

**OFFICE OF SURFACE MINING RECLAMATION AND
ENFORCEMENT**

Annual Evaluation Summary Report

for the

Regulatory Program

Administered by the Wyoming Land Quality Division

of

WYOMING

for

Evaluation Year 1996

(January 1, 1996 to September 30, 1996)

JANUARY 1997

TABLE OF CONTENTS

I.	Introduction	1
II.	Overview of Coal Mining Industry	1
III.	Overview of Public Participation in the Program	3
IV.	Major Accomplishments/Issues/Innovations	5
V.	Success in Achieving the Purposes of SMCRA	5
	A. Off-site Impacts	5
	B. Bond Releases	6
VI.	OSM Assistance	7
VII.	General Oversight Topic Reviews	7
	Appendix A: Tabular Summary of Core Data to Characterize the Program	11
	Appendix B: State Comments on the Report	12
	Appendix C: Casper Field Office Response to State’s Comments	13

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 OSM as meeting the minimum standards specified by SMCRA. This report contains summary information regarding the Wyoming Program and the effectiveness of the Wyoming program in meeting the applicable purposes of SMCRA as specified in section 102. This report covers the period of January 1, 1996 to September 30, 1996. Detailed background information and comprehensive reports for the program elements evaluated during the period are available for review and copying at the Casper Field Office, OSM, Federal Building, Rm. 2128, 100 East "B" Street, Casper, Wyoming 82601-1918.

The following list of acronyms are used in this report:

ASCM Alternate Sediment Control Measures

AVF	Alluvial Valley Floor
AVS	Applicant Violator System
CFO	Casper Field Office
CHIA	Cumulative Hydrologic Impact Assessment
DEQ	Department of Environmental Quality
EQC	Environmental Quality Council
EY	Evaluation Year
LQD	Land Quality Division
OSM	Office of Surface Mining Reclamation and Enforcement
PHC	Probable Hydrologic Consequence
PRBRC	Powder River Basin Resource Council
RSI	Random Sample Inspection
SMCRA	Surface Mining Control and Reclamation Act of 1977
TDN	Ten-Day Notice
WQD	Water Quality Division
WRCC	Western Regional Coordinating Center
WOC	Wyoming Outdoor Council
WWF	Wyoming Wildlife Federation

II. Overview of the Wyoming Coal Mining Industry

The presence of coal in Wyoming was discovered before 1834 on the Belle Fouché River. In 1865, the Denver and Salt Lake Stage Company opened the first coal mine in Carbon County,

Wyoming. The demand for coal increased with the completion of the Trans-Continental Railroad. In 1869 the Union Pacific opened mines near the towns of Carbon, Point of Rocks, and Rock Springs. The coal production for that year was 58,186 tons. Until 1954, underground mines out-produced surface mines. By the late 1960's, surface coal mining production in the Powder River Basin became a major contributor to the Nation's total coal production.

Coal-bearing formations underlie more than 40,000 square miles, or approximately 41 percent of Wyoming's total land area. Portions of both the Northern Great Plains and the Rocky Mountain Coal Provinces lie within Wyoming's boundaries. Wyoming's coal beds were formed during several epochs between the Cretaceous and Tertiary geologic periods. The most widespread and important formation, from a production standpoint, is the Wasatch Formation, which was deposited during the early Tertiary period. Coal seams in the Wasatch Formation and the underlying Fort Union Formation often exceed 100 feet in thickness with 30 to 80 foot seams being common and on occasion 220 foot thick seams have been uncovered. Wyoming coal ranges from lignite to high volatile bituminous. The majority of the coal produced is subbituminous.

Coal production in Wyoming continues to grow dramatically. Wyoming coal production for 1995 increased by 10 percent to 253,298,729 short tons. Wyoming continues to lead all other states in total coal production. The cumulative coal production from Wyoming mines between 1865 and 1995 is in excess of 3.3 billion tons.

Currently, almost 92 percent of the coal mined in the State comes from surface mines in the Powder River Coal Basin near Gillette, Wyoming. Wyoming's producing underground mines located near Hanna and Rock Springs accounted for slightly less than 1 percent of the State's total production. The Geological Survey of Wyoming estimates the quantity of Wyoming stripable coal reserves is in excess of 26.3 billion tons and an additional 38.3 billion ton of coal reserves that can be recovered by underground mining methods. Wyoming has the largest reserves of "compliance coal" in the lower 48 States; that is coal of such high quality that utility companies can burn the coal in power plants without expensive scrubbers to remove sulphur dioxide emissions.

