

**ANNUAL SUMMARY EVALUATION**  
of the  
**COLORADO INACTIVE MINE RECLAMATION PROGRAM**  
for  
**EVALUATION YEAR 2010**  
(July 1, 2009, through June 30, 2010)



September 2, 2010



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<b><u>Cover photo:</u></b> Steel grate closure with a bat cupola in Deadman project vertical opening D6. May 19, 2010		

## ACRONYMS

AML	abandoned mine land
AMLIS	Abandoned Mine Land Inventory System
AMR	Abandoned Mine Reclamation
ASAP	Automated Standard Application for Payments (of the U.S. Dept. of the Treasury)
BLM	Bureau of Land Management (of the U.S. Dept. of the Interior)
CIMRP	Colorado Inactive Mine Reclamation Program
COFRS	Colorado Financial Reporting System
DFD	Denver Field Division (of the Office of Surface Mining)
DNR	Colorado Department of Natural Resources
DOGM	Utah Division of Oil, Gas and Mining
DRMS	Colorado Division of Reclamation, Mining and Safety
GBL	Grant Budget Line
NAAMLPLP	National Association of Abandoned Mine Land Programs
OIG	Office of the Inspector General (of the U.S. Dept. of the Interior)
OSM	Office of Surface Mining Reclamation and Enforcement
SMCRA	Surface Mining Control and Reclamation Act of 1977, as amended
USFS	Forest Service (of the U.S. Dept. of Agriculture)

## I. Introduction

Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or “the Act”), as amended, provides moneys to States and Indian tribes from the Abandoned Mine Reclamation Fund (the Fund) and the general Treasury of the United States. The Office of Surface Mining Reclamation and Enforcement (OSM) administers Title IV of SMCRA on behalf of the Secretary of the Interior. The primary purpose of Title IV is to pay the costs of mitigating the adverse effects of past coal mining, though it also allows certain noncoal problems to be addressed. On December 20, 2006, the President signed the Tax Relief and Health Care Act of 2006 (P.L. 109-432). That legislation included the Surface Mining Control and Reclamation Act Amendments of 2006 (the 2006 Act or the 2006 SMCRA amendments). The 2006 Act amended Title IV of SMCRA by making significant changes in the abandoned mine reclamation fee and the AML program. OSM published final regulations implementing the 2006 Act in the November 14, 2008, **Federal Register** (73 FR 67576). Those final regulations took effect January 13, 2009.

OSM awards grants to States and Indian tribes with moneys from the Fund and the general Treasury to pay their administration costs and reclaim abandoned mines. SMCRA puts the highest priority on correcting the most serious abandoned mine land (AML) problems that endanger public health, safety, and property. As amended, it also allows certain lower priority problems to be addressed if they’re in conjunction with, or adjacent to, higher priority problems. OSM, State, and Indian tribal AML programs work together to achieve the goals of the national program. OSM also works cooperatively with the States and Indian tribes to evaluate their AML programs.

Directive AML-22 generally describes how OSM evaluates State and Tribal AML reclamation programs in “enhancement and performance reviews.” Following that Directive, a team of State and Federal personnel, called the Colorado-Utah AML Review Team, has evaluated the Colorado Inactive Mine Reclamation Program (CIMRP) and the Utah Abandoned Mine Reclamation Program (UAMRP) since January 1996. The Team also includes other individuals on an ad-hoc basis as needed.

A number of people participated on the core team, in the evaluations, or both during the 2010 evaluation year. Bruce Stover, CIMRP Director, represented Colorado and replaced Loretta Pineda, former CIMRP Director, as a core team member. The core team also included Luci Malin, UAMRP Administrator, Tony Gallegos, UAMRP staff member, and OSM-DFD’s Frank Atencio, Christine Belka, and Ron Sassaman. CIMRP project managers Steve Renner, Gary Curtiss, and Jeff Graves helped the core team do the 1(a) performance measure evaluation. UAMRP’s entire staff attended one part of that evaluation. Bruce Stover and Deb Zack, CIMRP, and Ron Sassaman evaluated the 2(e) and 2(j) performance measures. Colorado Department of Natural Resources (DNR) employees Stephanie Job, Roger L. Williamson, and Sharon Elliott and CIMRP’s Kimberly Seymour helped Frank Atencio with the 3(h) performance measure evaluation. Ms. Debi Clements of Marsh, Inc., provided information describing recent activity under Colorado’s Mine Subsidence Protection Program. Ron Sassaman compiled this report.

This report summarizes our review and evaluation of the Colorado Inactive Mine Reclamation Program for the 2010 evaluation year, which included the period of July 1, 2009, through June 30, 2010.

## **II. General Information on the Colorado Program**

On June 11, 1982, the Secretary of the Interior approved Colorado's AML reclamation plan ("the plan") under Title IV of SMCRA. That approval allows Colorado to reclaim abandoned mines in the State in non-emergency AML projects. CIMRP is part of the Division of Reclamation, Mining and Safety (DRMS) in the Department of Natural Resources. It administers Colorado's AML program under the State's approved plan. The Denver Field Division of OSM's Western Region works with CIMRP to fund and approve AML projects in Colorado and to evaluate AML reclamation and other aspects of the Program.

Section 405(f) of SMCRA authorizes State and Indian tribal AML programs to apply to OSM each year for a grant to support their programs and reclaim specific projects. OSM awards grants to Colorado to fund CIMRP's administration costs for the period of July 1 of one year through June 30 of the following year. The same grants also award construction funding that's available to CIMRP during the same period for each of three years after the initial grant award date.

The State's 2007 grant award totaled \$2,443,481. It funded 15.5 full-time equivalents and program administration for one year. It included funds for four coal and 13 noncoal reclamation projects and one combined coal and noncoal project. The 2007 grant funded the State to develop at least 15 projects for its 2008 grant. The 2007 grant expired on June 30, 2010.

Colorado's 2008 grant awarded \$6,791,587 for the three-year period ending June 30, 2011. It funded administrative costs and 19.8 full-time equivalents for one year. It also funds reclamation of five coal projects and 12 noncoal projects and development of at least 15 projects for the 2009 grant.

OSM awarded \$6,485,403 in Colorado's 2009 grant. That grant spans the period of July 1, 2009, through June 30, 2012. The grant supports 20.5 full-time equivalents and other administration costs for the first year. Though it didn't list projects to be funded, the grant's application said CIMRP will use the money to complete about 10 construction contracts and develop about 15 projects for the 2010 grant.

CIMRP received about \$925,000 from non-SMCRA sources during the 2010 evaluation year. The additional funding supplements Colorado's SMCRA-funded grants. It enables CIMRP to abate AML problems that it may not address using SMCRA funds. Effective July 1, 2005, Colorado Senate Bill 05-190 created the Abandoned Mine Reclamation Fund under Title 34 of the Colorado Revised Statutes. That statute authorizes the State Legislature to appropriate \$500,000 each year to the Colorado

DNR to allocate to DRMS for abandoned noncoal mine and environmental reclamation and safety closures. DRMS has three years to spend each annual appropriation. CIMRP received \$325,000 in matching funds for non-point source demonstration projects under section 319 of the Clean Water Act and for other watershed grants. It also received \$100,000 in severance tax funds that are dedicated to public outreach and safeguarding hazardous noncoal mine openings.

