

Office of Surface Mining
Reclamation and Enforcement
Western Region



**ADMINISTRATIVE PROCEDURES FOR
TERMINATION OF JURISDICTION
UNDER THE INITIAL PROGRAM
ON INDIAN LANDS AND IN FEDERAL PROGRAM
STATES**

Prepared by

Western Regional Coordinating Center
Termination of Jurisdiction Team

August 1998

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

WESTERN REGIONAL COORDINATING CENTER

ADMINISTRATIVE PROCEDURES FOR TERMINATION OF JURISDICTION UNDER THE INITIAL PROGRAM ON INDIAN LANDS AND IN FEDERAL PROGRAM STATES

PURPOSE:

This guideline outlines the administrative procedures that the Western Regional Coordinating Center (WRCC), Office of Surface Mining Reclamation and Enforcement (OSM), will follow in processing requests for termination of jurisdiction under the initial program on Indian lands and in Federal Program States. With a decision that the permittee has satisfied the applicable performance standards under the initial program, OSM will terminate jurisdiction over the lands specified in the requests.

DEFINITIONS:

- A. Request for Termination of Jurisdiction means a request filed with OSM in accordance with 30 CFR 700.11(d)(1) for termination of jurisdiction over lands reclaimed under the initial program performance standards at 30 CFR 715.
- B. Performance Bond means a surety bond, collateral bond, self-bond, or a combination thereof, made payable to the United States OSM and conditioned upon the performance of all of the appropriate requirements of SMCRA, a Federal regulatory program, the permit, and the approved reclamation plan (defined at 30 CFR 701.5).
- C. Permit means a permit to conduct surface coal mining and reclamation operations issued by OSM pursuant to a Federal or Indian lands program (defined at 30 CFR 701.5).
- D. Team means an OSM Federal program or Indian lands mine team that includes field inspection, project management, and technical staff assigned responsibilities for permitting and overseeing the mining and reclamation operations.
- E. Program Support Division (PSD) Chief and Field Office Director (FOD) means the OSM management staff to whom the authority to make bond release and termination of jurisdiction decisions has been delegated.

RESPONSIBILITIES.

- A. *Teams* are responsible for: (a) processing requests for termination of jurisdiction in accordance with the applicable provisions of this guideline and 30 CFR 700.11(d)(1); (b) consulting with the applicable Indian Tribe(s), surface owner(s), and other appropriate Federal, State, and/or local agencies and considering their input while

processing the request; (c) making the recommendation to the PSD Chief and FOD whether to terminate jurisdiction; and (d) updating any applicable records to document the termination of jurisdiction (e.g., acreages over which jurisdiction has been terminated).

B. *Reclamation Bonding Specialist* is responsible for coordinating with the WRCC Bond-Approving Officer by preparing bond documents for release to the permittee, if applicable. This includes removing documents from safe-keeping and preparing letters and other documents, in accordance with 30 CFR Part 800 and 31 CFR Part 225, needed to effect the bond release.

C. *WRCC Bond-Approving Officer* is responsible for signing the letter and other necessary documents releasing the bond document(s) to the permittee, if applicable.

D. *PSD Chief and FOD* are responsible for making the final decision whether to terminate jurisdiction.

PROCEDURES

The procedures outlined below apply where OSM is the regulatory authority and has direct responsibility for terminating jurisdiction under the initial program. Sample letters and notices have been included in this guideline for illustrative purposes and can be altered to fit the appropriate action.

In cases where initial program land areas are included in the description of land covered by a bond and where jurisdiction is terminated, OSM will advise the permittee that it is authorized to remove those areas from bond coverage.

A. Receipt of Request

1. Timing of request submission. The following time frames are general in nature in order to allow for meaningful review and inspections by which to properly evaluate the completed reclamation (see 30 CFR 800.40(a)). OSM will accept requests to terminate jurisdiction between the dates of April 1 and August 30, to allow evaluation of revegetation success during the growing season.

