



**OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT**

**Annual Evaluation Summary Report
For the
Crow Tribe
Abandoned Mine Land Reclamation Program
Evaluation Year 2011**

September 15, 2011





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Cover Photo- Family Cluster of Tipis for the Annual Sundance Ceremony at Crow Agency, Montana

**CROW TRIBE
ABANDONED MINE LANDS RECLAMATION PROGRAM
2011 ANNUAL EVALUATION REPORT**

I. General

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. The purpose of OSM was 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 also provided that, if certain conditions are met, a State may assume primary authority for the reclamation of abandoned mine lands (AML) within its borders.

Legislation authorizing Tribal programs did not exist in the original SMCRA. Supplemental appropriations bill (Public Law 100-71) was enacted on July 11, 1987 to authorize the right for the Crow, Hopi, and Navajo Tribes 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 *Federal Register* notice 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 2011 evaluation period beginning July 1, 2010 and concluding June 30, 2011. 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 and in concert with the Tribe, specific topics were identified for review, and review methodologies were developed for the evaluation period. 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.

B. General Information on the Crow Program

The Crow Reservation, an area of 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 physical hazards related to abandoned equipment and facilities, subsidence, vertical openings, portals, highwalls and impoundments. Un-reclaimed environmental problems consisted of spoil piles, pits, gob piles, haul roads, and minor highwalls.

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 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-AMLP staff is made up of 4.5 full-time construction related employees and 1.5 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.

One environmental and engineering firm, Maxim Technologies, Inc., has been contracted to conduct inventories, produce environmental documents and conduct design engineering for projects on an as needed basis. 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 abandoned coal mine sites and inaccessibility to others, the number of construction sites has been limited, resulting in a reduction of employment to approximately 36 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
EY	Evaluation Year
FY	Fiscal Year
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
WR	Western Region

II. Noteworthy Accomplishments

A. Accomplishments and Inventory Reports

Since implementation of their approved AMLRL 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 AMLPL 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.

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 (EY) 2009:

Takes A Horse Mines Nos. 2-6	ATP issued 7/25/2008;
Squirrel Creek Mine	ATP issued 8/14/2008;
Woodson Mines Nos. 1-4	ATP issued 8/14/2008.

No ATPs were issued in EY 2010 or in EY 2011. ATPs are not issued to certified States and Tribes for non-coal construction projects. Most AML work in EY 2011 consisted of

public service tasks and maintenance activities on recently reclaimed sites following the heavy spring rains.

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	-	-	31	31	-	-
Hazardous water bodies	Count	-	-	1	1	-	-
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	-	-
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 27, 2011.							

C. Public Service Assistance

In 2011, the AMLR program has dedicated much of its work efforts on several community improvement projects including construction of a new joint AMLP/Coal Regulatory Program office and flood relief efforts.

The new joint AMLP and Coal Regulatory Program office is being funded entirely from OSM funding and is being built with Crow labor and service contracts. The land has been procured, the base excavated and foundation laid out. Concrete foundations were being poured at the time of the evaluation (Figures 1 and 2).

The spring of 2011 brought flooding conditions due to heavier than normal spring rains and heavy snow melt off. The Big Horn River through Crow Agency overflowed its banks putting the town under 3-4 feet of water and inundating Interstate 90 in that area. Assistance was requested from COR staff to provide relief aid to those being inundated by flood waters, to fill sand bags, and place the bags in critical water pathways (Figure 3). Assistance was also requested for preparation for cultural events at the annual Native Days celebration, providing general cleanup in previously flooded areas and assisting in set ups.

D. Interactions with Other Agencies

COR activities are entirely within the Reservation where other Federal agencies have very little jurisdiction. Internal Tribal interaction occurs regularly where all information flows into the Tribal Legislature to individual Legislators and out to interested individuals, to six tribal communities and interested Tribal agencies. Organizational meetings are conducted twice a month for the benefit of the COR and Legislature.

E. Conferences

COR did not attend any conferences in Evaluation Year 2011.

F. Training

COR staff attended several non-OSM training sessions. Two individuals attended a finance training seminar in Las Vegas. Twelve individuals attended a Reclamation 101 seminar conducted by the University of Wyoming in Gillette, Wyoming.