The coal mining industry employed 4,374 people during 1995, a decrease of 98 people (approximately 2 percent) over the previous year. The coal mine employment has decreased about 29 percent since 1980 (peak employment of 6,231 positions), while coal production has more than doubled during the same period. The increase in production is due to changes in the Clean Air Act, the use of better technology, and more efficient equipment which is less labor intensive. Coal employment represents approximately 3 percent of the State's civilian work force.

Thirty eight (38) active coal mining operations are currently permitted in Wyoming; 34 are surface operations, three (3) are underground operations, and one permit is considered in the other facility category (e.g., a dragline corridor). Three (3) exploration permits and 39

exploration notices are currently in effect within the State. Five in-situ operations have been permitted under the State's program provisions for research and development license. Two operations are in the Hanna Basin, two are in the Powder River Basin and one is in Carbon county. All of the in-situ operations have been terminated. The Carbon County underground coal gasification (UCG) project has terminated operations and began reclamation in 1995.

III. Overview of the Public Participation Opportunities in the Oversight Process and the State Program

A. OSM Outreach Efforts.

CFO has developed an outreach program whereby the public and industry are encouraged to participate in the oversight process. CFO contacted the Powder River Basin Resource Council (PRBRC), Wyoming Outdoor Council (WOC), Wyoming Wildlife Federation (WWF), and the Wyoming Mining Association (WMA). These groups are affiliated with national organizations that either are citizen/environmental interested groups, or a trade association. These groups were notified of OSM's outreach activities and were given an opportunity to express concerns regarding OSM's oversight role in the State's regulatory program.

During the evaluation period, several coal companies expressed interest in the oversight process and requested material such as the Performance Agreement, and last year's Annual Report. Wyoming DEQ and OSM developed and selected oversight topics and strategies. These were documented in the Performance Agreement. The Performance Agreement is a negotiated agreement between DEQ and OSM as to what and how evaluation topics would be reviewed during the evaluation period. In previous years, OSM developed evaluation plans independent of the State.

OSM has met several times with PRBCC to discuss its concerns and issues regarding the oversight process (OSM Directive REG-8), contemporaneous reclamation, and the reduced number of OSM inspections. On June 14, 1996, OSM's Assistant Director for Program Support met with the WMA and PRBRC to discuss these same issues. CFO also extended the same invitation to WWF and WOC to meet with the Assistant Director, but due to busy schedules and geographic distance, the offer was declined.

As part of CFO's outreach in the oversight process, public meetings were held for input for the 1996 and 1997 Performance Agreements, which identifies the focus of the oversight process. Participation was very low. Due to this low participation, a new approach will be initiated next year, where CFO will first publish a notice in the newspaper and offer to meet with individuals or groups to discuss oversight. CFO also solicits via mail and public notice (Federal Register) comments from these interest groups, as well as, local, State and Federal agencies regarding the status of Wyoming's coal regulatory program amendments. The three citizen groups and the WMA provided comments and concerns.

B. Wyoming Outreach Efforts

The Land Quality Division is a subdivision of the Department of Environmental Quality. Wyoming has an advisory board (Land Quality Division Board) that provides recommendations to the Land Quality Division in a public forum. The Environmental Quality Council rules on regulatory matters in a public forum for all Divisions within the Department (including LQD), and also serves as the administrative hearings board for all the Divisions of the DEQ. Wyoming's outreach efforts include, but are not limited to Land Quality Division Board meetings, and Environmental Quality Council hearings and board meetings. LQD has met on several occasions with the special interest groups (PRBRC, WOC, WWF, and WMA) to discuss their concerns and issues.

LQD received approval of a State program amendment containing Shrub Density from OSM on August 8, 1996. The significance of this approval is that the State initiated a negotiated rulemaking process involving the WMA, WOC, PRBRC, WWF, WMA, Wyoming Game and Fish Department and the National Wildlife Federation. After 14 rule making sessions, the participants reached a consensus on the final wording of the amendment package that was submitted to OSM.

LQD also has public participation in its permitting, bond release, and enforcement processes. In Wyoming's permitting and bond release processes there are notices published and comments solicited. Citizen complaints are investigated as part of the enforcement process. Previous oversight reviews have found that LQD is highly receptive to the concerns of public, industry and citizen groups.

