OVERSIGHT IMPROVEMENT ACTIONS

Reinstatement of Oversight-Related Policy Directives

In January 2011, Director Pizarchik signed three internal policy directives designed to reaffirm OSM's ability to perform effective oversight of state regulatory agencies. The signing of REG-8, REG-23, and INE-35 were major steps toward fulfilling the commitments made in the 2009 MOU with OSM and other Federal agencies that perform environmental oversight of coal mine operations.

OSM Directive REG-8, "Oversight of State and Tribal Regulatory Programs"

OSM revised Directive REG-8 to underscore the fundamental purpose of the bureau's oversight authority while maintaining a cooperative relationship with states that has been largely successful over the last 15 years. The revised directive provides corrective action for problems identified during oversight and clarifies that state permitting procedures and state-issued permits may be reviewed as part of OSM's oversight responsibilities. For the first time, the directive establish-

es criteria for selecting sites to be inspected, sets a minimum number of oversight inspections, and requires that OSM conduct some inspections independently without prior notice to the state or tribe. It improves outreach to the public for both oversight planning and the reporting of results, including extensive use of the Internet to make information available and notify the public of opportunities to provide input. The collection and reporting of oversight data will be displayed more consistently with new formats established for the annual evaluation reports that OSM produces for each primacy state. With these changes, the agency is increasing transparency by providing better accessibility and more opportunities for input from all interested parties regarding the planning and review of the results of OSM's oversight process.

OSM Directive REG-23, "Corrective Actions for Regulatory Program Problems and Action Plans"

OSM Directive REG-23 was revised to provide strategies for OSM's Field



Office Directors to use in order to resolve “regulatory program problems” in a timely and complete manner. The directive requires a written Action Plan to be developed in collaboration with the states when problems cannot be resolved within 180 days. The directive provides procedures if a state fails to comply with the terms of an Action Plan, including regulatory actions that could include OSM directly enforcing all or part of a state’s approved program or the Secretary withdrawing approval of all or part of a state’s program.

OSM Directive INE-35, “Ten-Day Notices”

In 2005, the previous Administration reversed OSM’s longstanding policy with regard to the bureau’s authority over state permitting decisions. The revised policy asserted that state regulatory authorities have exclusive jurisdiction over permitting decisions and that OSM lacks jurisdiction under the Ten-Day Notice (TDN) process to review alleged permit defects and take enforcement action to resolve them, which restricts OSM’s ability to con-

duct complete and comprehensive oversight.

The Secretary’s June 2009 MOU with the EPA and the U.S. Army Corps of Engineers committed the Department and OSM to remove these policy impediments for addressing permit defects in SMCRA-primacy states.

The revised Directive INE-35, “Ten-Day Notices” (TDNs) establishes policy and procedures for OSM to follow when a citizen or OSM believes there is a violation of SMCRA, a state regulatory program, or a state-issued permit at a coal mine. The directive provides guidance and procedures that generally require OSM, after sending a TDN to a state regulatory authority, to take steps to correct violations if the state does not act to do so within ten days. The directive covers situations where an on-the-ground violation may exist at a coal mine or where a violation results from a defect in a state-approved permit. If a state regulatory authority fails to act to correct the violation, the revised directive provides procedures for OSM to inspect the site and, if appropriate, take enforcement action to correct the problem. If the violation is





a permit defect and the state regulatory authority does not take appropriate action to cause revision of the permit, OSM will issue a Federal notice of violation requiring permit revision and concurrently will issue a notice to the state to initiate procedures for OSM to take over administration of the defective permit.

Tennessee Lands Unsuitable for Mining Petition

On October 1, 2010, the State of Tennessee filed a Lands Unsuitable for Mining (LUM) Petition with OSM. Such petitions are authorized under Section 522 (c) of the SMCRA, which gives the Secretary of the Interior the authority to place certain lands off limits to coal mining.

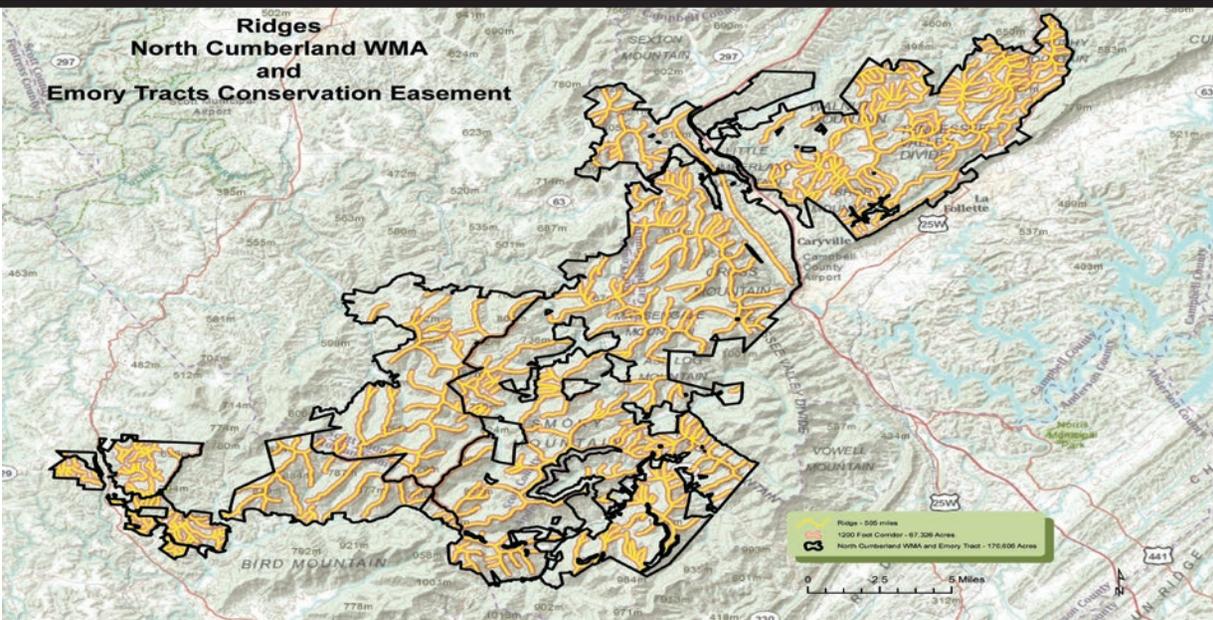
Then-Governor Phil Bredesen filed the petition, in the last few months of his term. The petition asks that OSM bar surface coal mining of ridgelines on State land managed for public use in the Northern Cumberland Wildlife Management Area and Emory River Tract Conservation Easement.

The petition seeks to prevent surface mining within 600 feet on either side of a ridge-top corridor stretching over 67,000 acres within the 269 square miles of the two areas. The petition asserts that surface coal mining in the identified area is incompatible with the State's conservation plan and would adversely affect fragile or historic lands, resulting in significant damage to important historic, cultural, scientific, and esthetic values and natural systems.

There are many competing land uses within the Northern Cumberland Wildlife Management Area, including recreational activities such as hiking, hunting, and off-road vehicle use, surface and underground coal mining, oil and gas development, and timber removal.

OSM began processing and evaluating the large, complex petition in accordance with established procedures to determine whether or not to make the designation.

The petition has attracted the interest of a number of parties. Several environmental groups are intervening in support of OSM granting the designa-



The State of Tennessee has asked OSM to declare about 67,000 acres of land in the State unsuitable for surface coal mining. (Credit: State of Tennessee)

tion; mining companies, associations and a local municipality have intervened in opposition.

The National Park Service, the FWS, and the EPA have agreed to cooperatively develop an Environmental Impact Statement (EIS) to inform OSM's decision.

In accordance with the National Environmental Policy Act, the draft EIS (DEIS) and Petition Evaluation Document (PED) are issued with characterizations of the petition area's re-

sources, a review of the impact on coal supply and demand, an analysis of allegations, and an analysis of alternatives for public review and comment. The final EIS will consider all public comments and is followed by the formal Record of Decision.

OSM anticipates issuing a draft PED/EIS in late spring of 2013 and making a final decision on the LUM petition in winter 2013-2014.



TECHNOLOGY DEVELOPMENT & TRANSFER PROGRAM

2010-2011



INTRODUCTION

Developing and transferring technology is an integral part of OSM's mission providing national support to OSM, state and tribal programs. Through the development of new technologies and scientific advances, and the communication of these technologies to users through training, workshops, forums, publications, and the internet, Technology Development and Transfer supports OSM's core functions. A sound technology development and transfer program ensures that the most current and valid scientific information and technologies are available to OSM, the industry, state, and tribal staff. Advancement of this technology will result in better mining and reclamation practices, leading to higher quality environmental protection and fewer off-site impacts. While the program's growth continues to depend on available funding, Technology Development and Transfer has evolved over the life of the bureau to include:

The National Technical Training Program (NTTP)

Since 1985, the NTTP has addressed the need for an ongoing training program to increase the technical competence and professionalism of Federal, state, and tribal staff. The program delivers training related to permit approval, bond release, reclamation, and enforcement, serves to update technical expertise, and fosters consistent application of standards. NTTP offers 43 SMCRA-related courses, typically offered at different locations in a given year.

The Technical Innovation & Professional Services Program (TIPS)

Starting in 1986, the TIPS program has provided off-the-shelf scientific and engineering modeling software and the associated training to the state, tribal, and Federal offices that administer SMCRA. State, tribal, and OSM experts devise the training for the various mining and reclamation applica-

tions they will use while working in a SMCRA program.

The National and Regional Technology Transfer Teams (NTTT)

OSM's NTTT program began work in 2003. The Teams identify and recommend national technology development and transfer needs, coordinate national technology development and transfer activities, and ensure that OSM's national technology transfer planning initiatives fully address OSM's current and future needs. Over the last five years, the Regional Technology Transfer Teams have held region-specific workshops on improved technologies for passive treatment of acid mine drainage, blasting, evaluation of revegetation for bond release, geomorphic reclamation, and natural stream design.

The Technical Studies Program

The Technical Studies program includes the Applied Science Program that, since 2004, has funded the development of new reclamation science and technology, the Underground Mine Mapping Program, which acquires historic underground mine maps that are then digitally reproduced to make them publicly accessible on the Internet, and the Data Conversion effort for greater governmental transparency and availability of mine permitting information.

Technical Assistance

The Technical Assistance program helps SMCRA program staff address complex mining problems such as water quality issues, mine subsidence, slope instability, and threatened and endangered species protection. Some states and tribes with only a few coal mines may not have or might not be able to afford to maintain the full complement of science and engineering expertise to deal with the breadth of issues encountered in regulating active operations and reclaiming AML





sites. OSM regional and field office technical staff fill that need.

NATIONAL TECHNICAL TRAINING PROGRAM

OSM's NTTP delivers training in subjects ranging from predicting and preventing mine drainage pollution to effective reclamation of abandoned mine shafts that sometimes collapse beneath property and structures. Instructors for the courses are from state, tribal, and OSM agency technical staffs. NTTP receives approximately 1500 requests for training each year.

To provide skills and knowledge in support of OSM's priority of improving oversight nationwide, the NTTP offers training in: Bonding, Cost Estimation, Principles of Inspection, Enforcement Procedures, Blasting, and AML Design Workshops, among others. NTTP has also offered several special training sessions to support improved communications with citizens and operators including "Coal Field Communications: Getting it Right" and "Effective Writing."

Because so many SMCRA-related agencies are hiring new staff, OSM identified the need for documentation skills. That discovery led to the development of an intensive new training course by NTTP entitled "SMCRA Principles and Field Procedures."

This course, which strongly supports OSM's oversight improvement initiatives, provides a background on the history of SMCRA and how the law is implemented through the primacy programs. Students learn inspection essentials including the fundamentals of map interpretation, soil and water testing, engineering design, blasting, grading, communication and conflict resolutions, erosion and sediment control, mine plan review, legal basics, enforcement procedures and AML project management basics. About half of the two week course is spent on mine sites learning basic inspection and documentation tools and skills. This course provides the initial skills necessary for new field staff to accomplish their field functions of inspection, reclamation assessment, and oversight.

NTTP also offers other courses that support OSM's stream protection emphasis including Surface and Groundwater Hydrology, Acid-Forming Materials (AFM) and Erosion and Sediment control.

An identified nationwide need for training in stream classification and reconstruction for permitting, inspection, and abandoned mine staff led NTTP in 2011 to arrange for a future offering of a session of Applied Fluvial Geomorphology through Dr. Dave Rosgen, a renowned figure in the field of fluvial geomorphology. This training, which supports stream protection through technical components of identification and restoration, is recognized by the EPA and by the U.S. Army Corp of Engineers.

TECHNICAL INNOVATION AND PROFESSIONAL SERVICES

The TIPS program helps OSM and SMCRA-related agencies keep costs low through the purchase of software and licensing over the Internet, which allows OSM to share 25 software ap-

plication licenses among the staff computers at 100 or more SMCRA offices nationwide. Since the software and technology tools provided by TIPS are the same off-the-shelf tools that reclamation contractors and mining companies use, it is easy to share data among private, corporate, and government offices.

The TIPS suite of scientific, data base, and mapping core software aids the technical decisionmaking associated with conducting reviews of permits, performing cumulative hydrologic impact assessments, quantifying potential effects of coal mining, preventing acid mine drainage, quantifying subsidence impacts, measuring revegetation success, assisting in the design of abandoned mine lands projects, and providing the scientific basis for environmental assessments and environmental impact statements.

TIPS maintains electronic training centers in Denver, CO; Pittsburgh, PA; and Alton, IL, where trainers work with state, tribal, and OSM personnel in the practical application of TIPS software on a continuing basis.





Requirements for TIPS tools and support continue to increase, especially in the demand for geospatial data, and mobile computing tools for field use. TIPS is struggling to meet these demands for geospatial data and field equipment in several areas: GeoMine, Remote Sensing, and other high-technology equipment to SMCRA offices.

Appalachian GeoMine Pilot Project

The GeoMine Pilot Project is an Internet-based method to deliver interactive maps of coal mining and reclamation to a user's desktop using Geographic Information System (GIS) technology. The technique can take

hundreds of maps of a variety of mining, reclamation, and environmental conditions and stack them much like a layer cake.

The idea is to take maps that are locked away in permit filing cabinets and convert them into useful electronic map images that can be combined or displayed separately to show the state of the environment. Illustrating mining and environmental conditions in this way brings to light new understanding of the potential impacts of mining and reclamation activities on the landscape.



Top Left: OSM has fully integrated computerized and networked learning programs into its tech development and training programs.

Bottom Left: Part of the training by TIPS includes work in the field.

To carry out the project, OSM has partnered with the SMCRA regulatory authorities in Kentucky, West Virginia, Virginia and Tennessee, and with the FWS, EPA, and the U.S. Army Corps of Engineers.

The two-year pilot project began in August 2010, and since then, it has listed and prioritized the maps needed by mining permit reviewers in their respective agencies. To generate the necessary electronic versions of each state's maps, OSM signed cooperative agreements to hire students through the Department of the Interior's Youth Initiative. The GeoMine web application will eventually be made available to the public.

Remote Sensing

Another area in high demand is remote sensing data obtained through satellite or aerial photography or radar. In 2009, TIPS began a pilot project to determine the best satellite image data, products, and services that will

support effective and efficient SMCRA solutions for the regulatory program. The goal is to enhance the current OSM inspection and permitting process by integrating satellite imagery into a virtual inspection process to assist in accomplishing routine required inspections. The project also explores the process and requirements involved in acquiring image data, products and services from the National Geospatial Intelligence Agency (NGA) Office of Commercial Partnerships through the USGS. President Obama's 2010 National Space Policy tasked the NGA with sharing satellite imagery with Federal agencies. In 2009, OSM entered into an official partnership with the NGA through the USGS to assist the goals of this pilot project. The results of the Remote Sensing Pilot Project will be finalized in FY 2012. TIPS Remote Sensing specialists continue to work with the NGA to develop working solutions to SMCRA Remote Sensing needs nationwide.