2. A permittee may file a written request with the FOD for OSM to terminate jurisdiction over initial program lands or OSM may initiate the termination of jurisdiction over eligible initial program lands by a written notification to the permittee. The number of copies submitted should be the same as required for a permitting action.

3. Where the permittee initiates a request for termination of jurisdiction, the Team will send an acknowledgment letter to the requestor for termination of jurisdiction. (Appendix A-I contains a sample acknowledgment letter.) Where OSM initiates the termination of jurisdiction, the Team will send a letter notifying the permittee that OSM

will begin an evaluation of its files for the information necessary to determine compliance with the applicable performance standards. (Appendix A-II contains a sample notification letter.)

4. The Team will ensure that no outstanding enforcement actions pertaining to reclamation obligations remain on the permit or area for which jurisdiction is proposed to be terminated. If the Team finds that there exists a relevant outstanding enforcement action, the Team will notify the requestor of its finding and will not proceed with its review until the enforcement action is satisfactorily resolved according to 30 CFR 843.12(e).

5. The Team will notify the appropriate Indian tribe or Federal, State, and/or local governmental agency where the operation is located, and any affected Federal land management agency, of OSM's initiation of an evaluation for termination of jurisdiction and send copy of the request from the permittee, if applicable, for review and comment.

B. Administrative Completeness

1. The Team will, if necessary at this or at any step, request technical assistance from the appropriate technical discipline.

2. The Team will review the approved permit application package and inspection/enforcement files, and, if applicable, any information provided by the permittee with its request, to ascertain whether all information necessary to complete a technical review and determine compliance with the appropriate performance standards is available. The Team will use the Administrative Completeness Checklist (see Appendix B) to document the pertinent findings of completeness.

3. If the Team does not have information necessary to begin its technical review for determination of compliance, it will notify the permittee, in writing, of the need for specific information. The permittee may elect whether it will provide OSM with the necessary information. (Appendix C contains a sample request for information letter.)

C. Notification of Field Inspection

1. Once the Team has located all information necessary to begin its technical review for determination of compliance with the applicable performance standards, the Team will so notify the permittee. This notification shall include a date for an inspection of the eligible lands. The inspection shall be held within 30 days of the date the permittee has been notified that the technical review will begin. (Appendix D-1 contains a sample notification letter.)

2. The Team shall send notification letters, which will include a date for the inspection, to the appropriate Indian Tribe, local tribal chapters, surface land owners, agent, or lessee of the permit area for which termination of jurisdiction is sought, and appropriate

Federal land management and/or State agencies. (Appendix D-2 contains a sample of a landowner notification letter.)

3. The Team will publish a newspaper advertisement with the information required at 30 CFR 800.40(a)(2). (Appendix E contains a sample newspaper advertisement.)

4. The Team will refer to any WRCC Environmental Justice guidance documents for additional appropriate mechanisms for public notice.

D. Field Inspection and Technical Evaluation

1. The Team inspector(s) and any other appropriate Team member(s) or technical personnel will inspect the site where the termination of jurisdiction is sought. The Team should review the approved permit application package and inspection/enforcement files to determine which, if any, aspects of reclamation relative to the termination of jurisdiction requested are outstanding. Detailed evaluations of reclamation activities previously inspected and certified as complete (e.g., documented determination of compliance with specific performance standards such as backfilling and grading or topsoil replacement) shall be used during the inspection.

2. In accordance with 30 CFR 700.11(d)(11), the Team will prepare a draft decision package documenting its review of the request for termination of jurisdiction. The draft decision package shall include results of the technical review of the approved permit application package and inspection files, any additional information supplied by the permittee, and the inspection conducted after the initiation of the technical review for compliance with applicable performance standards, including appropriate site photographs. This decision package will include a section-by-section determination concerning whether the permittee has complied with the applicable permit requirements. (See Appendix F, for Sample Termination of Jurisdiction Decision Document to be used upon approval or disapproval of termination of jurisdiction over initial program lands.)