Three COR staff members attended a Health Physics Training seminar conducted by the Navaho AML Program for the benefit of the Crow AML Program. Since the Crow are planning to address a number of small uranium prospects located in the Pryor Mountain region of the Reservation, the Crow sought the technical expertise of the Navaho AML program in addressing health and safety issues around uranium mines. The training session was taught by Melvin Yazzie of the Navaho and included radiation threat, PPE requirements, instrumentation and monitors, and field hazard recognition and application.



Figure 1. Construction of the new COR AML and Regulatory Office building. Concrete footings are being poured through a crane delivery system.



Figure 2. Delivery of concrete through the crane pipe into footing forms.



Figure 3. AML crews filling sandbags to be used in flood control during the 2011 spring floods.

III. Utilization of OSM Technological Assistance

A. National Technical Training Program (NTTP)

COR staff did not attend any NTTP training sessions in Evaluation Year 2011.

B. Technical Innovation and Professional Services (TIPS)

COR staff did not attend any TIPS training sessions in Evaluation Year 2011.

C. Use of OSM Provided Equipment

COR did not request the use of any OSM provided equipment in Evaluation Year 2011.

IV. Result of Performance Reviews

A. Performance Topics

The Crow AMLP PA was signed on December 16, 2009 and applies to both EY 2010 and 2011. 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 PA, the following topics were

selected for evaluation: 1) AML Grant Fiscal and Administrative Controls, 2) Evaluation of Abandoned Mine Land Inventory Systems , 3) Overall Reclamation Success, 4) Compliance with Section 106 of the National Historic Preservation Act, and 5) Public and Interagency Participation.

Results of the 2011 evaluations are summarized below. The evaluations included field visits to AML projects, interviews with COR-AML 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.

B. AML Grant Fiscal and Administrative Controls

1. Abatement Results of Increased AML Funding FY2008 through FY2011

In 2006, Congress approved the Surface Mining Control and Reclamation Act Amendments of 2006 as part of the Tax Relief and Health Care Act of 2006 (P.L. 109-432). Part of the amendments changed the funding amounts and funding calculations to both certified and uncertified States and Tribes. The Amendments created two new funding mechanisms for certified States and Tribes: Prior Balance Replacement Funds (PBRF) under Section 411(h)(1) and Certified in Lieu (CIL) Funds under Section 411(h)(2). PBRF are Tribal Share moneys that were not distributed over past years and now will be distributed in their entirety over a seven year period starting in Federal FY 2008. PBRF may be used for those purposes the State legislature or Tribal council establishes, giving priority to addressing the impacts of mineral development (30 CFR § 872.31). CIL funds are State Share moneys that would be currently distributed from the Abandoned Mine Lands Fund, only these moneys for certified States and Tribes are now distributed from the general funds of the United States Treasury that are otherwise unappropriated. CIL funds are distributed to certified States and Tribes at 25% the first year, 50% the second year, 75% the third year and 100% the fourth year and thereafter starting in Federal FY 2009 (30 CFR § 872.33). There are no limitations or restrictions on the use of CIL funds in the SMCRA Amendments of 2006 (30 CFR § 872.34).

The Crow Tribe certified completion of all known P1 and P2 coal problems on May 29, 2007, with the Secretary of Interior concurring on April 1, 2008. Crow Tribe's funding is now exclusively derived from funds under Sections 411(h)(1) and 411(h)(2). As a condition of certification, the Crow Tribe is required to treat all Priority 1, 2 and 3 coal problems as they arise.

The Crow Tribal legislature allocates all but \$650,000 of PBRF moneys and all CIL moneys to the COR to fund abandoned mine reclamation activities. Crow Tribe's PBRF moneys remain constant at \$1,318,208 until it expires in Federal Fiscal Year 2014. Crow Tribe's CIL moneys will reach 100% in Federal FY 2012 and remain at that level until FYs 2018 and 2019 when the percentages of 75%, 50% and 25% not paid out respectively in FYs 2008, 2009 and 2010 are recaptured and paid out in two equal payments in 2018 and 2019 in addition to the annual CIL payment. It is presumed that COR will continue reclamation of all Priority 1, 2 and 3 coal problems as they are identified, and direct the remaining moneys to hard rock and other non-coal mining

problems. A summary of how the Crow Tribe has distributed its PBRF and CIL moneys over the past 4 years is shown in Table 3.

