

**OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT**

**Annual Evaluation Report
For The
Regulatory Program
Administered by the State
Of
New Mexico**

**For
Evaluation Year 2011
(July 1, 2010, through June 30, 2011)**

Prepared by

**Program Support Division
(September 2011)**



EXECUTIVE SUMMARY

- For Evaluation Year 2011(EY 2011), the Office of Surface Mining Reclamation and Enforcement (OSM) evaluated the New Mexico Mining and Minerals Division's (MMD's) coal mining and reclamation regulatory program and did not identify any significant program problems or issues.
- As a result of a review of its three national measurement element topics of off-site impacts, reclamation success, and customer service, OSM found that MMD is effectively implementing the state regulatory program and is providing effective customer service.
- OSM evaluated three topic-specific elements: ash disposal at the San Juan Mine, contemporaneous reclamation at Lee Ranch Mine and El Segundo Mine, and MMD's blaster certificate program, and found that MMD is effectively implementing the state's regulatory program.
- Each year through an annual mailing, OSM and MMD solicit comments or suggestions from persons and groups who may have an interest in coal mining and, specifically, an interest in the oversight process. OSM mailed outreach letters to coal mining stakeholders (state, federal, and local governmental agencies, coal mine permittees, environmental groups, consulting firms, and coal mining trade groups) soliciting input for topics to evaluate during EY 2011, and soliciting any questions or comments on previous oversight reports or the OSM / MMD oversight process. OSM did not receive any responses.
- Geomorphic reclamation was initially developed in New Mexico. It is a process that involves constructing watersheds on disturbed lands that simulate the relatively stable topography that nature would eventually form over a very long time. Geomorphic reclamation is now used widely throughout all New Mexico mines and is being adopted throughout the world.
- MMD received a grant from OSM for \$884,000 for the operation of the Coal Mine Reclamation Bureau (CMRB), which is the organizational subdivision of MMD responsible for administering the State Regulatory Program. The grant award represents 71.87 percent of the total program cost. Additional OSM assistance was provided through one Technical Innovation and Professional Services (TIPS) class and the delivery of software and hardware for a mobile unit.

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I. Introduction

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) created the Office of Surface Mining Reclamation and Enforcement (OSM) in the Department of the Interior. SMCRA provides authority to OSM to oversee the implementation of and provide Federal funding for State regulatory programs that have been approved by the Secretary of the Interior as meeting the minimum standards specified by SMCRA. OSM's Program Support Division (PSD) located in the Western Region (WR) and the New Mexico Mining and Minerals Division (MMD) work together to conduct annual evaluations of MMD's Coal Regulatory Program (Program). Our team approach evaluates how effective MMD is in ensuring that coal mine reclamation is successful, off-site impacts are prevented, and service to its customers is provided. OSM and MMD make recommendations for improving the administration, implementation, and maintenance of the Program. OSM and MMD cooperatively solicit public participation; select evaluation topics and inspection sites; conduct topic evaluations and joint inspections; and report, discuss, and track off-site impacts. This evaluation method fosters a shared commitment to the implementation of SMCRA.

This report contains summary information regarding the Program and its effectiveness in meeting the applicable purposes of SMCRA as specified in section 102. This report covers the period of July 1, 2010, through June 30, 2011. Detailed background information and comprehensive reports for the program elements evaluated during the period are available for review and copying at OSM's Program Support Division, 1999 Broadway, Suite 3320, Denver, Colorado, 80202.

The following list of abbreviations and acronyms is used in this report:

AML	Abandoned Mine Land
ASMR	American Society of Mining and Reclamation
AVS	Applicant Violator System
BLM	Bureau of Land Management
CCBs	Coal Combustion Byproducts
CFR	Code of Federal Regulations
CMRB	Coal Mine Reclamation Bureau
CO	Cessation Order
CSMC	Coal Surface Mining Commission
EA	Environmental Assessment
EMNRD	Energy, Minerals and Natural Resources Department
EY	Evaluation Year
FY	Fiscal Year
GIS	Geographic Information System
GPRA	Government Performance Review Act
GPS	Global Positioning System
MMD	Mining and Minerals Division
MOU	Memorandum of Understanding
MSHA	Mine Safety and Health Administration
NEPA	National Environmental Policy Act
NMAC	New Mexico Administrative Code
NOV	Notice of Violation
NTTP	National Technical Training Program
OSM	Office of Surface Mining Reclamation and Enforcement
PMLU	Post Mining Land Use
PSD	Program Support Division
SJM	San Juan Mine

SMCRA	Surface Mining Control and Reclamation Act of 1977
TCP	Traditional Cultural Property
TDN	Ten-Day Notice
TIPS	Technical Innovation and Professional Services
UNM	University of New Mexico
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
USFS	United States Forest Service
USGS	United States Geological Survey
WR	Western Region Office
WRTT	Western Region Technology Transfer

II. Overview of Coal Mining in New Mexico

Significant commercial coal mining in New Mexico began in 1861, peaked in 1918 (stimulated by World War I), and declined until 1958 because of a switch to natural gas use. Then, production increased because of the adoption of inexpensive stripping methods and an increased demand for coal by electric utilities in the Southwest. New Mexico's coal production has fluctuated over the past twenty years, reaching an all-time high in 2001 of 30.525 million short tons. Since then production decreased to 14.026 million short tons in 2010. The decrease in tonnage came about due to the end of mining in late 2009 at the McKinley Mine which is now in final reclamation. In late June 2008, coal shipments from the newly opened El Segundo Mine were initiated. The mine is forecast to produce 102 million short tons of coal over the next 30 years.

The primary customers for New Mexico's coal are four power plants located in the Four Corners region; the Plains Escalante Generating Station in Prewitt, the San Juan Generating Station in Waterflow, the Four Corners Generating Plant in Fruitland, and the Cholla Power Plant in Joseph City, Arizona. The proposed 1,500-megawatt Desert Rock Generating Plant that had its planning and permitting process on hold has now been completely dropped.

The coal-bearing regions of the state underlie about 25,000 square miles or 20.6 percent of the total area of the state with the majority underlying Indian lands. Most of the coal that is mined is located in the San Juan Basin in the northwestern part of the State and in the Raton area in the north-central part of the State. New Mexico's coal varies from Pennsylvanian to Paleocene Age. Coal resources in the San Juan Basin are of the late Cretaceous Age; those in the Raton area are of the Paleocene Age. The main coal-bearing strata are the Mesa Verde and Fruitland Formations in the San Juan Basin and the Raton and Vermejo Formations in the Raton area. San Juan Basin coal generally ranges from subbituminous A to high volatile bituminous C. Raton area coal ranges from high volatile A to bituminous B. The demonstrated coal reserve base is 4.65 billion tons, or about 1 percent of the national reserves.