CIMRP oversees an insurance brokerage firm's administration of Colorado's approved Mine Subsidence Protection Program. The brokerage provided data for claims activity under this program for the third and fourth quarters of calendar year 2009 and the first and second quarters of calendar year 2010, coinciding with the entire period of OSM's 2010 evaluation year. The insurance covers member households in four coal fields: Colorado Springs; Boulder/Weld; the Rocky Mountain foothills; and the Western Slope. Eight-hundred sixty-one members were enrolled in the program at the end of the evaluation year. Of that total, 779 members lived in the Colorado Springs coal field, 71 lived in the Boulder/Weld field, eight lived in the Foothills area, and three lived on the Western Slope. Six homeowners filed claims during the 2010 evaluation year. Five of the six lived in the Colorado Springs coal field and the sixth lived in the Foothills area. Of the six claims, one was closed because it wasn't related to mine subsidence. The other five claims remained open as of June 30, 2010. A total of \$24,766 was paid on three of those five claims by that time. Seven other claims filed before July 1, 2009, still were open as of June 30, 2010. Four of the seven still are being investigated to determine if mine subsidence caused damage. The remaining three don't appear to be subsidence-related but haven't been resolved yet.

Colorado doesn't have an OSM-approved emergency coal reclamation program.

OSM declared one emergency in Colorado during the 2010 evaluation year and completed work on two others just after the beginning of the 2010 evaluation year. CIMRP received the original complaints for the three emergencies and relayed them to OSM. One previously-reported subsidence occurred in a corn field in Erie that was related to the Longs Peak Mine. OSM declared that subsidence an emergency on June 10, 2009, though it was originally reported on December 15, 2008. OSM fenced the subsidence on December 23, 2008, shortly after it was originally reported. Backfilling completed the construction work on July 7, 2008. The second previously-reported emergency involved an underground mine fire on private property in Marshall. It was closest to the Sunshine Mine. OSM declared the fire an emergency on June 30, 2009, and construction was complete on July 8, 2009. The Grass Valley Mine fire emergency was reported in the 2010 evaluation year on September 2, 2009, and was declared on September 7, 2009. It involved a one-acre, relatively shallow underground mine fire in Garfield County that caused two subsidence openings and threatened to ignite vegetation. OSM contracted for construction and CIMRP monitored it. The subsidence abatement and vegetation removal (by spraying pre-emergent herbicide) were complete on September 27, 2009. OSM issued an authorization to proceed to CIMRP to extinguish the Grass Valley mine fire as a high priority coal project on April 19, 2010.

We note that DFD was planning to address a coal mine fire on the Southern Ute Indian reservation in southwestern Colorado as an emergency in late 2009. Unfortunately, however, a reduction in OSM's emergency project funding eliminated this project from OSM's consideration. CIMRP began planning to address that fire as a cooperative project with the Southern Ute Indian tribe in March 2010 under section 413(b) of SMCRA. The proposed target date for construction to begin is in mid-September 2010.

### **III. Noteworthy Accomplishments**

CIMRP's Millsap Creek Tailings noncoal project received OSM's Western Regional Award for Excellence in Reclamation. OSM presented the award in October 2009 at the annual conference of the National Association of Abandoned Mine Land Programs (NAAML) in Rogers, Arkansas. The project included excavating and regrading 320,000 cubic yards of abandoned gold mine tailings on 45 acres that was causing severe sedimentation into a tributary of the Arkansas River. Reclamation further stabilized the site by spreading 60,000 cubic yards of cover soil and rock and mulching, seeding, and revegetating the project area.

DRMS / CIMRP and the Colorado Geological Survey co-hosted a Coal Mine Subsidence and Land Use Decisions Workshop on March 31, 2010. The workshop provided information about mine subsidence, mitigation options, and Colorado's Mine Subsidence Protection Program for planners, realtors, and other decision-makers. It was held at the Denver Public Library conference center in downtown Denver.

CIMRP continued its public outreach, partnering, and related activities during the evaluation year. It also participated in technology transfer, technical assistance, and training activities. That included attending and making presentations at the NAAML conference and meetings and participating in the OSM/VISTA Western Hardrock Watershed team to help watershed groups enhance partnerships, funding opportunities and watershed sustainability.

CIMRP continued to partner with other agencies during the 2010 evaluation year to leverage its SMCRA funding for AML reclamation and/or to address a wider range of AML problems than those ordinarily funded under SMCRA. It partnered with the U.S. Department of Agriculture, Forest Service and the U.S. Department of the Interior, Bureau of Land Management (BLM), on noncoal projects. Several of those projects were funded, at least in part, with "stimulus" monies made available under the American Recovery and Reinvestment Act (ARRA). CIMRP also manages reclamation of bond forfeiture sites for DRMS.

### **IV. Results of Enhancement and Performance Reviews**

We updated the "Colorado-Utah AML Review Team Performance Agreement" on September 25 and November 16, 2009, to describe the principles of excellence and performance measures that we planned to review in the 2010 evaluation year. The last team member to sign the updated Agreement did so on November 23, 2009.

Principles of excellence and performance measures emphasize on-the-ground or end-results as much as possible. Each general principle of excellence has one or more specific performance measure(s). Performance measures describe: Why we selected that topic; what the review population and sample sizes will be; how we'll do the review and report the results; and our schedule for completing the review. The principles of excellence and the specific performance measures we chose for our 2010 evaluation of the Colorado Inactive Mine Reclamation Program are:

*Principle of Excellence 1:* The State's on-the-ground reclamation is successful.

- *Performance Measure (a):* Does reclamation meet the goals of the project?

*Principle of Excellence 2:* The State AML procedures are efficient and effective.

- *Performance Measure (e):* Does the information the State entered into AMLIS beginning July 1, 2004, agree with information in its files?
- *Performance Measure (j):* How is the State planning to address unfunded coal problems in AMLIS?

*Principle of Excellence 3:* The State has systems to properly manage AML funds.

- *Performance Measure (h):* Are the State's drawdowns of AML grant funds in accordance with Chapter 5-55 of the Federal Assistance Manual?

Results of our 2010 evaluations are described below in Parts IV.A through D. We described our evaluation results in much more detail in an enhancement and performance review report for each performance measure. Those reports are on file in OSM's Denver Field Division and are the detailed factual basis of this report's summary of our evaluations of performance measures 1(a), 2(e), 2(j), and 3(h).