Table 3. Distribution of Crow PBRF and CIL Funding from FY 2008 to FY 2011

Year	AML Grant	PBRF h(1)	CIL h(2)	Expenditure
2008	\$1,942,140	\$1,318,208	\$623,932*	\$ 740,172 AML Program 600,000 Community Grants 400,000 Education Grants 201,968 Energy Consultants
2009	\$1,580,977	\$1,318,208	\$262,769	\$ 861,000 AML Program 569,977 Education Grants 150,000 Community Grants
2010	\$1,816,094	\$1,318,208	\$497,886	\$1,216,094 AML Program 450,000 Education Grants 150,000 Community Grants
2011	\$1,952,992	\$1,318,208	\$634,784	\$1,302,992 AML Program 500,000 Education Grants 150,000 Community Grants

*The 2008 Crow allotment of \$623,932 is Tribal Share rather than CIL moneys.

2. Annual Consolidated AML Grant Review

The Fiscal Year (FY) 2011 consolidated grant to the Tribe was \$2,036,054 consisting of \$1,318,208 in SMCRA, Section 411(h)(1) PBRF moneys, \$634,784 in Section (h)(2) CIL moneys and 83,062.06 in de-obligated Tribal share moneys from past years. The FY2011 consolidated grant of \$1,926,909 was budgeted as 1) \$234,440.48 (11.5%) in administrative costs, 2) \$1,151,613.58 (56.6%) for reclamation project construction costs, and 3) \$650,000 (31.9%) for non-reclamation projects consisting of \$150,000 in community district improvements and \$500,000 in educational grants and scholarships.

The FY 2011 Abandoned Mine Lands Consolidated Grant allows for funding to administer and implement the Crow Tribe of Indians AML Reclamation Program. Funds from this grant will be used to pay for salaries, fringe benefits, travel expenses, and supplies for the AML staff. Direct Administrative costs are split between the Projects Account and the Administrative account. Equipment purchases planned during this grant year include two new vehicles to replace two existing vehicles at an estimated cost of \$72,000, all being charged to Administrative account. Contractual costs of \$26,450.00 (\$8,450.00 being charged to administration and \$18,000 to projects) are proposed for professional services associated with Threatened and Endangered Species surveys, Cultural Resource Surveys, CPA services and audits, project sanitation and telephone and copy machine service contracts. General administrative costs total \$109,499.00 (\$31,499.00 to administration and \$78,000 to projects) and cover office

rent, telephone, crew training, software upgrades, postage, photo processing, equipment insurance, vehicle maintenance and vehicle fuel/oil. Supply acquisitions for janitorial, general office and construction materials totals \$28,000 (\$6,000 to administrative and \$22,000 to projects). Travel and training for the staff, such as travel to National AML Conference and other workshops, totals \$20,500 all of which is charged to administrative expense. The total administrative grant is \$234,440.48.

The COR employs 6.0 full-time equivalent positions to administer its AML Program. AML staff administers all activities of the Crow AML Program necessary to accomplish the goals and objectives of the Crow Tribe of Indians Reclamation Plan. These objectives include monitoring and planning of reclamation projects, administration of the problem area inventory, and program administration. The grant will provide funding for continuing maintenance of four coal sites in the Tanner and Squirrel Creek area, 14 uranium exploration pits in the Garvin Basin area in the extreme southwest corner of the reservation, and the Pryor Railroad Tunnel. Labor intensive methods will be employed for these reclamation efforts.

Employment through the AMLP as either a reclamation project laborer or in a youth employment project is a very important contributor to reservation economy. Most construction projects are conducted with hand labor, hiring work crews as necessary. The Crow AML program has maintained a construction crew of 36 laborers and crew bosses through the 2009 through 2011 work seasons. Youth employment through Individual Education Grants provides work and income to numerous young people during the summer months. Unemployment numbers vary greatly depending upon the source. The most reliable is the Bureau of Indian Affairs which records a 46.5% unemployment rate for calendar year 2005. The Crow Tribe Personnel Director reports a 76% unemployment rate as of 2010.

