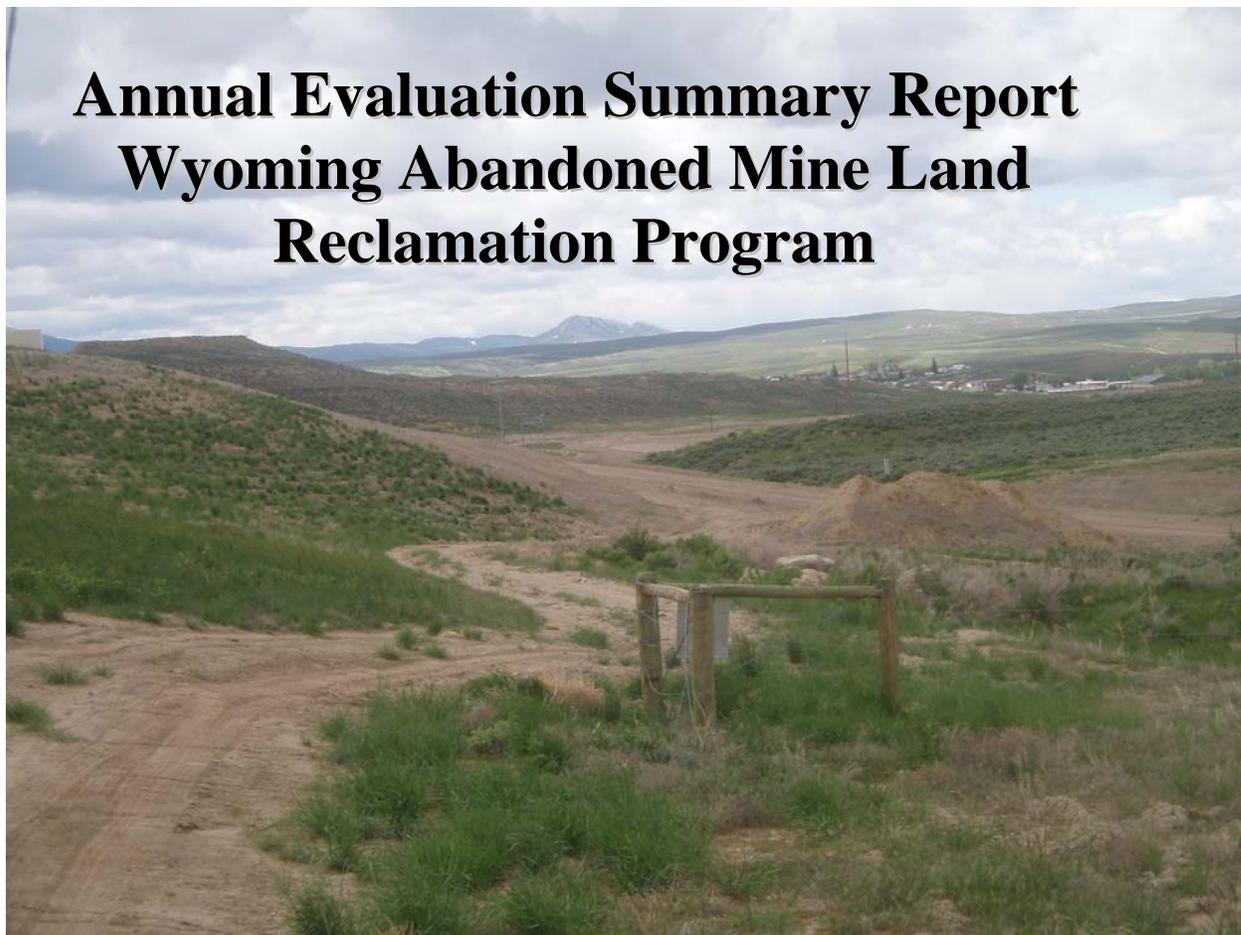


DEPARTMENT OF INTERIOR
OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT

Annual Evaluation Summary Report
Wyoming Abandoned Mine Land
Reclamation Program



EVALUATION YEAR 2008

August 30, 2008

Cover Photo

*View of the Hanna No. 4 Mine reclamation area, looking southwest towards the town of Hanna.
Note vandalized fences and ATV trails.*