#### **A. Summary Evaluation of Performance Measure 1(a)**

Our goal for this evaluation was to determine if ongoing or complete reclamation met project goals. We empirically compared CIMRP's reclamation to its project specifications and closeout reports and reviewed pre- and post-construction photographs where available. We considered measures CIMRP approved in change orders during construction to address site-specific conditions. We also considered any requirements resulting from interagency consultation it completed to help OSM comply with NEPA and other laws. Our evaluation focused on determining whether completed reclamation met project goals by continuing to abate original hazards, complying with conditions of interagency consultation, and improving overall site conditions compared to pre-reclamation conditions. Generally, reclamation project goals should reflect the need to reclaim abandoned mine lands and abate their attendant hazards while improving site conditions overall and complying with applicable laws and regulations.

Occasionally, project goals focus on testing new reclamation or abatement methods with the intent to use new methods on other projects if they prove effective. We completed our most recent previous evaluation of this performance measure in the 2009 evaluation year.

The sample projects for this evaluation in Colorado included the Skull Creek coal mine fire and the Kankakee, Deadman, and Cottonwood Creek noncoal projects. CIMRP completed the Skull Creek project on June 1, 2005. Reclamation of the Kankakee, Deadman, and Cottonwood Creek projects was complete on October 30, 2009, December 16, 2009, and during the week of May 10, 2010, respectively.

CIMRP's goal for the Skull Creek mine fire project was to evaluate the effectiveness of abating the fire by injecting two proprietary foams into it in the hope that they could be used to abate other coal fires in the State.

Our evaluation found that:

1. Overall the foams reduced fire temperatures in the monitored drill holes over a ten month monitoring period.

Temperatures in most of the monitored drill holes began increasing again within one month to three months after foam injection, though not to pre-injection levels in most cases by the time monitoring ended;

2. CIMRP complied with requirements of interagency consultation by strictly limiting surface disturbance and suppression activities to protect wildlife wintering range; and

3. The fire continued to burn.



Surface rock fracturing overlying the Skull Creek abandoned coal mine fire. November 3, 2009.

Based on our findings, we concluded that:

1. The Skull Creek coal fire project met its primary goal of evaluating new fire abatement methods. The two foams used in this project suppressed the fire for an extended period of time but didn't abate it;

2. Overall the project didn't improve or worsen site conditions; and

3. Extensive surface fracturing is likely to help the fire to continue burning.

The results of this project and subsequent gas analyses helped CIMRP plan another phase that will test a different method of directing foam and moisture into the fire.

CIMRP's goal for the Kankakee, Deadman, and Cottonwood Creek projects was to safeguard hazardous mine openings while protecting bat habitat and historic remnants.

We made the following findings:

1. The Kankakee project safeguarded 12 portals and 19 vertical openings. CIMRP used bat-compatible closures to safeguard four openings. Safeguarding one vertical opening preserved a nearby steam boiler, brick foundation, and headframe remnants;



Corrugated metal pipe closure with bat ladder in portal K12 of the Kankakee project. May 18, 2010.

2. The Deadman project safeguarded nine portals and eight vertical openings. CIMRP used bat exclusions at all openings before closing them to avoid entombing bats. It also used bat-compatible closures to safeguard seven openings (SEE cover photo);

3. The Cottonwood Creek project safeguarded six portals and nine vertical openings. Safeguarding preserved historic cribbing in at least one mine opening. CIMRP used bat-compatible closures to safeguard five openings; and



Steel grate closure with bat ladder in portal 109 of the Cottonwood Creek project. May 19, 2010.

4. All Kankakee, Deadman, and Cottonwood Creek closures were intact and functional.

As a result of our findings, we concluded that:

1. The Kankakee, Deadman, and Cottonwood Creek projects met their goals; and

2. CIMRP's reclamation included measures implementing the results of interagency consultation on issues involving historic and wildlife values as described in the NEPA and consultation documents.

## **B. Summary Evaluation of Performance Measure 2(e)**

In September 2004, the U.S. Department of the Interior, Office of the Inspector General (OIG), issued report number 2003-I-0074 based on its review of Abandoned Mine Land Inventory System (AMLIS) data for four eastern States' abandoned mine land programs. That report criticized the accuracy of AMLIS data in Problem Area Descriptions (PADs) and concluded that AMLIS data didn't match data in the respective States' files. In part, the OIG recommended establishing "a quality control system that ensures that States, Tribes, and OSM, as applicable, review and certify the accuracy of data entered into AMLIS."

OSM responded to the OIG's recommendation with two new requirements for program evaluations. The first required OSM field offices to "assure that each State and Indian Tribe AML program has procedures in place to ensure and certify the accuracy of data entered into AMLIS." CIMRP uses project closeout reports to compile data for AMLIS input. We consider the project closeout reports to be CIMRP's "system" for ensuring that completion data it enters into AMLIS match data in its files. So, we developed the 2(d) performance measure to meet the first new requirement and evaluated it in the 2005 evaluation year. We developed performance measure 2(e) to address the second new requirement and determine if CIMRP's use of its system works as intended. Our evaluation of the 2(e) measure involves an annual comparison of data in a sample of Colorado's AMLIS PADs to data in the State's closeout reports. This report summarizes our fifth annual evaluation of CIMRP's use of that system to update AMLIS.

The 2010 review sample included 23 projects and subprojects funded in Colorado's 2006, 2007, 2008, and 2009 grants. This report refers to all of them as sample projects. The sample included five coal projects and 18 noncoal projects. Our first review found mostly minor discrepancies between data in the sample projects' closeout reports and their respective AMLIS PADs. In response to our first review, CIMRP made a number of changes to closeout reports, AMLIS PADs, and performance measures data linked to AMLIS and we corrected errors in the draft report. Then we did a second review.

Based on our reviews, we made the following findings:

1. CIMRP updated AMLIS PADs with completion data for all of the sample projects as required by 30 CFR 886.21(c);
2. CIMRP completed priority documentation forms for all of the sample projects as required by OSM Directive AML-1;
3. CIMRP entered data in the performance measures database for all of the sample projects;
4. CIMRP revised its closeout report format during this evaluation period to make it more reader-friendly and improve reporting consistency. Fifteen of the sample closeout reports are in the revised format;

5. Project managers and supervisors signed and dated all the sample closeout reports;
6. Data in 22 of 23 sample projects' closeout reports matched data in their respective PADs. Almost all of the data in the remaining closeout report matched data in that project's PADs;
7. CIMRP expressed AMLIS keywords in AMLIS units in all but one sample closeout report;
8. All project closeout reports prorated costs among all keywords in the feature summary table;
9. All closeout reports listed all keywords CIMRP's projects addressed in the summary table;
10. Data in sections 1 and 5 of the linked performance measures database in AMLIS for 21 of the 23 sample projects matched data in those PADs' problem summaries. Performance measures data for two projects combined in one PAD didn't populate correctly based on completion history data due to an AMLIS problem; and
11. CIMRP entered alternate funding source (cost-sharing) information in section 5 of the linked performance measures database in AMLIS for all 13 sample projects it funded from other sources.