The Crow Tribe has certified that all known coal problems have been addressed and the Tribe is eligible to expend AML funds for non-coal reclamation. In addition, as a certified Tribe, the Tribe is eligible to use any amounts from Section (h)(1) Prior Balance Replacement Funds for the purposes established by Crow Tribe Legislature, with priority given to addressing the impacts of mineral development. The Crow Tribe Legislature has decided to utilize a portion of the Prior Balance Replacement Funds for non-reclamation activities. Projects associated with these non-reclamation activities are broken down as follows:

Community /District Improvements	\$150,000
Education – Grants and Scholarships	\$500,000
Total Non-Reclamation Activities	\$650,000

Community Improvement grants were provided by Tribal Legislature in equal amounts to each of six Tribal districts/communities where each community decided how to best use the moneys for public improvements. In 2011, distributions of \$25,000 were made to each of the six Tribal communities, designated for the renovation of Community Halls and construction of recreational facilities. These moneys have been used to supplement the previous construction of the community halls, such as the installation of kitchens, additional bath facilities, etc., and the construction of concrete pad basketball courts.

Individual Education Grants were provided by Tribal Legislature as scholarships to individuals, small improvement projects to local school districts and as summer employment opportunities for Indian youth. All scholarships, grants and employment opportunities are decided by the Tribal administration.

C. Evaluation of Abandoned Mine Lands Inventory System

Our 2011 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 EY2004 oversight. OSM Headquarters subsequently advised field offices to drop the certification requirement. As a result, the focus is ensure States and Tribes have requisite systems in place. The CFO and COR-AMLP chose to include this assurance as part of the EY 2006 oversight. EY 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 enter into AMLIS PADs agrees with the information in their files. The CFO and COR-AMLP chose to include this assurance as part of the EY 2011 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.

During 2011, the AMLIS system was being redesigned and rebuilt resulting in months of down time where entries could not be made, nor data retrieved. This has resulted in difficulties for the COR-AMLP in entering data onto individual PADs as well as

difficulties for the OSM reviewer in retrieving and reviewing data entered into AMLIS. Data entries were being accepted into the new E-AMLIS as of May 4, 2011. COR-AMLP have made no new entries into E-AMLIS.

D. Evaluation of Overall Reclamation Success

No new construction had occurred since the 2010 site evaluations. Due to wide spread flooding and washed out roadways and stream crossings across the Crow Reservation, no construction sites could be visited during the 2011 evaluation visit. It was anticipated that most of the sites reclaimed during the last few construction seasons would need to be re-visited by COR and maintenance work performed.

E. Evaluation of Cultural Resources

Our 2011 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 that the completion of a cultural resource evaluation process by the COR was no less effective than Section 106 of the National Historic Preservation Act when consulting with the Tribal Historic Preservation Office.

The COR-AMLP has recognized that cultural resource studies conducted as part of the environmental regulation for each project are a benefit to the Tribe at large. 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.

No new projects were submitted to the Tribal Historic Preservation Office for review during evaluation year 2011. No review of AMLP compliance with cultural resource issues could be conducted.

F. Public and Interagency Participation

The AMLP goes to great lengths to develop and maintain good working relationships with all Tribal, State and Federal agencies, particularly, the Bureau of Indian Affairs. 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.

Generally, individual public meetings are not held for each AML construction project. Instead, project information is introduced during Tribal Legislative sessions. Individual Legislators relay the information to their respective districts in small town hall type meetings. If any concerns or problems are noted at the local level, the Legislator will dispatch that information to the AMLP who will promptly address the issue.

G. Future Project Plans

The 2011 Crow Tribe AML Consolidated Grant will provide funding for continuing maintenance of four coal sites in the Tanner and Squirrel Creek area, 14 uranium exploration pits in the Garvin Basin area in the extreme southwest corner of the reservation, and the Pryor Railroad Tunnel. The Uranium projects and the Pryor Railroad tunnel are both non-coal projects and ATPs are unlikely to be issued for their reclamation.

The Pryor Railroad Tunnel is one site that the COR has recognized for many years as a hazardous coal related property but has had numerous difficulties in reaching amiable agreement with the landowners. The Pryor Railroad was constructed by the Chicago, Burlington and Quincy Railroad in 1901 for the haulage of coal, freight and passengers from Toluca Montana, across the Crow Reservation, through the Pryor Mountains and down to Cody Wyoming but was abandoned in 1911 as unprofitable. The tunnel (Figure 4) was cut through the eastern edge of the West Pryor Mountains following the Pryor Gap. The tunnel is located in Section 7 Township 6 South, Range 26 East, about 6 miles south of the town of Pryor in Big Horn County.

