

DEPARTMENT OF INTERIOR

**OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT**



CROW TRIBE

ABANDONED MINE LANDS RECLAMATION PROGRAM

2009 ANNUAL EVALUATION REPORT

August 15, 2009



Cover Photo- Crow construction crew applying cover soil on Woodson No. 3 coal mine site

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Part I. GENERAL

I.A Introduction

The Surface Mining Control and Reclamation Act (SMCRA) created the Office of Surface Mining Reclamation and Enforcement (OSM) within the Department of the Interior to oversee the regulation of coal exploration, surface coal mining and reclamation operations, and the reclamation of lands adversely affected by past mining practices. SMCRA provided that, if certain conditions are met, a State may assume primary authority for the reclamation of abandoned mine lands within its borders.

Because legislation for Tribes did not exist under SMCRA, a supplemental appropriations bill (Public Law 100-71) was enacted on July 11, 1987 to authorize the Crow, Hopi, and Navajo Tribes the right to obtain the Secretary of the Interior's approval of Abandoned Mine Land Reclamation (AMLR) programs without first having regulatory programs as required by Section 405 of SMCRA. The Crow Tribe developed an AMLR Program which was approved by OSM on January 4, 1989, and established the Crow Office of Reclamation (COR) to administer its abandoned mine land program (AMLP). On May 29, 2007, in accordance with Section 411 of SMCRA, the Crow Tribe certified to the Secretary of Interior that all priorities stated in Section 403(a) for eligible lands and waters pursuant to Section 404 had been achieved. On April 1, 2008, the Secretary of Interior concurred with the certification and published that certification in the *Federal Register* (73 FR 17247-17249).

Once a Tribe has an approved AMLR program, OSM has the responsibility to make investigations, evaluations, and inspections necessary to determine if the Tribal program is being administered in accordance with approved program provisions. This evaluation of the Crow Tribe AMLR program was conducted by the OSM Casper Field Office (CFO) for the 2009 evaluation period beginning July 1, 2008 and concluding June 30, 2009. Evaluation methods were based upon OSM Directive AML-22 and a Performance Agreement (PA) between the Crow Tribe and OSM. This agreement incorporated a shared commitment by the Tribe and OSM in determining how annual evaluations would be conducted. The process was designed to evaluate whether the Tribe, through its AMLP, was achieving the overall objective of Section 102 of the SMCRA. Section 102 states that AMLP are to:

"... promote the reclamation of mined areas left without adequate reclamation prior to the enactment of this Act and which continue, in their unreclaimed condition, to substantially degrade the quality of the environment, prevent or damage the beneficial use of land or water resources, or endanger the health or safety of the public ..."

As a result of the PA, specific topics were identified for review and review methodologies were developed for the evaluation period, in concert with the Tribe. The review methodologies are described in detailed oversight work plans, developed for the review of each specific topic. The reviews were designed to result in an overall measure of the Tribe's success in achieving planned reclamation goals. The specified topics selected for review were those identified by OSM and the Tribe from past experience which have the most potential for preventing the Tribe from achieving their planned reclamation goals. By focusing on end results, OSM was able to determine the root causes of problems (if any) and concentrate its resources on prevention by providing assistance to the Tribe for any needed program improvement.

I.B. General Information on the Crow Program

The Crow Reservation, an area approximately 2,226,000 acres, is located in south-central Montana adjacent to the Wyoming border. Adjoining the reservation to the north is the 1,100,000 acre Crow Ceded Area, where the Crow Tribe of Indians holds extensive mineral rights. Prior to 1904, the Ceded Area was a part of the reservation. Congress required the Tribe to return the surface rights of the area to the United States through legislation enacted in 1904. Parts of the surface were then acquired by non-Indians. The Tribe retained ownership to the minerals, and has AMLR jurisdiction for the Ceded Area.

Numerous small abandoned mines are located on the reservation and the Ceded Area. Historically, coal was mined for local domestic use by residents of the area. Prior to the effective date of SMCRA, coal mining on the Crow Reservation resulted in hazards relating to abandoned equipment and facilities and un-reclaimed subsidence, vertical openings, portals, highwalls and impoundments. Un-reclaimed environmental problems consisted of spoil piles, pits, gob piles, haul roads, and minor highwalls. Although no deaths or injuries have occurred in association with abandoned mines in recent years, three deaths and six injuries are known to have occurred historically.