4. If a citizen participates in the site inspection, that citizen has the right of entry to the site, subject to the control of OSM inspection personnel in accordance with 30 CFR Part 843. Any concerns raised by the citizen during the inspection should be included in the inspection field report and in the termination of jurisdiction report findings.

E. Decision

1. Within 60 days of receipt of the date OSM notified the permittee of its initiation of a technical review for compliance with the applicable performance standards, the Team, under the PSD Chief and FOD signatures, will send written notification to the permittee, interested parties, and, if applicable, the surety, of a decision whether to terminate jurisdiction in accordance with 30 CFR 700.11(d)(1).

2. The Team's recommendation and the PSD Chief's and FOD's decision whether to terminate jurisdiction shall be based upon all written comments received and the termination of jurisdiction decision package.

3. If the decision is made to terminate jurisdiction, the notification should contain: the location and number of acres of land, the appropriate regulations by which a determination is made that jurisdiction has been terminated, and a contact for further information. (Appendix G contains a sample letter for notification of the decision to terminate jurisdiction.)

4. If the decision is not to terminate jurisdiction, the letter of notification should contain, as appropriate: the reasons and the recommendations for corrective actions necessary to obtain termination of jurisdiction. (Appendix H contains a sample letter for notification of the decision not to terminate jurisdiction.)

5. All decision letters shall be sent certified mail, return receipt requested.

F. Appeal of Decision

If an appeal of OSM's decision is made to the Office of Hearings and Appeals in accordance with 30 CFR Part 4, the Team should coordinate with the Solicitor's office, as appropriate.

REFERENCES:

References. The Surface Mining Control and Reclamation Act of 1977. 30 CFR 700.11(d), 30 CFR Part 750, 30 CFR Part 800, 31 CFR Part 225, and 43 CFR Part 4.

ATTACHMENTS:

Appendices.

- Appendix A-I: Sample Letter of Acknowledgment - Permittee's Request
- Appendix A-II: Sample Letter of Notice of OSM's Intent to Terminate Jurisdiction
- Appendix B: Administrative Completeness Checklist
- Appendix C: Sample Letter Requesting Additional Information
- Appendix D-I: Sample Mining Operator (Requestor) Notification Letter
- Appendix D-II: Sample Landowner Notification Letter
- Appendix E: Sample Newspaper Advertisement
- Appendix F: Sample Termination of Jurisdiction Decision Document
- Appendix G: Sample Approval Decision Letter
- Appendix H: Sample Disapproval Decision Letter

APPENDIX A-I

SAMPLE LETTER OF ACKNOWLEDGMENT - PERMITTEE'S REQUEST

M. Operator
Surface Mine
P.O. Box 007
O'Neil Corners, Franklinia 12310

Re: Request for OSM Termination of Jurisdiction for Permit No. 6345789

Dear Mr. Operator:

On October 1, 1997, we received your written request for the Office of Surface Mining Reclamation and Enforcement (OSM) to terminate its jurisdiction over eligible lands that you reclaimed under Permit No. 6345789. With your request you provided a site map and included information to demonstrate that Surface Mine has satisfied the reclamation requirements of the Initial Program under 30 CFR Subchapter B.

OSM finds that there are no outstanding enforcement actions relating to reclamation requirements on this site. OSM will begin processing your termination of jurisdiction request and during this time, reserves the right to request additional information from Mining Company. After OSM deems the request package complete and adequate, we will notify you of the date and time of the scheduled site inspection in which you may participate.

If you have any questions on this matter, please contact the Mine Team Contact Person at (303 844-****).