TABLE OF CONTENTS

Part I.	GENERAL.....	1
	A. Introduction.....	1
	B. Program administration.....	2
Part II.	NOTEWORTHY ACCOMPLISHMENTS.....	4
	A. Introduction.....	4
	B. Western Regional Reclamation Award.....	4
Part III.	RESULTS OF PERFORMANCE REVIEWS.....	5
	A. Performance Topics.....	5
	B. Grant Fiscal and Administrative Controls.....	5
	C. Progress of Reclamation of Outstanding Coal Problems.....	6
	D. Overall Reclamation Success.....	6
	1. Hanna Area Coal Mines.....	6
	Hanna #4 South (Project 7F-5)	7
	Hanna #3 Coal Mine.....	8
	2. Kemmerer Area Coal Mines.....	9
	Kemmerer No. 1 Mine.....	9
	E. Public Outreach.....	10
	F. Integration with AMLIS.....	11
Part IV.	CONCLUSIONS.....	12
Appendix A		
State Comments and CFO Responses		13

Part I. GENERAL

I.A. 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 to oversee regulation of coal exploration, surface coal mining and reclamation operations, and reclamation of lands adversely affected by past mining practices. SMCRA provides that, if certain conditions are met, a state may assume primary authority for reclamation of abandoned mine lands within its borders. Once a state has obtained such approval, OSM has the responsibility to make investigations, evaluations, and inspections necessary to determine whether that state's abandoned mine land program is being administered in accordance with approved program provisions. In December 1981, the Secretary of the Department of Interior approved Wyoming's Abandoned Mine Land Reclamation Plan under Title IV of SMCRA. As a result of this approval, the State of Wyoming through the Department of Environmental Quality has exclusive responsibility and authority to operate the Abandoned Mine Reclamation Program. Wyoming's approved State Reclamation Plan (as amended in 1993) set forth authority, policies, and procedures with which Wyoming operates its program. Within the Department of Environmental Quality, the Abandoned Mine Lands Division is responsible for implementing this plan. On March 5, 1984, OSM announced State certification in *Federal Register* notice 49 FR 8091 and requested public comment. In *Federal Register* 49 FR 22139 of May 25, 1984, OSM approved certification.

OSM's evaluation methods are based upon OSM Directive AML-22 (Evaluation of State and Tribal Abandoned Mine Lands Programs) and a Performance Agreement (dated March 21, 2008) between Wyoming Abandoned Mine Lands Program (WYAML) and OSM. The agreement established a commitment between WYAML and OSM identifying topics for review, methodologies for enhancement and evaluation of performance reviews, and assistance in the preparation of the final report. Assessment of WYAML performance includes reviews of selected topics such as fiscal and administrative controls, progress in coal mine reclamation, overall reclamation success, public interaction and outreach, and integration with the OSM Abandoned Mine Land Inventory System (AMLIS) database. Reclamation site visits were conducted jointly by WYAML project managers and OSM staff. This FY 2008 evaluation year consisted of a full twelve month period beginning on July 1, 2007 and ending on June 30, 2008.

The following list of acronyms is used in this report:

AML	Abandoned Mine Land
AMLIS	Abandoned Mine Land Inventory System
ATP	Authorization to Proceed
CFO	Casper Field Office
GPRA	Government Performance Results Act
OSM	Office of Surface Mining Reclamation and Enforcement
PAD	Problem Area Definition
SMCRA	Surface Mining Control and Reclamation Act
WYAML	Wyoming Abandoned Mine Land Program

I.B. Program Administration

Overall, the State of Wyoming administers WYAML in a manner reflecting high quality professionalism and performance, and excellent communication and cooperation between consulting agencies and other interested parties. The Casper Field Office (CFO) and WYAML staffs regularly consult and interact with one another.