Down-Hole Camera Equipment

The TIPS program provides down-hole cameras for loan to state and tribal SMCRA programs where they are used in investigating domestic well complaints, revealing voids under subsiding highways and buildings, and examining numerous abandoned mine shafts scheduled for closure. Throughout FY 2010 and FY 2011, the systems were used to document subsurface conditions in emergency situations such as mine subsidence and shaft openings. Obtaining such critical subsurface information allowed for a more cost effective comprehensive plan to be developed to remove hazards that presented an immediate danger to public health and safety. The following are two examples of how the down-hole cameras were used.

Measuring Abandoned Mine Voids in California

In FY 2011, TIPS provided a down-hole camera to determine the size of an old mining void below a mining museum at the Black Diamond Mines Region-

al Preserve in Antioch, Contra Costa County, California. An OSM reclamation team drilled seven holes to lower the camera and lights into the void. The team was able to accurately view and map the void so it could be safely and effectively filled with a grout mixture to prevent a collapse.

Counting Burrowing Owls in Utah

In Utah, wildlife officials were concerned about the potential for mine subsidence to destroy burrowing owl nests. Burrowing owls often build their nests in abandoned prairie dog burrows. If burrows are near an underground mine site, nesting owls could be killed during an underground collapse, known in mining terms as subsidence. In FY 2011, Utah officials used the TIPS down-hole camera to document burrowing owl nesting habitat in prairie dog burrows near a mine. The team worked with representatives of a local mining company and owl experts throughout the study, then helped design an underground nest box that provides better protection during subsidence.



Above: An example of what borehole cameras can show while operating hundreds of feet underground. Improved clarity and higher quality optics allow engineers to pinpoint locations that need support and reinforcement.





OSM'S TECHNICAL STUDIES PROGRAM

OSM is committed to the use of sound science in both its Abandoned Mine Land and regulatory programs. To support that commitment, OSM awarded \$663,594 in Underground Mine Map projects in 2011, and \$1.65 million in Applied Science projects.

Five of the Underground Mine Map projects will result in the state entity completing digital underground mine mapping efforts and serving this information to the general public via the Internet. The 21 projects funded in FY 2011 are expected to result in preserving and electronically distributing an estimated 7,500 historic underground mine maps.

The goal of the Applied Science program is to develop and demonstrate improved technologies to address public safety and environmental issues related to the mining of coal and reclamation of the lands affected after mining.

Applied Science projects support studies by universities and other research institutions in the areas of coal

mine reclamation, stream protection, revegetation, blasting, hydrology, coal mine voids and fires, soil productivity, acid mine drainage, and other topics relevant to environmentally responsible mining and reclamation. The projects are conducted as cooperative agreements between researchers and OSM to ensure a lasting bridge is built between sound science and the required practical applications needed on the ground.

Since the program began in 2005, OSM has awarded over \$6.92 million to support 63 Applied Science projects. To date, 42 of these projects have been completed, six of which were completed in FY 2011.

In FY 2011, OSM provided funding to nine projects. Federal funding for these projects totaled about \$1.6 million while the institutions provided \$660,000 (about 29 percent) in matching funds. A total of 15 projects were completed during FY 2010 and FY 2011.

The following table depicts program funding for FY 2011.

APPLIED SCIENCE PROJECT FUNDING FY 2011

Issue	Title/Purpose	Institution	Federal Funding
Stream Water Quality & Restoration	Effective Monitoring and Assessment of Total Dissolved Solids as a Biotic Stressor in Mining-Influenced Streams	Virginia Tech	\$198,188
Stream Water Quality & Restoration	Impact of Increased Total Dissolved Solids in Aquatic Communities from Coal Mine Activities in Alabama	Clark Atlanta University	\$195,828
Stream Water Quality & Restoration	Predicting TDS Release from Central Appalachian Coal Mine Spoils	Virginia Tech	\$184,060
Stream Water Quality & Restoration	Stream Restoration - Long Term Performance: A Reassessment	Southern Illinois University at Carbondale & USGS	\$199,399
Acid Mine Drainage Mitigation	Low-pH Fe(II) Oxidation for Passive Treatment of Coal Mine Drainage	The Pennsylvania State University	\$200,000
Acid Mine Drainage Mitigation	Aerating Off the Grid: Advancing Passive Treatment with Solar and Wind Power	University of Oklahoma	\$200,000
Acid Mine Drainage Mitigation	Improved Sulfate-reducing Bioreactors for the Remediation of High Total Dissolved Solids Drainage Associated with Coal Mining and Processing in the U.S.	Southern Illinois University at Carbondale	\$190,541
Acid Mine Drainage Mitigation	TROMPE From the Past Will Come the Future	Stream Restoration, Inc.	\$119,000
Control of Invasive Species	Identifying Effective Strategies for Controlling Annual Bromes on Mine Lands	USDA Agricultural Research Service	\$161,428



TECHNOLOGY TRANSFER AND TECHNICAL ASSISTANCE

Technology Transfer and Technical Assistance provides needed help to state regulatory and AML reclamation staff, and to OSM staff who review and monitor state programs, develop rules or policy, assist in litigating SMCRA challenges or enforcement actions, or maintain other technical support infrastructure such as TIPS, AVS, and technical training programs. Technical assistance is provided specific to AML projects, civil penalty and bond forfeiture projects, and other regulatory matters that are integral parts of OSM's mission. OSM specialists assist in such areas as compliance monitoring (including inspection and enforcement assistance), bond forfeiture reclamation designs, surveying and geologic sampling. Customer surveys are used to document the responsiveness of OSM's technical assistance to its customers in a timely and professional manner.

TECHNICAL ASSISTANCE

A good example of effective technical assistance occurred in the Commonwealth of Kentucky. Kentucky's regulatory authority was facing litigation due to the inadequacies of its Cumulative Hydrologic Impact Assessment (CHIA) process. State and Federal law require the regulatory authority to properly determine the hydrologic impact of the proposed mine and past mines before a permit can be issued. Kentucky was on the verge of being sued if it did not modify its analysis. During FY 2009, Kentucky's Department of Natural Resources formed an ad hoc team from the state, OSM, EPA, the U.S. Army Corps of Engineers, environmental organizations, and industry representatives to overhaul the process.

In FY 2010 and FY 2011, OSM provided more than \$500,000 to establish watershed trend stations across Kentucky and equipment for baseline monitoring. Kentucky also used OSM funding to hire students to compile an electronic database and geographic information system for each cumulative

impact area. This work will continue through FY 2012 and FY 2013 as data entry for the remainder of the 237 watersheds gets underway and sampling of the 130 primary trend stations occurs.

OSM continues to provide financial and technical support and technology transfer to the Commonwealth, demonstrating how other state and Federal agencies carried out CHIA processes across the country.

MONITORING POTENTIAL CONFLICTS OF INTEREST

Sections 201(f) and 517(g) of SMCRA prohibit any Federal or state employee “performing any function or duty under this Act” from having “direct or indirect financial interest in underground or surface coal mining operations.” OSM monitors compliance to prevent conflicts with an employee’s official duties. In 2010, the Department of the Interior mandated the use of an electronic filing system for all employees. In 2010, 495 OSM employees filed financial disclosure reports. In 2011, 491 OSM employees filed financial disclosure reports (these figures account for changes in personnel, including new hires as well as employees who separated from OSM). OSM resolved the one conflict of interest that it identified. As for state employees performing duties under SMCRA, reporting information for 2011 was still in progress at the time of publication.



2010 TABLES

OSM/DOI STRATEGIC PLAN MEASURES

Measure	Target	Results
Mission Area: Resource Protection		
<i>Number of Federal, private, and tribal land and surface water acres reclaimed or mitigated from the effects of natural resource degradation from past mining. (Calculated Equivalent Acres)</i>	7,700	16,565¹
Mission Area: Resource Use		
<i>Percent of active coal mining sites that are free of off-site impacts</i>	88%	86.5%²
<i>Percent of mined acreage reclaimed</i>	75%	98%³
OSM's Contribution to DOI's Overall Objectives		
<i>Level of Emergency Preparedness (I-READ Index)</i>	89%	86.83%⁴

¹ Number of Federal, Private, and Tribal Land and Surface Water Acres Reclaimed or Mitigated from the Effects of Natural Resource Degradation from Past Mining. (Calculated Equivalent Acres)

Information calculated from projects reported with completion dates of 10/1/09 - 9/30/10 and entered in the Abandoned Mine Land Inventory System (AMLIS). States and tribes select sites from those contained in AMLIS. Sites identified as a Priority 1 or 2 (High Priority) are those hazardous to the public and/or environment.

Target Exceeded: For FY 2010, the Abandoned Mine Land Inventory System reported 16,565 acres reclaimed for Priority 1, 2 and associated 3 projects. This is 8,865 more than the target of 7,700. Of the 16,565 acres reclaimed, 10,050 were related to 14 projects in two states which affected human consumption of polluted water. This equates to 2,010 households that had polluted water problems resolved. The total number of problem areas addressed in FY 2010 was 413, or 10 percent more than in FY 2009.

2010 Strategic Measures (continued)

²Percent of Active Coal Mining Sites That Are Free of Off-Site Impacts

The results represent the total number of inspectable units free of off-site impacts over the total number of inspectable units. The intent of this performance measure is to manage conventional energy development through successful implementation of SMCRA. State programs provide data on a July 1, 2009 - June 30, 2010 timeframe, to accommodate the accelerated publishing requirements. Federal data are for October 1, 2009, through September, 30, 2010.

Target Not Met: The FY 2010 actual result of 86.5% indicates that 6,548 of 7,571 sites were free of off-site impacts. This measure covers the mining activities in 31 states and tribes. Of these states and tribes, 22 exceeded the target of 88% in FY 2010 while 9 were below the target. Of those below the target, three states have few inspectable units, so an offsite impact can drop their percentage below the target. OSM has been very active in working with states to reduce the number of off-site impacts, such as performing studies on blasting, improving the state's guidance and policies on blasting, increasing training to operators, making recommendations when events occur, and performing complete inspections after an off-site impact occurs to look for additional or potential problems.

Steps to Improve: OSM will continue to work with states to analyze the cause of each impact and reduce the number of off-site impacts.

³Percent of Mined Acreage Reclaimed

This performance measure furthers the concept of reporting end results, i.e. evaluate on a national basis the return of mined land to its intended land use. The numerator is the sum of all acreage that has been processed through Phases I, II, and III bond release. The denominator is the sum of all acreage that has been mined, i.e. bonded acreage data, reported in Directive REG-8 Table 5, which is a proxy for the mined acreage. State programs provide data on a July 1, 2009 - June 30, 2010 timeframe, to accommodate the accelerated publishing requirements. Federal data are for October 1, 2009, through September, 30, 2010.

Target Exceeded: The FY 2010 actual result of 98% exceeded the target of 75%. This can be attributed to a significant increase in the acreage reclaimed. In 2010, the states and tribes reported nearly a 20 percent increase in the number of acres reclaimed for all phases of reclamation from 2009. This is a significant change compared to the 3 percent increase the previous year. At the same time, the overall trend in total bonded acreage declined in 2010. Nearly 60 percent of the 31 states and tribes reported lower bonded acreage, i.e. less mining occurred in the evaluation year.

⁴Level of Emergency Preparedness (I-READ Index)

The I-READ Index is a self-assessment measure in which OSM evaluates its readiness on four major areas: Overall Emergency Management, Continuity of Operations, Training and Exercises, and Disaster Response. Each area is evaluated on a 100-point scale provided by DOI.

Target Not Met: The FY 2010 actual result was about 2% below the target. OSM improved performance in the Continuity of Operations component area, where its score increased from 73 in FY 2009 to 82 in FY 2010. OSM experienced decreased performance in the Overall Emergency Management area, where its score dropped from 97 in FY 2009 to 82 in FY 2010. OSM maintained performance in the other two component areas.

Steps to Improve: OSM expects to address its deficiencies and raise its score in FY 2011.

Data Sources: Abandoned Mine Land Inventory System and Inspection and Enforcement Tracking System.

2010 TABLE HIGHLIGHTS

FAST FACTS

2,067 OSM mine inspection visits

\$265,410,953 AML fees collected in FY 2010 (used as basis for FY10 AML grant distribution)

4,323 State and tribal notices of violations

86.5 percent of active coal mining sites free of off-site impacts

\$172.7 million contributed to miners' health benefits fund

The Abandoned Mine Land Program has reclaimed almost 294,758 acres of hazardous high-priority (Priority 1 and 2) coal-related problems.

Safety and environmental hazards have been eliminated on 443,133 acres, including all three coal priority categories and non-coal problems in 32 states and on the lands of four tribes, plus the Council of Energy Resource Tribes, a non-profit corporation.

Since 1977, OSM has provided \$4.96 billion in grants to its partners in 25 states and three Indian tribes to clean up dangerous abandoned mine sites.

OSM has provided \$1,495,748,603 in grants to the states and tribes to assist in funding the regulation of active coal mines.

Since implementation of the Watershed Cooperative Agreements Program, OSM has awarded 219 cooperative agreements and amendments to existing cooperative agreements totaling \$18,534,145.

Since 1977, OSM has addressed 5,620 Abandoned Mine Land emergencies, while the states and tribes have dealt with 3,178.

FAST FACTS

State and tribal mine inspections (full 29,715) (partial 50,809)

16,565 Federal, private, and tribal land and surface water acres reclaimed or mitigated

1,027 students trained in NTPP courses

499 students trained in TIPS courses

200 watershed interns taking part in OSM/VISTA Program

17 watershed cooperative agreements funded

2010 TABLE 1

AML Fee Collections and Distributions								
AML FUNDING FOR FY 2010 (Cash Basis) ¹								
State/Tribe	AML Collections ²	State Share Distribution ³	Historic Coal Distribution ³	Minimum Program Distribution ³	Prior Balance Replacement Funds Distribution ⁴	Certified In Lieu Distribution ⁵	Total Mandatory Distribution ⁶	Emergency Distribution ⁶
Alabama	\$3,885,581	\$1,457,093	\$2,600,300	\$0	\$2,913,226	\$0	\$6,970,619	\$400,000
Alaska	\$549,622	\$206,108	\$28,058	\$1,831,949	\$323,236	\$0	\$2,389,351	\$0
Arkansas	\$8,663	\$3,249	\$216,193	\$2,078,462	\$9,275	\$0	\$2,307,179	\$15,000
Colorado	\$4,949,139	\$1,855,927	\$1,267,253	\$0	\$4,260,584	\$0	\$7,383,764	\$0
Illinois	\$5,417,915	\$2,031,718	\$9,633,191	\$0	\$4,476,798	\$0	\$16,141,707	\$1,000,000
Indiana	\$8,844,781	\$3,316,793	\$3,136,265	\$0	\$6,566,872	\$0	\$13,019,930	\$1,938,516
Iowa	\$0	\$0	\$761,428	\$1,676,078	\$3,802	\$0	\$2,441,308	\$252,000
Kansas	\$51,771	\$19,414	\$617,259	\$1,723,877	\$64,825	\$0	\$2,425,375	\$915,000
Kentucky	\$23,018,046	\$8,631,767	\$9,441,136	\$0	\$19,518,442	\$0	\$37,591,345	\$0
Louisiana	\$353,453	\$0	\$0	\$0	\$246,411	\$88,363	\$334,774	\$0
Maryland	\$736,871	\$276,327	\$611,783	\$1,108,772	\$633,527	\$0	\$2,630,409	\$0
Mississippi	\$290,175	\$108,816	\$0	\$0	\$133,541	\$0	\$242,357	\$0
Missouri	\$132,183	\$49,569	\$745,299	\$1,534,036	\$159,751	\$0	\$2,488,655	\$50,000
Montana	\$10,419,245	\$0	\$0	\$0	\$8,069,086	\$2,604,811	\$10,673,897	\$125,000
New Mexico	\$3,161,293	\$1,185,485	\$308,086	\$0	\$3,009,503	\$0	\$4,503,074	\$0
North Dakota	\$2,708,195	\$1,015,573	\$394,377	\$0	\$1,988,747	\$0	\$3,398,697	\$100,000
Ohio	\$5,245,651	\$1,967,119	\$5,905,270	\$0	\$3,744,905	\$0	\$11,617,294	\$2,300,000
Oklahoma	\$284,985	\$106,869	\$443,956	\$1,580,380	\$342,002	\$0	\$2,473,207	\$1,081,000
Pennsylvania	\$9,607,141	\$3,602,678	\$31,139,251	\$0	\$9,065,709	\$0	\$43,807,638	\$0
Tennessee	\$524,679	\$196,755	\$1,090,717	\$1,284,396	\$0	\$0	\$2,571,868	\$0
Texas	\$3,247,999	\$0	\$0	\$0	\$3,335,548	\$812,000	\$4,147,548	\$0
Utah	\$2,899,585	\$1,087,344	\$733,521	\$0	\$2,360,196	\$0	\$4,181,061	\$0
Virginia	\$3,992,153	\$1,497,057	\$2,897,781	\$0	\$4,257,059	\$0	\$8,651,897	\$1,550,000
Washington	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
West Virginia	\$28,302,339	\$10,613,377	\$17,896,375	\$0	\$21,407,423	\$0	\$49,917,175	\$3,450,000
Wyoming	\$138,605,244	\$0	\$0	\$0	\$82,700,759	\$34,651,311	\$117,352,070	\$0
Crow Tribe	\$1,991,543	\$0	\$0	\$0	\$1,318,208	\$497,886	\$1,816,094	\$0
Hopi Tribe	\$889,616	\$0	\$0	\$0	\$879,524	\$222,404	\$1,101,928	\$0
Navajo Tribe	\$5,293,088	\$0	\$0	\$0	\$5,182,493	\$1,323,272	\$6,505,765	\$0
TOTAL	\$265,410,953	\$39,229,038	\$89,867,499	\$12,817,950	\$186,971,452	\$40,200,047	\$369,085,986	\$13,176,516

¹ Cash Basis refers to revenue when it is received. AML Fee Collections are reported using cash-basis criteria. AML revenue in OSM's financial statements may include other amounts.