Sincerely,

Team Leader

APPENDIX A-II

SAMPLE LETTER OF NOTICE OF OSM'S INTENT TO TERMINATE JURISDICTION

Date

M. Operator
Surface Mine
P.O. Box 007
O'Neil Corners, Franklinia 12310

Re: Notice of OSM's Intent to Terminate its Jurisdiction over Lands Permitted under Permit No. 6345789

Dear Mr. Operator:

OSM believes that lands reclaimed under the initial program at 30 CFR 715 by Surface Mine, under Permit No. 6345789, are eligible for our termination of jurisdiction. By this letter, OSM is initiating its termination of jurisdiction process for the eligible lands at [give legal description]. To assist OSM in making the determination required under 30 CFR 700.11(d)(1), OSM requests that you provide [Mine Coordinator] with any information that demonstrates compliance with the requirements of 30 CFR Subchapter B. However, prior to submittal, OSM recommends that a meeting be held to discuss this information and data. [Mine Coordinator] will contact you to arrange a date for this meeting.

If you have any questions on this matter, please contact [Mine Coordinator] at (303 844-****).

Sincerely,

Team Leader

APPENDIX B

ADMINISTRATIVE COMPLETENESS CHECKLIST

ADMINISTRATIVE COMPLETENESS CHECKLIST

TERMINATION OF JURISDICTION REQUEST

Company Name

Permit No.

Area

ARMS No.

PROVIDED INFORMATION

Present

OK

_____	_____	Maps, 30 CFR 715.11(c)(1) & (d)(1)
_____	_____	Comparison of premine slopes with postmine slopes, 30 CFR 715.14(a) & (b)
_____	_____	Acid/toxic forming materials, 30 CFR 715.14(j) & 715.17(g)
_____	_____	Small depressions, 30 CFR 715.14(d)
_____	_____	Permanent impoundments, 30 CFR 715.14(e) & 715.17(k)
_____	_____	Topsoil handling, 30 CFR 715.16(b) and (d)
_____	_____	Surface water, 30 CFR 715.17(b)(2)
_____	_____	Diversion of overland flow, 30 CFR 715.17(c)(2) and (3)
_____	_____	Stream channel diversions, 30 CFR 715.17(d)
_____	_____	Sedimentation pond removal, 30 CFR 715.17(e)(21)
_____	_____	Groundwater, 30 CFR 715.17(h)(1), (2), and (3)
_____	_____	Roads, 30 CFR 715.17(l)
_____	_____	Revegetation: general 30 CFR 715.20(a)

Present

OK

Methods of revegetation, 30 CFR 715.20(e)

Measuring revegetation success, 30 CFR 715.20(f)

Special requirements or conditions required by interim permits and/or mining plans

Review Date

Remarks

Reviewer

APPENDIX C

SAMPLE LETTER REQUESTING ADDITIONAL INFORMATION

Date

M. Operator
Surface Mine
P.O. Box 007
O'Neil Corners, Franklinia 12310

Re: Request for Information, Administrative Completeness Review, Release of
Jurisdiction Request (MINE NAME), (PROJECT NUMBER).

Dear _____:

The Office of Surface Mining Reclamation and Enforcement (OSM) has completed an Administrative Completeness Review (ACR) of the request for termination of jurisdiction submitted by _____ on _____. The request has been determined administratively incomplete because it does not include all information OSM considers necessary in order for this office to initiate public review and allow a technical review to commence.

We will resume processing your application upon receipt of the information requested in the Enclosure.

If you have any questions concerning this review, please contact me at (303) 844-
(EXTENSION).

Sincerely,

_____, Team Leader
_____ Team

Enclosure

cc: _____

APPENDIX D-I

SAMPLE MINING OPERATOR (REQUESTOR) NOTIFICATION LETTER

M. Operator
Surface Mine
P.O. Box 789
Somewhere, U.S.A. 12376

September 30, 1997
[Technical Review begins and
Operator notified 30 days prior
To Inspection Date]

Re: M. Operator
Permit No. 6345789
Unknown County, State

RE: Termination of Jurisdiction

Dear Mr. Operator:

The Office of Surface Mining Reclamation and Enforcement (OSM) has completed its newspaper advertisement of the pending termination of jurisdiction action on initial program lands [located within Permit No. 6345789] subject to your request. Surface Mine's previously submitted reclamation information and site maps now complete the information required to enable OSM to begin its technical review.