WYAML maintains a program staff of 14.4 full time employees distributed between three State offices. The primary administrative office is located in the Capitol complex in Cheyenne with additional project managers and administrators located in Lander and Casper. WYAML staff conducts initial site investigations, pre-construction environmental analysis, agency consultations and compliances, and reclamation project administration. In addition, WYAML contracts the following services to enhance in-house expertise and capabilities

1. Reclamation engineering, design and construction inspection;
2. Monitoring and certification of reclaimed properties;
3. Cultural resource identification, evaluations and reporting;
4. Land surface and mineral owner access and reclamation consent;
5. Resource reviews and reports (threatened and endangered plants and animals, wetlands delineation, paleontological resources, and migratory birds);
6. Regulatory reviews, compliances and permits; and,
7. Statewide inventory of all mine sites, coal and non-coal.

There are currently 27 design and engineering contracts and 7 special services contracts that provide for assistance to WYAML.

WYAML project officers provide project conception, development, and management; contracted engineering and design management firms assist with evaluation, design and construction. The following major types of problems are commonly addressed in reclamation projects:

1. Closure of shaft, adit and topographic depressions;
2. Closure of large open pits;
3. Abatement of subsidences;
4. Reduction and elimination of high-walls; and,
5. Extinguishment of underground coal mine fires.

The process of abandoned mine investigation and reclamation is a lengthy and arduous task, integrating WYAML staff and contracted consultants at key mileposts. WYAML staff investigate and inventory abandoned mine sites, enter the properties into AMLIS and prioritize sites according to criteria established in SMCRA. 1451 coal and non-coal mine sites are currently listed in AMLIS, 488 of which still require reclamation work. Abandoned mine sites are selected for further investigation around October 1 of each year. At that time, consulting firms are asked to submit a Statement of Interest for further investigation of selected AML sites. A WYAML selection committee selects the best qualified firms for each project based on reviews of submittals and interviews with potential contractors. Contractors are selected by concurrence between the Department of Environmental Quality director, the WYAML administrator and the individual project manager. WYAML negotiates the contract based on the

firm's written proposal.

Due to state procurement laws and WYAML selection policies, lag time between selecting a site for reclamation and execution of a contract with a design firm can be up to 12 months. Completion of site investigations, landowner consent, and regulatory compliances can take several months to a year. Construction bidding and contractor mobilization processes can add another 12 to 18 months. If it is necessary for WYAML to secure co-operating agreements for mine reclamation with other federal agencies such as the Bureau of Land Management or United States Forest Service, development of agreements and/or satisfaction of agency requirements for reclamation on their administrative lands may require additional time of up to several years resulting in substantial project delay.

Design and pre-construction work consists of obtaining land and mineral owner consents, eligibility determinations, site surveying and mapping, and preparation of a Report of Investigation. This report identifies site conditions, hazards and reclamation alternatives. Following solicitation of public comment through publication of the proposed reclamation action and public meeting if requested, WYAML selects a reclamation alternative and the consulting engineer prepares the final reclamation design. The reclamation project is advertised for bid and a site visit/bid tour is provided for all prospective contractors. Interested contractors then submit bids on the project based on designs provided by WYAML. There are currently fourteen construction contracts in place.

Prior to initiating any construction work, WYAML submits a documentation package to OSM with a request for an Authorization to Proceed (ATP). This package includes 1) a complete Environmental Assessment or Categorical Exclusion, 2) a project eligibility determination pursuant to 30 CFR 874.12 prepared by the Wyoming Attorney General, 3) a lien determination pursuant to 30 CFR 882.13 if necessary, 4) a threatened and endangered plant and animal species survey, and consultation results with the U.S. Fish and Wildlife Service, 5) consultation results with the State Historic Preservation Office, and 6) site maps, photographs, and 7) AMLIS PAD forms. If acceptable and complete, CFO issues an ATP pursuant to section 5-11-20D.3 of the Federal Assistance Manual to WYAML prior to reclamation or construction of each project.

For small and large scale reclamation efforts presently in place, WYAML utilizes a project management software system that allows efficient tracking and management of multiple consultants' and contractors' schedules. This provides WYAML with an excellent planning tool for coordination and reclamation of multiple mine sites under a number of reclamation projects.