C. Issues Identified in Outreach Efforts

The Wyoming Outdoor Council has expressed concern regarding OSM's approval of the Shrub Density Amendment August 8, 1996. Specifically, they are concerned about Wyoming's Enroll Act 8 that prohibits the Wyoming Game and Fish Department from changing the status of wildlife habitat to "crucial" or "critical" classifications, after a coal operator has submitted an application for a mining and reclamation permit. These concerns are the same concerns that the group expressed during Wyoming negotiated rulemaking process. WOC wants to be on record that although they agreed to the rules in the consensus rulemaking, they do not agree to the statute promulgated by the State Legislature. OSM reviewed WOC's comments and responded to them in the August 8, 1996 Federal Register approving the amendment package.

The Powder River Basin Resource Council (PRBRC) in meeting with the Assistant Director of OSM, the Wyoming LQD Administrator, and CFO, expressed its concerns regarding contemporaneous reclamation, bond adequacy, and Federal oversight. Contemporaneous reclamation and bond release will be oversight topics in the 1997 Performance Agreement. Also, an increased number of inspections will be negotiated with Wyoming.

IV. Major Accomplishments/Issues/Innovations in the Wyoming Program

A. Accomplishments

Wyoming continues to develop revised rules pursuant to change to Federal regulations (30 CFR 732.17 and 950.16) by submitting required program amendments. On August 8, 1996, OSM approved the Wyoming shrub density amendment. Wyoming held a workshop for the mining companies to explain the implementation of these rules.

B. Issues

All required State inspections were performed except for one (1) complete inspection. The State allowed three enforcement actions to extend beyond the abatement date without modification, termination, or vacation.

The State issued two minor violations, which carry less than full sanctions of regular NOV's for failure to produce blasting records. Failure to make available all blasting logs is a violation of the performance standards of the Wyoming Act [W.S. 35-11-415(b)(xi)(B)].

C. Innovations

The Wyoming DEQ-LQD continues to administer an excellent Title V program. Wyoming is a pioneer in the development of electronic permitting. Wyoming has developed standard formats for recording and submitting data to LQD for review of permit applications. A pilot study demonstrated a significant decrease in review and issue resolution time as well as, the overall time to issue a permit.

V Success in Achieving the Purposes of SMCRA as Measured by the Number of Observed Off-Site Impacts and the Number of Acres Meeting the Performance Standards at the Time of Bond Release

To further the concept of reporting end results, findings from performance standard evaluations are being collected for a national perspective in terms of the number and extent of observed off-site impacts and the number of acres that have been mined and reclaimed which meet the bond release requirements for the various phases of reclamation. Individual topic reports are available in the Casper Field Office which provide additional details on how the following evaluations and measurements were conducted.

A. Off-Site Impacts:

There were 3 documented instances of off-site impacts resulting from surface coal mining and reclamation operations in Wyoming during the evaluation year. Two resulted in minor damage

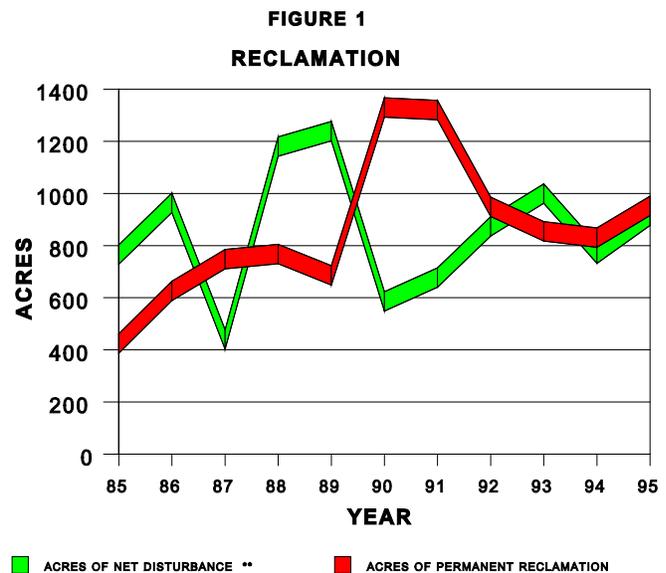
and one with moderate. All three were unrelated and at separate mine sites. One blasting violation was issued for coal flyrock on undisturbed lands. One sediment control violation was issued which resulted in offsite impact that extended beyond the permitted area. Another sediment control violation was issued which resulted in coal fines outside the disturbed area. All three violations were cited by Wyoming with NOV's. No programmatic deficiencies were identified as the cause of offsite impacts. However off-site impact was observed during evaluation of one of the oversight topics chosen for review. This topic (ASCM'S) will carryover to the next evaluation year.