Based on our findings, we concluded that:

1. CIMRP's use of project-specific PADs makes AMLIS data interpretation much easier;
2. CIMRP's revised closeout report format, including photographs and other graphics, is more reader friendly and results in more consistent closeout reporting;
3. CIMRP's use of project closeout reports and project-specific PADs eliminates many data discrepancies. Most discrepancies we found in the last few years' reviews were relatively minor;
4. CIMRP's response to our first review findings resolved almost all data discrepancies;
5. As a quality control measure, CIMRP's supervisory sign-off of closeout reports ensures that reports are completed and more consistent. However, it isn't intended to ensure that closeout report data match AMLIS data;
6. Closeout reports for projects that address subsidence were likely to show numbers of subsidence features addressed, or to mention subsidence, instead of showing acres of subsidence addressed as required in AMLIS; and

7. Though much improved, CIMRP's use of project closeout reports wasn't completely successful in ensuring that the data shown in those reports match data in AMLIS.

We recognize that CIMRP must manipulate project cost and accomplishments data before it can report them in AMLIS. This is a function of AMLIS and not a problem with CIMRP's project data. That manipulation always will have the potential to cause discrepancies. Because of that, CIMRP needs to continue improving its quality control to ensure the accuracy of Colorado's AMLIS data, which it helps OSM maintain and update under section 403(c) of SMCRA. We also recognize that this reporting requirement doesn't reflect on the cost-effectiveness or success of Colorado's abandoned mine reclamation.

Based on our findings and conclusions, we recommended that:

1. CIMRP project managers express accomplishments data (especially for subsidence) in project closeout reports in terms of standard AMLIS keywords and units. Further, all prorated project costs, including seeding costs, should be expressed by keyword to facilitate entering that data into AMLIS; and
2. CIMRP continue improving its quality control reviews of project closeout reports and their respective AMLIS PADs to ensure that the completion data in them match.

### **C. Summary Evaluation of Performance Measure 2(j)**

This performance measure evaluation looked at how Colorado is planning to address the unfunded coal problems it has in AMLIS. We developed this new performance measure in response to OSM's increased emphasis on addressing unfunded coal problems in uncertified States. That emphasis reflects the changes in SMCRA that the 2006 amendments made and that the November 14, 2008, final regulations implement. The population and sample for this evaluation included all available information that describes what Colorado is doing to address unfunded coal problems shown in AMLIS. Our previous evaluations of Colorado's coal reclamation didn't specifically look at the State's plans to address remaining unfunded coal problems.

Though not required to develop a formal "plan" for addressing Colorado's unfunded coal problems, CIMRP completed a March 31, 2010, narrative description of work it plans to address coal fires and mine subsidence, new priority 1 and 2 coal hazards, and priority 3 coal projects. It also plans for monitoring and maintaining previously-completed coal projects. We refer to it as CIMRP's "tentative project time frame" in this report. The time frame includes a chart that shows a tentative timeline for CIMRP's work on coal mine subsidence, coal mine fire abatement/control, new priority 1 and 2 coal hazards, priority 3 coal hazards, and coal maintenance projects through June 2026.

We reviewed other documents as well. One was a report that summarized monitoring and inspection work at coal mines in the Raton Mesa coal region. Another was a report of coal mine reconnaissance in the Raton Basin. CIMRP also provided a table showing

subprojects of the Colorado Mine Fire Abatement Project (funded in the 2008 grant) and a list of lump sum estimates for Canon City coal mine assessment. We also reviewed AMLIS data for unfunded coal problems and considered coal and noncoal projects funded in Colorado's AML grants.

We found that CIMRP plans to address unfunded coal problems that Colorado inventoried in AMLIS while it updates its inventory data. Specifically, we found that:

1. CIMRP's time frame tentatively plans to reclaim priority 1, 2, and 3 coal hazards through June 2026. It doesn't specifically estimate when coal reclamation might be complete;
2. CIMRP's time frame focuses on addressing coal mine fires, subsidence, coal project monitoring and maintenance, newly discovered priority 1 and 2 coal problems, and priority 3 coal problems. The time frame's description and schedule of planned reclamation is likely to change;
3. We were able to roughly correlate many of the projects and/or Problem Area Descriptions in the time frame to unfunded and funded coal problems in AMLIS;
4. Underground mine fires comprise about 29.1 percent of the unfunded coal problems Colorado inventoried in AMLIS as of June 3, 2010. The timeframe focuses on several coal mine fires that CIMRP reasonably expects to contain, control, or extinguish with existing technology to protect the public and reduce the chances of wildfires;
5. CIMRP identified three outcrop fires in its 2005 fires investigations report. It appropriately addressed, or is addressing, all three using outcrop fire funds;
6. Abandoned coal mine subsidence makes up about 34.4 percent of the unfunded coal problems the State inventoried in AMLIS as of June 3, 2010. The State funded ten subsidence abatement projects since its 2005 grant, including three in the 2010 grant;
7. Priority 3 gobs, mine openings, pits, slumps, and spoil areas comprise about 31.5 percent of the unfunded coal problems Colorado inventoried in AMLIS as of June 3, 2010. Colorado's time frame plans for addressing priority 3 problems on a watershed basis in conjunction with and adjacent to higher priority coal problems, and eventually as stand-alone projects;
8. CIMRP's time frame includes, at least in part, future coal monitoring and maintenance and reclamation of priority 1, 2 and 3 coal hazards currently inventoried in AMLIS. Its 2010 grant includes at least one project that will maintain previously-completed reclamation and another that will address some remaining, unfunded coal problems inventoried in AMLIS; and

9. Colorado continues to plan and fund substantial coal and noncoal abandoned mine reclamation. Several noncoal projects are funded and/or reclaimed in cooperation with public land management agencies.

Based on our findings, we concluded that:

1. CIMRP's tentative time frame appears to address many of the unfunded coal problems the State currently inventories in AMLIS. We won't be able to determine if all the unfunded coal problems Colorado has in AMLIS will be addressed or will need to be addressed until CIMRP completes its field investigations and reconciles the data they generate with AMLIS data;
2. Though the time frame is a dynamic document, it's a good summary of CIMRP's general planning at this point in time to address Colorado's remaining unfunded coal problems;
3. The tentative time frame is likely to change as CIMRP's investigations generate more data. Those data are likely to change Colorado's inventory of coal problems in AMLIS. So, the time frame's 2026 projection is for general perspective only and isn't definite;
4. OSM must approve any amendments to AMLIS that would add new coal problems to existing or new PADs; and
5. Noncoal reclamation will compete with coal reclamation for available resources as CIMRP continues to address the State's most hazardous abandoned mine problems.

Based on our findings and conclusions, we recommended that:

1. As planned, CIMRP continue and complete coalfield investigations and reconcile the data they generate with AMLIS data;
2. CIMRP continue to use and periodically update its tentative time frame to help guide and show progress on planning reclamation of known coal problems in Colorado, adjusting it as needed to add, delete, or change hazards and projects; and
3. As required, CIMRP and OSM ensure that OSM approves of adding new keyword units and costs to existing and new coal PADs.