² This column represents AML fees actually collected 12/01/08 to 11/30/09. These amounts are the basis for the FY 2010 Distribution.

³ For FY 2008 to FY 2011, the State Share, Historic Coal, and Minimum Program Distributions are phased in as required by the 2006 AML Amendments.

⁴ The Prior Balance Replacement Distribution is distributed by the U.S. Treasury for the unappropriated state and tribal share balances disbursed over seven years. FY 2008 was the first year for this distribution.

⁵ Certified In Lieu Distribution is distributed by the U.S. Treasury for the state share balance to certified states. FY 2009 was the first year for this distribution.

⁶ Total Mandatory Distribution does not include AML State Emergency Program funds which are appropriated and not part of the mandatory distribution process.

Total figures have been adjusted for rounding.

Data Source: Financial Business Management System and OSM's Grant Distribution

2010 TABLE 2

Abandoned Mine Reclamation Fund Status		
<i>Cash Basis (Includes Investments)</i>		
<i>(Dollars in Thousands)</i>	FY 2010	FY 2009
Balance, Start of Year	\$2,543,528	\$2,438,948
<i>Fees, debts, and interest collected</i>	\$252,268	\$273,724
<i>Interest earned on investments</i>	\$55,193	\$55,465
TOTAL EARNINGS	\$307,461	\$329,189
Less:		
<i>Disbursements</i>	\$180,691	\$163,385
<i>Transfers to the UMWA (transfers of record) ¹</i>	\$38,060	\$61,224
TOTAL DISBURSEMENTS & TRANSFERS	\$218,751	\$224,609
BALANCE, START OF YEAR	\$2,632,238	\$2,543,528

¹ During FY2010, OSM transferred \$63.9 million to the United Mine Workers of America (UMWA). However, due to required adjustments to prior year transfers, the reported transfer amount for FY2010 was adjusted downward to \$38.1 million. This compensating adjustment ensures that the AML Fund balance reported to the Department of Treasury accurately states the amount remaining in the AML Fund upon which annual interest is calculated.

Note: The information presented in this table is on a cash basis (includes obligation that have not been paid) and therefore will not reconcile to accrual-based financial data nor the distribution presented elsewhere in this report.

Data Source: Financial Business Management System

2010 TABLE 3

AML Obligations During FY 2010									
State/Tribe	Administration ¹	Project Costs ²	Emergency ³	AMD Set-Aside ⁴	Subsidence Insurance	Non-Reclamation Activity Costs ⁵	2010 Total	2009 Total	Program Staff (FTE) 2010 ⁶
Alabama	\$1,064,055	\$5,906,564	\$400,000	\$0	\$0	\$0	\$7,370,619	\$6,158,755	\$16
Alaska	\$371,817	\$2,026,581	\$0	\$0	\$0	\$0	\$2,398,398	\$1,794,367	\$4
Arkansas	\$645,469	\$1,661,710	\$15,000	\$0	\$0	\$0	\$2,322,179	\$1,591,539	\$6
Colorado	\$2,200,000	\$5,572,032	\$0	\$0	\$0	\$0	\$7,772,032	\$6,810,403	\$21
Illinois	\$1,893,443	\$11,248,264	\$1,000,000	\$3,000,000	\$0	\$0	\$17,141,707	\$12,411,792	\$24
Indiana	\$1,322,001	\$10,178,685	\$1,938,516	\$1,935,917	\$0	\$0	\$15,375,120	\$11,117,786	\$23
Iowa	\$301,150	\$2,213,298	\$252,000	\$0	\$0	\$0	\$2,766,448	\$1,942,381	\$6
Kansas	\$344,654	\$2,080,721	\$915,000	\$0	\$0	\$0	\$3,340,375	\$2,337,188	\$10
Kentucky	\$1,854,345	\$31,737,000	\$0	\$4,000,000	\$0	\$0	\$37,591,345	\$31,770,340	\$94
Louisiana	\$152,743	\$527,829	\$0	\$0	\$0	\$0	\$680,572	\$480,500	\$1
Maryland	\$523,702	\$2,106,707	\$0	\$500,000	\$0	\$0	\$3,130,409	\$2,085,185	\$3
Mississippi	\$130,829	\$402,141	\$0	\$0	\$0	\$0	\$532,970	\$358,141	\$1
Missouri	\$1,923,514	\$1,510,313	\$50,000	\$0	\$0	\$0	\$3,483,827	\$2,266,112	\$9
Montana	\$785,000	\$9,987,895	\$31,250	\$0	\$0	\$0	\$10,804,145	\$9,672,050	\$12
New Mexico	\$1,684,366	\$2,956,702	\$0	\$0	\$0	\$0	\$4,641,068	\$4,759,635	\$12
North Dakota	\$396,899	\$3,002,393	\$100,000	\$0	\$0	\$0	\$3,499,292	\$3,080,930	\$5
Ohio	\$3,200,900	\$6,637,678	\$2,300,000	\$2,361,716	\$0	\$0	\$14,500,294	\$12,892,481	\$63
Oklahoma	\$359,921	\$2,200,516	\$1,119,000	\$0	\$0	\$0	\$3,679,437	\$2,137,980	\$8
Pennsylvania	\$1,216,292	\$40,101,346	\$0	\$8,150,000	\$0	\$0	\$49,467,638	\$35,227,567	\$127
Tennessee	\$10,000	\$2,175,627	\$0	\$386,240	\$0	\$0	\$2,571,867	\$1,899,473	\$1
Texas	\$148,238	\$0	\$0	\$0	\$0	\$0	\$148,238	\$3,781,470	\$6
Utah	\$734,685	\$4,068,283	\$0	\$0	\$0	\$0	\$4,802,968	\$3,775,217	\$10
Virginia	\$1,285,099	\$7,539,653	\$1,550,000	\$0	\$0	\$0	\$10,374,752	\$10,817,522	\$27
West Virginia	\$7,717,212	\$43,099,963	\$3,450,000	\$4,000,000	\$0	\$0	\$58,267,175	\$49,755,350	\$62
Wyoming	\$1,929,998	\$31,818,171	\$0	\$0	\$0	\$82,689,101	\$116,437,270	\$104,182,020	\$13
Crow Tribe	\$354,396	\$110,815	\$0	\$0	\$0	\$1,461,698	\$1,926,909	\$1,580,977	\$6
Hopi Tribe	\$450,000	\$677,032	\$0	\$0	\$0	\$0	\$1,127,032	\$968,045	\$3
Navajo Tribe	\$818,576	\$6,081,424	\$0	\$0	\$0	\$0	\$6,900,000	\$5,851,308	\$21
TOTAL	\$33,819,304	\$237,629,344	\$13,120,766	\$24,333,873	\$0	\$84,150,799	\$393,054,087	\$331,506,515	593

¹ "Administration" includes costs for program support (personnel, budgeting, procurement, etc.), AML inventory management, and program policy development. Indirect costs associated with the administration of the program may also be included.

² "Project Costs" include non-water supply, water supply, and non-coal project costs. There were no new obligations for clean streams in FY 2010; however, \$89,235.75 of prior year money was deobligated.

³ "Emergency" includes emergency project, administrative, and indirect costs.

⁴ "AMD Set-Aside" funds are held in a trust account to be used for Acid Mine Drainage abatement and treatment.

⁵ "Non-Reclamation Activity Costs," expenditures for which certified states may use Treasury funds, was a new category beginning in FY 2009.

⁶ Program Staff levels in Full-Time Equivalents (FTE): State statistics based on 2010 State Program evaluation year (July 1, 2009 to June 30, 2010); Federal statistics, for Federal Program States and Indian Tribes, based on 2010 Federal Fiscal Year (October 1, 2009 to September 30, 2010).

Funding for these grants is derived from the FY 2010 Distribution and funds recovered or carried over from previous years. Downward adjustments of prior-year awards are not included in the totals; therefore, the total does not match the FY 2010 mandatory distribution that appears in Table 1.

Totals reflect adjustments for rounding.

Data Sources: 2011 Inspection and Enforcement Tracking System (for Program Staff levels referenced in footnote 6 above). Financial Business Management System (for all other data).

2010 TABLE 4

Abandoned Mine Land (AML) Emergency Reclamation Projects							
State/Tribe	AML Emergencies Declared 2010 ¹			AML Emergencies 1978-2010		Non-Emergency AML Projects Completed 2010	
	Federal ²	State or Tribe ³	Federal & State	Federal ²	State or Tribe ³	Federal	State or Tribe
Alabama	0	8	8	10	151	0	7
Alaska	0	0	0	0	1	0	3
Arkansas	0	0	0	1	24	0	2
California	0	0	0	5	0	0	0
Colorado	1	0	1	115	0	0	20
Georgia	0	0	0	0	0	0	0
Hopi Tribe	0	0	0	0	0	0	0
Illinois	0	20	20	51	355	0	0
Indiana	0	7	7	94	201	0	6
Iowa	0	4	4	22	13	0	2
Kansas	0	53	53	270	834	0	89
Kentucky	44	0	44	1,331	0	0	44
Louisiana	0	0	0	0	0	0	0
Maryland	3	0	3	4	0	0	10
Michigan	0	0	0	1	0	0	0
Mississippi	0	0	0	0	0	0	0
Missouri	0	0	0	6	7	0	18
Montana	0	1	1	7	16	0	6
New Mexico	0	0	0	16	0	0	4
North Dakota	0	1	1	15	23	0	4
Ohio	0	0	0	190	395	0	15
Oklahoma	0	5	5	47	48	0	1
Oregon	0	0	0	0	0	0	0
Pennsylvania	117	0	117	3,073	0	0	58
Rhode Island	0	0	0	4	0	0	0
South Dakota	0	0	0	0	0	0	0
Tennessee	0	0	0	22	1	0	0
Texas	0	0	0	6	0	0	0
Utah	0	0	0	1	0	0	2
Virginia	0	0	0	30	194	0	19
Washington	8	0	8	73	0	6	0
West Virginia	0	0	0	179	915	0	48
Wyoming	0	0	0	38	0	0	28
Crow Tribe	0	0	0	0	0	0	1
Navajo Nation	0	0	0	6	0	0	1
Northern Cheyenne	0	0	0	2	0	0	0
Ute Reservation	0	0	0	1	0	0	0
TOTAL	173	99	272	5,620	3,178	6	388

¹ Beginning in FY 2009, data on AML emergencies have been based on the dates emergencies were "declared" rather than the dates the projects "started." This change promotes consistency with similar data in OSM's annual budget justifications by linking resource commitments in budget documents to actual results reported in Annual Reports.

² Federal AML emergencies data represent projects declared in Fiscal Year 2010 (10/01/09 through 9/30/10).

³ Data for state and tribal AML emergencies represent projects declared during the most recent complete annual reporting period, which varies depending on when each state's or tribe's fiscal year begins and ends.

Federal Data Source: OSM's Emergency Reclamation Program; State Data: State AML Reclamation Programs

2010 TABLE 5

Federal Reclamation Program Projects			
<i>FY 2010 Obligations</i>			
<i>State or Tribe</i>	<i>Emergency</i>	<i>High Priority</i>	<i>Total 1978-2010 ¹</i>
Alabama	\$0	\$0	\$13,934,015
Alaska	\$0	\$0	\$194,638
Arkansas	\$0	\$0	\$84,904
California	\$0	\$0	\$2,642,533
Colorado	\$6,750	\$0	\$2,353,822
Georgia	\$0	\$159,332	\$4,816,237
Idaho	\$0	\$0	\$0
Illinois	\$0	\$0	\$5,376,749
Indiana	\$0	\$0	\$4,032,023
Iowa	\$0	\$0	\$1,438,442
Kansas	\$0	\$0	\$5,094,172
Kentucky	\$6,510,901	\$0	\$145,847,647
Maryland	\$53,806	\$0	\$3,362,648
Michigan	\$0	\$0	\$3,671,246
Missouri	\$0	\$0	\$8,015,909
Montana	\$0	\$0	\$729,058
New Mexico	\$0	\$0	\$2,366,041
North Carolina	\$0	\$0	\$205,407
North Dakota	\$0	\$0	\$1,723,933
Ohio	\$0	\$0	\$18,295,299
Oklahoma	\$0	\$0	\$1,232,159
Oregon	\$0	\$0	\$247,885
Pennsylvania	\$1,892,431	\$0	\$134,800,174
Rhode Island	\$0	\$0	\$567,259
South Dakota	\$0	\$0	\$226,368
Tennessee	\$62,910	\$0	\$27,951,423
Texas	\$0	\$0	\$289,849
Utah	\$0	\$0	\$123,791
Virginia	\$0	\$0	\$10,139,469
Washington	\$207,020	\$166,083	\$10,213,999
West Virginia	\$0	\$0	\$29,023,226
Wyoming	\$0	\$0	\$1,067,101
Cherokee Nation	\$0	\$12,000	\$12,000
Cheyenne River Sioux Tribe	\$0	\$0	\$2,803,165
Crow Tribe	\$0	\$0	\$1,097,895
Fort Berthold Tribe	\$0	\$0	\$69,972
Fort Peck Tribe	\$0	\$0	\$147,991
Hopi Tribe	\$0	\$0	\$1,263,409
Jicarilla Apache Tribe	\$0	\$0	\$59,998
Navajo Tribe	\$0	\$0	\$2,222,792
Northern Cheyenne Tribe	\$0	\$0	\$591,834
Southern Ute Tribe	\$0	\$0	\$94,206
Rocky Boy Tribe	\$0	\$0	\$60,188
Uintah/Ouray Tribe	\$0	\$0	\$138,738
Ute Mountain Tribe	\$0	\$0	\$14,300
White Mountain Apache Tribe	\$0	\$0	\$1,838
Wind River Tribe	\$0	\$0	\$73,267
Zuni Tribe	\$0	\$0	\$125,009
Undistributed ²	\$0	\$0	(\$782)
TOTAL	\$8,733,818	\$337,415	\$448,843,246

¹ 1978-2010 Totals include prior-year contract de-obligations and upward adjustments.

² "Undistributed" funds were awarded by OSM in previous fiscal years and subsequently returned to the Department of the Interior.