B. Bond Release:

Table 5 (Appendix A, page T-5) presents the bond release acreage that occurred during the evaluation period. Bond release acreage is not a true representation of the reclamation occurring on the mine sites. Optional Table 6 (Appendix A, page T-6) was created to show on-going reclamation. Twenty-one mines of a potential thirty-eight were selected in this sample. All but two mines were located in the Powder River Basin Coal Field. One mine is located in the Hanna Basin Coal Field near the town of Hanna and second mine is located in the Green River Coal Field near the city of Rock Springs.

The data represent an eleven year time frame from 1985 to 1995. Most of the mines existed prior to 1985; however, several started mining during this time, initially creating large areas of disturbance for support facilities. Realizing that these support areas are required to perform the mining operation for portions of or the entire life of the mine, these areas are not expected to be permanently reclaimed until their usefulness has expired. Therefore, the support areas were subtracted from the total disturbed area on Table 6 to identify the net disturbance that could be reclaimed. Assuming a balance should exist between the reclamation and net disturbance, a ratio is provided on Table 6 that quantifies the relationship between reclamation and net disturbance. A ratio of 1.0 means that the reclamation and net disturbance are equal. A ratio higher than 1.0 means that the reclamation is greater than the net disturbance, while a ratio less than 1.0 means the opposite.

Figure 1 compares the reclamation against net disturbance. This graph illustrates that peaks in disturbance are followed about two years later by a peak in reclamation. Although this is not an exact correlation, it does imply a trend that the reclamation follows the net disturbance over this period of time.



Based on the sample of these twenty-one mines the average yearly ratio of permanent reclamation to net disturbance is approximately 1.04. This means the reclamation is slightly greater than the disturbance for the past eleven years. The ratio for the past 5 years is approximately 4.2, four times more reclaimed acres than acres disturbed for mining (excluding support acres). Please note that these findings are preliminary and based on averages for only a portion of the total number of mines in Wyoming. This information is intended to show that reclamation is occurring in Wyoming. It is not intended to infer or otherwise state that reclamation is contemporaneous. Contemporaneous reclamation was not evaluated.

VI. OSM Assistance

The Office of Surface Mining is providing both financial and technical support to LQD for the development of updated CHIA's for the Powder River Basin coal field. In addition to the Administrative and Enforcement (A&E) and Cooperative Agreement grants OSM has provided funding to assist this project. The need for this project has been documented in the Annual Reports (1990 and 1991) that the expansion of coal mining in the Powder River Basin coal field has rendered the previous CHIA prepared by U.S. Geological Survey as inadequate. LQD in cooperation with other State and Federal agencies and the University of Wyoming has developed a prototype computerized model for predicting the cumulative hydrologic impacts. OSM's technical support is in the form of the use of computers, software training, and assistance with the software.

OSM has offered training courses to State regulatory authority employees. BTTI and TIPS provided a wide range of courses including computer software that Wyoming has participated in.

VII. General Oversight Topic Reviews

This section contains a description of the topics reviewed during the evaluation year. Major accomplishments, issues and innovations are addressed in Section IV of this report. The detailed documentation of all reviews are available in the central files at the Casper Field Office.

A. NEW TOPICS

The evaluation was conducted to determine if problems exist in the field. When no problems are observed in the field, the evaluation is concluded. However, when problems such as failure to comply with the State's statutes and rules were identified, the team investigated the problem and traced the source(s).

Blasting: Blasting was identified as an oversight topic during EY 1995. A number of enforcement actions were issued involving blasting including cessation orders and determination of need for show cause. The CFO sampled the blasting programs of three mines to determine State law compliance. No problems or issues were identified.

Approximate Original Contour (AOC): Wyoming coal operators have been incorporating unique wildlife enhancement features in the postmining topography. The oversight team evaluated these features in the field utilizing criteria developed by the team. No problems or issues were identified.