#### **D. Summary Evaluation of Performance Measure 3(h)**

This evaluation determined whether the State draws-down AML grant funds in accordance with requirements of Chapter 5-55 of the Federal Assistance Manual (FAM). In that context, it focused on determining if Colorado, as a non-certified State, keeps coal and noncoal drawdown records separate, according to approved

subaccounts, to comply with Federal restrictions on using various grant funds. Our evaluation sample included drawdown reports from fiscal years 2008 and 2009.

This review focused on how Colorado tracks grant expenditures through the various subaccount numbers that resulted from the 2006 amendments and the subsequent changes to OSM's grant regulations at 30 CFR Part 886. Coal and noncoal expenditures should be traceable by the State's subaccount numbers that tie-in with the U.S. Treasury's Automated Standard Allocation for Payments (ASAP).

The State uses the Colorado Financial Reporting System (COFRS) to account for all CIMRP's administration and construction expenses. DNR's accounting section processes CIMRP's expenses and performs a drawdown to pay for them. Colorado maintains a hand-written grant billing log that it updates daily. The log contains the grant billing date, amount drawn, the draw date and cash receipt number. Information for this log comes from a monthly COFRS report. The COFRS report is used to enter grant drawdown data. COFRS tracks all costs of individual projects and services. The State operates on an advance payment method where funds are drawn to cover immediate CIMRP payment requirements. Payments were made soon after funds were requested, so all drawdowns appeared to be timely.

Advances of Federal funds are limited to the amount required to meet the recipient's immediate cash needs for coal and noncoal expenditures. DNR and CIMRP keep separate accounts of funds approved for coal-only expenses and for coal/noncoal expenses. Drawdown records indicate that the time to transfer funds to pay for CIMRP expenses is minimal. Federal funds aren't kept more than three days after they're drawn-down to make payments.

CIMRP keeps a budget sheet that breaks-down the overall administration budget. This sheet provides annual revenue and expenditure summaries at a glance. A separate page contains the budget for coal-only administration costs and a separate budget for coal/noncoal administration. Each type of administration account is tracked with a unique Grant Budget Line (GBL) number. Coal and noncoal administration budget lines identify the type of service that they're to provide, the amount budgeted for that line item, the current drawdown amount and a corresponding ASAP line subaccount number. The GBL lines are cross-checked with the ASAP lines to look at budget balances as funds are drawn-down from administration accounts throughout the year.

The State maintains the same budget breakdown for AML construction funding on a separate page. It has separate GBL budget lines for coal-only construction funding and coal/noncoal construction funding. All projects and program costs associated with construction are identified by name and each is assigned a budget amount. Budget drawdowns are closely monitored as they occur. Adjustments are made if a drawdown ever is made from an incorrect (i.e., coal vs. noncoal) budget line.

We found that Colorado's accounting system documents how funds are drawn to pay for approved program costs. Records of approved use of funds as allowed by the 2006

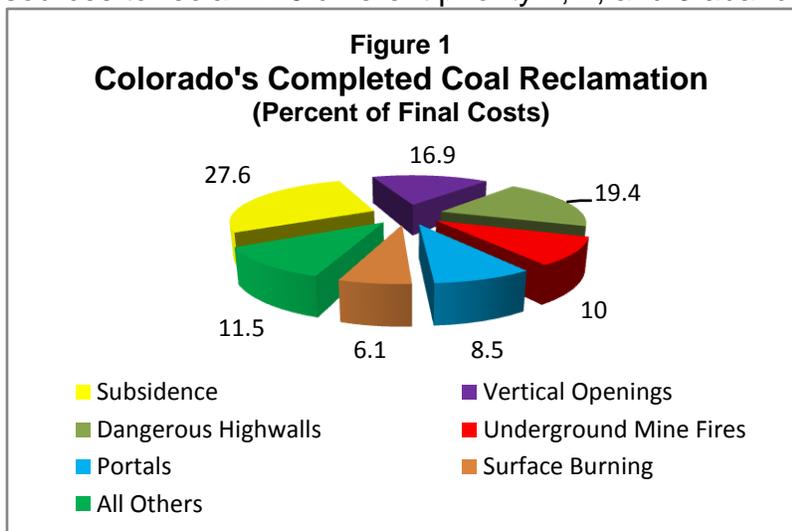
amendments to SMCRA are being kept as required. Funds OSM awards for coal-only administration and construction project costs are sorted-out and easily identifiable within each budget sheet. Cumulative cash draw-down amounts for individual budget line items are easily identifiable as well. The drawdowns and their GBL numbers can be easily checked against the Treasury ASAP Report.

Based on that finding, we concluded that Colorado complies with Chapter 5-55 of the FAM, the Cash Management Act of 1990, and the 2006 SMCRA amendments.

## V. Accomplishments and Inventory Reports

As amended on December 20, 2006, Title IV of SMCRA emphasizes uncertified programs' reclamation of abandoned coal mine-related problems. SMCRA also still allows limited reclamation of abandoned noncoal mine-related problems. CIMRP maintains a partial inventory of abandoned coal and noncoal mine problems in AMLIS from which it selects problems to reclaim. The Governor requests grant funds to abate priority 1 noncoal mine hazards under section 409(c) of SMCRA. Colorado's expenditures on coal and noncoal AML reclamation total \$44,646,997 from all sources since the Secretary approved the State's program effective June 11, 1982.

Colorado completed 175 coal projects since program approval and received SMCRA funding for a total of 209, including the 2010 grant which took effect one day after the end of the evaluation year. Based on AMLIS data, CIMRP spent \$15,246,262 from all sources to reclaim 19 different priority 1, 2, and 3 abandoned coal mine-related



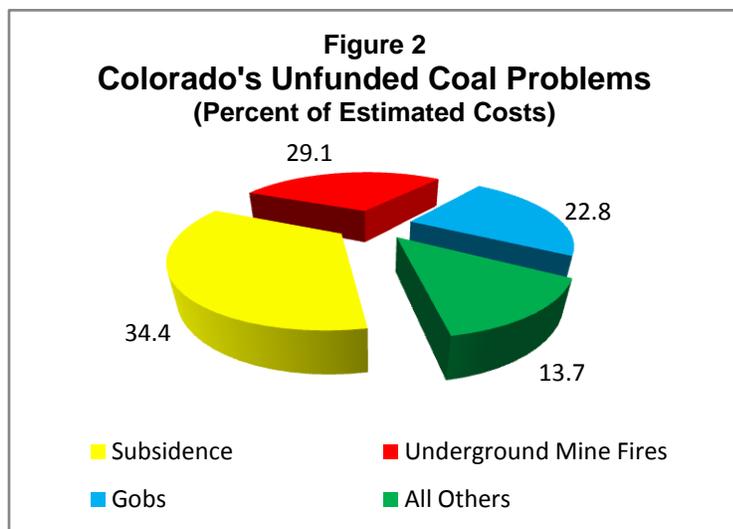
problems in those projects. Coal reclamation expenditures comprise about 34 percent of the total amount CIMRP spent on coal and noncoal abandoned mine reclamation to date. Costs of reclaiming priority 1, 2, and 3 coal problems made up about 32.8 percent, 59.9 percent, and 7.7 percent, respectively, of that total cost. That reflects a 7.5 percent increase in priority 1 coal reclamation costs and