Currently there is not an Abandoned Mine Lands (AML) Emergency program in Wyoming. When an emergency occurs, both WYAML and OSM work co-operatively to abate the problem. WYAML has 20 design, engineering and construction contractors under state-wide contract that can be mobilized on short notice to perform inspection, design, and construction remediation on hazards needing urgent attention. In most instances, WYAML has construction activities in the area of the hazard and can mobilize their existing contractors on a moment's notice. WYAML also contracts directly with firms qualified for cultural resource and threatened/endangered species assessments so National Environmental Policy Act, National Historic Preservation Act, and National Threatened and Endangered Species Act compliances may be secured without

delay.

Part II. NOTEWORTHY ACCOMPLISHMENTS

II.A. Introduction

In the last twenty years, the WYAML has reclaimed over 963 abandoned mine sites encompassing over 32,930 Government Performance Result Act (GPRA) acre-equivalents. Approximately \$133.5 million has been spent reclaiming 221 coal mine sites on 3,794 GPRA acres. The majority of this money was spent on grouting underground subsidence, coal fires, and surface and underground mine reclamation. WYAML has also spent \$315.5 million reclaiming 728 abandoned industrial mineral sites on 29,026 GPRA acres.

Significant hazards remain to be mitigated and future funding will be required. WYAML's inventory of potential reclamation sites continues to be refined as their AMLIS inventory presently includes over 181 coal sites and 304 non-coal sites yet to be reclaimed.

II.B. Western Region Reclamation Award

In 2008, the State of Wyoming, Department of Environmental Quality, Abandoned Mine Lands Division received OSMRE's 2007 Western Regional Award in Abandoned Mine Reclamation. This honor recognizes the most outstanding achievement in environmentally sound land reclamation in the western half of the geographic United States. It was given on the performance of WYAML's project managers in designing and administering the Kemmerer Coal Reclamation Project, 17H, Phase I, Contract A. This reclamation project successfully reclaimed multiple abandoned underground mines that supplied coal to the railroads in the 1880s and to various smaller customers into the mid 20th century. Numerous mine workings, including five open portals, 15 covered portals, and subsidences open to mine workings, created serious problems. Coal slack had been dumped in the watershed drainage, and an advancing underground fire in the coal workings required the construction of a fire wall. Taking advantage of available historic data, reclamation was carefully sequenced to remove significant dangers from a public recreation area. In addition, care was taken at the Gomer mine site to close a portal and design an area as it would have appeared in the early days of active mining.

Part III. RESULTS OF PERFORMANCE REVIEWS

III.A Performance Topics

Topic evaluations reports and individual project reports containing much more detail are on file in the 2007-08 Annual Evaluation files at the Casper Field Office. As identified in the 2008 Performance Agreement, the following topics were selected for evaluation: 1) AML Grant Fiscal and Administrative Controls, 2) WYAML's Progress in Reclamation of Outstanding Coal Problems, 3) Overall reclamation Success, 4) Public Outreach, and 5) Integration with AMLIS.

III.B Grant Fiscal and Administrative Controls

Wyoming's total 2008 consolidated grant is \$82,700,759 consisting entirely of Prior Balance Replacement Funds. These moneys are granted from the United States Treasury to the Wyoming State Legislature to fund research and mining related projects of their choosing, and coal mine reclamation. A condition of the 2008 consolidated grant was that the State Legislature would dedicate \$30,000,000 to the Department of Environmental Quality Abandoned Mine Lands program for coal mine reclamation. This allocation was budgeted by WYAML as \$28,375,713 non-water project costs, \$1,516,498 program administration, and \$107,789 subsidence insurance program. Wyoming's administrative cost of \$1,516,498 is 5.1% of the WYAML program budget and includes staffing costs and support systems. Pre-construction contracted investigations, engineering design and construction costs are included under non-water project costs.