OSM regulates coal mining on the Indian lands, whereas, MMD regulates coal mining, on eight (8) inspectable units, on state lands. The inspectable units are Chevron Mining Inc.'s Ancho, York Canyon Surface, York Canyon Underground, and McKinley mines; BHP Billiton's La Plata Mine, and San Juan Mine, which has both surface and underground mining; and, Peabody Natural Resources' Lee Ranch and El Segundo surface mines. However, only three (3) mines (San Juan Underground, Lee Ranch, and El Segundo) produced coal during the evaluation period. The other five (5) are in reclamation and are awaiting final bond release.

New Mexico's climate is arid. The average annual precipitation at the San Juan Mine in the Fruitland area is 7.72 inches. Most of the precipitation is in the form of thundershowers from July to September.

Re-vegetation in parts of the San Juan Basin is extremely difficult because of low rainfall amounts and highly erodible soil types.

III. Overview of Public Participation and Outreach Efforts

Public Participation Evaluation Process

Each year, OSM and MMD solicit comments or suggestions, through an annual mailing, from persons and groups who may have an interest in coal mining and, specifically, an interest in the oversight process. OSM mailed outreach letters to coal mining stakeholders (state, federal, and local governmental agencies, coal mine permittees, environmental groups, consulting firms, and coal mining trade groups) soliciting input for topics to evaluate during EY 2011, and soliciting any questions or comments on previous oversight reports or the OSM / MMD oversight process. OSM received no responses to its letters soliciting comments. Copies of Performance Agreements and Annual Evaluation Summary Reports are available for review in the evaluation files maintained at the Western Region Office (WR)-Program Support Division (PSD).

New Mexico's Public Participation Outreach Efforts

The reclamation of mined lands often goes unnoticed in the general press and can be easily misunderstood due to the complex nature of the work to be performed or merely by the sheer size of some of the larger projects. Many times, concerned citizens or even mine operators are not sure what may be required of a mining operation or even what operations are active near them. In recognition of this, MMD has expanded its outreach to the public and mine operators.

Beginning in 2004, MMD redesigned its webpage to provide more information on abandoned mine safeguarding projects and on current and proposed mining operations. MMD also published an electronic newsletter, "MMD Notes," to inform the public and industry about events involving MMD and mining activities in the state. The webpage was continuously improved based on feedback from webpage visitors, and it is now possible to track projects by their status or county and to download project documents.

MMD has also assisted the New Mexico Bureau of Geology and Mineral Resources, a division of New Mexico Tech, in the development of a field conference and an awards ceremony. Since 2001, the Decision Makers Conference covered mining related issues throughout New Mexico. These field-oriented conferences are designed to address a wide range of geologic, hydrologic, natural resource, and environmental issues affecting the future of New Mexico and its citizens. Specifically targeted for a mix of national, state, and local political leaders, agency heads, industry leaders, environmental leaders, and other decision makers, the conferences provide an opportunity to learn, first-hand, about natural resource problems, opportunities, and potential solutions from some of the top experts in the field.

Since the late 1980s, MMD has required coal mine permittees to survey raptor distribution and productivity as part of the conditions of coal mine permits. These biological surveys provide a unique long-term data set on raptor nesting habitats. The recently published *Raptors of New Mexico* offers a comprehensive treatment of all raptors that breed, winter or migrate in New Mexico. Raptor survey data collected for the McKinley, San Juan and Navajo coal mine permits were referenced in this new book. At the McKinley Mine, near Gallup, New Mexico, raptors are monitored within the mine lease area and a two-mile buffer zone outside the mine lease. In Farmington, New Mexico, yearly raptor distribution surveys are conducted at the San Juan Coal Mine. Summer and winter wildlife surveys are conducted to monitor wildlife use of reclaimed areas. Raptor surveys are also conducted at the BHP Billiton Navajo Mine, which is regulated by the Office of Surface Mining. Raptor species found on New Mexico and

Navajo Nation coal mine sites include: Golden Eagle, Northern Harrier, Red-tailed Hawk, Prairie Falcon, Peregrine Falcon, American Kestrel, Great Horned Owl and Burrowing Owl.

IV. Major Accomplishments and Innovations in the New Mexico Program

MMD is successfully implementing the Program through completing more than is required number of inspections resulting in two notices of violations. MMD has not identified or reported any off-site impacts to the environment or the public. MMD has not had any citizen complaints.

State Program Amendments

In October 2009, OSM notified MMD that the Program regulation at 19.8 New Mexico Administrative Code (NMAC) must be modified in order to include changes made to the counterpart federal regulations at 30 CFR Parts 701, 773, 774, 778, 840, 843, and 847. MMD has prepared amendments to 19.8 Parts 1, 7, 11, 20, 30, 31, 34 and 35 NMAC to update its provisions associated with review of application information; ownership and control; permit suspension and rescissions; transfer, assignment or sale of permit rights; and alternative enforcement to comply with OSM's notice. OSM reviewed an informal submission of the proposed changes to the state rules. The state's Coal Surface Mining Commission (CSMC) held a public rulemaking hearing on Thursday, June 24, 2010. The CSMC reviewed each proposed rule change during the hearing. The CSMC adopted the proposed NMAC rule amendments with minor changes and closed the public hearing on the rule amendments. The revised rules were published in the State Register in late August 2010, which makes them effective in the state. The proposed rules were submitted to OSM in September 2010 for review and approval. At the time of this report preparation, OSM is processing the proposed amendment.

Innovations

Geomorphic reclamation methods were pioneered on New Mexico coal mines and now are being advanced world-wide. The geomorphic reclamation process involves constructing watersheds on disturbed lands that simulate the relatively stable topography that the erosive forces of nature would eventually form over a very long time. The approximation of natural drainage patterns reduces erosion and sedimentation by creating shorter slopes with correct profiles, and improves the conditions for revegetation.

V. Success in Achieving the Purposes of SMCRA

OSM and MMD evaluated the number and extent of observed off-site impacts; the number and percentage of inspectable units free of off-site impacts; the number of acres that have been mined, reclaimed, met the bond release requirements, and have been released for the various phases of bond release; and the effectiveness of customer service provided by the state. An individual topic report that provides additional details on how the following evaluations and measurements were conducted is available on the OSM internet site at www.osmre.gov and in the WR-PSD Office at 1999 Broadway, Suite 3320, Denver, Colorado, 80202.

In order to validate the credibility of state regulatory programs and enhance Federal oversight improvement efforts, OSM announced in November 2009 that it would immediately increase the number of oversight inspections. OSM also began conducting independent, unannounced oversight inspections. OSM scheduled and conducted these inspections at independently selected mine sites. Independent inspections provide observations and insight into the effectiveness of state regulatory programs by evaluating the current compliance status of mines in each state.

OSM's PSD conducted one independent complete, three joint partial, and four bond release inspections of coal mining and reclamation operations in New Mexico during EY 2011. Additionally, PSD conducted an administrative oversight review of MMD's blaster certification program, as well as, two approved permit's contemporaneous reclamation plans. No enforcement actions were taken by PSD as a result of the field inspections or the administrative oversight reviews, indicating that MMD is effectively implementing and enforcing its program. During EY 2011, MMD issued two notices of violations (NOV's), each consisting of two violations, for a total of four violations, while the PSD did not issue any enforcement actions or Ten-day notices (TDN's).