decreases of 6.7 percent and 0.8 percent in priority 2 and 3 coal reclamation costs, respectively, over the percentages reported for the 2009 evaluation year. Reclaiming dangerous highwalls, portals, subsidence, surface burning, underground mine fire, and vertical openings required about 88.5 percent of the money CIMRP spent from all sources on coal reclamation. The remaining 11.5 percent of coal expenditures is attributed to reclaiming the remaining 13 coal mine problems. Figure 1 (above, left) shows those expenditures and includes the remaining 13 problem types in the "all

others” category.” Appendix 1 gives more details about CIMRP’s abandoned coal mine reclamation costs and accomplishments.

CIMRP completed six coal projects during the 2010 evaluation year and had up to three more still under construction as of June 30, 2010. Three of the completed projects involved subsidence abatement and one removed vegetation growing over and near coal fires to prevent range fires. Appendix 2 shows the changes CIMRP made to abandoned coal mine data in AMLIS during the 2010 evaluation period. Those changes include accomplishments from the projects CIMRP completed during this evaluation period and changes in those projects’ status from unfunded to funded.

Unfunded coal problems still figure prominently in Colorado’s AMLIS data. Estimated costs of abating eighteen different problems total \$36,907,636. That’s a 0.25 percent decrease over the amount we reported at the end of the 2009 evaluation year. Priority



1 and 2 underground mine fire, priority 2 subsidence, and priority 3 gobs make up about 86.3 percent of the estimated cost of reclaiming the State’s unfunded coal problems. Fifteen other types of problems make up the remaining 13.7 percent. Figure 2 (left) compares the estimated cost of reclaiming Colorado’s unfunded coal problems in relation to each other, including the 15 problem types included as “all others.” Appendix 1 shows the unfunded coal problems and their estimated reclamation costs

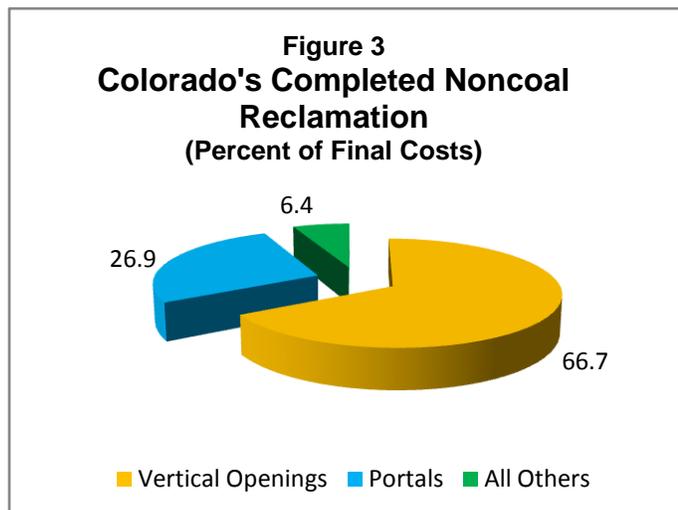
in more detail. As we described in our summary of the 2(j) performance measure evaluation in Part IV.C of this report, CIMRP re-inventoried reclaimed and unreclaimed coal problems in parts of the State. That work is expected to change Colorado’s inventory of unfunded priority 1, 2, and 3 coal problems in AMLIS.

Colorado considers abandoned noncoal portals and vertical openings more hazardous overall than most of its remaining unfunded coal problems, and its reclamation and grant requests reflect that. Nevertheless, the Governor must request noncoal funding under section 409(c) of SMCRA because the State hasn’t yet certified coal completion under section 411(a). Including the 2010 grant and excluding cancelled projects, Colorado requested and received SMCRA grant funding for 258 noncoal projects since program approval. CIMRP completed 14 noncoal projects during the 2010 evaluation year and had ten more noncoal projects still under construction by June 30, 2010.

So far, Colorado's completed noncoal reclamation cost \$29,400,735 from all sources, based on AMLIS data. Colorado's 2008, 2009, and 2010 grants budget(ed) up to a total of \$11,115,475 for coal reclamation, excluding administrative costs. The cost of abating noncoal problems of all priorities makes up about 64.8 percent of the cost of all abandoned mine reclamation Colorado

completed to date with funds from all sources. As shown in Figure 3 (right), safeguarding priority 1 and 2 vertical openings and portals required about 93.6 percent of the funding Colorado spent on noncoal reclamation. Breaking-down those costs further shows that priority 1 vertical openings, portals, and

dangerous piles and embankments required about 57.5, 26.8, and 5.2 percent, respectively, of the \$29.4 million-plus total cost of CIMRP's noncoal AML reclamation so far. Other priority 1 noncoal reclamation CIMRP completed addressed dangerous highwalls, dangerous piles and embankments, hazardous equipment and facilities, and subsidence. They're among the problems that are grouped as "all others" in Figure 3.

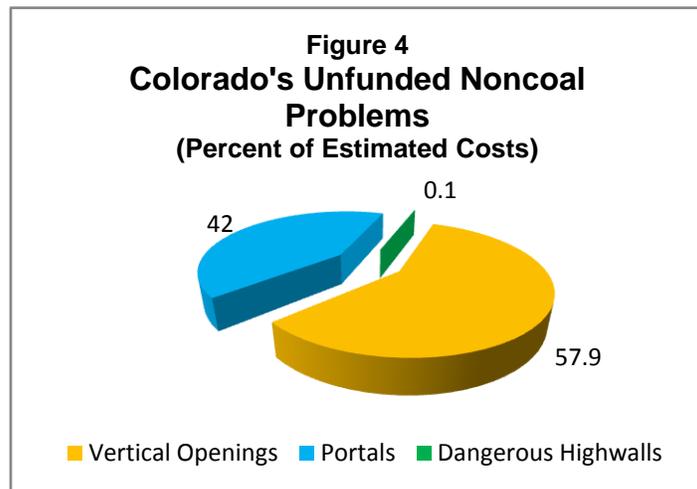


CIMRP used its non-SMCRA funding to address additional noncoal problems. It used funding from non-SMCRA sources to address priority 2 portals and vertical openings and priority 3 gobs and pits since program approval. CIMRP partnered with other agencies in the 2010 evaluation year to leverage its SMCRA funding to address priority 1 noncoal problems and other noncoal problems. Figure 3 compares the costs of that completed noncoal reclamation. Appendix 3 describes the costs and accomplishments of CIMRP's completed noncoal reclamation in more detail.