All accessible high priority sites on the Crow Reservation and the Ceded Area have been reclaimed, and during the past few years the Tribe has concentrated its efforts on remaining low priority coal sites. Effective April 1, 2008, the Director of OSM, on behalf of the Secretary, concurred with the Crow Tribe's certification that all coal-related abandoned mine land (AML) problems have been abated or reclaimed. The Crow Tribe intends to implement a non-coal reclamation program under its current AMLR plan and may be required to revise its AMLR plan in the future to implement a non-coal program under section 411 of SMCRA. However, any coal-related problem(s) that may be found to occur must be given priority for reclamation over non-coal projects.

The COR-AMLPL staff is made up of 3.0 full time construction related employees and 1.55 administrative personnel. This staff is responsible for the direction of all construction activities as well as all administrative functions of the program. To assure an acceptable level of control, OSM, in their approval of the Crow Tribe AMLR program, required that administrative functions

such as grant application preparation, progress report preparation, payroll, procurement, property management, and all financial activities be separate from the Tribal systems.

All construction to date has been accomplished by manual labor using hand tools. During past evaluation years, the COR-AMLPL has been a major employer on the reservation, hiring as many as 60 laborers and foremen. Due to decreased numbers of old abandoned coal mine sites and inaccessibility to others, the number of construction sites has been limited, resulting in a reduction of employment to approximately 30 laborers and foremen during this evaluation year. The construction season generally begins in April and continues through November.

The following is a list of acronyms used in this report:

| | |
|-------|--|
| AML | Abandoned Mine Land |
| AMLIS | Abandoned Mine Land Inventory System |
| AMLPL | Abandoned Mine Land Program |
| AMLRL | Abandoned Mine Land Reclamation |
| ATP | Authorization to Proceed |
| COR | Crow Office of Reclamation |
| CFO | Casper Field Office |
| OIG | Office of the Inspector General |
| OSM | Office of Surface Mining |
| PA | Performance Agreement |
| PAD | Problem Area Description |
| SMCRA | Surface Mining Control and Reclamation Act |
| Tribe | Crow Tribe |
| WR | Western Region |

Part II. NOTEWORTHY ACCOMPLISHMENTS

II.A. Accomplishments and Inventory Reports

Since implementation of their approved AMLR program, the COR-AMLPL has eliminated safety hazards and threats to the environment posed by un-reclaimed mines. Reclamation has involved both coal and non-coal mines as provided in SMCRA. The accomplishments of the Crow AMLP since its inception are listed in Table 1. The reclamation accomplishments reflected in this Table have enhanced surrounding areas and returned the land to a condition that is of greater use to the Crow Tribe and others.

II.B. Progress in Reclamation of Outstanding Coal Problems

The COR-AMLPL continues to pursue coal reclamation projects in order to maintain their certification. Authorizations to Proceed (ATP) were issued for the following projects in evaluation year 2009:

Takes A Horse Mines Nos. 2-6
Squirrel Creek Mine
Woodson Mines Nos. 1-4

ATP issued 7/25/2008;
ATP issued 8/14/2008;
ATP issued 8/14/2008.