Figures shown above have been adjusted for rounding

Data Source: Financial Business Management System

2010 TABLE 6A

1978-2010 ABANDONED MINE LAND RECLAMATION ACCOMPLISHMENTS																	
Priority 1 and 2 (Protection of Public Health and Safety) and Emergency Projects																	
State/Indian Lands	Clogged Streams	Clogged Stream Lands	Dangerous Highwalls	Dangerous Impoundments	Dangerous Piles & Embankments	Dangerous Slides	Dangerous Gases	Hazardous Equipment & Facilities	Hazardous Water Bodies	Industrial/ Residential Waste	Portals	Polluted Water: Agriculture & Industrial	Polluted Water: Human Consumption	Subsidence	Surface Burning	Underground Mine Fires	Vertical Openings
Alabama	1	198	316,038	1	1,462	20	0	470	886	25	1,080	8	15	41	75	0	408
Alaska	0	0	11,340	4	4	0	0	1,498	2	4	37	0	0	1	47	0	59
Arkansas	1	0	72,631	1	841	0	0	2	87	34	28	1	0	18	4	0	116
California	0	0	0	0	0	0	0	0	0	0	34	0	0	1	0	0	42
Colorado	0	0	52,007	0	56	0	1	14	0	10	3,268	3	0	95	29	215	4,440
Georgia	0	0	12,900	2	0	0	0	0	0	0	112	0	1	0	0	0	11
Idaho	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Illinois	23	1,578	71,896	8	495	4	25	419	13	79	206	29	1	181	119	0	134,299
Indiana	14	82	128,784	7	638	10	5	103	7	32	76	110	7	262	15	1	455
Iowa	12	911	68,432	3	881	0	0	5	30	58	1	12	3	27	0	0	26
Kansas	1	19	177,245	2	111	8	0	2	1	29	0	3	0	30	9	0	1,747
Kentucky	47	8,340	35,413	120	546	2,327	1	263	49	27	2,222	6	12,362	53	227	63	212
Maryland	5	67	44,680	3	273	69	0	26	20	35	42	85	87	15	1	2	5
Michigan	0	0	950	0	0	0	0	7	2	0	0	0	1	0	8	0	58
Missouri	11	1,519	73,702	6	606	0	0	28	11	70	37	38	15	6	19	7	221
Montana	23	101	25,560	3	180	1	1	267	1	502	1,114	17	16	554	305	20	623
New Mexico	2	21	286	0	16	0	0	17	0	0	567	4	1	54	35	32	1,103
North Carolina	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5
North Dakota	0	0	88,099	4	317	35	0	14	18	2	13	6	0	1,418	18	0	91
Ohio	38	5,562	75,039	11	102	484	4	65	16	34	414	53	330	176	171	3	270
Oklahoma	15	1	262,600	0	0	0	0	15	227	26	188	6	3	24	2	0	136
Oregon	0	0	0	0	0	0	0	3	0	0	16	0	0	0	0	0	3
Pennsylvania	143	304	1,021,981	16	694	105	0	365	125	41	337	28	453	2,616	183	1,194	654
Rhode Island	0	0	0	0	0	0	0	0	0	0	0	0	0	6	0	0	0
South Dakota	0	0	135	0	0	0	0	4	0	0	5	0	0	1	0	0	1
Tennessee	2	147	63,028	3	533	47	0	31	83	17	192	7	51	6	28	0	11
Texas	0	0	64,002	0	1,533	0	0	0	17	0	67	0	0	10	0	0	374
Utah	14	9	3,425	1	151	3	19	183	0	2	3,592	3	0	185	43	20	1,627
Virginia	76	873	30,656	56	255	335	0	239	2	2	1,093	0	3,142	15	56	0	112
Washington	0	0	0	0	3	0	0	7	0	0	30	0	0	12	15	0	92
West Virginia	59	172	202,522	922	5,045	590	5	641	8	40	2,632	79	16,701	474	496	28	172
Wyoming	118	1,753	584,650	140	2,853	25	0	222	416	29	636	3	0	1,214	18	68	703
CERT Tribes ¹	0	0	7,050	0	475	0	0	6	30	9	74	0	0	34	0	0	18
Crow Tribe	1	0	2,267	1	58	23	0	32	1	0	15	3	0	16	0	0	5
Hopi Tribe	0	0	11,662	0	0	0	0	8	0	0	9	0	0	0	0	0	2
Navajo Nation	0	1	109,586	4	665	7	0	5	0	6	870	19	0	12	3	0	381
TOTAL	604	21,657	3,618,565	1,318	18,789	4,091	61	4,960	2,052	1,112	19,006	523	33,189	7,557	1,924	1,653	148,482

¹ CERT is the Council of Energy Resources Tribes: Blackfeet, Cheyenne River Sioux, Fort Berthold (Mandan, Hidatsa, Arikara), Fort Peck (Assiniboine and Sioux), Northern Cheyenne, Jicarilla Apache, Laguna Pueblo, Rocky Boys (Chippewa and Cree), San Carlos Apache, Southern Ute, Ute Mountain Ute, White Mountain Apache, and Wind River (Arapaho and Shoshone).

Table includes AML projects funded through Acid Mine Drainage Plans, Coal Interim Site Funding, Clean Streams Initiatives, Coal Insolvent Surety Site Funding, Federal Reclamation Program Funding, Pre-SMCRA Grants Funding, State Emergencies, State Set-Aside Funding, Watershed Cooperative Agreements and Funding for Non-Coal projects.

Statistics include State, but not OSM, emergency AML project accomplishments.

Data Source: Abandoned Mine Land Inventory System

2010 TABLE 6B

1978-2010 ABANDONED MINE LAND RECLAMATION ACCOMPLISHMENTS												
Priority 3 Coal and Non-Coal Problems (Environmental Restoration)												
State/Indian Lands	Bench	Industrial/Residential Waste	Equipment/Facility	Gobs	Highwalls	Haul Road	Mine Openings	Pits	Spoil Area	Slurry	Slump	Water Problems
Alabama	23	15	8	241	32,435	2	50	0	9,501	5	9	379
Alaska	0	0	2	2	0	0	0	0	51	0	25	0
Arkansas	0	0	0	0	0	0	0	6	153	0	0	165
California	0	0	0	2	0	0	0	0	0	0	0	50
Colorado	3	6	7	162	2,028	0	18	131	833	0	0	1
Georgia	3	0	0	3	1,100	0	0	4	7	0	0	0
Illinois	1	6	167	2,629	10,880	210	72	633	1,895	1,166	1	2,906
Indiana	0	111	235	1,661	15,226	263	29	378	2,407	1,140	86	9,105,430
Iowa	0	2	0	1	2,900	5	1	21	356	0	0	0
Kansas	0	0	1	89	3,200	0	0	23	316	10	0	0
Kentucky	562	0	61	233	2,240	0	71	4	822	66	5	60
Maryland	10	1	2	50	5,335	2	11	22	263	0	1	273
Michigan	0	0	1	27	0	1	0	1	10	0	11	0
Missouri	2	5	9	148	20,324	1	0	96	1,386	69	0	86
Montana	1	105	58	162	1,170	1	230	34	870	0	19	2,741
New Mexico	3	0	29	89	0	12	29	2	335	2	0	0
North Dakota	0	0	0	0	0	0	0	0	0	0	0	0
Ohio	2	0	3	202	9,620	0	19	19	425	0	0	100
Oklahoma	0	0	0	0	0	0	0	0	0	0	0	0
Oregon	0	0	0	0	0	0	1	0	0	0	0	0
Pennsylvania	0	0	29	198	9,358	0	40	227	3,940	1	51	6,622
Tennessee	76	3	15	67	13,676	8	3	148	947	0	4	360
Texas	0	0	0	8	1,825	0	0	0	553	0	0	0
Utah	4	7	64	255	550	3	0	8	55	1	16	20
Virginia	0	1	25	21	13,000	1	52	0	12	0	1	120
West Virginia	6	1	5	89	44,841	11	5	5	255	2	1	622
Wyoming	0	0	26	45	220	388	240	7,261	9,442	199	141	76
CERT Tribes ¹	0	0	2	4	1,500	0	1	7	80	0	0	0
Crow	6	0	0	37	2,245	12	2	38	1	0	4	0
Hopi Tribe	0	0	0	25	51	15	0	10	10	0	0	0
Navajo Nation	41	1	2	141	890	203	79	148	265	0	0	3
TOTAL	742	265	750	6,587	194,614	1,137	953	9,224	35,189	2,660	374	9,120,014

¹ CERT is the Council of Energy Resources Tribes: Blackfeet, Cheyenne River Sioux, Fort Berthold (Mandan, Hidatsa, Arikara), Fort Peck (Assiniboine and Sioux), Northern Cheyenne, Jicarilla Apache, Laguna Pueblo, Rocky Boys (Chippewa and Cree), San Carlos Apache, Southern Ute, Ute Mountain Ute, White Mountain Apache, and Wind River (Arapaho and Shoshone).

Table includes AML projects funded by the Federal Reclamation Program, Non-Coal project funding, and Pre-SMCRA Grants.

Statistics include State, but not OSM, AML emergency project accomplishments.

Data Source: Abandoned Mine Land Inventory System

2010 TABLE 7

Final Rules Published in FY 2010			
<i>Title</i>	<i>Citations</i>	<i>Date Effective</i>	<i>Summary of the Rule</i>
Technical Amendments 2010 RIN 1029-AC62	30 CFR Parts 740, 761, 773, 795, 816, 817, 840, 842, 870, and 884 75 FR 60272 Docket ID: OSM-2010-0016	9/29/2010	The rule makes non-substantive revisions to OSM's regulations to correct various errors in citations, cross-references, and other inadvertent errors in publication.

During FY 2010, OSM published in the Federal Register 12 proposed and 4 final rules for State programs.

Data Source: OSM Program Support Directorate

2010 TABLE 8

Significant Court Decisions in FY 2010		
<i>Court Decisions</i>	<i>Citation</i>	<i>Decision Text</i>
Consolidation Coal Co., et al. v. United States	615 F.3d 1378 (Fed. Cir. 2010)	Plaintiffs brought suit against the United States claiming that SMCRA's AML fee, and OSM's implementing regulations, violate the Export Clause of the U.S. Constitution to the extent they apply to exported coal. Initially, the U.S. Court of Federal Claims agreed with plaintiffs and granted plaintiffs' motion for summary judgment on the issue of liability. Applying the canon of constitutional avoidance, the U.S. Court of Appeals for the Federal Circuit reversed the lower court's grant of summary judgment, holding that "the government's construction [of the statute] must prevail as it is the only reasonable construction which preserves the constitutionality of the statute." On remand, the court, on March 4, 2009, rejected plaintiffs' renewed argument that OSM's regulations violate the Export Clause. The trial court held that the Federal Circuit's previous decision had disposed of plaintiffs' statutory and regulatory claims. Plaintiffs filed a notice of appeal. In an August 2, 2010 decision, the Federal Circuit ruled on the merits of plaintiffs' appeal, holding that "the regulations implementing SMCRA do not violate the Export Clause." On June 13, 2011, the Supreme Court denied plaintiffs' petition for Supreme Court review, meaning the main case (<i>Consolidation Coal, et al.</i>) is now closed. However, 11 related cases, raising essentially the same claims, remain pending in the U.S. Court of Federal Claims or the U.S. Court of Appeals for the Federal Circuit.
Nance, et al. v. United States	92 Fed. Cl. 41 (2010)	Plaintiffs claimed that the United States had taken certain of plaintiffs' coal interests located in Montana. Plaintiffs alleged that some of their coal underlies an alluvial valley floor and, therefore, mining is precluded under section 510(b) of SMCRA. 30 U.S.C. § 1260(b). Plaintiffs sought an estimated \$275 million in just compensation for the alleged taking. On March 16, 2010, the court granted the government's motion to dismiss. The court held that any claim for a regulatory taking of plaintiffs' coal rights accrued no later than May 19, 1986, and the six-year statute of limitations ran on May 19, 1992. As such, the court concluded that plaintiffs' claim, which was not filed until 2008, was time barred. Plaintiffs did not appeal.
West Virginia Highlands Conservancy, Inc. v. Huffman	625 F.3d 150 (4th Cir 2010)	Two environmental groups initiated this lawsuit against the West Virginia Department of Environmental Protection (WVDEP) claiming that WVDEP was required to obtain National Pollutant Discharge Elimination System (NPDES) permits under the Clean Water Act for the reclamation activities that WVDEP performs at bond forfeiture sites. Despite the fact that WVDEP did not create the conditions causing the water quality problems and was improving the water quality, the U.S. District Court for the Northern District of West Virginia held that WVDEP was required to obtain NPDES permits for discharges at bond forfeiture sites. The United States Court of Appeals for the Fourth Circuit affirmed the decision of the District Court. OSM was not a party to this case.

Data Source: U.S. Department of the Interior, Office of the Solicitor

2010 TABLE 9

FY 2010 Federal Oversight of State Programs				
State	Oversight Site Visits	Notices of Violations (NOVs)	Failure-To-Abate Cessation Orders (FTA COs)	Imminent Harm Cessation Orders (IH COs)
Alabama	49	0	0	0
Alaska	4	0	0	0
Arkansas	6	0	0	0
Colorado	12	0	0	0
Illinois	107	0	0	0
Indiana	71	0	0	0
Iowa	1	0	0	0
Kansas	6	0	0	0
Kentucky	526	0	0	1
Louisiana	8	0	0	0
Maryland	34	0	0	0
Mississippi	3	0	0	0
Missouri	33	0	0	0
Montana	8	0	0	0
New Mexico	7	0	0	0
North Dakota	13	0	0	0
Ohio	201	0	0	0
Oklahoma	19	0	0	0
Pennsylvania	423	0	0	1
Texas	11	0	0	0
Utah	10	0	0	0
Virginia	108	0	0	0
West Virginia	393	0	0	0
Wyoming	14	0	0	0
TOTAL	2,067	0	0	2

Table displays Fiscal Year 2010 data on oversight visits and violations cited by OSM in States with approved regulatory programs. Violation data exclude vacated NOVs and COs.

Data Source: OSM Inspection and Enforcement Tracking System

2010 TABLE 10

FY 2010 Regulatory Program Statistics														
State/Tribe	Regulatory Staffing	New Permits	New Acreage Permitted ¹	Total Acreage Permitted	Inspectible Units	Complete Inspections	Partial Inspections	Notices of Violation	Failure-To-Abate CO's	Imminent Harm CO's	Bond Forfeitures	Acreage of Phase I Bond Released	Acreage of Phase II Bond Released	Acreage of Phase III Bond Released
Alabama	26	18	4,308	89,630	222	3,049	235	208	8	0	3	3,595	1,490	2,329
Alaska	4	0	0	9,650	12	28	67	2	0	0	0	0	0	0
Arkansas	4	0	0	1,340	7	28	59	1	0	0	0	0	0	0
Colorado	24	0	0	160,200	39	148	231	2	0	0	0	908	50	276
Georgia	0	0	0	140	6	0	0	0	0	0	0	0	0	0
Hopi Tribe	4	0	0	6,140	1	2	0	0	0	0	0	0	0	0
Illinois	27	2	1,214	55,800	82	365	639	42	6	0	0	1,545	745	453
Indiana	39	2	3,890	215,650	98	668	763	39	0	0	0	4,669	6,098	5,040
Iowa	2	0	0	720	4	12	0	0	0	0	0	0	0	0
Kansas	3	0	0	3,780	10	42	78	10	0	0	1	116	228	228
Kentucky	271	83	102,778	1,938,100	1,919	7,914	15,915	2,477	378	22	16	8,062	13,812	10,860
Louisiana	2	1	46	41,980	3	8	21	0	0	0	0	15	24	24
Maryland	13	1	147	5,460	64	296	509	10	0	0	0	3	126	92
Mississippi	2	0	0	5,800	1	4	8	0	0	0	0	0	0	0
Missouri	4	0	0	5,040	16	42	32	0	0	0	0	3	656	729
Montana	15	0	0	66,330	15	78	86	3	0	0	0	738	559	0
New Mexico	8	0	0	86,000	9	36	83	3	0	0	0	1,395	1,395	1,395
North Dakota	9	0	890	104,980	31	110	500	2	0	0	0	2,836	2,221	2,370
Ohio	50	6	4,110	95,250	266	951	1,894	128	2	3	0	2,603	2,172	3,538
Oklahoma	22	2	1,513	23,000	55	213	276	27	0	0	0	1,186	790	311
Pennsylvania	212	72	4,633	304,200	1,684	5,560	9,953	249	20	44	4	11,802	7,925	11,611
Tennessee	36	3	1,480	31,830	300	548	910	74	1	2	0	4,814	1,289	1,618
Texas	36	1	10,397	296,000	35	136	273	6	0	0	0	5,226	4,087	1,501
Utah	16	1	30	2,940	35	116	205	12	0	1	0	14	14	96
Virginia	71	6	2,180	79,130	395	1,729	2,718	123	0	7	0	918	1,478	2,822
Washington	6	0	0	14,820	2	6	50	3	1	0	0	0	0	0
West Virginia	235	51	9,471	351,410	2,139	7,418	15,014	883	33	16	12	4,054	4,703	4,619
Wyoming	24	1	26,347	429,370	36	144	240	3	0	0	0	3,841	0	319
Crow Tribe	3	0	1,322	9,790	2	8	18	5	0	0	0	72	378	0
Navajo Nation	8	0	106	88,710	16	52	23	11	0	1	0	2,481	0	0
Ute Mountain Ute	0	0	0	180	1	4	9	0	0	0	0	0	0	0
TOTAL	1,173	250	174,862	4,523,370	7,505	29,715	50,809	4,323	449	96	36	60,896	50,240	50,231

¹ New acreage includes acreage for new permits, incidental boundary revisions, and any other permit revisions that add acreage.