A. Off-site Impacts

An "off-site impact" is anything resulting from a surface coal mining and reclamation activity or operation that causes a negative effect on resources (people, land, water, structures) outside the area authorized by the permit for conducting mining and reclamation activities.

Table 5, Appendix 1 shows the number and types of off-site impacts that were observed and documented as having occurred during EY 2011, both for permitted sites and bond forfeiture sites. No off-site impacts were observed at New Mexico mines.

Sites Where Reclamation Performance Bonds Have Not Been Forfeited

OSM and MMD assessed whether off-site impacts had occurred on each of the eight non-forfeited mine sites that existed at some time during the evaluation period. This was accomplished through the following on-the-ground observations: one independent, unannounced complete OSM inspection; 32 MMD complete inspections, 68 MMD partial inspections, including three OSM and MMD joint, partial inspections (Table 10, Appendix 1); and two special focus/topic evaluation observations discussed in section VI below. Based on the above observations and PSD's monthly review of all MMD inspection reports and enforcement actions, OSM finds that there have been no off-site impacts associated with any New Mexico mines during this evaluation period as reflected in Table 5 of Appendix 1. OSM also finds that MMD has met or exceeded the required inspection frequency on all inspectable units, which would identify and assess any off-site impacts.

Sites Where Reclamation Performance Bonds Have Been Forfeited

Since 1980 when OSM approved the New Mexico permanent regulatory program, MMD has processed a single bond forfeiture, and then reclaimed the mine (Arroyo No. 1), beginning in 1980.

During EY 2011, there were no forfeited mines to inspect in New Mexico, see Table 10, Appendix 1. The absence of forfeited mines results in no forfeited mine off-site impacts, which is represented on the bottom half of Table 5, Appendix 1. For previous evaluation years, PSD and MMD found no forfeited mine off-site impacts.

B. Reclamation Success

Sites Where Reclamation Performance Bonds Have Not Been Forfeited

For operations where reclamation performance bonds have not been forfeited, PSD and MMD used as the measure of reclamation success the disturbed acreage that had received bond release. Historically, the amount of bond release acreage in New Mexico is well above the western region average in spite of the 10-year minimum for a bond liability period.

A review of data in the EY 2011 New Mexico Reclamation Status Table (see Appendix 1) indicates that since the New Mexico permanent regulatory program was approved in December 1980, 10,406 acres (38 percent) of the total disturbed acreage on all mine sites have been backfilled and graded and received Phase I bond release. In addition, MMD has granted 24 percent (6,655 acres) of Phase II bond releases, and 11 percent (2,922 acres) of Phase III or full bond releases of all lands disturbed by coal mining in New Mexico.

OSM concludes that reclamation of mined land in New Mexico is successful based on the OSM and MMD review of the EY 2011 New Mexico Reclamation Status Table and MMD's routine monthly inspections that include reclamation success evaluations of the reclaimed lands.

Sites Where Reclamation Performance Bonds Have Been Forfeited

Since 1980, when OSM approved the New Mexico permanent regulatory program, MMD has processed a single bond forfeiture and then reclaimed the mine (Arroyo No. 1), beginning in 1980.

During EY 2011, there was no bond forfeiture activity in New Mexico; see Table 7, Appendix 1.

C. Customer Service

For EY 2011, MMD was able to complete the launch of the Online Mine, Mills, and Quarries (MMQ) at www.emnrd.state.nm.us/MMD/MRRS/MinesMillsQuarriesWebMap.htm. Historically, MMQ was a printed directory of active mining, milling and smelting operations in the state; published every five years. With Online MMQ, the mine information is now combined with interactive maps in a geographic information system (GIS) application. Data in these maps are dynamically pulled from the Mine Registration database. The maps feature selectable layers with population, transportation, hydrology, surface and mineral ownership and mining district data.

MMD had initiated an electronic records management system in 2009. In June 2011, MMD completed the entire scan of all its current paper records and placed all of this information into an electronic records management system. This system now enables the state to provide electronic formatted copies of all current permit information to mine operators, OSM and the public.

VI. National Measurement Elements and Topic-Specific Reviews

Each year OSM evaluates national measure elements to determine if MMD is effective in preventing off-site impacts, ensuring reclamation success, and providing effective customer service. For EY 2011, OSM conducted program-specific oversight review of the following: ash disposal at the San Juan Mine, contemporaneous reclamation at two mines (Lee Ranch and El Segundo), and an independent administrative review of MMD's Blaster Certificate Program. Complete results of the topic-specific oversight reviews are presented in the EY 2011 New Mexico Topic-Specific Evaluation Report, which is available on the OSM internet site at www.osmre.gov and in the WR-PSD Office at 1999 Broadway, Suite 3320, Denver, Colorado, 80202.

Off-site Impacts – Program Effectiveness

This evaluation was based on OSM Directive REG-8 for determining whether MMD is effective in preventing off-site impacts.

Topic for Review: *Off-site impacts*

Population size: All surface coal mining operations over which MMD has jurisdiction.

Sample size: All surface coal mining operations over which MMD has jurisdiction.

Purpose for Review: OSM and MMD will evaluate and report on the effectiveness of the Program in protecting the environment and public from off-site impacts resulting from surface coal mining and reclamation operations.

Review Scope and Methodology: MMD will identify and report the number and degree of off-site impacts to OSM. OSM and MMD will determine the cause of the impacts and identify where improvements may be made to lessen the number and degree of impacts. If evaluation of data related to off-site impacts indicates programmatic or implementation related problems, MMD will implement changes, where possible, to minimize recurring impacts. The goal of this effort is for OSM and MMD to decrease the occurrence of off-site impacts. OSM and MMD will evaluate state and OSM inspection reports, enforcement actions, penalty assessment data, citizen complaints, special oversight studies and information from other environmental agencies. OSM will explain how the number of off-site impacts was identified in the Off-Site Impact and Annual Evaluation Reports.

If any off-site impacts occur, an off-site impact report will be prepared by OSM, which will include detailed information on data collection, verification, and analysis; discuss any conclusion on the effectiveness of the Program in preventing off-site impacts; and discuss measures taken to address any identified program or implementation deficiencies.

Period for which State actions and documents were reviewed: July 1, 2010, through June 30, 2011.

Dates of Review: OSM conducted two field inspections on June 8 and 15, 2011.

Findings/Conclusions: There were no documented off-site impacts this evaluation period. The off-site impacts table (Table 5) within New Mexico's 2011 Annual Evaluation Report, Appendix A, shows no off-site impacts.

OSM concludes that MMD is effectively implementing the Program in preventing off-site impacts.

Reclamation Success – Bond Release Standards

Topic for Review: *Reclamation Success*

Subelement: Acres of reclamation meeting bond release standards.

Population size: All surface coal mining operations over which MMD has jurisdiction.

Sample size: All surface coal mining operations over which MMD has jurisdiction.

Purpose for Review: OSM and MMD will evaluate and report on the effectiveness of the Program in ensuring successful reclamation on lands affected by surface coal mining and reclamation operations.