\$82,700,759 Total Wyoming Consolidated Grant

\$30,000,000 Amount Dedicated to Coal Mine Reclamation

<\$1,516,498> Non Emergency Administrative Costs

<\$28,375,713> Project Costs, Non Water

<\$107,789> Subsidence Insurance Program

\$52,700,759 "Prior Balance Replacement" Moneys committed by Wyoming Legislature

<\$1,223,866> Amendment 1 (4/16/08), Non Coal Mining Projects
WY State Geological Survey

<\$51,220,565> Amendment 2 (4/18/08), Non Coal Mining Projects
Carbon Co. road and bridge, 10,000,000
Energy Resources, UWER, 17,420,565
Gasification Facility, UWER, 20,000,000
Clean Coal Research UWER, 3,800,000

\$256,328 "Prior Balance Replacement" Moneys uncommitted by Wyoming Legislature as of June 1, 2008

III.C Progress in Reclamation of Outstanding Coal Problems

Fiscal years 2006 and 2007 were difficult years for state AML programs in terms of future planning. States did not know if the Title IV Abandoned Mine Land fund would be re-authorized or not, and if so, at what funding levels. Accordingly, funds and efforts at the time were directed at completion of existing pre-2005 projects including coal, non-coal, bentonite and public facilities, rather than planning and pre-construction investigation for future work. This was done in response to OSM concerns over the number of coal sites still remaining in

WYAML's inventory and requiring reclamation. WYAML decided prior to the passage of the 2006 amendments to SMCRA to initiate a change of focus from public facilities and noncoal sites to coal sites only. ATPs issued in Fiscal year 2008 largely reflect the completion of existing projects from 2006-07 investigations rather than the current commitment to coal issues. With funding and longevity issues having been satisfied, WYAML is now re-directing investigation and preconstruction activities to coal issues, and has committed to spending \$30,000,000 of its fiscal year 2008 distributions to coal mine reclamation. It is anticipated that 2009 ATP's will reflect a preponderance of coal reclamation projects.

ATP's issued in fiscal year 2008 include:

17G	Grass Creek Mine Fire Abatement (Coal)	07/26/07
9B-2	Duncan Mine Reclamation (Non-Coal)	09/07/07
17K	Sulphur Mines (Non-Coal)	11/02/07
17J	Acme No.1 Fire Subsidence (Coal)	05/06/08
54	Hartville Wastewater Improvement (Public Facility)	05/09/08
17F	Copper Mountain Project Phase 2 (Non-Coal)	05/21/08
17I	Encampment River Valley Sites (Non-Coal)	05/21/08
17I	South Pass Shafts Phase 2 (Non-Coal)	05/21/08
17H	Kemmerer Area Coal Reclamation on BLM Lands (Coal)	06/20/08
CE	Storm King Coal Mine Subsidence (Coal)	06/20/08

III.D Overall Reclamation Success

The overriding goal of the Abandoned Mine Reclamation Program is reclamation success. The main focus of both OSM and WYAML is to address the reclamation of priority 1 & 2 coal hazards. The 2008 evaluation focused on reclamation success and recent reclamation efforts during the evaluation period. The sample for the evaluation of reclamation success included the Hanna Area Coal Mines and Flood Control Structures, and the Kemmerer Area Coal Mines.

III.D.1 Hanna Area Coal Mines

There are numerous coal mines in the immediate vicinity of the town site of Hanna, Wyoming, most having their origins in the early part of the twentieth century. The towns of Hanna and Elmo were historically developed to service the needs of the coal mines rather than the mines servicing the towns. The coal mines were large underground developments with surface features consisting of supportive structures, transportation systems, and both coal slack and debris disposal areas. Natural landforms were intentionally modified to divert natural hydrologic flows away from mining features and transportation systems. Since the mine's abandonments, hazardous mine openings and subsidence features from collapse of underground rooms have become increasingly common. WYAML has investigated most of the coal mine related problems in and around the towns of Hanna and Elmo, and has developed a comprehensive reclamation plan for the area as detailed in "*Final Report of Investigation for Hanna Basin Master Plan, AML Project 7F-6*" prepared by Anderson Consulting Engineers in 2006. All current and future reclamation efforts follow the plans developed in the report of investigation.