State statistics based on 2010 State Program evaluation year (July 1, 2009 to June 30, 2010); Federal statistics, for Federal Program States and Indian Tribes, based on 2010 Federal Fiscal Year (October 1, 2009 to September 30, 2010).

Data Source: Inspection and Enforcement Tracking System

2010 TABLE 11

Regulatory Grant Funding FY 2010 Obligations			
<i>State/Tribe</i>	<i>FY 2010 Federal Funding</i>	<i>FY 2009 Federal Funding</i>	<i>Cumulative Federal Funding Through FY 2010 ¹</i>
Alabama	\$1,253,950	\$1,326,592	\$33,846,754
Alaska	\$238,545	\$240,000	\$7,109,735
Arkansas	\$152,703	\$145,814	\$4,565,446
Colorado	\$2,301,561	\$2,332,820	\$44,229,743
Illinois	\$3,070,563	\$2,895,394	\$71,431,773
Indiana	\$1,946,732	\$1,890,286	\$45,619,060
Iowa	\$73,631	\$74,953	\$3,418,664
Kansas	\$113,933	\$111,699	\$3,555,745
Kentucky	\$13,670,251	\$10,442,002	\$355,276,017
Louisiana	\$168,095	\$166,498	\$4,677,739
Maryland	\$713,664	\$715,177	\$16,330,106
Michigan	\$0	\$0	\$135,458
Mississippi	\$159,863	\$129,710	\$1,945,961
Missouri	\$221,664	\$234,318	\$9,818,486
Montana	\$1,440,101	\$1,357,365	\$25,134,721
New Mexico	\$930,715	\$850,000	\$18,446,230
North Dakota	\$798,743	\$719,156	\$15,615,825
Ohio	\$2,862,000	\$2,969,654	\$74,794,820
Oklahoma	\$1,082,511	\$1,233,638	\$25,410,668
Pennsylvania	\$12,519,035	\$12,684,550	\$294,757,736
Rhode Island	\$0	\$0	\$158,453
Tennessee	\$0	\$0	\$5,340,085
Texas	\$1,977,402	\$1,747,598	\$33,599,555
Utah	\$2,089,397	\$2,037,196	\$41,759,537
Virginia	\$3,911,857	\$3,913,498	\$92,771,251
Washington	\$0	\$0	\$4,893
West Virginia	\$11,711,912	\$11,924,119	\$203,572,753
Wyoming	\$2,300,571	\$2,289,321	\$49,195,605
Crow Tribe	\$407,600	\$145,000	\$1,815,604
Hopi Tribe	\$390,182	\$298,969	\$3,213,394
Navajo Tribe	\$1,165,000	\$908,964	\$8,109,897
N. Cheyenne Tribe	\$0	\$0	\$86,888
TOTAL	\$67,672,180	\$63,784,291	\$1,495,748,603

¹ Includes obligations for all types of Federal funding provided to the state for Title V purposes, including special purpose and one-time funding. Figures for FY 2010 do not include downward adjustments of prior-year awards. However, cumulative figures are net of all prior-year downward adjustments.

Figures shown above have been adjusted for rounding.

Data Source: Financial Business Management System

2010 TABLE 12

Appropriations (in thousands)		
	2010	2009
Discretionary Appropriations		
Regulation & Technology		
Environmental Restoration ¹	\$362	\$384
Environmental Protection	\$94,771	\$88,425
Technology Development & Transfer	\$15,663	\$15,386
Financial Management	\$516	\$510
Executive Development & Administration	\$16,070	\$15,676
Subtotal	\$127,382	\$120,381
Abandoned Mine Reclamation		
Environmental Restoration	\$16,364	\$25,623
Technology Development & Transfer	\$4,032	\$3,970
Financial Management	\$6,961	\$6,836
Executive Development & Administration	\$8,231	\$8,017
Subtotal	\$35,588	\$44,446
Total Discretionary Appropriations	\$162,970	\$164,827
Mandatory Appropriations		
Payments to States in Lieu of Coal Fee Receipts (Treasury Funds)	\$227,200	\$208,041
Grants to States and Tribes (AML Fund)	\$141,914	\$90,031
Transfer to United Mine Workers Fund	\$172,699	\$124,049
Total Mandatory Appropriations	\$541,813	\$422,121
Total OSM	\$704,783	\$586,948

¹ Amounts include actual Civil Penalty collections of \$201,612 for 2010 and \$225,000 for 2009.

Appropriations figures include rescissions for FY 2009.

Data Source: Fiscal Year 2010 Congressional appropriations

2010 TABLE 13

FY 2010 Watershed Cooperative Agreements		
State	Project Name	Grant Amount
	Sponsor Organization	
Iowa	Ferguson AML	
	<i>Pathfinders Resource Conservation and Development Council</i>	\$100,000
	Bert AML	
	<i>Chariton Valley Resource Conservation and Development, Inc.</i>	\$100,000
	Greenfield AML	
	<i>Pathfinders Resource Conservation and Development Council</i>	\$100,000
	Goff AML	
	<i>Iowa Heartland Resource Conservation and Development Council</i>	\$100,000
Kansas	Mine 19 Site	
	<i>See-Kan Resource Conservation and Development, Inc.</i>	\$100,000
Ohio	Lyons Restoration Phase II	
	<i>Rural Action, Inc.</i>	\$58,720
	West Rendville Stream Capturale	
	<i>Rural Action, Inc.</i>	\$100,000
	East Branch Phase II	
	<i>Ohio Valley Resource Conservation and Development Council</i>	\$100,000
Pennsylvania	Emigh Run 14 Project	
	<i>Emigh Run/Lakeside Watershed Association</i>	\$53,400
	South Fork Conemaugh River Project	
	<i>Southern Alleghenies Conservancy</i>	\$34,000
	Coal Run Site #8 Schrader Creek Project	
	<i>Schrader Creek Watershed Association</i>	\$10,970
	Askam Borehole AMD	
	<i>Earth Conservancy</i>	\$100,000
	Saxman Run WCAP (Amendment)	
	<i>Loyalhanna Watershed Association</i>	\$20,000
West Virginia	Summerlee Phase 1.1	
	<i>Plauteau Action</i>	\$67,888
	Guardians of the West Fork	
	<i>Lambert Run Site 6 (Guinn)</i>	\$100,000
	Kenes Creek South #1 (Amendment)	
	<i>Friends of Decker Creek</i>	\$5,022
	Allen Conner Glade Run Project	
	<i>Friends of the Cheat Watershed Association</i>	\$100,000
	TOTAL	\$1,250,000

Data Source: Financial Business Management System and OSM Regional Offices

2010 TABLE 14

Watershed Assistance: OSM/VISTAs and Interns														
State	2010		2009		2008	2007	2006	2005	2004	2003	2002	2001	2000	1999
	Year-Long Positions	Short-Term Positions	Year-Long Positions	Short-Term Position										
Alabama		1					1	1	1	1	1		3	
Colorado	38	19	27	19	1		1							
Washington D.C	1	13												
Illinois	1	1												
Indiana		2								1	1		1	1
Iowa		4			1									
Kentucky	8	1	5				1					1	2	
Maryland	4	2	2	1	1	1	1	2	2	1	2	2	1	
Missouri		1												
New Mexico	3	11	2											
Ohio	4	1	3	1	1	2		2	1	5	4	3	2	1
Oklahoma					1	1		1						
Pennsylvania	18	6	11	3	5	3	6	5	7	9	8	12	5	3
Tennessee	4	3	2	1	5	3	5	4	3	1	3	1	3	1
Virginia	11	2	6	3	1		2	1	1	3	3	2	1	
West Virginia	30	11	19	11	6	5	5	6	8	6	9	11	6	4
TOTAL	122	78	77	39	22	15	22	22	23	27	31	32	24	10

OSM/VISTA positions are supported by a partnership among OSM, Volunteers in Service to America (VISTA), and community watershed organizations providing local sponsorship and supervision. Beginning with the FY 2009 data, Watershed Assistance positions are reported in two categories: year-long and short-term. Year-long positions include OSM/VISTAs, OSM Regulatory AmeriCorps Members and the Kettering-OSM/VISTA Public Administration Fellows. Short-term positions include Summer Program Members and OSM Interns.

Data Source: OSM Program Files

2010 TABLE 15

Abandoned Mine Land Inventory Costs		
<i>FY 2010</i>		
Completed	2.6 billion	22 percent
Funded	0.3 billion	2 percent
Unfunded	9.2 billion	76 percent
TOTAL	12.1 billion	100 percent

Data Source: Abandoned Mine Land Inventory System

2010 TABLE 16

NTPP 2010 Courses and Enrollment		
<i>Course Name</i>	<i>Number of Sessions</i>	<i>Students</i>
Acid-forming Materials: Fundamentals & Applications	2	49
Acid-forming Materials: Soils & Overburden	1	11
Advanced Blasting: Investigation & Analysis	1	14
AML Design Workshop: Dangerous Highwalls	1	9
AML Design Workshop: Dangerous Openings	2	20
AML Design Workshop: Landslides	1	10
AML Design Workshop: Subsidence	1	11
AML Drilling and Grouting	1	17
AML Reclamation Projects	2	36
Applied Engineering Principles	2	32
Basic Inspection Workbook ¹	0	35
Blasting and Inspection	1	33
Bonding Workshop: Administrative & Legal Aspects	1	11
Coalfield Communications: How to Get it Right!	3	67
E-Permitting Workshop	1	38
Effective Writing	4	67
Enforcement Procedures	1	19
Erosion and Sediment Control	3	53
Evidence Preparation and Testimony	1	18
Excess Spoil Handling and Disposal	1	22
Expert Witness	2	22
Forensic Hydrologic Investigation	1	29
Geology and Geochemistry of Acid-forming Materials	1	23
Instructor Training	1	20
Master Instructor Forum	1	14
National Environmental Policy Act (NEPA) Procedures	1	29
Orientation	1	32
Passive Treatment: Theory and Application Workshop	1	25
Permit Findings Workshop	1	15
Permitting Hydrology	1	15
Principles of Inspection	1	22
SMCRA: Principles and Field Processes	2	80
Soils and Revegetation	2	45
Subsidence	1	18
Surface and Groundwater Hydrology	2	34
Underground Mining Technology	2	32
TOTAL	51	1,027

¹ Self Study

Data Source: National Technical Training Program

2011 TABLES

OSM/DOI STRATEGIC PLAN MEASURES

<i>Measure</i>	<i>Target</i>	<i>Results</i>
Mission Area 1: Provide Natural and Cultural Resource Protection and Experiences		
<i>Number of Federal, private, and tribal land and surface water acres reclaimed or mitigated from the effects of natural resource degradation from past mining. (Calculated Equivalent Acres)</i>	11,000	10,836¹
Mission Area 2: Sustainably Manage Energy, Water, and Natural Resources		
<i>Percent of active coal mining sites that are free of off-site impacts</i>	88%	86%²
<i>Percent of mined acreage reclaimed</i>	75%	104%³
OSM's Contribution to DOI's Overall Objective on Safety, Security, and Preparedness		
<i>Level of Emergency Preparedness (I-READ Index)</i>	89%	89.5%⁴

¹ Number of Federal, Private, and Tribal Land and Surface Water Acres Reclaimed or Mitigated from the Effects of Natural Resource Degradation from Past Mining. (Calculated Equivalent Acres)

Information calculated from projects reported with completion dates of 10/1/10 - 9/30/11 and entered in the Abandoned Mine Land Inventory System (AMLIS). States and Tribes select sites from those contained in AMLIS. Sites identified as a Priority 1 or 2 (High Priority) are those hazardous to the public and/or environment.

Target Not Met: For 2011, the AMLIS reported 10,836 acres reclaimed for Priority 1, 2 and associated 3 projects. This is 99% of the target of 11,000. The majority of completed projects (88%) are restoration of polluted residential/recreational water, dangerous highwalls, impoundments, spoil areas, and other water problems. The remaining 12% are a mixture of high priority problem areas.

Steps to Improve: Continue to monitor completed problem areas in the inventory.

² Percent of Active Coal Mining Sites That Are Free of Off-Site Impacts

The results represent the total number of inspectable units free of off-site impacts over the total number of inspectable units. The intent of this performance measure is to manage conventional energy development through successful implementation of SMCRA. State programs provide data on a July 1, 2010 - June 30, 2011, timeframe, to accommodate the accelerated publishing requirements. Federal data are for October 1, 2010, through September, 30, 2011.

Target Not Met: The 2011 actual of 86% indicates that 6,588 of the 7,675 sites were free of off-site impacts. This measure covers the mining activities with required inspections in 31 States and Tribes. Of States and Tribes, 21 exceeded the target of 88% in FY2011 while 10 were below the target. Of those below the target, several States have few inspectable units, so an off-site impact can drop their percentage below the target. OSM continues to be very active in working with states to reduce the number of off-site impacts, such as performing studies on blasting, improving the State's guidance and policies on blasting, increasing training to operators, making recommendations when events occur, and performing complete inspections after an off-site impact occurs to look for additional or potential problems.

Steps to Improve: OSM will continue to work with states to analyze the cause of each impact and reduce the number of off-site impacts.

³ Percent of Mined Acreage Reclaimed

This performance measure reports end results, i.e., evaluates on a national basis the return of mined land to its intended land use. The numerator is the sum of all acreage that has been processed through Phases I, II, and III bond release. The denominator is the sum of all acreage that has been mined, i.e., bonded acreage data, reported in Directive REG-8 Table 6, which is considered a proxy for the mined acreage. State programs provide data on a July 1, 2010 - June 30, 2011 timeframe, to accommodate the accelerated publishing requirements. Federal data are for October 1, 2010, through September, 30, 2011.

Target Exceeded: The actual results of 104% [numerator 2,418,963 and denominator 2,327,333] exceed the target of 75%. This means that OSM and its partners have reclaimed more land than is being mined.

Plans to Review Target: The original numerator was based on OSM's best estimate at the time (2006). Since that time, OSM has compiled five years worth of data to develop better future estimates for this measure and will revise the target for future years using updated baseline data. OSM will revise the methodology and recalculate the baseline as appropriate.

4 Level of Emergency Preparedness (I-READ Index)

Target Met: The I-READ Index measure is a self-assessment in which OSM evaluates its readiness on four major areas: Overall Emergency Management, Continuity of Operations, Training and Exercises, and Disaster Response. Each area is evaluated on a 100-point scale provided by DOI.

Data Sources: Abandoned Mine Land Inventory System and Inspection and Enforcement Tracking System.

2011 TABLE HIGHLIGHTS

FAST FACTS

2,088 OSM mine inspection visits

\$253,952,896 AML fees collected in FY 2011 (used as basis for FY11 AML grant distribution)

4,792 State and tribal notices of violations

86 percent of active coal mining sites free of offsite impacts

\$273.3 million contributed to miners' health benefits fund

35,334 acres released from Phase III Performance Bonds

The Abandoned Mine Land Program has reclaimed almost 322,043 acres of hazardous high-priority (Priority 1 and 2) coal-related problems.

Safety and environmental hazards have been eliminated on 470,101 acres, including all three coal priority categories and non-coal problems in 32 states and on the lands of four tribes, plus the Council of Energy Resource Tribes, a non-profit corporation.