Appendix 4 shows the changes CIMRP made to Colorado's noncoal data in AMLIS during the 2010 evaluation year. Though the ongoing AMLIS upgrade prevented CIMRP from updating the data for some projects, changes shown in the appendix include final costs and accomplishments for completed noncoal projects, changes in projects' funding status, and other adjustments.

Priority 1 vertical openings and portals make up most of the noncoal problems that Colorado inventoried in AMLISs of. The combination of priority 1 and 2 vertical openings and priority 1 portals makes up over 99.9 percent of the estimated cost of addressing the State's unfunded noncoal problems. Priority 1 and 2 dangerous highwalls make up the remaining 0.1 percent. Figure 4 (following page, center) further illustrates a comparison of the estimated costs of addressing Colorado's unfunded noncoal vertical openings, portals, and dangerous highwalls. Appendix 4 shows changes CIMRP made to Colorado's data for noncoal reclamation costs and

accomplishments in AMLIS. They reflect changes in problems' status from unfunded to funded and completed.



Steel grate closure with bat ladder in Cottonwood Creek portal 100. May 19, 2010.

**Appendix 1**

Colorado Inactive Mine Reclamation Program

**Coal Reclamation Accomplishments Since June 11, 1982, and Remaining Reclamation Needs\***

Problem Type and Description	Unfunded		Funded		Completed		Total	
	Units	Costs	Units	Costs	Units	Costs	Units	Costs
Bench	55 acres	\$197,000	0	0	2.5 acres	\$27,290	57.5 acres	\$224,290
Dangerous Highwalls	1,030 feet	\$30,000	0	0	51,992 feet	\$2,955,885	53,022 feet	\$2,985,885
Dangerous Piles & Embankments	0	0	0	0	43.5 acres	\$468,050	43.5 acres	\$468,050
Equipment & Facilities	62 (count)	\$94,000	0	0	7 (count)	\$14,657	69 (count)	\$108,657
Gases: Hazardous/Explosive	0	0	0	0	1 (count)	\$690	1 (count)	\$690
Gobs	457.3 acres	\$8,416,954	25 acres	\$205,753	87.5 acres: SMCRA / all sources	\$576,669: SMCRA / all sources	569.8 acres: SMCRA / all sources	\$9,199,376: SMCRA / all sources
Highwall	0	0	0	0	1,175 feet	\$41,386	1,175 feet	\$41,386
Hazardous Equipment & Facilities	1(count)	\$2,000	0	0	1(count)	\$1	2 (count)	\$2,001
Haul Road	4 acres	\$13,000	0	0	0	0	4 acres	\$13,000
Industrial / Residential Waste	3 acres	\$13,000	8 acres	\$84,000	15 acres	\$106,657	26 acres	\$203,657
Mine Openings	212 (count)	\$631,000	3 (count)	\$3,206	18 (count)	\$62,592	233 (count)	\$696,798
Other	26.0	\$101,000	0	0	0	0	26.0	\$101,000
Portals	32 (count)	\$136,060	26 (count): SMCRA and all sources	\$86,736: SMCRA and all sources	559 (count): SMCRA ----- 561 (count): all sources	\$1,286,028: SMCRA ----- \$1,294,878: all sources	617 (count): SMCRA ----- 619 (count): all sources	\$1,508,824: SMCRA ----- \$1,517,674: all sources
Pits	93 acres	\$423,100	0	0	61.9 acres: SMCRA / all sources	\$233,584: SMCRA / all sources	154.9 acres: SMCRA / all sources	\$656,684: SMCRA / all sources
Polluted Water: Agric. & Industrial	0	0	1 (count)	\$50,000	3 (count)	\$19,699	4 (count)	\$69,699
Subsidence	178.6 acres	\$12,691,460	5 acres	\$2,000,000	79.7 acres	\$4,204,760	263.3 acres	\$18,896,220
Spoil Area	369.6 acres	\$1,348,095	3 acres	\$31,875	97.5 acres	\$183,502	470.1 acres	\$1,563,472

\* This table is based on a Problem Type Unit and Cost Summary Report from the Abandoned Mine Land Inventory System as of July 16, 2010. NOTE: Completed cost of \$1 means reclaiming that problem type was incidental to abating other problem types. Also, the numbers don't include Federal emergency program costs.

**Appendix 1 (continued)**

Colorado Inactive Mine Reclamation Program

**Coal Reclamation Accomplishments Since June 11, 1982, and Unfunded Coal Problems Remaining\***

Problem Type and Description	Unfunded		Funded		Completed		Total	
	Units	Costs	Units	Costs	Units	Costs	Units	Costs
Surface Burning	1 acre	\$5,000	5 acres	\$70,000	29.2 acres: SMCRA ----- 42 acres: all sources	\$500,828: SMCRA ----- \$935,165: all sources	35.2 acres: SMCRA ----- 48 acres: all sources	\$575,828: SMCRA ----- \$1,010,165: all sources
Slump	25 acres	\$804,000	0	0	0	0	25 acres	\$804,000
Underground Mine Fire	180.5 acres	\$10,750,000	49 acres	\$2,663,743	213 acres	\$1,525,715	442.5 acres	\$14,939,458
Vertical Openings	36 (count)	\$1,229,967	23 (count)	\$124,895	308 (count): SMCRA / all sources	\$2,589,082	367 (count): SMCRA / all sources	\$3,943,944
Water Problems	24 gal/min	\$22,000	1 gal/min	\$25,000	1 gal/min	\$6,000	26 gal/min	\$53,000
<b>COLORADO TOTAL COSTS</b>		<b>\$36,907,636</b>		<b>\$5,345,208: SMCRA and all sources</b>		<b>\$14,803,075: SMCRA ----- \$15,246,262: all sources</b>		<b>\$57,055,919: SMCRA ----- \$57,499,106: all sources</b>

\* This table is based on a Problem Type Unit and Cost Summary Report from the Abandoned Mine Land Inventory System as of July 27, 2009. NOTE: Completed cost of \$1 means that abating that problem type was incidental to other abating other problem types. Also, numbers do not include Federal emergency program costs.