**TABLE 1 - ABANDONED MINE LAND RECLAMATION
ACCOMPLISHMENTS SINCE PROGRAM APPROVAL**

| Problem nature | Unit | Coal-related problems | | | | Noncoal-related problems | |
|--|-----------|-----------------------|--------|-----------|-------|--------------------------|-----------|
| | | Abatement status | | | Total | Abatement status | |
| | | Unfunded | Funded | Completed | | Funded | Completed |
| Priority 1 & 2 (Protection of public health, safety, and general welfare) | | | | | | | |
| Clogged streams | Miles | - | - | - | - | - | - |
| Clogged stream lands | Acres | - | - | 1.0 | 1.0 | - | - |
| Dangerous highwalls | Lin. Feet | - | - | 1,765 | 1,765 | - | 352 |
| Dangerous impoundments | Count | - | - | 1 | 1.0 | - | - |
| Dangerous piles & embankments | Acres | - | - | 21.6 | 21.6 | - | 3.3 |
| Dangerous slides | Acres | - | - | 22.0 | 22.0 | - | 1 |
| Gases: hazardous/explosive | Count | - | - | - | - | - | - |
| Underground mine fires | Acres | - | - | - | - | - | - |
| Hazardous equip. & facilities | Count | - | - | 32 | 32.0 | - | - |
| Hazardous water bodies | Count | - | - | 1 | 1.0 | - | - |
| Industrial/residential waste | Acres | - | - | - | - | - | - |
| Portals | Count | - | - | 13 | 13 | - | - |
| Polluted water: agric. & indust. | Count | - | - | 2 | 2 | - | - |
| Polluted water: human consumption | Count | - | - | - | - | - | - |
| Subsidence | Acres | - | - | 16.0 | 16.0 | - | - |
| Surface burning | Acres | - | - | - | - | - | - |
| Vertical opening | Count | - | - | 4 | 4 | - | - |
| Priority 3 (Environmental restoration) | | | | | | | |
| Spoil areas | Acres | - | - | 4.0 | 4.0 | - | 3 |
| Benches | Acres | - | - | 2.0 | 2.0 | - | - |
| Pits | Acres | - | - | 6.0 | 6.0 | - | 4 |
| Gob piles | Acres | - | - | 7.0 | 7.0 | - | - |
| Slurry ponds | Acres | - | - | 0.1 | 0.1 | - | - |
| Haul roads | Acres | - | - | 4.0 | 4.0 | - | - |
| Mine openings | Count | - | - | 1 | 1.0 | - | - |
| Slumps | Acres | - | - | 3.6 | 3.6 | - | - |
| Highwalls | Lin. Feet | - | - | 100 | 100.0 | - | 300 |
| Equipment/facilities | Count | - | - | 31 | 31.0 | - | - |

Note: All data in this table are taken from AMLIS, July 10, 2009.

Part III. RESULTS OF PERFORMANCE REVIEWS

III.A Performance Topics

The Crow AMLP PA was signed on July 16, 2008 and applies to both the 2008 and 2009 evaluation years. The PA describes the topics selected for review to evaluate the performance of the AMLP. On-the-ground, performance-based results were the principal focus of program evaluation and documentation. As identified in the 2008 PA, the following topics were selected for evaluation: 1) AML Grant Fiscal and Administrative Controls, 2) Evaluation of Abandoned Mine Land Inventory Systems (AMLIS), 3) Overall Reclamation Success, and 4) Compliance with Section 106 of the National Historic Preservation Act.

Results of the 2009 evaluations are summarized below. The evaluations included field visits to AML projects, interviews with COR-AMLP staff, and reviews of AMLP's project specifications, grant applications and reports, and internal Tribe and AMLIS inventories. The evaluation results are described in detail in evaluation reports on file at OSM-CFO. Each topic was reviewed according to the methodology described in detailed oversight work plans.

III.B. AML Grant Fiscal and Administrative Controls

The Crow Tribe AML & Regulatory Grants administration was monitored throughout evaluation year 2009. An OSM Western Region (WR) Grants Specialist conducted a site visit to the Crow Tribe program and accounting offices to discuss their AMLP implementation for the current evaluation year. Discussions on the status of OSM grant agreement accounting, and letter-of credit draws were held with the Crow Tribe Certified Public Accountant (CPA) and her assistant; no deficiencies were noted. Grant-purchased property inventories (for property valued above \$5,000) for the Crow AMLP was reviewed and verified with program staff; no deficiencies were noted. Interviews conducted with the Crow Tribe CPA confirmed that recent audits had no questioned or disallowed costs associated with OSM to Crow Tribe AML grants. The WR Grants Specialist will continue to monitor Crow Tribe AML grants administration in EY2010.