Review Scope and Methodology: OSM and MMD will collect data and measure program performance in the areas of: (1) Land form/approximate original contour, (2) Land capability, (3) Hydrologic reclamation, and (4) Contemporaneous reclamation. In addition, impacts from mine subsidence will be

evaluated.

OSM and MMD will collect data on the reclamation status of areas disturbed by each mining operation under the jurisdiction of MMD during EY 2011 and cumulatively for all years. The data will include the acreage of areas disturbed (during EY 2011 and cumulatively for all years), long-term mining or reclamation facilities, active mining areas, and areas where phase I, II and III bond releases have been granted. This data is targeted to provide data for Tables in REG-8 and will be used to fulfill the reporting obligations under the Government Performance Review Act (GPRA).

OSM and MMD will verify data by conducting bond release inspections and studying company annual reports.

Period for which State actions and documents were reviewed: July 1, 2010, through June 30, 2011.

Dates of Review: OSM conducted two field inspections on May 4 and 5, 2011.

Findings/Conclusions: MMD reported on all categories of information agreed upon in the 2011 Annual Workplan, including the cumulative history of bond release activity.

MMD provided New Mexico bond release activity data from 1999 through 2010. OSM inserted this historical data into the Western Region cumulative reclamation status tables for computation, which is shown on the cumulative New Mexico reclamation status table in Appendix 1. In addition to the data table, the coinciding graph was produced to track the area of reclaimed mine lands that were backfilled, soiled, seeded, and planted over time to present the rate of reclamation of mine lands in New Mexico. A rate of reclamation that closely mirrors the rate of disturbance indicates contemporaneous reclamation efforts. Divergence of the two lines could indicate a drop in contemporaneous reclamation.

OSM concluded from the information that successful reclamation is occurring on lands affected by surface coal mining and reclamation operations; therefore, MMD is effectively implementing the Program in meeting bond release standards.

Customer Service – Citizen Complaints/Citizen Outreach

Topic for Review: *Customer Service*

Subelement: Citizen Complaints/Citizen Outreach.

Population size: All surface coal mining operations over which MMD has jurisdiction.

Sample size: All surface coal mining operations over which MMD has jurisdiction.

Purpose for Review: OSM and MMD will evaluate and report on the effectiveness of customer service provided by the state.

Review Scope and Methodology: OSM and MMD will evaluate MMD's responses to citizen complaints and requests for assistance and services. During EY 2011, OSM and MMD will evaluate the timeliness, accuracy, completeness and appropriateness of actions taken by MMD in response to citizen complaints. OSM will also discuss, in the New Mexico annual evaluation report, any other citizen outreach efforts undertaken by MMD. The evaluation could include such topics as permitting actions, bond releases, lands unsuitable petitions, administrative and judicial reviews and Applicant Violator System (AVS) determinations.

Period for which State actions and documents were reviewed: July 1, 2010, through June 30, 2011.

Dates of Review: OSM conducted four field inspections on May 4 and 5, and June 8 and 15, 2011.

Findings/Conclusions: MMD received no citizen complaints during the evaluation period. As for citizen outreach, MMD was able to complete the launch of the Online Mine, Mills, and Quarries (MMQ) at www.emnrd.state.nm.us/MMD/MRRS/MinesMillsQuarriesWebMap.htm. Historically, MMQ was a printed directory of active mining, milling and smelting operations in the state and was published every five years. With Online MMQ, the mine information is now combined with interactive maps in a GIS application. Data in these maps are dynamically pulled from the Mine Registration database. The maps feature selectable layers with population, transportation, hydrology, surface and mineral ownership and mining district data.

MMD had initiated an electronic records management system in 2009. In June 2011, MMD completed scanning all its current paper records and placed this information into an electronic records management system. The system now enables the state to provide electronic formatted copies of all current permit information to mine operators, OSM and the public.

OSM concluded that MMD is providing effective customer service.

Ash Disposal at the San Juan Mine – Reclamation Success

Topic for Review: *Reclamation Success*

Subelement: Ash disposal at the San Juan Mine.

Population size: One ash disposal operation.

Sample size: One ash disposal operation.

Purpose for Review: OSM and MMD will evaluate and report on the effectiveness of the Program in ensuring compliance with regulatory requirements to dispose of ash from the San Juan Generating Station on lands at the San Juan Mine that are affected by surface coal mining and reclamation operations.

Review Scope and Methodology: Conduct a joint (OSM/MMD) review of the requirements for ash disposal and monitoring of ash disposal sites found in the permit, as well as, conduct a joint inspection to determine on-the-ground compliance with those permit requirements. The focus will be on evaluation of the groundwater monitoring program at the mine, monitoring of the ongoing ash disposal studies by the United States Geological Survey (USGS) and the University of New Mexico (UNM) and the examination of site-specific data collected from those sites, as well as, any reports that are required to be submitted to MMD.

Period for which State actions and documents were reviewed: July 1, 2010, through June 30, 2011.

Dates of Review: OSM conducted a field inspection on June 15, 2011.

Findings/Conclusions: MMD initiated a four-year program to better characterize coal combustion byproducts (CCB) disposal at the San Juan Mine (SJM). The CCB disposal has been ongoing for the past 35 years. CCBs are a high profile issue throughout the United States and the SJM case is the subject of a

lawsuit brought by the Sierra Club. MMD is working on two contracts associated with long term management of the CCBs. The first contract is with the USGS to model recharge, the potential for the CCBs to become saturated and form a leachate, and the potential for leachate to move out of the pit to the adjacent groundwater systems or the San Juan River. The second contract is with UNM's Department of Engineering and involves characterizing the leachate produced from SJM CCBs and identifying elemental isotopes unique to the waste stream leachate.

Both studies will be combined to produce a predictive model and to guide long term water monitoring efforts. The USGS contract is anticipated to extend through fiscal year (FY) 2014. The UNM contract will go through FY 2012. These two studies are necessary to ensure that long term groundwater quality on federal lands is protected and that offsite impacts are prevented.

OSM concluded that MMD is in compliance with and met the regulatory requirements to dispose of CCBs. This conclusion was based on the review of the San Juan Mine permit, the groundwater monitoring program data, the field inspection, and the fact that MMD has established two on-going studies that will provide information necessary for the long term management of CCBs.

Contemporaneous Reclamation at two mines (Lee Ranch and El Segundo) – Reclamation Success

Topic of Review: *Reclamation Success*

Subelement: Contemporaneous Reclamation.

Population size: All surface coal mining operations over which MMD has jurisdiction.

Sample size: Two active surface coal mines.

Purpose for Review: OSM and MMD will evaluate and report on the effectiveness of the Program in ensuring compliance with regulatory requirements for contemporaneous reclamation.

Review Scope and Methodology: Conduct a review of two approved permit applications to determine if the applications contain the information required under contemporaneous reclamation requirements of the approved New Mexico program. Subsequent to the permit evaluation, a special focus inspection will be conducted to determine if the mining operations are in compliance with the approved permit applications.