**Appendix 2**

**Colorado Inactive Mine Reclamation Program**

**Coal Reclamation Accomplishments and Inventory Changes in the 2010 Evaluation Year\***

Problem Type and Description	Unfunded		Funded		Completed		Total	
	Units	Costs	Units	Costs	Units	Costs	Units	Costs
Gases: Hazardous & Explosive						-\$110		-\$110
Gobs					-1 acre: SMCRA	-\$1: SMCRA	-1 acre: SMCRA	-\$1: SMCRA
Portals			-1 (count): SMCRA -2 (count): all sources	-\$15,000: SMCRA -\$43,891: all sources	+1 (count): SMCRA +8 (count): all sources	+\$19,348: SMCRA +\$28,203: all sources	+6 (count): all sources	+\$4,348: SMCRA -\$15,688: all sources
Pits					-2 acres: SMCRA	-\$1: SMCRA	-2 acres: SMCRA	-\$1: SMCRA
Subsidence		-\$94,150	-44.2 acres	+\$700,000	+27.1 acres	+\$1,400,604	-17.1 acres	+\$2,006,454
Spoil Area	+4 acres		+1 acre	-\$8,125			+5 acres	-\$8,125
Underground Mine Fire	+4 acres		-20 acres	-\$98,789	+31 acres	+\$111,898	+15 acres	+\$13,109
Vertical Openings					-3 (count): SMCRA +2 (count): all sources	-\$3: SMCRA / all sources	-3 (count): SMCRA +2 (count): all sources	-\$3: SMCRA / all sources
<b>COLORADO COAL COST CHANGES</b>		-\$94,150		+\$578,086: SMCRA +\$549,195: all sources		+\$1,531,735: SMCRA +\$1,540,592: all sources		+\$2,015,671: SMCRA +\$1,995,637: all sources

\* This table is based on a comparison of Problem Type Unit and Cost Summary Reports from the Abandoned Mine Land Inventory System as of July 27, 2009, and July 16, 2010. Except where noted, data changes for coal accomplishments and costs shown are the same whether reported as SMCRA-funded only or as funded by all sources.

**Appendix 3**

**Colorado Inactive Mine Reclamation Program  
Noncoal Reclamation Accomplishments Since June 11, 1982, and Unfunded Noncoal Problems Remaining\***

Problem Type and Description	Unfunded		Funded		Completed		Total	
	Units	Costs	Units	Costs	Units	Costs	Units	Costs
Dangerous Highwalls	1.0 foot	\$5,000	0: SMCRA ----- 400 feet: all sources	0: SMCRA ----- \$100,000: all sources	15 feet: SMCRA / all sources	\$1,179: SMCRA / all sources	416 feet	\$6,179: SMCRA ----- \$106,179: all sources
Dangerous Piles & Embankments					30 acres: SMCRA ----- 60 acres: all sources	\$346,632: SMCRA ----- \$1,536,512: all sources	30 acres: SMCRA ----- 60 acres: all sources	\$346,632: SMCRA ----- \$1,536,512: all sources
Gobs	0	0	0	0	3 acres	\$78,250	3 acres	\$78,250
Hazardous Equipment & Facilities	0	0	0	0	13 (count)	\$214,669	13 (count)	\$214,669
Industrial/Residential Waste	0	0	1 acre	\$20,000	0	0	1.0 acre	\$20,000
Portals	3,556 (count)	\$18,409,220	125 (count): SMCRA ----- 167.5 (count): all sources	\$692,901: SMCRA ----- \$1,210,401: all sources	2,708.5 (count): SMCRA ----- 2,908.5 (count): all sources	\$7,658,539: SMCRA ----- \$7,896,401: all sources	6,382.5 (count): SMCRA ----- 6,625 (count): all sources	\$26,724,913: SMCRA ----- \$27,480,275: all sources
			0	0	0	0	2 acres	\$12,000
Subsidence	0	0	1 acre	\$3,377	7.3 acres: SMCRA ----- 7.4 acres: all sources	\$42,045: SMCRA ----- \$51,638: all sources	8.3 acres: SMCRA ----- 8.4 acres: all sources	\$45,422: SMCRA ----- \$55,015: all sources
					4,348.5 (count): SMCRA ----- 4,883.5 (count): all sources	\$22,714,646: SMCRA ----- \$25,386,146: all sources	184.5 (count): SMCRA ----- 193 (count): all sources	\$663,736: SMCRA ----- \$700,182: all sources
<b>COLORADO TOTAL COSTS</b>		<b>\$41,128,866: SMCRA</b> ----- <b>\$43,800,366: all sources</b>		<b>\$1,380,014: SMCRA</b> ----- <b>\$2,033,960: all sources</b>		<b>\$25,146,957: SMCRA</b> ----- <b>\$29,400,735: all sources</b>		<b>\$67,620,090: SMCRA</b> ----- <b>\$75,199,314: all sources</b>

\* This table is based on a Problem Type Unit and Cost Summary Report from the Abandoned Mine Land Inventory System as of July 16, 2010. AMLIS doesn't include a complete inventory of Colorado's unfunded noncoal problems.

**Appendix 4**

**Colorado Inactive Mine Reclamation Program**

**Noncoal Reclamation Accomplishments and Inventory Changes in the 2010 Evaluation Year\***

Problem Type and Description	Unfunded		Funded		Completed		Total	
	Units	Costs	Units	Costs	Units	Costs	Units	Costs
Dangerous Highwalls			0: SMCRA	0: SMCRA	-1,300 feet: SMCRA and all sources	0 -\$130,160: all sources	-900 feet: SMCRA and all sources	0: SMCRA -\$30,160: all sources
			+400 feet: all sources	+\$100,000: all sources				
Portals			-37.5 (count): SMCRA	-\$86,212: SMCRA	+33 (count): SMCRA	+\$79,464: SMCRA	-3.5 (count): SMCRA	-\$6,748: SMCRA
			-73 (count): all sources	-\$119,208: all sources	+48 (count): all sources	+\$114,125: all sources	-25 (count): all sources	-\$5,083: All sources
Subsidence			+ 1 acre: SMCRA and all sources	+\$3,377: SMCRA and all sources	+ 4.3 acres: SMCRA	+\$31,384: SMCRA	+5.3 acres: SMCRA	+\$34,761: SMCRA
					+4.4 acres: all sources	+\$40,977: all sources	+5.4 acres: all sources	+\$44,354: all sources
Vertical Openings			-9 (count): SMCRA	-\$110,354: SMCRA	-39 (count): SMCRA	-\$161,670: SMCRA	-48 (count): SMCRA	-\$272,024: SMCRA
			-44 (count): All sources	-\$270,765: all sources	-44 (count): all sources	-\$162,741: all sources	-88 (count): all sources	-\$433,506: all sources
<b>COLORADO NONCOAL COST CHANGES</b>				<b>-\$193,189: SMCRA</b>		<b>-\$50,822: SMCRA</b>		<b>-\$244,011: SMCRA</b>
				<b>-\$286,596: all sources</b>		<b>-\$137,799: all sources</b>		<b>-\$424,395: all sources</b>

\* This table is based on a comparison of Problem Type Unit and Cost Summary Reports from the Abandoned Mine Land Inventory System as of July 27, 2009, and July 16, 2010. Except as noted, noncoal accomplishments and costs shown are the same whether reported as SMCRA-funded only or as funded by all sources.

## **Appendix 5**

### State Comments on the Report

From: Stover, Bruce [Bruce.Stover@state.co.us]  
Sent: Wednesday, August 25, 2010 10:01 AM  
To: Sassaman, Ronald  
Subject: RE: Colorado 2010 annual summary report

Ron,

I have reviewed the Annual Summary Evaluation Reports for Colorado.

I agree with the report content and conclusions.