The FY2009 consolidated grant to the Tribe was \$1,580,977 consisting of \$1,318,208 in Prior Balance Replacement funds and \$262,769 in Certified in Lieu funds. Of this, the entire grant balance of \$1,580,977 was requested by the Tribal Council. These moneys are granted from the United States Treasury to the Crow Tribe to fund abandoned coal mine reclamation and research and mineral related projects of their choosing. As a certified tribe, the Crow Tribe is eligible to use any amounts from the consolidated grant for the purposes established by the Tribal Council, with priority given for addressing the impacts of mineral development. The FY2009 consolidated grant was budgeted at \$861,000 for reclamation projects consisting of \$170,363 in administrative costs and \$690,637 for construction costs, and \$719,977 for non-reclamation projects consisting of \$150,000 in community district improvements and \$569,977 in educational grants and scholarships.

III.C. Evaluation of Abandoned Mine Land Inventory System (AMLIS)

Our 2009 evaluation of AMLIS determined if the information the Tribe entered into AMLIS agrees with information in its files. This topic was mandated for review due to a September, 2004 report issued by Interior's Office of the Inspector General (OIG). The report criticized the accuracy of AMLIS data, based on the OIG review of AMLIS data for four eastern States' AML programs. The OIG's review concluded that AMLIS data did not match data in those States' files and 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." In response to the OIG's recommendation, OSM required its field offices to implement two requirements. The first requirement is to "assure that each State and Indian Tribe AMLP has procedures in place to ensure and certify the accuracy of data entered into AMLIS" as part of the FY2004 oversight (subsequently changed to FY2005). OSM Headquarters subsequently advised field offices to drop the certification requirement. As a result, the focus is to make sure States and Tribes have requisite systems in place. The CFO and COR-AMLP chose to include this assurance as part of the evaluation year 2006 oversight. The evaluation year 2006 oversight determined the Crow Tribe has such a system in place that is adequate to ensure accurate data is entered into AMLIS.

The second requirement implemented by OSM in response to the OIG's recommendation stated, "[o]nce these State and Indian Tribe procedures are in place, OSM will annually review a random sample of [PADs] to see if the information entered into AMLIS agrees with the information in the Problem Area Definition (PAD)." As a result, the focus is to make sure the data States and Tribes entered into AMLIS PADs agrees with the information in their files. The CFO and COR-AMLP chose to include this assurance as part of the evaluation year 2009 oversight. The evaluation goal was to determine if information the Crow Tribe enters into AMLIS, for projects completed during the evaluation year, agrees with information in its files.

The COR-AMLP compiles data from various sources for input into AMLIS. These sources include project information spreadsheets, project diaries and close-out reports. Project completion data is tracked on an EXCEL spreadsheet. Information in the spreadsheet includes project name, contracts, salary and fringe of reclamation crews, year of completion and costs.

Information is entered into AMLIS by the Project Coordinator based on the above-mentioned data sources. Since AMLIS data is not intended to include maintenance project information, maintenance project data is housed in a separate location from other project data. Completion information entered into AMLIS for reclamation projects completed during the evaluation year was reviewed and compared to the information contained within the COR-AMLP files.

We conclude that information COR-AMLP entered into AMLIS for completed projects agrees with the information in its files. However, data is not being entered in a timely fashion and in many cases final information had not been entered onto PAD records following the completion of construction. This has resulted in an incomplete summary of reclamation accomplishments as shown in Table I. COR-AMLP has assured OSM that AMLIS data entries will be completed on a quarterly basis in the future.

III.D. Evaluation of Overall Reclamation Success

Our 2009 evaluation of overall reclamation success determined if COR-AMLPL's reclamation met project goals. The 2009 review sample included one reclamation project completed in evaluation year 2007 (Davis Creek), two reclamation projects completed during evaluation year 2008 (Takes A Horse Nos. 2-6 and Woodson Nos. 1, 2 and 4), and one reclamation project in construction during evaluation year 2009 (Woodson 3). The projects completed in 2007 and 2008 were evaluated to determine long-term reclamation success. All three projects addressed exposed coal and eroding coal waste associated with abandoned surface mines and re-vegetation of exposed coal dust areas resulting from erosion of previously reclaimed pits associated with abandoned surface coal mines.