Since 1977, OSM has provided \$5.35 billion in grants to its partners in 25 states and three Indian tribes to clean up dangerous abandoned mine sites.

OSM has provided \$1,557,658,685 in grants to the states and tribes to assist in funding the regulation of active coal mines.

Since implementation of the Watershed Cooperative Agreements Program, OSM has awarded 237 cooperative agreements and amendments to existing cooperative agreements totaling \$19,977,652.

Since 1977, OSM has addressed 5,652 Abandoned Mine Land emergencies, while the states and tribes have dealt with 3,319.

FAST FACTS

State and tribal mine inspections (full 29,361) (partial 48,573)

10,836 Federal, private, and tribal land and surface water acres reclaimed or mitigated

768 students trained in NTTTP courses

343 students trained in TIPS courses

190 watershed interns taking part in OSM/VISTA Program

2011 TABLE 1

AML Fee Collections and Distributions								
AML FUNDING FOR FY 2011 (Cash Basis) ¹								
State/Tribe	AML Collections ²	State Share Distribution ³	Historic Coal Distribution ³	Minimum Program Distribution ³	Prior Balance Replacement Funds Distribution ⁴	Certified In Lieu Distribution ⁵	Total Mandatory Distribution ⁶	Emergency Distribution ⁶
Alabama	\$4,049,501	\$1,518,563	\$2,921,828	\$0	\$2,913,226	\$0	\$7,353,617	\$0
Alaska	\$640,248	\$240,093	\$31,528	\$1,803,857	\$323,236	\$0	\$2,398,714	\$0
Arkansas	\$247	\$92	\$242,925	\$2,060,781	\$9,275	\$0	\$2,313,073	\$0
Colorado	\$4,367,818	\$1,637,932	\$1,423,950	\$0	\$4,260,584	\$0	\$7,322,466	\$0
Illinois	\$5,094,079	\$1,910,280	\$10,824,340	\$0	\$4,476,798	\$0	\$17,211,418	\$0
Indiana	\$8,029,873	\$3,011,202	\$3,524,066	\$0	\$6,566,872	\$0	\$13,102,140	\$0
Iowa	\$0	\$0	\$855,579	\$1,605,464	\$3,802	\$0	\$2,464,845	\$50,000
Kansas	\$40,441	\$15,165	\$693,584	\$1,669,820	\$64,825	\$0	\$2,443,394	\$200,000
Kentucky	\$20,250,752	\$7,594,032	\$10,608,538	\$0	\$19,518,442	\$0	\$37,721,012	\$0
Louisiana	\$331,439	\$0	\$0	\$0	\$246,411	\$124,290	\$370,701	\$0
Maryland	\$832,930	\$312,349	\$687,430	\$1,025,021	\$633,527	\$0	\$2,658,327	\$0
Mississippi	\$327,849	\$122,943	\$0	\$0	\$133,541	\$0	\$256,484	\$0
Missouri	\$144,845	\$54,317	\$837,455	\$1,461,358	\$159,751	\$0	\$2,512,881	\$0
Montana	\$10,919,294	\$0	\$0	\$0	\$8,069,086	\$4,094,735	\$12,163,821	\$0
New Mexico	\$3,215,400	\$1,205,775	\$346,180	\$0	\$3,009,503	\$0	\$4,561,458	\$0
North Dakota	\$2,650,831	\$994,062	\$443,142	\$0	\$1,988,747	\$0	\$3,425,951	\$0
Ohio	\$5,129,409	\$1,923,528	\$6,635,460	\$0	\$3,744,905	\$0	\$12,303,893	\$0
Oklahoma	\$250,443	\$93,916	\$498,852	\$1,548,923	\$342,002	\$0	\$2,483,693	\$130,000
Pennsylvania	\$9,525,387	\$3,572,020	\$34,989,636	\$0	\$9,065,709	\$0	\$47,627,365	\$0
Tennessee	\$469,763	\$176,161	\$1,225,585	\$1,198,691	\$0	\$0	\$2,600,437	\$0
Texas	\$3,565,897	\$0	\$0	\$0	\$3,335,548	\$1,337,211	\$4,672,759	\$0
Utah	\$2,720,608	\$1,020,228	\$824,221	\$0	\$2,360,196	\$0	\$4,204,645	\$0
Virginia	\$4,140,889	\$1,552,833	\$3,256,093	\$0	\$4,257,059	\$0	\$9,065,985	\$0
Washington	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
West Virginia	\$26,195,096	\$9,823,161	\$20,109,271	\$0	\$21,407,423	\$0	\$51,339,855	\$0
Wyoming	\$134,298,041	\$0	\$0	\$0	\$82,700,759	\$50,361,765	\$133,062,524	\$0
Crow Tribe	\$1,692,757	\$0	\$0	\$0	\$1,318,208	\$634,784	\$1,952,992	\$0
Hopi Tribe	\$885,356	\$0	\$0	\$0	\$879,524	\$332,008	\$1,211,532	\$0
Navajo Tribe	\$4,183,703	\$0	\$0	\$0	\$5,182,493	\$1,568,889	\$6,751,382	\$0
TOTAL	\$253,952,896	\$36,778,652	\$100,979,663	\$12,373,915	\$186,971,452	\$58,453,682	\$395,557,364	\$380,000

¹ Cash Basis refers to revenue when it is received. AML Fee Collections are reported using cash-basis criteria. AML revenue in OSM's financial statements may include other amounts.

² This column represents AML fees actually collected 12/01/10 – 11/30/11. These amounts are the basis for the FY 2011 Distribution.

³ For FY 2008 to FY 2011, the State Share, Historic Coal, and Minimum Program Distributions are phased in as required by the 2006 AML Amendments.

⁴ The Prior Balance Replacement Distribution is distributed by the U.S. Treasury for the unappropriated state and tribal share balances disbursed over seven years. FY 2008 was the first year for this distribution.

⁵ Certified In Lieu Distribution is distributed by the U.S. Treasury for the state share balance to certified states. FY 2009 was the first year for this distribution.

⁶ Total Mandatory Distribution does not include AML State Emergency Program funds which are appropriated and not part of the mandatory distribution process. See Table 4, AML Emergency Reclamation Projects, particularly Footnote 4, concerning transfer of responsibility for the Federal Emergency Program from OSM to States.

Total figures have been adjusted for rounding.

Data Sources: Financial Business Management System and OSM's Grant Distribution

2011 TABLE 2

Abandoned Mine Reclamation Fund Status		
<i>Cash Basis (Includes Investments)</i>		
<i>(Dollars in Thousands)</i>	FY 2011	FY 2010
Balance, Start of Year	\$2,632,238	\$2,543,528
<i>Fees, debts, and interest collected</i>	\$261,570	\$252,268
<i>Interest earned on investments</i>	\$54,881	\$55,193
TOTAL EARNINGS	\$316,451	\$307,461
Less:		
<i>Disbursements</i>	\$176,258	\$180,691
<i>Transfers to the UMWA (transfers of record) ¹</i>	\$57,246	\$38,060
TOTAL DISBURSEMENTS & TRANSFERS	\$233,504	\$218,751
BALANCE, START OF YEAR	\$2,715,185	\$2,632,238

¹ During FY 2010, OSM transferred \$63.9 million to the United Mine Workers of America (UMWA). However, due to required adjustments to prior year transfers, the reported transfer amount for FY 2010 was adjusted downward to \$38.1 million. This compensating adjustment ensures that the AML Fund balance reported to the Department of Treasury accurately states the amount remaining in the AML Fund upon which annual interest is calculated.

Note: The information presented in this table is on a cash basis and therefore will not reconcile to accrual-based financial data presented elsewhere in this report.

Data Source: Financial Business Management System

2011 TABLE 3

AML Obligations During FY 2011									
State/Tribe	Administration ¹	Project Costs ²	Emergency ³	AMD Set-Aside ⁴	Subsidence Insurance	Non-Reclamation Activity Costs	2011 Total	2010 Total	Program Staff (FTE) 2011 ⁶
Alabama	\$956,950	\$9,980,463	\$0	\$0	\$0	\$0	\$10,937,413	\$7,370,619	18
Alaska	\$240,093	\$2,192,932	\$0	\$0	\$0	\$0	\$2,433,025	\$2,398,398	4
Arkansas	\$622,296	\$1,927,947	\$0	\$0	\$0	\$0	\$2,550,243	\$2,322,179	7
Colorado	\$2,100,000	\$6,579,262	\$0	\$0	\$0	\$0	\$8,679,262	\$7,772,032	18
Illinois	\$1,965,715	\$19,309,915	\$0	\$3,800,000	\$0	\$0	\$25,075,630	\$17,141,707	29
Indiana	\$1,481,424	\$11,901,034	\$0	\$1,960,580	\$0	\$0	\$15,343,038	\$15,375,120	23
Iowa	\$303,972	\$2,235,015	\$50,000	\$0	\$0	\$0	\$2,588,988	\$2,766,448	6
Kansas	\$462,371	\$2,109,086	\$200,000	\$0	\$0	\$0	\$2,771,457	\$3,340,375	10
Kentucky	\$2,446,012	\$35,298,893	\$0	\$1,000,000	\$0	\$0	\$38,744,905	\$37,591,345	94
Louisiana	\$113,842	\$821,707	\$0	\$0	\$0	\$0	\$935,549	\$680,572	1
Maryland	\$665,866	\$1,948,308	\$0	\$500,000	\$0	\$0	\$3,114,173	\$3,130,409	6
Mississippi	\$139,214	\$629,520	\$0	\$0	\$0	\$0	\$768,734	\$532,970	1
Missouri	\$422,090	\$3,727,405	\$0	\$0	\$0	\$0	\$4,149,495	\$3,483,827	10
Montana	\$845,926	\$11,595,815	\$0	\$0	\$0	\$0	\$12,441,741	\$10,804,145	13
New Mexico	\$1,692,555	\$3,187,854	\$0	\$0	\$0	\$0	\$4,880,409	\$4,641,068	14
North Dakota	\$404,278	\$3,156,834	\$0	\$0	\$0	\$0	\$3,561,112	\$3,499,292	5
Ohio	\$2,723,131	\$9,376,078	\$0	\$1,934,168	\$0	\$0	\$14,033,377	\$14,500,294	78
Oklahoma	\$459,333	\$2,099,081	\$130,000	\$0	\$0	\$0	\$2,688,414	\$3,679,437	11
Pennsylvania	\$1,835,031	\$41,674,224	\$0	\$17,838,000	\$0	\$0	\$61,347,255	\$49,467,638	137
Tennessee	\$10,000	\$2,169,914	\$0	\$420,523	\$0	\$0	\$2,600,437	\$2,571,867	1
Texas	\$144,227	\$8,598,866	\$0	\$0	\$0	\$0	\$8,743,093	\$148,238	6
Utah	\$692,607	\$4,503,115	\$0	\$0	\$0	\$0	\$5,195,722	\$4,802,968	10
Virginia	\$1,597,617	\$7,711,289	\$0	\$300,000	\$0	\$0	\$9,608,906	\$10,374,752	24
West Virginia	\$8,793,942	\$39,561,592	\$0	\$6,000,000	\$0	\$0	\$54,355,534	\$58,267,175	59
Wyoming	\$1,624,917	\$5,413,355	\$0	\$0	\$22,637	\$82,948,689	\$136,009,598	\$116,437,270	11
Crow Tribe	\$234,440	\$0	\$0	\$0	\$0	\$1,801,614	\$2,036,054	\$1,926,909	6
Hopi Tribe	\$610,437	\$673,300	\$0	\$0	\$0	\$0	\$1,283,737	\$1,127,032	3
Navajo Tribe	\$826,698	\$7,973,698	\$0	\$0	\$0	\$0	\$8,800,396	\$6,900,000	22
TOTAL	\$34,414,984	\$292,356,500	\$380,000	\$33,753,271	\$22,637	\$84,750,303	\$445,677,695	\$393,054,087	627

¹ "Administration" includes costs for program support (personnel, budgeting, procurement, etc.), AML inventory management, and program policy development. Indirect costs associated with the administration of the program may also be included.

² "Project Costs" include non-water supply, water supply, and non-coal project costs. There were no new obligations for clean streams in FY 2011; however, \$7,468.01 of prior year money was deobligated.

³ "Emergency" includes emergency project, administrative, and indirect costs.

⁴ "AMD Set-Aside" funds are held in a trust account to be used for Acid Mine Drainage abatement and treatment.

⁵ "Non-Reclamation Activity Costs," expenditures for which certified states may use Treasury funds, was a new category beginning in FY 2009.

⁶ Program Staff levels in Full-Time Equivalents (FTE): State statistics based on 2011 State Program evaluation year (July 1, 2010 to June 30, 2011); Federal statistics, for Federal Program States and Indian Tribes, based on 2011 Federal Fiscal Year (October 1, 2010 to September 30, 2011).

Funding for these grants is derived from the FY 2011 Distribution and funds recovered or carried over from previous years. Downward adjustments of prior-year awards are not included in the totals; therefore, the total does not match the FY 2011 mandatory distribution that appears in Table 1.

Totals reflect adjustments for rounding.

Data Sources: 2011 Inspection and Enforcement Tracking System (for Program Staff levels referenced in footnote 6 above). Financial Business Management System (for all other data).

2011 TABLE 4

Abandoned Mine Land (AML) Emergency Reclamation Projects							
State/Tribe	AML Emergencies Declared 2011 ¹			AML Emergencies 1978-2011		Non-Emergency AML Projects Completed 2011	
	Federal ^{2,4}	State or Tribe ³	Federal & State Totals	Federal ²	State or Tribe ³	Federal	State or Tribe ⁴
Alabama	0	3	3	10	154	0	9
Alaska	0	0	0	0	1	0	3
Arkansas	0	0	0	1	24	0	5
California	4	0	4	9	0	0	0
Colorado	0	3	3	115	3	0	26
Georgia	0	0	0	0	0	0	0
Illinois	0	22	22	51	377	0	0
Indiana	0	11	11	94	212	0	5
Iowa	0	6	6	22	19	0	2
Kansas	0	28	28	270	862	0	49
Kentucky	13	0	13	1,344	0	0	43
Louisiana	0	0	0	0	0	0	0
Maryland	0	2	2	4	2	0	8
Michigan	0	0	0	1	0	0	0
Mississippi	0	0	0	0	0	0	0
Missouri	0	0	0	6	7	0	0
Montana	0	1	1	7	17	0	3
New Mexico	0	0	0	16	0	0	8
North Dakota	0	1	1	15	24	0	7
Northern	0	0	0	2	0	0	0
Ohio	0	24	24	190	419	0	37
Oklahoma	0	3	3	47	51	0	2
Oregon	3	0	3	3	0	0	0
Pennsylvania	1	0	1	3,074	0	0	155
Rhode Island	0	0	0	4	0	0	0
South Dakota	0	0	0	0	0	0	0
Tennessee	0	0	0	22	1	0	0
Texas	0	0	0	6	0	0	0
Utah	0	0	0	1	0	0	2
Virginia	0	0	0	30	194	0	29
Washington	11	0	11	84	0	1	0
West Virginia	0	37	37	179	952	0	59
Wyoming	0	0	0	38	0	0	27
Crow Tribe	0	0	0	0	0	0	1
Hopi Tribe	0	0	0	0	0	0	1
Navajo Nation	0	0	0	6	0	0	7
Ute Reservation	0	0	0	1	0	0	0
TOTAL	32	141	173	5,645	3,319	1	488

¹ Beginning in FY 2009, data on AML emergencies have been based on the dates emergencies were "declared" rather than the dates the projects "started." This change promotes consistency with similar data in OSM's annual budget justifications by linking resource commitments in budget documents to actual results reported in Annual Reports.

² Federal AML emergencies data represent projects declared in Fiscal Year 2011 (10/01/10 through 9/30/11).

³ Data for State and Tribal AML emergencies represent projects declared during the most recent complete annual reporting period, which varies depending on when each State's or Tribe's fiscal year begins and ends.

⁴ For FY 2011, the numbers of AML Emergencies in Kentucky and Pennsylvania reflect the transfer of responsibility for the Federal Emergency Program from OSM to States. Kentucky received federal assistance through a Memorandum of Agreement and Pennsylvania addressed AML emergencies through its regular AML Grant process.