Period for which State actions and documents were reviewed: July 1, 2010, through June 30, 2011.

Dates of Review: OSM conducted two field inspections on May 4 and 5, 2011.

Lee Ranch Mine Findings/Conclusions: The Lee Ranch Mine permit language specifies that Lee Ranch Mine will comply with New Mexico's contemporaneous reclamation regulations. However, the approved permit allows for a contemporaneous reclamation variance for the first box cut and final highwall. The variance is 360 days and 8 spoil ridges for these features. The permit also described that haul roads would be reclaimed unless specifically retained as permanent roads or drainages.

OSM found that the approved Lee Ranch Mine permit application contained the contemporaneous reclamation requirements of NMAC 19.8.20.2053 in the New Mexico program. Also, through its field inspection, OSM found the Lee Ranch Mine was very contemporaneous in its reclamation. Therefore, OSM concluded that Lee Ranch Mine was in compliance with its approved permit and the New Mexico program.

El Segundo Mine Findings/Conclusions: The El Segundo Mine permit language specifies that El Segundo Mine will comply with New Mexico contemporaneous reclamation regulations with no request for variance from contemporaneous reclamation. The El Segundo Mine permit indicates that reclamation and topdressing placement would be placed using direct-haul methods.

OSM found that the approved El Segundo Mine permit application contained the contemporaneous reclamation requirements of NMAC 19.8.20.2053 in the New Mexico program. Also, through its field inspection, OSM found that there was only limited reclamation at the mine due to the fact that mining commenced in 2010; however, the overall conclusion is that El Segundo Mine had conducted contemporaneous reclamation of disturbed lands.

MMD's Blaster Certificate Program – Reclamation Success

Topic for Review: *Reclamation Success*

Subelement: Blaster Certification Program

Population size: All records related to the blaster certification program for the last three years.

Sample size: All certified blasters working on a surface coal mine operations over which MMD has jurisdiction.

Purpose for Review: OSM and MMD will evaluate and report on the effectiveness of the Program in ensuring compliance with the state Blaster Certification Program.

Review Scope and Methodology: OSM will conduct an independent administrative review of the approved state Blaster Certification Program. MMD will designate a representative or representatives to serve on the review team. The study will include the following:

1. Characterization of the general population of certified blasters
2. Completeness of applications for certification,
3. Evaluation of training class venues for all required training topics,
4. Review of the blaster exam for coverage of all the required testing topics,
5. Review of continuing education requirements for certificate maintenance, and
6. Review of certification, suspension and revocation procedures.

Period for which State actions and documents were reviewed: July 1, 2010, through June 30, 2011.

Dates of Review: OSM conducted an administrative oversight inspection on May 2, 2011.

Findings/Conclusions:

1. Characterization of the general population of certified blasters
 - a. Administration of the blaster certification program – OSM found MMD to be adequately administering its blaster certificate program based on review of the program requirements (NMAC 19.8.33) and the documentation provided with the administrative review.
 - b. Type of certificates available – OSM observed that MMD has one type of certificate available, the blaster certificate.
 - c. Duration of certificates – OSM observed that the certificates are valid for four (4) years. OSM observed within the documents reviewed that some blasters were taking the certificate

- test before the 4-year expiration. This was noted as an additional benefit because certified blasters trained more frequently than the MMD regulations required.
- d. Number of certificates – OSM randomly pulled and observed seventy-five blaster certificate records from MMD’s blaster certificate certification files. OSM noted that MMD holds the blaster certificate records for three (3) years after the certificates expires, then purges the documents.
2. Completeness of applications for certification – OSM observed only one application that did not have a complete job description; however, when OSM looked at the tester’s previous application, it had a complete job description. Each application must be complete.
 3. Evaluation of training class venues for all required training topics
 - a. Number of recognized training venues – OSM found that MMD has two recognized training venues, which are the International Society of Explosives Engineers and Wesco (consultant).
 - b. Does each class cover the required 14 topics (explosives, blast design, loading blastholes, initiation systems, blasting vibrations, secondary blasting, federal/state rules, blast records, blasting schedules, pre-blast surveys, blast plan requirements, certification/training, signs, and unpredictable hazards) – OSM observed the MMD student manual and found that all 14 required topics were covered.
 - c. Duration of each class – MMD holds the class for a duration of 3 days. OSM observed a syllabus that gave an hour-by-hour course outline.
 - d. Instructors – OSM observed two instructor verifications, which were qualified and represented the International Society of Explosives Engineers and Wesco (consultant).
 4. Review of the blaster exam for coverage of all the required testing topics – OSM noted that there were different versions of the blaster certification test (F2 and F3). When the two versions were compared, all multiple choice questions were the same up to number 59, then for numbers 60 – 66 (math questions), the order of the questions were changed. OSM suggested that MMD switch the order of the multiple choice questions on the two test versions to deter testers from memorizing the tests. Also, question number 52 was missing on one of the tests, but the distribution of points for passing the test was not affected.
 - a. Written exam – OSM reviewed MMD’s test, which was found to be in written format.
 - b. Coverage on 14 topics – OSM observed that MMD’s test covered the 14 topics.
 - c. Distribution of technical and regulatory topics – OSM observed that the majority of exam questions were technical in nature.
 - d. Math related distribution of questions – OSM observed that the exam had easy (single computation) and hard (multi-step and multi-computation) math questions.
 5. Documentation of continuing education required for certificate maintenance
 - a. Hours required – To maintain their blaster certificates, blasters are required to complete three (3), 8-hour days of training every four (4) years.
 - b. Documentation process – OSM observed that a copy of the blaster’s certificate and a copy of the attended course syllabus are placed in the certified blaster files. Also observed from the review of the documentation process, is that the MMD coordinator grants the blasters a waiver from supplying a copy of the attendance information if the MMD coordinator is present at the training class. Based on this information, OSM suggested that MMD omit the waiver and require all blasters to submit the required attendance documentation, which follows the standard operating procedure for documentation.
 6. Review of certification suspension and revocation procedures within EY 2010
 - a. Number of blasting violations and type – One blasting violation related to recordkeeping was identified by OSM; this violation occurred in 2009.
 - b. Discuss how the blaster is identified as the responsible party in a violation – The New Mexico Regulation at 19.8.20.2033 NMAC requires all operators conducting blasts to keep records for three (3) years. The records must contain the following: the name of the operator conducting the blast; the location, date, and time of the blast; the name, signature, and

certification number of the blaster conducting the blast; and identification, direction, and distance, in feet, from the nearest blast hole to the nearest dwelling, public building, school, church, community or institutional building outside the permit area, except those described in subsection E of 19.8.2032 NMAC. This subsection states that the maximum airblast and ground-vibration standards of subsections B and D of 19.8.20.2032 NMAC shall not apply to the following: 1) structures owned by the permittee and not leased to another person; and 2) structures owned by the permittee and leased to another person, if a written waiver by the lessee is submitted to the director before blasting. Subsection B pertains to airblast limits and monitoring. Subsection D pertains to ground vibration in general, the maximum peak particle velocities, the scaled-distance equation, the blasting-level chart, the maximum allowable ground vibration, and the director's allowable seismic monitoring requirements.