Probable Hydrologic Consequences (PHC) Verification: The Wyoming coal operators have been preparing and revising PHC predictions based on available baseline data recorded at the time of the permit application. During mining operations, the mine operators are required to collect hydrologic monitoring data. LQD has developed a study to evaluate the PHC predictions using the monitoring data. (This evaluation has been postponed due to the reduced evaluation period.)

B. MONITORING TOPICS

Monitoring topics are issues identified in previous oversight evaluations. Due to the nature of these topics, the final evaluation could not be completed during the previous evaluation periods.

Permitting, CHIAs

In the 1992 Annual Evaluation year, CFO identified three deficiencies with some CHIA documents: 1) not all hydrologic impact projections were based on the most recent, readily available technical/baseline information; 2) assessments of hydrologic impacts were not adequate because the existing CHIA was general in scope and not basin specific; and, 3) the LQD did not have a formalized plan to develop comprehensive basin specific or regional CHIA's.

As indicated in the Cooperative Agreement, OSM provides technical assistance. CFO will continue to monitor progress. Monitoring will consist of CFO attending the meetings and having discussions with the State.

OSM views final resolution as the development of CHIA's that utilize the most recent technical baseline information resources, defined surface drainage and groundwater specific cumulative impact areas (CIA's) and develop current CHIA's.

Program Maintenance (Amendments)

In the 1994 Annual Evaluation Year Report, the CFO acknowledged that numerous outstanding program deficiencies existed (e.g., less effective rules [30 CFR 732.17], disapproved rules [30 CFR 950.15] and required program amendments 30 CFR 950.16).

Wyoming LQD's and OSM's objective is to assure that these program deficiencies are resolved through approved amendments to the Wyoming Program. Schedules have been established which set priorities on amendments that are crucial to the operation of the

Wyoming regulatory program. Wyoming has submitted its amendments on time.

CFO provided programmatic assistance from WRCC to LQD for research and development of proposed Wyoming rules. No problem or issues have been identified relating to this topic.

C. FOLLOW-UP TOPICS

Follow-up topics are issues identified in previous year's evaluation. Resolution of these topics are usually resolved within the next evaluation period.

ASCMs

Alternate sediment control measures (ASCMs) have been identified in previous evaluation years (1991-92-93) as an oversight topics and has been the subject of special studies by OSM. Findings from these studies indicated that ASCMs were not being properly designed, constructed, and monitored and maintained. For these reasons ASCMs became an oversight topic this evaluation year. ASCMs when properly applied and maintained can be effective and are an acceptable and valuable part of the program but that they are maintenance intensive. The maintenance aspect of ASCMs will be evaluated. On one mine site, at two ASCMs, the teams observed coal fines and silt deposition below the rock check dam in an undisturbed drainage, resulting in offsite impacts. Wyoming LQD issued an NOV for failure to construct a designed ASCM structure. This investigation will continue into the next evaluation period. The oversight team will decide whether ASCMs will be evaluated during the next evaluation period.

D. ONGOING TOPICS

On-going topics are functions of the State program that are reviewed every evaluation year.

INSPECTIONS

The oversight inspection program of the CFO has been greatly modified this evaluation year. In accordance with general guidelines in a memorandum issued by WRCC, random sample inspections (RSI) were limited to no more than 10 percent of the total number of mines. RSI's of Wyoming mines were reduced from 17 to 4 this evaluation year. When the evaluation period was shortened, only 3 RSI's were conducted. No uncited violations were observed during 3 joint random sample inspections with Wyoming inspectors. Concerns have been raised by the PRBRC as to whether the current number of RSI's is adequate to determine LQD's compliance with the approved program. The number of RSI's will be negotiated to increase the number RSI's during the 1997 evaluation.

FINANCIAL ADMINISTRATION (GRANTS)

CFO conducted financial oversight during the evaluation period. Specifically, drawdowns, timeliness of applications and reports, audits, accounting procedures, procurement and management of property and services were reviewed. During the evaluation period, CFO visited DEQ offices in Cheyenne, Wyoming and reviewed information pertinent to this topic.

Drawdown Analysis. A drawdown analysis was conducted for the Title V program. Wyoming DEQ reimburses expenditures with drawdown. Expenditures and draws sampled occurred during the months January, March, April, May and June. In each instance expenditure equaled the amount of the draw and each corresponding draw occurred after expenditure.