Federal Data Source: OSM's Emergency Reclamation Program; State Data: State AML Reclamation Programs

2011 TABLE 5

Federal Reclamation Program Projects			
FY 2011 Obligations			
State or Tribe	Emergency	High Priority	Total 1978-2011 ¹
Alabama	\$0	\$0	\$13,934,015
Alaska	\$0	\$0	\$194,638
Arkansas	\$0	\$0	\$84,904
California	\$0	\$0	\$2,637,565
Colorado	\$0	\$0	\$2,320,650
Georgia	\$0	\$0	\$4,742,252
Idaho	\$0	\$0	\$0
Illinois	\$0	\$0	\$5,376,749
Indiana	\$0	\$0	\$4,032,023
Iowa	\$0	\$0	\$1,438,442
Kansas	\$0	\$0	\$5,094,172
Kentucky	\$332,111	\$0	\$145,915,870
Maryland	\$35,198	\$0	\$3,409,630
Michigan	\$0	\$0	\$3,671,246
Missouri	\$0	\$0	\$8,015,909
Montana	\$0	\$0	\$729,058
New Mexico	\$0	\$0	\$2,366,041
North Carolina	\$0	\$0	\$205,407
North Dakota	\$0	\$0	\$1,723,933
Ohio	\$0	\$0	\$18,295,299
Oklahoma	\$0	\$0	\$1,232,159
Oregon	\$0	\$0	\$247,885
Pennsylvania	\$859,060	\$0	\$135,512,467
Rhode Island	\$0	\$0	\$567,259
S Dakota	\$0	\$0	\$226,368
Tennessee	\$0	\$0	\$27,945,267
Texas	\$0	\$0	\$289,849
Utah	\$0	\$0	\$123,791
Virginia	\$0	\$0	\$10,139,469
Washington	\$523,894	\$224,711	\$10,923,328
West Virginia	\$0	\$0	\$29,023,226
Wyoming	\$0	\$0	\$1,067,101
Cherokee Nation	\$0	\$8,335	\$20,335
Cheyenne River Sioux Tribe	\$0	\$0	\$2,803,165
Crow Tribe	\$0	\$0	\$1,097,895
Fort Berthold Tribe	\$0	\$0	\$69,972
Fort Peck Tribe	\$0	\$0	\$147,991
Hopi Tribe	\$0	\$0	\$1,263,409
Jicarilla Apache Tribe	\$0	\$0	\$59,998
Navajo Tribe	\$0	\$0	\$2,222,792
Northern Cheyenne Tribe	\$0	\$0	\$591,834
Southern Ute Tribe	\$0	\$0	\$94,206
Rocky Boy Tribe	\$0	\$0	\$60,188
Uintah/Ouray Tribe	\$0	\$0	\$138,738
Ute Mountain Tribe	\$0	\$0	\$14,300
White Mountain Apache Tribe	\$0	\$0	\$1,838
Wind River Tribe	\$0	\$0	\$73,267
Zuni Tribe	\$0	\$0	\$125,009
Undistributed ²	\$0	\$0	(\$782)
TOTAL	\$1,750,262	\$233,046	\$450,270,127

¹ 1978-2011 Totals include prior-year contract de-obligations and upward adjustments.

² "Undistributed" funds were awarded by OSM in previous fiscal years and subsequently returned to the Department of the Interior.

Figures shown above have been adjusted for rounding.

Data Source: Financial Business Management System

2011 TABLE 6A

1978-2011 ABANDONED MINE LAND RECLAMATION ACCOMPLISHMENTS																	
Priority 1 and 2 (Protection of Public Health and Safety) and Emergency Projects																	
State/Indian Lands	Clogged Streams	Clogged Stream Lands	Dangerous Highwalls	Dangerous Impoundments	Dangerous Piles & Embankments	Dangerous Slides	Dangerous Gases	Hazardous Equipment & Facilities	Hazardous Water Bodies	Industrial/Residential Waste	Portals	Polluted Water: Agriculture & Industrial	Polluted Water: Human Consumption	Subsidence	Surface Burning	Underground Mine Fires	Vertical Openings
Alabama	1	198	314,888	1	1,462	21	0	470	886	25	1,081	8	15	44	116	0	410
Alaska	0	0	11,340	4	4	0	0	1,628	2	4	45	0	0	1	47	0	67
Arkansas	1	0	74,133	1	842	0	0	2	90	39	28	1	0	17	4	0	117
California	0	0	0	0	0	0	0	0	0	0	34	0	0	1	0	0	42
Colorado	0	0	52,007	0	56	0	1	14	0	10	3,323	3	0	100	30	229	4,474
Georgia	0	0	13,200	2	0	0	0	0	0	0	112	0	1	0	0	0	11
Idaho	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Illinois	23	1,578	72,096	8	501	4	27	425	16	79	209	29	2	196	200	0	134,387
Indiana	14	82	128,784	7	643	10	5	107	7	32	77	110	7	276	15	0	486
Iowa	13	986	99,600	3	881	0	0	5	31	379	1	12	3	27	0	0	26
Kansas	1	19	177,245	2	111	8	0	2	1	29	0	3	0	30	9	0	1,871
Kentucky	47	8,345	35,923	124	551	2,391	1	265	49	27	2,383	6	13,328	54	227	63	216
Maryland	6	70	44,680	3	273	70	0	26	20	35	42	85	87	15	1	2	5
Michigan	0	0	950	0	0	0	0	7	2	0	0	0	1	0	8	0	58
Missouri	11	1,521	75,902	6	681	0	0	28	12	72	37	41	15	6	19	7	228
Montana	23	101	25,560	3	180	1	1	267	1	502	1,114	17	16	570	305	82	623
New Mexico	2	21	285	0	16	0	0	17	0	0	604	4	1	58	35	32	1,129
North Carolina	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5
North Dakota	0	0	98,849	4	317	35	0	14	18	2	13	6	0	1,428	18	0	91
Ohio	38	5,563	75,649	11	102	494	4	67	16	34	414	53	330	197	172	3	272
Oklahoma	15	1	267,290	0	0	0	0	16	228	26	191	6	3	25	4	0	138
Oregon	0	0	0	0	0	0	0	3	0	0	16	0	0	0	0	0	3
Pennsylvania	145	310	1,057,018	16	848	107	0	373	133	41	341	28	512	2,619	183	1,198	669
Rhode Island	0	0	0	0	0	0	0	0	0	0	0	0	0	6	0	0	0
South Dakota	0	0	135	0	0	0	0	4	0	0	5	0	0	1	0	0	1
Tennessee	2	147	64,978	3	533	46	0	31	88	18	192	7	67	6	28	0	11
Texas	0	0	64,002	0	1,533	0	0	0	17	0	67	0	0	10	0	0	374
Utah	14	9	3,425	1	151	3	19	183	0	2	3,693	3	0	185	43	20	1,832
Virginia	76	880	31,186	56	255	394	0	248	2	2	1,132	0	6,466	15	56	0	113
Washington	0	0	0	0	3	0	0	7	0	0	30	0	0	12	15	0	92
West Virginia	61	172	208,472	1,128	5,099	615	5	657	8	42	2,632	81	19,509	484	498	28	177
Wyoming	114	1,753	585,780	140	2,859	25	0	226	416	29	673	3	0	1,217	18	74	742
CERT Tribes ¹	0	0	7,050	0	475	0	0	6	30	9	74	0	0	34	0	0	18
Crow Tribe	1	0	2,267	1	58	23	0	32	1	0	15	3	0	16	0	0	5
Hopi Tribe	0	0	11,662	0	0	0	0	8	0	0	9	0	0	0	0	0	2
Navajo Nation	0	1	109,586	4	665	7	0	5	0	6	871	19	0	12	3	0	381
TOTAL	606	21,756	3,713,941	1,528	19,096	4,253	63	5,142	2,074	1,442	19,458	528	40,363	7,661	2,052	1,738	149,076

¹ CERT is the Council of Energy Resources Tribes: Blackfeet, Cheyenne River Sioux, Fort Berthold (Mandan, Hidatsa, Arikara), Fort Peck (Assiniboine and Sioux), Northern Cheyenne, Jicarilla Apache, Laguna Pueblo, Rocky Boys (Chippewa and Cree), San Carlos Apache, Southern Ute, Ute Mountain Ute, White Mountain Apache, and Wind River (Arapaho and Shoshone).

Table includes AML projects funded through Acid Mine Drainage Plans, Coal Interim Site Funding, Clean Streams Initiatives, Coal Insolvent Surety Site Funding, Federal Reclamation Program Funding, Pre-SMCRA Grants Funding, State Emergencies, State Set-Aside Funding, Watershed Cooperative Agreements and Funding for Non-Coal projects.

Statistics include State, but not OSM, emergency AML project accomplishments.

Data Source: Abandoned Mine Land Inventory System

2011 TABLE 6B

1978-2011 ABANDONED MINE LAND RECLAMATION ACCOMPLISHMENTS												
<i>Priority 3 Coal and Non-Coal Problems (Environmental Restoration)</i>												
State/ Indian Lands	Bench	Industrial/ Residential Waste	Equipment/ Facility	Gobs	Highwalls	Haul Road	Mine Openings	Pits	Spoil Area	Slurry	Slump	Water Problems
Alabama	23	15	8	241	32,435	2	50	0	9,549	5	9	379
Alaska	0	0	2	2	0	0	0	3	51	0	25	0
Arkansas	0	0	0	0	0	0	0	8	153	0	0	165
California	0	0	0	2	0	0	0	0	0	0	0	50
Colorado	3	6	7	162	2,028	0	18	131	833	0	0	1
Georgia	3	0	0	3	1,400	0	0	5	7	0	0	0
Illinois	1	6	171	2,649	11,530	210	72	620	1,895	1,166	2	2,856
Indiana	0	111	236	1,670	15,226	263	29	380	2,421	1,138	86	9,105,430
Iowa	0	2	0	1	5,722	6	2	40	511	0	0	5
Kansas	0	0	1	89	3,200	0	0	23	316	10	0	0
Kentucky	562	0	61	233	2,240	0	71	4	822	66	5	60
Maryland	10	3	2	50	5,685	2	20	22	263	0	1	380
Michigan	0	0	1	27	0	1	0	1	10	0	11	0
Missouri	2	7	9	146	20,324	1	0	96	1,410	69	0	86
Montana	1	105	58	162	1,170	1	230	34	870	0	19	2,741
New Mexico	3	0	29	88	0	12	29	2	335	2	0	0
North Dakota	0	0	0	0	0	0	0	0	0	0	0	0
Ohio	2	0	3	202	9,620	0	19	19	425	0	0	100
Oklahoma	0	0	0	0	0	0	0	0	0	0	0	0
Oregon	0	0	0	0	0	0	1	0	0	0	0	0
Pennsylvania	0	0	29	198	9,358	0	40	252	6,864	4	51	6,864
Tennessee	76	3	15	67	13,676	8	3	145	908	0	4	360
Texas	0	0	0	8	1,825	0	0	0	553	0	0	0
Utah	4	7	64	255	550	3	0	8	55	1	16	20
Virginia	0	1	25	21	13,000	1	125	0	12	0	1	120
West Virginia	6	2	6	91	42,685	11	5	5	318	2	1	622
Wyoming	0	0	27	45	220	388	320	7,261	9,380	199	228	76
CERT Tribes ¹	0	0	2	4	1,500	0	1	7	80	0	0	0
Crow	6	0	0	37	2,245	12	2	38	1	0	4	0
Hopi Tribe	0	0	0	25	51	15	0	10	10	0	0	0
Navajo Nation	41	1	2	141	890	203	79	148	265	0	0	3
TOTAL	742	268	757	6,616	196,580	1,138	1,116	9,261	38,314	2,661	462	9,120,318

¹ CERT is the Council of Energy Resources Tribes: Blackfeet, Cheyenne River Sioux, Fort Berthold (Mandan, Hidatsa, Arikara), Fort Peck (Assiniboine and Sioux), Northern Cheyenne, Jicarilla Apache, Laguna Pueblo, Rocky Boys (Chippewa and Cree), San Carlos Apache, Southern Ute, Ute Mountain Ute, White Mountain Apache, and Wind River (Arapaho and Shoshone).

Table includes AML projects funded by the Federal Reclamation Program, Non-Coal project funding, and Pre-SMCRA Grants.

Statistics include State, but not OSM, AML emergency project accomplishments.

Data Source: Abandoned Mine Land Inventory System

2011 TABLE 7

Final Rules Published in FY 2011			
<i>Title</i>	<i>Citations</i>	<i>Date Effective</i>	<i>Summary of the Rule</i>
During FY 2011, OSM did not publish any Permanent Program final rules.			

During FY 2011, OSM published in the Federal Register 13 proposed and 13 final rules for State programs.

Data Source: OSM Program Support Directorate

2011 TABLE 8

Significant Court Decisions in FY 2011		
Court Decisions	Citation	Decision Text
<p>National Mining Association v. Office of Hearings and Appeals</p>	<p>777 F. Supp. 2d 164 (D.D.C. 2011)</p>	<p>The National Mining Association (NMA) filed this suit in the U.S. District Court for the District of Columbia challenging the Office of Hearings and Appeals' (OHA's) substantial denial of an NMA petition for rulemaking. 68 Fed. Reg. 66,723 (2003). The challenged OHA decision concerns the burden of proof in certain proceedings conducted by OHA pursuant to SMCRA. NMA argued that, with respect to the proceedings at issue, OHA has improperly placed the ultimate burden of persuasion on the person challenging the relevant action of OSM, in contravention of the Administrative Procedure Act's (APA's) default burden of proof allocation. 5 U.S.C. § 556(d). The government argued, among other things, that the rules fall within an exception to the APA's default allocation. On April 15, 2011, the court granted the government's cross-motion for summary judgment and dismissed the case with prejudice. The court rejected the government's jurisdictional arguments, but held that "OHA's decision was neither arbitrary nor capricious." NMA did not appeal.</p>
<p>Ohio River Valley Env'tl. Coal., et al. v. Salazar</p>	<p>No. 3:09-0149, 2011 U.S. Dist. LEXIS 497 (S.D. W. Va. Jan. 3, 2011)</p>	<p>Plaintiffs allege that OSM's decisions to approve West Virginia's definition of the term "material damage to the hydrologic balance" and to approve the repeal of the definition of "cumulative impact" (which included a different meaning for the term "material damage") violate SMCRA and the Administrative Procedure Act. On January 3, 2011, the court issued a decision granting the Secretary of the Interior's motion for summary judgment and denying plaintiffs' motion for summary judgment. Specifically, the court held that OSM's decision that the amendments were no less stringent than SMCRA and no less effective than the federal regulations was based upon an analysis that made a "rational connection between the facts found and the choice made." The court reached the same conclusion with respect to OSM's finding that the amendments do not supersede, amend, modify, or repeal the Clean Water Act. Finally, the court found that OSM's decision to approve the amendments did not constitute a clear error in judgment. This decision was affirmed on appeal to the U.S. Court of Appeals for the Fourth Circuit.</p>

Data Source: U.S. Department of the Interior, Office of the Solicitor

2011 TABLE 9

FY 2011 Federal Oversight of State Programs				
State	Oversight Site Visits	Notices of Violations (NOVs)	Failure-To-Abate Cessation Orders (FTA COs)	Imminent Harm Cessation Orders (IH COs)
Alabama	49	0	0	0
Alaska	4	0	0	0
Arkansas	3	0	0	0
Colorado	21	0	0	0
Illinois	97	0	0	0
Indiana	47	0	0	0
Iowa	2	0	0	0
Kansas	3	0	0	0
Kentucky	557	0	0	1
Louisiana	6	0	0	0
Maryland	24	0	0	0
Mississippi	3	0	0	0
Missouri	32	0	0	0
Montana	13	0	0	0
New Mexico	4	0	0	0
North Dakota	5	0	0	0
Ohio	180	0	0	1
Oklahoma	20	0	0	0
Pennsylvania	411	0	0	1
Texas	8	0	0	0
Utah	12	0	0	0
Virginia	119	0	0	0
West Virginia	445	0	0	0
Wyoming	23	0	0	0
TOTAL	2,088	0	0	3

Table displays Fiscal Year 2011 data on oversight visits and violations cited by OSM in States with approved regulatory programs. Violation data exclude vacated NOVs and COs.