- c. Discuss how the performances of the blasters are tracked – OSM questioned MMD about how the performances of the blasters are tracked. MMD stated that the performance of blasters is not tracked. OSM recommended that MMD track the performance of blasters in order to provide recognition of exemplary performance and to take enforcement action for poor performance.
- d. Number of certificates suspended or revoked – OSM observed none.

OSM's overall conclusion of MMD's blaster certification program is that the program is in compliance.

VII. Regulatory Program Problems and Issues

During EY 2011, there were no significant regulatory program problems or issues raised by OSM WR-PSD or MMD. OSM only made suggestions and/or recommendations for improving MMD's blaster certificate program.

VIII. OSM Assistance

Annual Grant Award

In accordance with section 705(a) of SMCRA, the Secretary of the Interior is authorized to make annual grants to any state for the purpose of assisting such state in developing, administering, and enforcing state programs under SMCRA. MMD received a grant from OSM for \$884,000 for the operation of the Coal Mine Reclamation Bureau (CMRB) which is the organizational subdivision of MMD responsible for administering the state regulatory program. The grant award represents 71.87 percent of the total program cost.

TIPS, Technology Transfer, and Technical and Librarian Assistance

Each year OSM provides services to MMD through its TIPS program, transfer of technology equipment and software, and technical and librarian assistance. During EY 2011, only one MMD employee took a TIPS training class and no employees took any National Technical Training Program classes. OSM also delivered a Trimble Juno global positioning system unit along with accompanying software to the MMD for its use.

Also, during EY 2011, MMD participated in the monthly Western Region Technology Transfer (WRTT) team conference calls. This team was established in 1995 to provide a forum to guide, coordinate, and communicate Western Region activities, and to advance technical challenges and solutions to OSM's regional and national technology transfer teams. Additionally, MMD sent a representative to the WRTT

annual meeting held in conjunction with the American Society of Mining & Reclamation conference in Bismarck, ND and added another representative to the Western In-Situ coal processing work group for assistance with potential in-situ mining projects. This work group was established to explore coal gasification technology as it relates to SMCRA and state rules. The work group will provide guidance to states and tribes on how to handle exploration and permit requests regarding in-situ technology.

EY 2011 NEW MEXICO EVALUATION TEAM MEMBERS

Jim O'Hara, MMD
Dave Clark, MMD

Dawn Pacula, OSM WR-PSD
Bob Postle, OSM WR-PSD
Elaine Ramsey, OSM WR-PSD

Cover Page Photo

MMD took the cover page photo of the Tailings Pond Reclamation at York Canyon Underground Mine in July 2010 and granted OSM WR-PSD permission to use the photograph.

**New Mexico Annual Evaluation Report
Evaluation Year 2011**

APPENDIX 1

Summary of Core Data to Characterize the New Mexico Program

The following tables present summary data pertinent to mining operations and regulatory activities under the New Mexico regulatory program. Unless otherwise specified, the reporting period for the data contained in the tables is the Evaluation Year. Other data and information used by OSM in its evaluation of New Mexico's performance is available for review in the evaluation files maintained by PSD.

Because of the enormous variations from state to state and tribe to tribe in the number, size, and type of coal mining operations and the differences between state and tribal programs, the summary data should not be used to compare one state or tribe to another.

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Table 1	Coal Produced for Sale, Transfer, or Use
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Table 14	Status of Action Plans
Table 15	Land Use Acreage (Optional)
EY 2011	New Mexico Reclamation Status Table

New Mexico
 EY 2011, ending June 30, 2011

TABLE 1

COAL PRODUCED FOR SALE , TRANSFER, OR USE¹ (Millions of short tons)			
Calendar Year	Surface Mines	Underground Mines	Total
2010	8.326	5.700	14.026

¹Coal production is the gross tonnage (short tons) and includes coal produced during the calendar year (CY) for sale, transfer or use. The coal produced in each CY quarter is reported by each mining company to OSM during the following quarter on line 8(a) of form OSM-1, "Coal Reclamation Fee Report." Gross tonnage does not provide for a moisture reduction. OSM verifies tonnage reported through routine auditing of mining companies. This production may vary from that reported by other sources due to varying methods of determining and reporting coal production.

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TABLE 2

PERMANENT PROGRAM PERMITS, INITIAL PROGRAM SITES, INSPECTABLE UNITS, AND EXPLORATION															
Mines and Other Facilities	Numbers of Permanent Program Permits and Initial Program Sites										Area in 1's of acres				
	Permanent Program Permits					Initial Program Sites					Permanent Program Permits (Permit Area)		Initial Program Sites		
	Active	Inactive	Abandoned	Total	Insp. Units ¹	Active	Inactive	Abandoned	Total	Federal Lands	State/Tribal and Private Lands	Federal Lands	State/Tribal and Private Lands	Total Area	
Surface Mines	4	2	0	6	1	0	0	0	1	6	9,970.0	54,610.0	0.0	494.0	65,074.0
Underground Mines	1	1	0	2	0	0	0	0	0	2	14,390.0	6,650.0	0.0	0.0	21,040.0
Other Facilities	0	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0
Total	5	3	0	8	1	0	0	0	1	8	24,360.0	61,260.0	0.0	494.0	86,114.0
Permanent Program Permits and Initial Program Sites:										Total Number:	Average Acres per Site:		9,568.22		
Average Number of Permanent Program Permits and Initial Program Sites per Inspectable Unit (IU):										1.13	Average Acres per IU:		10,764.25		
Permanent Program Permits in Temporary Cessation:										Total Number:	Number More than 3 Years:		0		
EXPLORATION SITES															
Number of Exploration Sites with Permits:										Total number of permit sites:	Sites with Federal lands²:		0		
Number of Exploration Sites with Notices:										Total number of notice sites:	Sites with Federal lands²:		0		
¹ An Inspectable Unit may include multiple small and neighboring Permanent Program Permits or Initial Program Sites that have been grouped together as one Inspectable Unit, or conversely, an Inspectable Unit may be one of multiple Inspectable Units within a Permanent Program Permit.															
² When a Permanent Program Permit or Initial Program Site contains both Federal and State and Private lands, the acreage for each type of land is in the applicable column.															
³ The number of Exploration Sites with Federal lands includes sites with exploration permits or notices any part of which is regulated by the state under a cooperative agreement or by OSM pursuant to the Federal Lands Program, but excludes exploration sites that are regulated by the Bureau of Land Management.															