We compared COR-AMLPL's reclamation to project specifications, results of interagency consultation, and other information. Our evaluation focused on determining whether reclamation met project goals by implementing the scope of work to abate original hazards, complying with conditions (if any) resulting from interagency consultation, and improving overall site conditions compared to pre-reclamation conditions. Generally, we agreed projects met their goals if abatement and reclamation measures were intact and functional, and if no problems compromising those measures were apparent. We considered site conditions to be improved overall if hazards to public health and safety were abated, if reclamation reduced environmental problems such as erosion and sedimentation, and the site was successfully re-vegetated.

III.D.1 Davis Creek Mine

The Davis Creek Mine (AMLIS PAD No. CR000235SGB) is comprised of seven areas of surface coal exposures historically mined at the surface and left un-reclaimed. The mine site covers approximately 0.3 acres and is located in the Davis Creek drainage on private lands in Section 23, T4S, R37E, Big Horn County, Montana. The site was reviewed as an example of long term reclamation success.

At the request of COR-AMRP, the OSM-CFO issued an ATP on July 19, 2007 for the Tribe to proceed with reclamation construction. Reclamation activities consisted of work crews utilizing labor-intensive construction techniques to reclaim exposed coal seams and piles scattered along the 0.3 acre site. Work crews utilizing hand tools completed the following tasks:

- 1) salvage and stockpiling of suitable topsoil,
- 2) liming of exposed coal slack,
- 3) excavation and placement of fill and cover materials on areas of exposed coal,
- 4) re-contour cover and fill to meet slope and drainage requirements,
- 5) replacement of stockpiled topsoil,
- 6) fertilize, seed and mulch of reclaimed areas and all associated disturbances,
- 7) installation of erosion control measures as necessary, and

8) installation of fence to protect reclaimed areas.

All work was completed by the fall of 2007. The site was reviewed in July of 2008 as part of the 2008 Evaluation and was found to be mostly re-vegetated and in good condition. The site was reviewed again on June 29, 2009 to gauge long term success of the reclamation. The site was found to be in excellent condition, mostly re-vegetated and merging well with adjacent natural vegetation, and with no signs of rilling or other surface erosion. Some cheat grass was present on portions of the reclaimed areas. Long term reclamation was considered successful.



Figure 1. Second year re-vegetation at the Davis Creek Mine site, view to the west.

III.D.2 Woodson Mines Nos. 1, 2 and 4

The Woodson Mine Group (AMLIS PAD Nos. CR000244SGB, CR000245SGB and CR000247AMA) is comprised of four areas of surface coal exposures historically mined at the surface and left un-reclaimed. The mine sites cover approximately 0.6 acres and are located in the Tanner Creek watershed on private lands in Sections 9 and 10, T8S, R38E, Big Horn County, Montana. Site problems consisted of exposed and un-vegetated gob piles and outcrops, eroding into the drainage and open to possible ignition. The sites were reviewed as examples of current reclamation project execution and success.

At the request of COR-AMRP, the OSM-CFO issued an ATP on August 14, 2008 for the Tribe

to proceed with reclamation construction. Reclamation activities consisted of work crews utilizing labor-intensive construction techniques to reclaim exposed coal seams and piles scattered along the 0.6 acre area. Work crews utilizing hand tools completed the following tasks:

- 1) salvage and stockpiling of suitable topsoil;
- 2) liming of exposed coal slack;
- 3) excavation and placement of fill and cover materials on areas of exposed coal;
- 4) re-contour cover and fill to meet slope and drainage requirements;
- 5) replacement of stockpiled topsoil;
- 6) fertilize, seed and mulch of reclaimed areas and all associated disturbances;
- 7) installation of erosion control measures as necessary; and
- 8) installation of fence to protect reclaimed areas.

All work was completed by the fall of 2008. The sites were reviewed on June 29 of 2009 as part of the 2009 Evaluation and were found to be mostly re-vegetated, merging well with adjacent natural vegetation, and with no signs of rilling or other surface erosion. Execution of reclamation activities was consistent with project design and reclamation was considered successful.



Figure 2. First year vegetation at the Woodson #1 mine site. View to the east.



Figure 3. First year vegetation at the Woodson No. 2 mine site, view to the east.