Timeliness of Applications and Reports. OSM's Federal Assistance Manual requires that grantees submit applications and reports on specific time frames. CFO reviewed DEQ's reporting of all required financial reports to include closeout of grants. All applications and reports were timely.

Audits and Audit Resolution DEQ is required to have Federal A-128 audits conducted in a timely manner. Audit findings and recommendations are required to be resolved.

Two A-128 Audits apply to this evaluation period. A single A-128 Audit for the period July 1, 1992 through June 30, 1994 remains in the resolution process. CFO found DEQ's resolution to these findings to be acceptable. Another A-128 Audit was completed for the time frame July 1, 1994 through June 30, 1995. There were no findings pertinent to OSM grants.

Accounting Procedures, Maintenance of Internal Controls, Procurement and Management of Property and Services

CFO depended upon the latest A-128 audits for the review of Wyoming's internal controls and accounting system. CFO did not specifically review payroll, accounts payable, travel, and procurement. One of the A-128 findings in the 1992-94 audit was that property control was mismanaged. Wyoming has just completed a complete physical inventory, is completing a review of its inventory list and is attempting a reconciliation. DEQ expects completion of this matter during the next evaluation period. All other findings from the 1992-94 A-128 audit are considered resolved and have been reported and are in the resolution process. No other problems were found.

APPENDIX A:

These tables present data pertinent to mining operations and State and Federal regulatory activities within Wyoming. They also summarize funding provided by OSM and Wyoming staffing. Unless otherwise specified, the reporting period for the data contained in all tables is January 1, 1996 to September 30, 1996. Additional data used by OSM in its evaluation of Wyoming's performance is available for review in the evaluation files maintained by the Casper Field Office.

TABLE 1

COAL PRODUCTION (Millions of short tons)			
Period	Surface mines	Underground mines	Total
Coal production ^A for entire State:			
1994	234.1	2.3	236.4
1995	261.2	2	263.2
1996 ^B	207.6	2.3	209.9

^A Coal production as reported in this table is the gross tonnage which includes coal that is sold, used or transferred as reported to OSM by each mining company on form OSM-1 line 8(a). 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 States or other sources due to varying methods of determining and reporting coal production.

^B Coal production is not for a full year (January 1, 1996 to September 30, 1996)

TABLE 2

INSPECTABLE UNITS (As of September 30, 1996)												
Coal mines and related facilities	Number and status of permits								Insp. Unit^D	Permitted acreage^A (hundreds of acres)		
	Active or temporarily inactive		Inactive Phase II bond release		Abandoned		Totals					
	IP	PP	IP	PP	IP	PP	IP	PP		IP	PP	Total
	STATE and PRIVATE LANDS REGULATORY AUTHORITY: STATE											
Surface mines	1	4					1	1			0	
Underground mines							0	0			0	
Other facilities							0	0			0	
Subtotals	1	4	0	0	0	0	1	1	0	0	0	
FEDERAL LANDS REGULATORY AUTHORITY: STATE												
Surface mines		32					0	0			0	
Underground mines		3					0	0			0	
Other facilities							0	0			0	
Subtotals	0	35	0	0	0	0	0	0	0	0	0	
ALL LANDS ^B												
Surface mines	1	36	0	0	0	0	1	1	0	0	0	
Underground mines	0	3	0	0	0	0	0	0	0	0	0	
Other facilities	0	0	0	0	0	0	0	0	0	0	0	
Totals	1	39	0	0	0	0	1	1	0	0	0	
Average number of permits per inspectable unit (excluding exploration sites)										1		
Average number of acres per inspectable unit (excluding exploration sites) ..										1,000		
Number of exploration permits on State and private lands:					5		On Federal lands:			—		
Number of exploration notices on State and private lands:..					34		On Federal lands:			—		
<p>IP: Initial regulatory program sites. PP: Permanent regulatory program sites. ^A When a unit is located on more than one type of land, includes only the acreage located on the indicated type of land. ^B Numbers of units may not equal the sum of the three preceding categories because a single inspectable unit may include lands in more than one of the preceding categories. ^C Includes only exploration activities regulated by the State pursuant to a cooperative agreement with OSM or by OSM</p>												

pursuant to a Federal lands program. Excludes exploration regulated by the Bureau of Land Management.

^D Inspectable Units includes multiple permits that have been grouped together as one unit for inspection frequency purposes by some State programs.