Hanna #4 Mine

The Hanna # 4 Mine is located in the Stink Creek drainage northeast of the town of Hanna, Wyoming in Sections 5, 7, 8, 17 and 18 of Township 22 North Range 81 West. The Hanna No. 4 mine was operated by the Union Pacific Coal Company as an underground mine, working the #2 Seam during the period of 1933 through 1954. Fifty years after abandonment, the mine site exhibited abandoned equipment, open portals, sixty acres of numerous open and closed subsidence features, hydrologic problems and coal slack piles. Surface flows down Stink Creek have been distorted from the natural drainage patterns and diverted or captured by mine disturbances. Periodic rain events caused major flooding and drainage problems with flood waters crossing school grounds, threatening school buildings and continuing into the town site of Hanna.

The abandoned mine site is adjacent to the town of Hanna, easily accessible from nearby residences and in close proximity to school properties. The numerous roads and trails emanating from the town onto the mine site evidence all terrain vehicle and dirt bike usage. Other evidence of site visitation, mainly garbage dumping and teen socializing activities, is readily visible.

Several abandoned mine reclamation projects have been conducted here resulting in the closure of most portal openings, re-grading and closure of 60 acres of subsided mine features, removal and burial of numerous slack piles, removal of mine debris and equipment, removal of a historic haul road, and construction of four floodwater attenuation ponds. Construction of the most recent project (AML 7F-5) was completed in spring of 2007 with only fencing and re-vegetation to be completed over the summer. Vegetation appeared to be sprouting in the spring of 2008.

Future plans for this area include replacement of the buried culvert drains through the school yard, down the drainage channel and through the football field, and reconstruction of the Stink Creek channel.

Vandalism is a recurrent problem on the Hanna #4 Reclamation Project. Recreationists utilizing all terrain vehicles and dirt bikes repeatedly cut reclamation fences and ride through graded and seeded reclamation areas. Also, some local residents continue to use the area for local trash and debris disposal, and socializing activities. Both situations cause a need for constant monitoring, fence repair and maintenance, debris removal and reseeding operations.



Figure 1. View of the No. 5 storm water attenuation structure dam constructed at the Hanna #1 Mine. Reclaimed adit closure and coal slack area is visible at the base of the foothills in the background. General view is to the southwest on June 11, 2008.

Hanna #3 Mine

The Hanna #3 Mine is located east of the town of Hanna in Sections 15, 16 and 17 of Township 22 North Range 81 West in the Big Ditch area. The Hanna #3 mine was active in the late nineteenth and early twentieth centuries finally closing in 1920. The mine site is now largely devoid of surface man-made structures and is not readily visible to the observing public. The only visible man-made structure is the “Big Ditch”, a drainage channel designed to draw water flow away from and around the mining areas. Innumerable subsidence features many of which are open to underground workings, active coal burns, hazardous mine openings, coal slack and bone piles are present on the site. WYAML plans to collapse and re-contour the subsidence features, close hazardous mine openings, extinguish or cut off active burns, and re-contour the area to its historic original topography. A major feature of planned reclamation in this area will

be the abandonment of the Union Pacific Railroad's old diversion of Big Ditch, and construction of a new incised channel to re-establish and restore the Big Ditch historic drainage patterns.

III.D.2 Kemmerer Area Coal Mines

The towns of Kemmerer and neighboring Diamondville were constructed around the development of numerous vicinity coal mines in the late nineteenth and early twentieth centuries. Coal explorations were located in virtually every coulee and on every ridge north, east and south of the two towns, and coal mines were developed in almost every major coulee. The WYAML has explored and investigated most of the mines in the Kemmerer/Diamondville area, and has developed a master plan "*AML Project 17H, Statewide Coal Reclamation Project, Phase 1, Kemmerer Area Report of Investigation*" by BRS Engineering. This report guides reclamation of most area coal mines and treatment of related coal industry problems.