III.D.3 Takes A Horse Mines Nos. 2, 3, 4, 5 and 6

The Takes A Horse Mine Group (AMLIS PAD Nos. CR000237SGB, CR000238SGB, CR000239SGB, CR000242SGB and CR000243SGB) is comprised of five areas of surface coal exposures in close proximity to one another, historically mined at the surface and left un-reclaimed. The mine group covers an area of approximately 0.2 acres and is located in the Davis Creek drainage near the head of a severely eroded side drainage. The mine sites are located on private lands in Sections 23 and 24, T4S, R37E, Big Horn County, Montana. Site problems consisted of exposed and un-vegetated gob piles and outcrops, eroding into the drainage and open to possible ignition. The sites were reviewed as examples of current reclamation project execution and success.

At the request of COR-AMRP, the OSM-CFO issued an ATP on July 25, 2008 for the Tribe to proceed with reclamation construction. Reclamation activities consisted of work crews utilizing labor-intensive construction techniques to reclaim exposed coal seams and piles scattered along the 5 acre area. Work crews utilizing hand tools completed the following tasks:

- 1) salvage and stockpiling of suitable topsoil;
- 2) liming of exposed coal slack;
- 3) excavation and placement of fill and cover materials on areas of exposed coal;
- 4) re-contour cover and fill to meet slope and drainage requirements;

- 5) replacement of stockpiled topsoil;
- 6) fertilize, seed and mulch of reclaimed areas and all associated disturbances;
- 7) installation of erosion control measures as necessary; and
- 8) installation of fence to protect reclaimed areas.

All work was completed by the fall of 2008. The sites were reviewed on June 29 of 2009 as part of the 2009 Evaluation and were found to be mostly re-vegetated and in good condition, mostly re-vegetated and merging well with adjacent natural vegetation, and with no signs of rilling or other surface erosion. Some cheat grass was present on portions of the reclaimed areas. Execution of reclamation activities was consistent with project design and reclamation was considered successful.



Figure 4. First year vegetation at the Takes A Horse No. 2 mine site. Note erosion control matting to promote soil stability and re-vegetation.



Figure 5. First year vegetation at the Takes A Horse No. 5 mine, view to the west.



Figure 6. First year vegetation at the Takes A Horse Mine No. 6, view to the west.

III.D.4 Woodson Mine No. 3

The Woodson No. 3 Mine (AMLIS PAD No. CR000246SGB) is a surface coal exposure historically mined at the surface and left un-reclaimed. The mine site covers approximately 0.1 acres and is located in the Tanner Creek watershed on private lands in Section 10, T8S, R38E, Big Horn County, Montana. Site problems consist of exposed and un-vegetated gob piles and outcrops, eroding into the drainage and open to possible ignition. The site was reviewed as an example of a current reclamation project under construction.

At the request of COR-AMRP, the OSM-CFO issued an ATP on August 14, 2008 for the Tribe to proceed with reclamation construction. Reclamation activities consisted of work crews utilizing labor-intensive construction techniques to reclaim exposed coal seams and piles scattered along the 0.1 acre site. Work crews utilizing hand tools were working to complete the following tasks:

- 1) salvage and stockpiling of suitable topsoil;
- 2) liming of exposed coal slack;
- 3) excavation and placement of fill and cover materials on areas of exposed coal;
- 4) re-contour cover and fill to meet slope and drainage requirements;
- 5) replacement of stockpiled topsoil;
- 6) fertilize, seed and mulch of reclaimed areas and all associated disturbances;
- 7) installation of erosion control measures as necessary; and
- 8) installation of fence to protect reclaimed areas.



Figure 7. Installation of erosion control dikes at the Woodson No. 3 Mine site.

At the time of this site review, June 29, 2009, tasks 1-4 as listed above had been completed. The work crews were in the process of placing topsoil over the site area and installing erosion control dikes. The erosion control dikes were constructed of local sandstone slabs placed on the hill slope to eventually merge with the natural landscape. The re-contoured slope matched the existing natural environment. Fertilization, seeding and mulching will occur later in the fall. Execution of reclamation activities was being performed consistent with project design.