TABLE 3

STATE PERMITTING ACTIVITY												
Type of application	Surface mines			Underground mines			Other facilities			Totals		
	App. Rec.	Issued	Acres	App. Rec.	Issued	Acres ^A	App. Rec.	Issued	Acres	App. Rec.	Issued	Acres
New permits	0	0	0	0	0	0	0	0	0	0	0	0
Renewals	0	3	0	0	0	0	0	0	0	0	3	0
Initial boundary revisions	1	2	57.87	1	1	30	0	0	0	2	3	87.87
Revisions (exclusive of initial boundary revisions)	129	115		3	6		0	0		132	121	
Transfers, sales and assignments of permits	1	1		1	0		0	0		2	1	
Full operator assistance	0	0		0	0		0	0		0	0	
Exploration permits	0	0		0	0		0	0		0	0	
Exploration notices ^B	0	0		0	0		0	0		0	0	
Totals	131	121	57.87	5	7	30	0	0	0	136	128	87.87

OPTIONAL - Number of midterm permit reviews completed that are not reported as revisions 2

^A Includes only the number of acres of proposed surface disturbance.

^B Late approval required. Involves removal of less than 250 tons of coal and does not affect lands designated unsuitable for mining.

TABLE 4

OFF-SITE IMPACTS														
RESOURCES AFFECTED			People			Land			Water			Structures		
DEGREE OF IMPACT			minor	moderate	major	minor	moderate	major	minor	moderate	major	minor	moderate	major
TYPE OF IMPACT AND TOTAL NUMBER OF EACH TYPE	Blasting	1	1											
	Land stability	0												
	Hydrology	2							1	1				
	Enroachment	0												
	Other	0												
	Total	3	1	0	0	0	0	0	1	1	0	0	0	0
Total number of permits or mine sites with observed off-site impacts: Permits _____ or Mine <u>1</u> Sites _____														
Total number of permits or mine sites evaluated: Permits _____ or Mine <u>356</u> Sites _____														
Total number of observations made to evaluate mine sites or permits for off-site impacts <u>356</u>														

Report the degree of impact under each resource that was affected by each type of impact. More than one resource may be affected by each type of impact. Therefore, the total number of impacts will likely be less than the total number of resources affected; i.e. the numbers under the resources columns will not necessarily add horizontally to equal the total number for each type of impact. To report the number of mine sites or permits use the same criteria used to determine an inspectable unit in the State. Number of observations is based upon the criteria developed between each State and OSM and may include observations by both the State and OSM.

TABLE 5

ANNUAL STATE MINING AND RECLAMATION RESULTS		
Bond release phase	Applicable performance standard	Acreage released during this evaluation period
Phase I	<ul style="list-style-type: none"> •Approximate original contour restored •Topsoil or approved alternative replaced 	0
Phase II	<ul style="list-style-type: none"> •Surface stability •Establishment of vegetation 	0
Phase III	<ul style="list-style-type: none"> •Post-mining land use/productivity restored •Successful permanent vegetation •Groundwater recharge, quality and quantity restored •Surface water quality and quantity restored 	0
	Total number of disturbed acres at end of last review period (December 31, 1995) ¹	87,154.33
	Total number of acres disturbed during this evaluation year	1,149.53
	Number of acres disturbed during this evaluation year that are considered remining	0
<p>¹ Disturbed acres in this category are those that have not received a Phase III or other final bond release (State maintains jurisdiction).</p>		

TABLE 6

MINE RELATED DISTURBANCES AND RECLAMATION AT 21 WYOMING MINE SITES (55% SAMPLE)					
R P E P R O R O T D	ACRES OF TOTAL MINE DISTURBAN CE DURING REPORT PERIOD	ACRES OF NEWLY CONSTRUCTE D SUPPORT AREAS (FACILITIES, STOCKPILE, ROADS, ETC)	ACRES OF NET DISTURBANC E MINUS THE SUPPORT AREAS DURING REPORT PERIOD	ACRES OF PERMANENT RECLAMATI ON DURING REPORT PERIOD	RATI O OF RECL. VS. NET DIST.
1985	1010	244	766	425	0.55
1986	1084	120	964	626	0.65
1987	1096	656	440	748	1.70
1988	1325	145	1180	768	0.65
1989	1362	123	1239	686	0.55
1990	1079	493	586	1330	2.27
1991	1061	383	678	1320	1.95
1992	1117	243	874	949	1.08
1993	1561	565	1000	855	0.86
1994	1619	850	769	831	1.08
1995	1629	714	915	953	1.04

NOTE:

The acreage figures are based on a sample of 21 mines, taken from each mines' annual report. The reporting period is one full year from the anniversary date of when the original permit was issued. Note that the 1995 total disturbance acreage on Table 6 is larger than the total disturbance on Table 5. Table 5's figures are recorded from January 1, 1996 to September 30, 1996, and not a full year like Table 6.