New Mexico
EY 2011, ending June 30, 2011

TABLE 3

PERMITS ALLOWING SPECIAL CATEGORIES OF MINING			
Special Category of Mining	30 CFR Citation Defining Permits Allowing Special Mining Practices	Numbers of Permits	
		Issued During EY	Total Active and Inactive Permits
Experimental Practice	785.13(d)	0	0
Mountaintop Removal Mining	785.14(c)(5)	0	0
Steep Slope Mining	785.15(c)	0	0
AOC Variances for Steep Slope Mining	785.16(b)(2)	0	0
Prime Farmlands Historically Used for Cropland	785.17(e)	0	1
Contemporaneous Reclamation Variances	785.18(c)(9)	0	0
Mining on or Adjacent to Alluvial Valley Floors	785.19(e)(2)	0	0
Auger Mining	785.20(c)	0	0
Coal Preparation Plants Not Located at a Mine Site	785.21(c)	0	0
In-Situ Processing	785.22(c)	0	0
Remining	773.15(m) and 785.25	0	0
Activities in or Within 100 Feet of a Perennial or Intermittent Stream	780.28(d) and/or (e) 784.28(d) and/or (e)	0	0

New Mexico
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TABLE 4

Type of Application	Surface Mines			Underground Mines			Other Facilities			Totals		
	App. Rec.	Issued/ Appvd	Acres	App. Rec.	Issued/ Appvd	Acres ⁴	App. Rec.	Issued/ Appvd	Acres	App. Rec.	Issued/ Appvd	Acres
New Permits	0	0	0	0	0	0	0	0	0	0	0	0
Renewals	2	2		0	0		0	0		2	2	
Transfers, sales, and assignments of permit rights	0	0		0	0		0	0		0	0	
Small operator assistance	0	0		0	0		0	0		0	0	
Exploration permits												
Exploration notices ²												
Revisions that do not add acreage to the permit area		21			16			0			37	
Revisions that add acreage to the permit area but are not incidental boundary revisions	0	0		0	0		0	0		0	0	
Incidental boundary revisions	0	0		0	0		0	0		0	0	
Totals	2	23	0	0	16	0	0	0	0	2	39	0
Permits terminated for failure to initiate operations:												
Acres of Phase III bond releases (Areas no longer considered to be disturbed):												
Number: 0 Acres: 0.0												
Permits in temporary cessation												
Midterm permit reviews completed that are not reported as revisions												
Number: 1												
Includes only the number of acres of proposed surface disturbance												
State approval not required. Involves removal of less than 250 tons of coal and does not affect lands designated unsuitable for mining.												
Notices received: 0 Terminations: 0												
Acres: 270.0												

New Mexico
EY 2011, ending June 30, 2011

TABLE 5

OFF-SITE IMPACTS EXCLUDING BOND FORFEITURE SITES														
RESOURCES AFFECTED	DEGREE OF IMPACT	NUMBER OF IMPACT EVENTS	People			Land			Water			Structures		
			Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major
Blasting	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Land Stability	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hydrology	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Encroachment	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Number of Inspectable Units ² :			8											
Inspectable Units with one or more off-site impacts:			0											
Inspectable Units free of off-site impacts:			8									100		
OFF-SITE IMPACTS AT BOND FORFEITURE SITES														
RESOURCES AFFECTED	DEGREE OF IMPACT	NUMBER OF IMPACT EVENTS	People			Land			Water			Structures		
			Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major
Blasting	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Land Stability	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hydrology	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Encroachment	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Number of Inspectable Units ² :			0											
Inspectable Units with one or more off-site impacts:			0											
Inspectable Units free of off-site impacts:			0									0		

New Mexico
EY 2011, ending June 30, 2011

TABLE 5
(Continued)

RESOURCES AFFECTED		People			Land			Water			Structures		
		Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major
DEGREE OF IMPACT	NUMBER OF EVENTS												
Impact Event													
Blasting	0	0	0	0	0	0	0	0	0	0	0	0	0
Land Stability	0	0	0	0	0	0	0	0	0	0	0	0	0
Hydrology	0	0	0	0	0	0	0	0	0	0	0	0	0
Eutrophication	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Number of Inspectable Units ² :		8											
Inspectable Units with one or more off-site impacts:		0											
Inspectable Units free of off-site impacts:		8									100		
¹ % of Inspectable Units free of off-site impacts is based on the number of Inspectable Units at the end of the Evaluation Year. The number of Inspectable Units may vary during the Evaluation Year.													
² Total number of Inspectable Units is (1) the number of Inspectable Units at the end of the Evaluation Year and (2) the number of permanent program permits terminated under Phase III bond release during the Evaluation Year and (3) the number of Initial Program Sites with jurisdiction terminated during the Evaluation Year and (4) the number of bond forfeiture sites that were reclaimed during the Evaluation Year.													

TABLE 6

SURFACE COAL MINING AND RECLAMATION ACTIVITY									
Areas of Phase I, II, and III Bond Releases During the Evaluation Year (EY)									
Phase I Releases	Phase II Releases			Phase III Releases			Total Acres Released During the EY		
	Total Acres Released in Approved Phase II Releases	Acres not previously released under Phase I	Total Acres Released in Approved Phase III Releases	Acres not previously released under Phase II	Acres not previously released under Phase I or II				
1,101		0		270		1,371	Phase I		1,371
	354			270		624	Phase II		624
			270			270	Phase III		270
Cumulative Total Acres Released under All Bond Release Phases at the End of the Evaluation Year									
2,265									
Number of Permanent Program Permits Terminated under Phase III Bond Release and Initial Program Sites with Jurisdiction Terminated During the Evaluation Year									
0									
Areas of Permits Bonded for Disturbance by Surface Coal Mining and Reclamation Operations									
Total Acres at Start of EY									
23,995									
Total Acres at End of EY									
17,072									
Change in Acres During EY									
6,655									
New Area and Cumulative Area Bonded for Disturbance									
9,035									
Area Bonded for Disturbance without Phase I Bond Release									
6,031									
Area Bonded for Disturbance for which Phase I Bond Release Has Been Approved									
15,066									
Area Bonded for Disturbance for which Phase II Bond Release Has Been Approved									
0									
Total Area Bonded for Disturbance									
0									
Area Bonded for Remaining									
26,647									
Areas of Permits Disturbed by Surface Coal Mining and Reclamation Operations									
27,478									
Disturbed Area									
831									

New Mexico
EY 2011, ending June 30, 2011

TABLE 7

BOND FORFEITURE ACTIVITY (Permanent Program Permits)			
Bond Forfeiture and Reclamation Activity	Number of Sites	Dollars	Acres
Sites with bonds forfeited and collected that were un-reclaimed at the start of the current Evaluation Year (i.e. end of previous Evaluation Year) ¹	0		0
Sites with bonds forfeited and collected during the current Evaluation Year	0	0	0
Sites with bonds forfeited and collected that were re-permitted during the current Evaluation Year	0		0
Sites with bonds forfeited and collected that were reclaimed during the current Evaluation Year	0		0
Sites with bonds forfeited and collected that were un-reclaimed at the end of the current Evaluation Year ¹	0		0
Sites with bonds forfeited but un-collected at the end of the current Evaluation Year	0		0
Forfeiture Sites with Long-Term Water Pollution			
Bonds forfeited, lands reclaimed, but water pollution is still occurring	0		
Bonds forfeited, lands reclaimed, and water treatment is ongoing	0		
Surety/Other Reclamation Activity In Lieu of Forfeiture			
Sites being reclaimed by surety/other party at the start of the current Evaluation Year (i.e., the end of previous Evaluation Year) ²	0		0
Sites where surety/other party agreed during the current Evaluation Year to do reclamation	0		0
Sites being reclaimed by surety/other party that were re-permitted during the current Evaluation Year	0		0
Sites with reclamation completed by surety/other party during the current Evaluation Year ³	0		0
Sites being reclaimed by surety/other party at the end of the current Evaluation Year ²	0		0
¹ Includes data only for those forfeiture sites not fully reclaimed. ² Includes all sites where surety or other party has agreed to complete reclamation and the site is not fully reclaimed. ³ These sites are also reported in Table 6, Surface Coal Mining and Reclamation Activity, because Phase III bond release would be granted on these sites.			