The tunnel is approximately four hundred feet long and the concrete portals at either end are about 25 feet wide and thirty feet in height (Figure 4). The tunnel was cut through a fractured and blocky mass of bedded limestone and siltstone. The beds are about twelve inches thick and appear to have minimal shear strength at the bedding plane interfaces. The beds, which also form the ceiling have released at the bedding plane allowing roof falls to occur within the tunnel. Approximately one half of the tunnel length is covered by roof fall materials. Local residents are familiar with the Pryor Railroad Tunnel and occasionally visit the area. As evidenced by organic remains in the tunnel, livestock actively seek refuge from adverse weather conditions in the tunnel. The need to eliminate the hazards associated with the site is evident as the area serves both recreational and cultural needs of the local populous.



Figure 4. The Pryor Railroad Tunnel located near the town of Pryor on the Crow Reservation.

The Mountain associated with the tunnel is also a Crow Traditional Cultural Property. There is an altar and cairn at the base of the hill, dedicated to the existence of the “Little People.” The rock cairn, measuring about 15 feet by 25 feet, consists of smooth stream rolled cobbles, mostly lichen covered, which were transported to this location and placed individually on the cairn. Its size, apparent depth in the soil and abundant covering of lichens indicate some antiquity. The practice of placing stones along with other offerings on the cairn is continued to this day. According to Crow tradition, the Little People were a mysterious group that lived in the Pryor Mountains for hundreds of years. The Little People lived and dressed like Crow, but were only three feet tall, lived in caves, and could make themselves invisible. The Crows treated the Little People with honor and respect. In return, the Little People often guided Crows on vision quests in the Pryor Mountains. The Pryor Mountains are still home to sacred Crow ceremonial and fasting sites.

The COR plans to begin installing cable nets over the railroad openings during either 2012 or 2013.

H. Results of Crow Tribal Audits

The CFO reviewed the Independent Auditor’s report (Report No. 2010-A-0059) conducted by JOSEPH EVE Certified Public Accountants for the Crow Tribe. Auditors identified vehicle usage in the AML program as one problem. No other issues with the AML program were identified.

The Special Testing exam administered by the Accountant identified Abandoned Mine Lands use of vehicles purchased under Federal awards as lacking appropriate controls for official use. Specifically, program vehicle usage had inadequate controls and safeguards, and the Federal program may require repayment of unsubstantiated costs if there is misuse of funds for program vehicles. The report recommended that program vehicle usage should be monitored, reviewed and possible action taken for any misuse of program vehicles. The report further recommended that the Program Director and the Tribe prepare policies and procedures regarding vehicle use, and that the Program Director monitor and review the mileage logs on a monthly basis to ensure that there is no misuse of program funds.

The Crow Tribe Chairman has directed the AML Project Coordinator to initiate and maintain vehicle logs for all vehicles in use by the COR and make the logs available for audit by OSM. CFO agreed to review the vehicle logs in June, 2011 as part of the annual program evaluation.

CFO reviewed vehicle logs for eight pickup trucks and travel all vehicles owned by the AMLP. Mileage logs were found to be continuous for each entry made and the destination and purpose consistent with the locations of AML and public service work sites. No problems were identified by the CFO with COR vehicle usage.

IV. Conclusions

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

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

In FY Year 2011, the Crow Tribe received a consolidated AML grant of \$1,926,909. These moneys were distributed by the Tribal Legislature with \$1,276,909 going to the COR-AML P for program administration and mine reclamation, and \$650,000 for non-reclamation projects in community district improvements and educational grants and scholarships. Sixty-six percent of the total grant went to coal reclamation projects. No problems or issues were found in their accounting systems.

In reviewing COR-AML P's integration with AMLIS, we concluded that no new entries were entered into the data system. The development of E-AMLIS and abandonment of "legacy" AMLIS has required substantial down time of the AMLIS systems which discouraged making any new entries. We recommend that COR-AML P make a priority of completing all necessary data entries at the nearest opportunity in order to ensure that E-AMLIS is correct and current in its records.

No issues were identified concerning reclamation success, evaluation of cultural resources, public and interagency participation, or audit deficiencies.

APPENDIX A: Crow Tribe Comments and CFO's Responses to the Draft Annual Evaluation Summary Report

Marvin Falls Down, coordinator for the COR AML program, called on September 8, 2011 and reported that neither he nor Marvin Stewart, Director of the COR AML, program had any comments.