TABLE 7

STATE BOND FORFEITURE ACTIVITY (Permanent Program Permits)			
	Sites	Dollars	Acres
Bonds forfeited as of January 1, 1996 ^A	0	\$0	0
Bonds forfeited during EY 1996	0	\$0	0
Forfeited bonds collected as January 1, 1996 ^A	0	\$0	0
Forfeited bonds collected during EY 1996	0	\$0	0
Forfeiture sites reclaimed during EY 1996	0	B	0
Forfeiture sites repermited during EY 1996	0		0
Forfeiture sites unreclaimed as of September 30, 1996	0		0
Excess reclamation costs recovered from permittee	0	\$0	0
Excess forfeiture proceeds returned to permittee	0	\$0	0
^A Includes data only for those forfeiture sites not fully reclaimed as of this date. ^B Cost of reclamation, excluding general administrative expenses.			

TABLE 8

STATE REGULATORY PROGRAM STAFFING (Full-time equivalents at end of evaluation year)	
Function	EY 1996
Regulatory program	0
Permit review	10.12
Inspection.....	5.76
Other (administrative, fiscal, personnel, etc.).....	5.24

TABLE 9

REGULATORY FUNDS GRANTED TO STATE BY OSM (Millions of dollars)		
Type of grant	Federal funds awarded	Federal funding as a percentage of total program costs
Administration and enforcement	\$1.49	85.4
Small operator assistance	\$0	0
Totals	\$1.49	

Appendix B

State Comments on the Report

Appendix C

Casper Field Office Response to State's Comments

State's Comment: **V.A. Office-Site Impacts, page 5.**

"I disagree that there were three instances of off-site impacts. One of these was the ASCM discussion on page 9. There were two ASCM's in the drainage in question. The evaluation team observed silt and coal fines downstream of the up stream ASCM. The team was not in agreement that there was additional sediment deposited downstream. The The inspector maintains coal fines down stream of the structure is an off site impact. The ASCM is designed to pass normal sediment load. The ASCM does not distinguish between normal sediment and coal fines. Some coal fine are expected to pass through the structure. A small amount of coal fines does not indicate an off site impact."

Casper Field Office's (CFO's) Response:

The Casper Field Office disagrees with the State and regards deposition coal fines into an undisturbed drainage as an off-site impact.. The purpose of SMCRA is to protect the environment from adverse impacts from the surface mining operation. As the State indicated there were coal fines in the drainage below the ASCMs. However, there were at least four layers of alternating coal fines and sediment below the surface in the bottom of the drainage. According to the company representatives present at the site, there were no plans in the mining and reclamation plan to disturb or reclaim this section of the drainage.

No changes were made to the report regarding the State's comment. CFO and the state disagree as to what constitutes off-site impacts and whether coal fines in an undisturbed drainage is an "adverse affect" on the environment.

State's Comment: **VII, B. Monitoring Topics, page 8.**

"The second reason given in the first paragraph concerning the CHIA should be modified to state the CHIA was not basin specific."

CFO's Response:

CFO has made the appropriate revisions to the report to include this statement.

State's Comment: **VII,C. Follow-up Topics, page 9.**

"The last two sentences of the paragraph concerning ASCM's are misleading. It appears to indicate the whole issue of ASCM's will be a topic of next year's oversight. It is my understanding that next year's oversight will investigate why one particular ASCM failed to function properly."

CFO's Response:

The decision to include ASCMs in the 1997 evaluation is a decision that will be made by the oversight team and reflected in the final draft of the 1997 Performance Agreement. The last two sentences of the paragraph were revised to reflect this.

State's Comment: **Table 3, page T-3.**

"Footnote B indicates State approval is not required for Exploration Notice. State approval is required for approving less tha 250 tons"

CFO's Response:

The footnote has been revised to indicate approval is required.

Casper Field Office Response to State's Comments