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TABLE 8

REGULATORY AND AML PROGRAMS STAFFING	
Function	Number of FTEs
Regulatory Program	
Permit Review and Maintenance	4.00
Inspection	1.50
Other (supervisory, clerical, administrative, fiscal, personnel, etc.)	3.00
Regulatory Program Total	8.50
AML Program Total	14.00
TOTAL	22.50

New Mexico

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TABLE 9

FUNDS GRANTED TO STATE OR TRIBE BY OSM (Actual Dollars Rounded to the Nearest Dollar)			
Type of Funding	Federal Funds Awarded	Total Program Cost	Federal Funds Awarded as a Percentage of Total Program Costs
Regulatory Funding			
Administration and Enforcement Grant	884,000		
Other Regulatory Funding, if applicable	0		
Subtotal (Regulatory Funding)	884,000	1,230,000	72
Small Operator Assistance Program Grant Funding	0	0	
Abandoned Mine Land Reclamation Funding	4,641,068	4,641,068	100
Watershed Cooperative Agreement Program	0	0	
TOTAL	5,525,068		

New Mexico
EY 2011, ending June 30, 2011

TABLE 10

Permits and Sites		Complete Inspections			Partial Inspections		
Activity Status	Number of Permits and Sites	Inspections Required Annually	Approximate Number of Required Inspections ¹	Number of Complete Inspections Conducted	Inspections Required Annually	Approximate Number of Required Inspections ¹	Number of Partial Inspections Conducted
Approximate Number of Required Inspections of Permanent Program Permits							
Active	5	4	20		8	40	
Inactive	3	4	12		8	24	
Abandoned	0	0	0		0	0	
Approximate Number of Required Inspections of Initial Program Sites							
Active	0	0	0		0	0	
Inactive	1	0	0		0	0	
Abandoned	0	0	0		0	0	
Inspections Conducted and Approximate Number Required on All Permanent Program Permits and Initial Program Sites							
Total Active	5		20	16		40	37
Total Inactive	4		12	16		24	32
Total Abandoned	0		0	0		0	0
Total	9		32	32		64	69
Exploration Sites with Permits and with Notices							
All Exploration	1			0			0

¹ The number of required inspections are approximations because part way through the Evaluation Year sites may change "activity status" or become eliminated because final Phase III bond release was approved or the regulatory authority terminated its jurisdiction under the Initial Program. Likewise, as new permits are issued throughout the Evaluation Year, the number of Permanent Program Permits would increase, but only some of the "Inspections Required per Site Annually" would be required for those sites permitted part way through the year. Additionally, some sites may be consolidated into one inspectable unit, thus one inspection may cover multiple sites.

New Mexico

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TABLE 11

STATE OR TRIBAL ENFORCEMENT ACTIVITY		
Type of Enforcement Action	Number of Actions ¹	Number of Violations ¹
Notice of Violation	2	4
Failure-to-Abate Cessation Order	0	0
Imminent Harm Cessation Order	0	0
¹ Does not include actions and violations that were vacated.		

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 EY 2011, ending June 30, 2011

TABLE 12

LANDS UNSUITABLE ACTIVITY		
Activity	Number	Acres
Petitions Received	0	
Petitions Rejected	0	
Petitions Accepted	0	
Decisions Denying Petition	0	
Decisions Declaring Lands Unsuitable	0	0
Decisions Terminating Unsuitable Designations	0	0

New Mexico

EY 2011, ending June 30, 2011

TABLE 13

OSM OVERSIGHT ACTIVITY					
Oversight Inspections and Site Visits					
	Complete		Partial		Total
	Joint	Non-Joint	Joint	Non-Joint	
Oversight Inspections	0	1	5	1	7
Site Visits	Technical Assistance		Other		Total
	0		0		0
Violations Observed by OSM and Citizen Requests for Inspection⁴					
Type of Action					Total number of each action
How many violations were observed by OSM on oversight inspections?					0
Of the violations observed, how many did OSM defer to State action during inspections?					0
Of the violations observed, how many did OSM refer to the State through Ten-Day Notices? ²					0
How many Ten-Day Notices did OSM Issue for observed violations? ³					0
How many Ten-Day Notices did OSM issue to refer citizen requests for inspection?					0
How many Notices of Violation did OSM issue?					0
How many Failure-to-Abate Cessation Orders did OSM issue?					0
How many Imminent Harm Cessation Orders did OSM issue?					0
OSM Action for Delinquent Reporting or Non-Payment of Federal AML Reclamation Fees					
How many Ten-Day Notices for delinquent reporting or non-payment of Federal AML reclamation fees did OSM issue?					0
How many Notices of Violation for delinquent reporting or non-payment of Federal AML reclamation fees did OSM issue?					0
How many Federal Failure-to-Abate Cessation Orders for delinquent reporting or non-payment of Federal AML reclamation fees did OSM issue?					0
⁴ This section does not include actions for delinquent reporting or non-payment of Federal AML fees that are reported in the last section of the table. ² Number of violations contained in Ten-Day Notices not including those issued to refer citizen requests for inspection. ³ Number of Ten-Day Notices issued not including those to refer citizen requests for inspection.					

New Mexico
 EY 2011, ending June 30, 2011

TABLE 14

STATUS OF ACTION PLANS						
Action Plan ID	Problem Type ¹	Problem Title	Problem Description	Date Action Plan Initiated	Scheduled Completion Date	Actual Completion Date
None						

¹ Problem Type: "PA" indicates a required Program change under subchapter T or 732
 "RP" indicates a Regulatory Program implementation or administrative problem

New Mexico

EY 2011, ending June 30, 2011

TABLE 15
(Optional)

POST-MINING LAND USE ACREAGE OF SITES FULLY RECLAIMED (Phase III bond release or termination of jurisdiction under the Initial Program)	
Land Use⁴	Acres Released
Cropland	0.00
Pasture/Hayland	0.00
Grazingland	0.00
Forestry	0.00
Residential	0.00
Industrial/Commercial	270.00
Recreation	0.00
Fish & Wildlife Habitat	0.00
Developed Water Resources	0.00
Undeveloped land or no current use or land management	0.00
Other - Public Utilities	0.00
Other -	0.00
Sub-Total Other	0.00
Total	270.00
⁴ Land uses as defined in 30 CFR 701.5 or "Other" as defined under the state or tribal program	