Data Source: OSM Inspection and Enforcement Tracking System

2011 TABLE 10

FY 2011 Regulatory Program Statistics														
State/Tribe	Regulatory Staffing	New Permits	New Acreage Permitted ¹	Total Acreage Permitted	Inspectible Units	Complete Inspections	Partial Inspections	Notices of Violation	Failure-To-Abate CO's	Imminent Harm CO's	Bond Forfeitures	Acreage of Phase I Bond Released	Acreage of Phase II Bond Released	Acreage of Phase III Bond Released
Alabama	29	7	2,310	88,900	215	2,850	209	161	6	4	3	2,874	2,024	1,768
Alaska	4	0	48	9,159	12	20	75	0	0	0	0	0	0	94
Arkansas	4	0	0	1,340	7	28	63	4	0	0	0	0	0	0
Colorado	24	1	4,725	165,940	38	142	250	3	0	0	0	1,520	681	90
Crow Tribe	5	0	0	9,800	2	8	18	0	0	0	0	0	0	0
Georgia	0	0	0	141	6	0	0	0	0	0	0	0	0	0
Hopi Tribe	4	0	0	6,100	1	2	0	0	0	0	0	0	0	0
Illinois	34	2	1,695	58,830	86	371	609	48	0	0	1	1,003	740	580
Indiana	40	4	3,455	215,970	97	507	754	47	0	0	0	3,587	2,460	4,127
Iowa	3	0	0	680	3	5	0	0	0	0	0	0	0	0
Kansas	3	0	0	3,800	10	40	80	4	0	0	0	0	0	0
Kentucky	275	67	110,538	1,983,000	1,885	7,972	14,361	2,722	400	26	15	16,226	8,014	7,080
Louisiana	2	0	3	41,740	3	12	24	2	0	0	0	135	23	158
Maryland	12	1	283	5,550	60	290	519	7	0	0	0	114	366	221
Mississippi	3	0	0	5,804	1	4	9	2	0	0	0	0	0	0
Missouri	5	0	114	4,891	14	56	70	0	0	0	0	57	35	35
Montana	17	0	2,101	68,404	13	63	104	3	0	0	0	1,399	1,237	7
Navajo Nation	10	0	0	88,700	16	51	28	12	0	0	0	0	0	0
New Mexico	9	0	0	86,114	8	32	69	4	0	0	0	1,371	624	270
North Dakota	10	0	676	104,248	25	106	518	1	0	0	0	1,136	1,407	1,407
Ohio	64	9	9,857	92,300	252	1,021	2,217	130	1	11	0	1,984	3,002	2,923
Oklahoma	22	1	741	22,280	54	233	291	34	0	0	0	0	102	1,346
Pennsylvania	212	64	5,723	357,680	1,731	5,229	7,978	582	32	31	1	4,385	4,560	4,193
Tennessee	34	1	571	31,539	290	538	935	61	9	0	0	789	208	162
Texas	36	0	0	296,490	35	140	305	9	0	0	0	2,245	2,392	3,521
Utah	17	0	1,246	3,405	36	132	224	15	0	0	0	40	13	13
Ute Mountain Ute	0	0	0	175	1	4	8	0	0	0	0	0	0	0
Virginia	72	5	1,476	78,200	378	1,672	2,598	81	0	8	0	1,737	1,425	1,804
Washington	6	0	0	14,800	2	6	26	1	0	0	0	0	0	0
West Virginia	233	45	6,594	352,300	2,112	7,683	16,023	857	46	17	8	2,123	2,948	5,318
Wyoming	21	0	5,951	435,250	36	144	208	2	0	0	0	2,631	217	217
TOTAL	1,207	207	158,107	4,633,530	7,429	29,361	48,573	4,792	494	97	28	45,356	32,478	35,334

¹ New acreage includes acreage for new permits, incidental boundary revisions, and any other permit revisions that add acreage.

State statistics based on 2011 State Program evaluation year (July 1, 2010 to June 30, 2011); Federal statistics, for Federal Program States and Indian Tribes, based on 2011 Federal Fiscal Year (October 1, 2010 to September 30, 2011).

Data Source: 2011 Data for States and Tribes (DST)

2011 TABLE 11

Regulatory Grant Funding FY 2011 Obligations			
<i>State/Tribe</i>	<i>FY 2011 Federal Funding</i>	<i>FY 2010 Federal Funding</i>	<i>Cumulative Federal Funding Through FY 2011 ¹</i>
Alabama	\$1,563,300	\$1,253,950	\$35,572,926
Alaska	\$325,688	\$238,545	\$7,419,668
Arkansas	\$149,832	\$152,703	\$4,739,481
Colorado	\$3,457,867	\$2,301,561	\$47,687,610
Illinois	\$2,870,350	\$3,070,563	\$73,577,687
Indiana	\$2,089,877	\$1,946,732	\$47,922,661
Iowa	\$72,739	\$73,631	\$3,491,403
Kansas	\$113,933	\$113,933	\$3,688,935
Kentucky	\$12,431,861	\$13,670,251	\$365,874,986
Louisiana	\$168,126	\$168,095	\$4,819,735
Maryland	\$719,133	\$713,664	\$17,049,193
Michigan	\$0	\$0	\$135,458
Mississippi	\$218,655	\$159,863	\$2,200,556
Missouri	\$234,847	\$221,664	\$10,053,222
Montana	\$1,590,731	\$1,440,101	\$26,678,636
New Mexico	\$850,000	\$930,715	\$19,296,230
North Dakota	\$821,512	\$798,743	\$16,357,967
Ohio	\$1,600,000	\$2,862,000	\$76,043,901
Oklahoma	\$1,137,364	\$1,082,511	\$26,539,873
Pennsylvania	\$10,833,432	\$12,519,035	\$306,748,859
Rhode Island	\$0	\$0	\$158,453
Tennessee	\$0	\$0	\$5,340,085
Texas	\$1,953,557	\$1,977,402	\$35,359,187
Utah	\$1,975,472	\$2,089,397	\$43,467,282
Virginia	\$3,400,089	\$3,911,857	\$95,756,295
Washington	\$0	\$0	\$4,893
West Virginia	\$12,006,793	\$11,711,912	\$215,326,993
Wyoming	\$2,300,571	\$2,300,571	\$51,398,176
Crow Tribe	\$407,600	\$407,600	\$2,213,833
Hopi Tribe	\$425,452	\$390,182	\$3,636,224
Navajo Tribe	\$1,165,000	\$1,165,000	\$9,011,388
N. Cheyenne Tribe	\$0	\$0	\$86,888
TOTAL	\$64,883,781	\$67,672,180	\$1,557,658,685

¹ Includes obligations for all types of Federal funding provided to the state for Title V purposes, including special purpose and one-time funding. Figures for FY 2011 do not include downward adjustments of prior-year awards. However, cumulative figures are net of all prior-year downward adjustments.

Figures shown above have been adjusted for rounding

Data Source: Financial Business Management System

2011 TABLE 12

Appropriations (in thousands)		
	2011	2010
Discretionary Appropriations		
Regulation & Technology		
Environmental Restoration ¹	\$688	\$362
Environmental Protection	\$94,578	\$94,771
Technology Dev. & Transfer	\$15,455	\$15,663
Financial Management	\$513	\$516
Executive Dir. & Admin	\$16,219	\$16,070
Subtotal	\$127,453	\$127,382
Abandoned Mine Reclamation		
Environmental Restoration	\$15,015	\$16,364
Technology Dev. & Transfer	\$5,751	\$4,032
Financial Management	\$6,443	\$6,961
Executive Dir. & Admin	\$8,308	\$8,231
Subtotal	\$35,517	\$35,588
Total Discretionary Appropriations	\$162,970	\$162,970
Mandatory Appropriations		
Payments to States in Lieu of Coal Fee Receipts (Treasury Funds)	\$245,425	\$227,200
Grants to States and Tribes (AML Fund)	\$150,133	\$141,914
Transfer to United Mine Workers Fund	\$273,310	\$172,699
Total Mandatory Appropriations	\$668,868	\$541,813
Total OSM	\$831,838	\$704,783

¹ Amounts include actual Civil Penalty collections of \$527,000 for 2011 and \$201,612 for 2010.

Appropriations figures include rescissions for FY 2010.

Data Source: Fiscal Year 2011 Congressional appropriations

2011 TABLE 13

FY 2011 Watershed Cooperative Agreements		
State	Project Name	Grant Amount
	Sponsor Organization	
Iowa	Goff AML (Phase II)	
	<i>Iowa Heartland Resource Conservation and Development Council</i>	\$100,000
	Groenendyk AML	
	<i>Pathfinders Resource Conservation and Development Council</i>	\$100,000
Ohio	Harrison AML	
	<i>Pathfinders Resource Conservation and Development Council</i>	\$100,000
	West Branch Harble Griffith Project	
	<i>Ohio Valley Resource Conservation and Development Council</i>	\$100,000
	Orland Gob Pile Project	
	<i>Ohio Valley Resource Conservation and Development Council (for Raccoon Creek Watershed)</i>	\$61,035
Pennsylvania	Hilltop Restoration Project	
	<i>Rural Action, Inc.</i>	\$100,000
	West Branch Headwaters Passive Treatment Project	
	<i>Rural Action, Inc.</i>	\$100,000
	Tangascootack Muddy Run AMD Treatment Project	
	<i>Trout Unlimited</i>	\$64,108
	Big Run Phase IV AMD Restoration Project	
	<i>Blackleggs Creek Watershed Association</i>	\$100,000
	Little Mill Creek Rehabilitation Project	
	<i>Headwaters Charitable Trust</i>	\$20,300
	Morgan Run Ross Project	
	<i>Clearfield Creek Watershed Association</i>	\$100,000
Bear Creek		
<i>Bear Creek Watershed Association</i>	\$50,000	
Trout Run Puritan Discharge		
<i>Southern Alleghenies Conservancy</i>	\$35,314	
Coal Run Project		
<i>Casselman River Watershed Association</i>	\$42,750	
Kyler Run		
<i>Little Toby Creek Watershed</i>	\$70,000	
West Virginia	Satcher AMD Remediation Project	
	<i>Friends of Decker Creek</i>	\$100,000
	Blanket Drain #1	
	<i>Friends of Decker Creek Watershed</i>	\$100,000
	Glade Run (Messenger) Project	
	<i>Friends of the Cheat Watershed Association</i>	\$100,000
	TOTAL	\$1,443,507

Data Source: Financial Business Management System and OSM Regional Offices

2011 TABLE 14

Watershed Assistance: OSM/VISTAs and Interns																
State	2011		2010		2009		2008	2007	2006	2005	2004	2003	2002	2001	2000	1999
	Year-Long Positions	Short-Term Positions	Year-Long Positions	Short-Term Positions	Year-Long Positions	Short-Term Positions										
Alabama	2			1					1	1	1	1	1		3	
Alaska	1	2														
Arizona		2														
California		5														
Colorado	35	13	38	19	27	19	1		1							
Washington D.C.	1	17	1	13												
Florida		2														
Illinois			1	1												
Indiana		1		2								1	1		1	1
Iowa				4			1									
Kentucky	7	1	8	1	5				1					1	2	
Maryland	1		4	2	2	1	1	1	1	2	2	1	2	2	1	
Missouri		2		1												
Montana		2														
New Mexico	7	2	3	11	2											
New York		2														
North Carolina		3														
Ohio	3	3	4	1	3	1	1	2		2	1	5	4	3	2	1
Oklahoma							1	1		1						
Pennsylvania	18	1	18	6	11	3	5	3	6	5	7	9	8	12	5	3
South Carolina		2														
Tennessee	6	1	4	3	2	1	5	3	5	4	3	1	3	1	3	1
Texas	2	1														
Virginia	10	5	11	2	6	3	1		2	1	1	3	3	2	1	
West Virginia	22	8	30	11	19	11	6	5	5	6	8	6	9	11	6	4
TOTAL	115	75	122	78	77	39	22	15	22	22	23	27	31	32	24	10

OSM/VISTA positions are supported by a partnership among OSM, Volunteers in Service to America (VISTA), and community watershed organizations providing local sponsorship and supervision. Beginning with the FY09 data, Watershed Assistance positions are reported in two categories: year-long and short-term. Year-long positions include OSM/VISTAs, OSM Regulatory AmeriCorps Members and the Kettering-OSM/VISTA Public Administration Fellows. Short-term positions include Summer Program Members and OSM Interns.

Data Source: OSM Program Files

2011 TABLE 15

Abandoned Mine Land Inventory Costs		
<i>FY 2011</i>		
Completed	2.7 billion	22 percent
Funded	0.4 billion	3 percent
Unfunded	9.1 billion	75 percent
TOTAL	12.2 billion	100 percent

Data Source: Abandoned Mine Land Inventory System

2011 TABLE 16

NTPP 2011 Courses and Enrollment		
Course Name	Number of Sessions	Students
Acid-forming Materials: Fundamentals & Applications	1	24
Acid-forming Materials: Soils & Overburden	2	27
Advanced Blasting: Investigation & Analysis	1	12
AML Design Workshop: Dangerous Highwalls	1	15
AML Design Workshop: Dangerous Openings	1	12
AML Reclamation Projects	1	18
Applied Engineering Principles	2	28
Basic Inspection Workbook ¹	0	11
Blasting and Inspection	2	33
Coalfield Communications: How to Get it Right!	2	35
Effective Writing	2	28
Enforcement Procedures	2	41
Erosion and Sediment Control	2	36
Excess Spoil Handling and Disposal	1	21
Expert Witness	1	11
Forensic Hydrologic Investigation	1	18
Geology and Geochemistry of Acid-forming Materials	1	19
Historic and Archeological Resources	1	19
Mined Land Reforestation Workshop	2	126
National Environmental Policy Act (NEPA) Procedures	1	18
Orientation	1	20
Principles of Inspection	1	28
Soils and Revegetation	2	40
Subsidence	1	24
Surface and Groundwater Hydrology	2	41
Underground Mining Technology	1	21
Wetlands Awareness	2	42
TOTAL	37	768

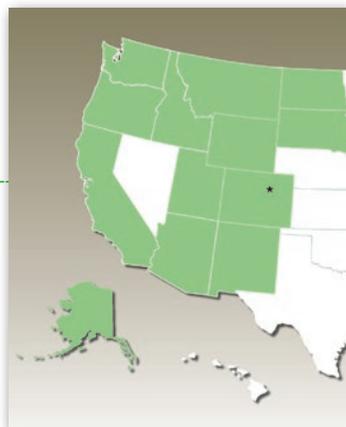
¹ Self Study

Data Source: National Technical Training Program

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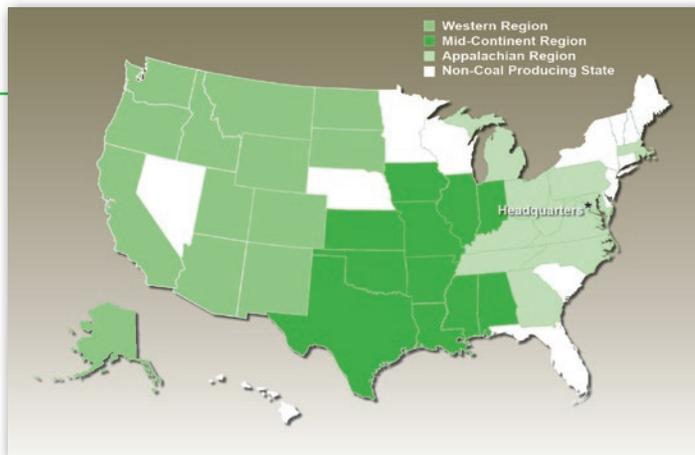
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ABOUT THIS REPORT: OSM's Annual Report is published under the requirements of the Surface Mining Control and Reclamation Act of 1977. The report describes the bureau's operations from October 1, 2009, through September 30, 2011 (Fiscal Years 2010 and 2011). Some state program information contained herein was collected for the 12-month period of July 1, 2009, through June 30, 2010, or July 1, 2010, through June 30, 2011. Responsibilities performed by other bureaus or agencies under the Surface Mining Control and Reclamation Act do not appear in this report, as they are reported to Congress by the respective agencies themselves.