Kemmerer No. 1 Mine

The Kemmerer No. 1 Mine is located in Section 13, Township 19 North Range 116 West, just a quarter mile east of the town of Kemmerer. The mine site contained 9 hazardous mine openings, fifty-five subsidence features and subsurface coal burning as evidenced by surface venting, cracking, soil reddening and vegetation demise. Reclamation on the site (Project 17H, Phase I) was initiated in 2006. The burn area in Area A was opened, most of the fire exposed and extinguished, and vents and cracks isolated and re-graded. The existing roadway was rerouted around the burn. A grout curtain was constructed to act as a barrier, minimizing any motion or spread of remaining active burn toward the north, and a line of rock boulders was placed adjacent to the road to delineate the new route and limit vehicular access across reclaimed areas. In Area B, a large subsidence area above an underground room and pillar mine was collapsed and re-graded, and several hazardous mine openings were sealed.

A most notable achievement on this project is the establishment of vegetation. The Kemmerer No. 1 mine site is located at an elevation of 7100 feet above mean sea level, an elevation that is difficult for vegetation to be established and maintained. WYAML succeeded in establishing a consistent stand of grasses and forbs across the project area that is still maintained after two years.



Figure 2. Vegetation on Area B of the Kemmerer #1 Mine. View to the northeast on June 12, 2008.

III.E Public Outreach

WYAML continues to solicit public comment and input on individual projects and the program at large. WYAML publishes “Notices of Intent to Perform Reclamation” for each proposed reclamation project in local and state newspapers and on its website, and solicits public comment and requests for public meeting participation. No public meetings on reclamation projects were requested by the public in fiscal year 2008.

When the project involves public facilities, the State Loan and Investment Board also provides additional opportunities for public input prior to rendering a final decision on each project.

WYAML maintains an excellent web site at <http://deq.state.wy.us/aml/> that includes links to information on AML dangers, a calendar of upcoming projects, current construction bidding, project selection, department contacts, rules and regulations, and professional procurement

information. Also included are instructions describing how to report mine hazards

III.F Integration with AMLIS

WYAML generally follows AMLIS guidelines to develop Problem Area Definitions (PADs) and enter them into the AMLIS data bank. WYAML uses criteria very similar to AMLIS guidelines to prioritize its coal problems but considers additional factors specific to Wyoming such as recreational activities, land uses, and settings. Once entered in AMLIS, the specific PAD is then appended to the ATP request package submitted to the CFO.

OSM has given data entry privilege to WYAML for modifying existing PADs in AMLIS. This allows WYAML to correct and eliminate double entries, to modify, delete and add specific entries on individual PADs, and enter new PADs as necessary without OSM intervention on each action. However, all PAD modifications and new entries are subject to approval by the CFO Director.

During the 2008 review period, WYAML has made the following modifications to AMLIS:

New entries	112
Coal sites updated	60
Records deleted due to redundancy	91
Corrections on Public Facilities	12
Mine fire records updated/corrected	49
Non coal completions corrected	2
Names corrected/updated for consistency	50
Completions added to records	41
Moved to funded	15
Latitude/Longitude corrections	49
Old completions corrected	2
Cost estimates updated	26

While AMLIS was originally designed to be a complete inventory and data base by which OSM could track all mine site inventories, problems, and resolutions, there are still problems which prevent OSM from extracting an accurate representation of WYAML accomplishments. WYAML has made a commendable effort in finding and correcting errors, and updating information in the database. Progress has been made and it is anticipated that the AMLIS database will be completed in the near future.

Part IV. CONCLUSIONS

OSM has completed its evaluation of topics specified in the Performance Agreement between WYAML and OSM. This evaluation specifically examined five topic areas to evaluate WYAML performance:

- 1) AML Grant Fiscal and Administrative Controls,
- 2) WYAML's Progress in Reclamation of Outstanding Coal Problems,

- 3) Overall reclamation Success,
- 4) Public Outreach, and
- 5) Integration with AMLIS.

WYAML receives the largest grant of moneys from OSM for any program in the country. The State of Wyoming Legislature directly controls the allocation of those funds with \$30,000,000 being directed to the WYAML, and the balance of \$52,700,759 being allocated to research and projects of Legislative choice. WYAML manages its allocation in a fiscally responsible manner with 94% of its allocation going to reclamation construction costs and only 5% to administrative cost.

WYAML currently lists 402 coal sites of which 221 have been completed and 181 remain to be addressed. Although WYAML continues to address non-coal sites in order to complete in-progress projects, WYAML has re-directed its emphasis and resources are being directed to coal problems. It is anticipated that more coal reclamation projects will be initiated in the future.