III.E. Evaluation of Cultural Resources

Our 2009 evaluation of cultural resources was conducted as an ongoing review to ensure legal descriptions of AML project sites are accurately identified in cultural resource inventory reports included with requests for ATP. Accurate legal descriptions in cultural resources inventory reports enable OSM and COR to properly coordinate consultation regarding the protection of historic, cultural, and archaeological sites with the Tribal Historic Preservation Officer. The second concern was the completion of a cultural resource evaluation process by the COR no less effective than Section 106 of the National Historic Preservation Act when consulting with the Tribal Historic Preservation Office.

The 2009 review sample included three cultural resource inventory reports, included with requests for ATP's, submitted to CFO during the current evaluation year. Examination of the reports showed that legal descriptions were the same in the reports as listed on PAD reports for the same properties. The ATP package submitted by COR-AMLP also included consultation forms with the Tribal Historic Preservation Office signed by the Tribal Historic Preservation Officer and concurring with the COR-AMLP finding of no Historic Properties present and no effect from the project. This process is compatible with the regulations of Section 106 of the National Historic Preservation Act.

III.F. Public and Interagency Participation

The AMLP goes to great lengths to develop and maintain good working relationships with all the Tribal, State and Federal agencies. This effort continues in relationship development with local groups and to the landowners who have AML sites on their land. Habitat enhancement for wildlife is incorporated into each project where it is feasible, and the retention of surface water for landowners is a high priority. Through collection of data contained in cultural resources inventory reports the COR-AMLP has recorded a significant amount of the mining history of the Tribe.

Part IV. CONCLUSIONS

OSM has completed its evaluation of topics specified in the PA between COR-AMRP and OSM. This evaluation specifically examined four topic areas to evaluate COR-AMRP performance:

- 1) AML Grant Fiscal and Administrative Controls,
- 2) Evaluation of AMLIS
- 3) Overall reclamation Success, and
- 4) Evaluation of cultural resources.

In fiscal Year 2009, the Crow Tribe received a consolidated AML grant of \$1,580,977. These moneys were distributed by the Tribal Council with \$861,000 going to the COR-AMLMP for mine reclamation and \$719,977 for non-reclamation projects in community district improvements and educational grants and scholarships. Fifty-four percent of the total grant went to coal reclamation projects. No problems or issues were found in their accounting systems.

In reviewing COR-AMLMP's integration with AMLIS, we concluded that information being entered into the data system was correct, however the COR-AMLMP was not current in maintaining data entries. We recommend that COR-AMLMP make a priority of completing all data entries at the nearest opportunity. COR-AMLMP has assured OSM that AMLIS data entries will be completed on a quarterly basis.

COR-AMRP has conducted excellent reclamation at the sites reviewed in this evaluation. All projects completed conform to the treatment plans as developed and the quality of construction is clearly evident. We concluded that the projects we visited met their respective goals. COR-AMLMP met the goals of abating hazards and improving site conditions at the three project areas. Areas containing exposed coal and eroding coal waste were properly excavated and/or buried, drainage control was established and re-graded areas were re-vegetated. Utilization of straw netting for erosion control and vegetation establishment provided excellent results at several sites. One problem noted on most sites is the prominence of *Bromus tectorum* (cheatgrass brome) in the re-vegetation. As in many areas of the semi-arid west, this non-desired invasive species has shown an increasing trend of dominance during recent years due to prolonged drought conditions.

COR-AMRP has shown great improvement in their attentiveness to cultural resource issues, the need for attention to detail, and completion of established process.

Overall, COR-AMLMP has performed its duties well and has adhered to its approved AML Reclamation Program. Data entry into the AMLIS program is the only issue that the COR-AMLMP needs to improve upon. COR-AMLMP is recognized by OSM for the performance and quality of its work.

Appendix A

State Comments and CFO's Responses on the Draft Annual Evaluation Summary Report

The COR-AMLPL was provided opportunity to review and comment upon the draft Crow Tribe AML Reclamation Program 2009 Annual Evaluation Summary Report. The COR-AMLPL offered a few editorial comments and corrections but nothing of substantive content.