WYAML has conducted excellent reclamation at the Hanna and Kemmerer sites reviewed in this evaluation. The projects completed at Hanna conform to the treatment plans as developed in the Hanna report of investigations and the quality of construction is clearly evident. Reclamation at Kemmerer clearly exceeds expectations as demonstrated in successful high altitude revegetation and the quality of project design, management and construction as recognized by the OSM Western Region Reclamation Award.

WYAML continues to publish project notices and solicit feedback from Wyoming residents. There were no public meetings conducted in fiscal year 2008.

There have been great strides to improve the quality and accuracy of data entries in the AMLIS system, with many old entries being corrected and updated, and new coal PADs being entered. We recommend WYAML continue to refine its inventory data and enter coal PADs in AMLIS to accurately show the number, nature and priority of unreclaimed coal problems remaining in the State.

Overall, WYAML has performed its duties admirably and has adhered to its AML Reclamation Plan. WYAML should be commended for the performance and quality of its work.

Appendix A

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

Comments on the report were received from WYAML in an e-mail on August 22, 2008. The comments and how they were addressed are listed below:

- 1) RE: Part 1B Program Administration, Page 2 Types of Problems.

Comment: While we do have several contracts ongoing concerning bentonite and public facilities, it may be worth mentioning somewhere in the report that we have not initiated new public facilities projects since 2005. This was done in response to OSM concerns over the number of coal sites requiring reclamation. WYAML decided prior to the passage of the 2006 amendments to SMCRA to initiate a change of focus from public facilities and non-coal to coal only.

Response: While these transitions were discussed in Section III.C, references to bentonite reclamation and public facilities in Section I.B gave the impression of current problems when in fact these were old problems. References to bentonite reclamation and public facilities have been deleted from Section I.B, and discussions were expanded in Section III.C re-emphasizing the transition to coal reclamation

- 2) RE: Part 1B Program Administration, Page 2 second paragraph.

Comment: When discussing the length of time to obtain the necessary clearances, it should also be noted that if BLM managed land is involved this time may be increased by an additional two to three years.

Response: It was already noted in Section I.B, Page 3, second paragraph that interagency agreements may require additional time of up to several years resulting in substantial project delay. The text was modified to reflect satisfaction of agency requirements for work on their land may also require several years.

- 3) RE: Part 1B Program Administration, Page 3 and 4 Emergency Program.

Comment: OSM does not operate an emergency program in the state. The state maintains numerous statewide contracts which we utilize to respond to emergency situations. The language in the report implies the state assists OSM in emergency situations and this is not accurate. There is an understanding between OSM CFO and WYAML that when an emergency situation arises OSM CFO assists WYAML in gaining approvals to conduct the work. In essence, WYAML uses its statewide contracts to respond to emergencies but neither the state nor OSM calls it a formal emergency program.

Response: The text on page 3 was revised to indicate a co-operative relationship between WYAML and OSM with WYAML having full capacity for rapid response.

4) RE: Part II.A. Page 4 Noteworthy Accomplishments, Introduction.

Comment: The last paragraph mentions the new moneys available to the state and that the state has approved funding for \$52.7 million for public facilities and research projects. Technically, these projects are not considered public facilities under the Wyoming Reclamation Plan. WYAML has regulations that dictate how public facilities are reviewed and selected. The projects selected by the state legislature are separate from the WYAML process and are not denoted as public facilities projects by the state.

Response: The Paragraph in question has been deleted.

5) RE: Part III.B Page 5 Grant Fiscal and Administrative Controls.

Comment: This comment is based on the replacement page. The discussion includes pre-construction contracted investigations and engineering in WYAML administrative costs. The costs for these actions are not included in our administrative costs since they are contracted out. The funding for these activities are from what is listed as non-water project costs.

Response: Appropriate changes were made in the text delineating staffing and support systems as administrative costs, and contracted investigations, engineering design and construction costs as non-water project costs.

6) RE: General comment

Several editorial comments and changes were suggested and incorporated into the text.