Inspection of the site and evaluation of the reclamation work will be made on October 31, 1997, beginning at 9:30 a.m., during which time you are invited to be present.

Please contact [Mine Coordinator] at (303) 844-****, if you have questions or if we may be of further assistance.

Sincerely,

Team Leader

cc: Field Office

APPENDIX D-II

SAMPLE LANDOWNER NOTIFICATION LETTER

F. Firm
P.O. Box 007
O'Neil Corners, Franklina 12310
Re: F. Operator
Permit No. 6345789
Unknown County, Franklina

September 30, 1997

RE: Termination of Jurisdiction

Dear F. Firm:

M. Operator has requested [or OSM has initiated] a termination of jurisdiction action on initial program lands [located within Permit No. 6345789]. This request has been received and the information reviewed. The subject initial program lands qualify for an on site inspection and evaluation. The date for this evaluation and inspection is set for October 31, 1997, beginning at 9:30 a.m., at which you are welcome to be present.

Please notify [Mine Coordinator] at (303) 844-****, if you plan to attend the inspection or if you have any questions.

Sincerely,

Team Leader

cc: Field Office

APPENDIX E

SAMPLE NEWSPAPER ADVERTISEMENT

PUBLIC NOTICE

The Office of Surface Mining Reclamation and Enforcement, Western Regional Coordinating Center (OSM/WRCC), hereby gives notice that it is determining whether jurisdiction under the initial program of the Surface Mining Control and Reclamation Act of 1977, as amended (SMCRA), should be terminated for certain lands identified by OSM/WRCC. These lands have been affected by [OPERATOR'S NAME] operations at the [MINE NAME], [CITY OR COUNTY], [STATE]. In order to terminate jurisdiction over these lands, OSM/WRCC must determine in writing that all the requirements of the initial program at 30 CFR Subchapter B have been successfully completed. OSM/WRCC will make a technical evaluation of available information, review the status of outstanding enforcement actions, and conduct a field inspection of the lands to make the required determination. Public notice is hereby given that:

1. The name and business address of the operator/permittee is:

[OPERATOR'S ADDRESS]

2. The [MINE NAME] permit area is located in [DESCRIPTION OF GENERAL PERMIT AREA LOCATION AND THE DATES OF MINING AND RECLAMATION ACTIVITIES].
EXAMPLE: *northeastern Arizona near the northern edge of Black Mesa within the protracted boundaries of Townships 34 to 38 North, Ranges 17 to 20 East. The operation is contained within the areas shown on the following as Geological Survey 7.5-minute quadrangle maps: Longhouse Valley, Marsh Pass S.E, Owl Spring, Great Spring, Yucca Hill, and Cliff' Rose Hill. The AZ-11111 permit area is located in Navajo County, Arizona. The XYZ Coal Company recovered coal from the lands under consideration between 1982 and 1984 and reclamation activities were completed in 1991.* The following lands totaling [NUMBER OF ACRES] acres are under consideration for termination of SMCRA initial program jurisdiction:

[LEGAL DESCRIPTION OF PARCEL(S)]

3. Copies of the [MINING RECORD/APPLICATION] are available for public review and/or inspection at:

[ALL LOCATIONS OF MINING RECORD/APPLICATION]

4. The name and address of the OSM/WRCC representative designated to receive written comments, objections, or requests for additional information that may be submitted on or before 5:00 p.m. thirty (30) days from the date of the fourth and last publication of this notice is:

[NAME OF REPRESENTATIVE]

Office of Surface Mining Reclamation and Enforcement

1999 Broadway, Suite 3320
Denver, CO 80202-5733
(303) xxx-xxxx

5. This notice shall be published once each week for four consecutive weeks. To be published in the [NEWSPAPERS], [DATES OF PUBLICATION].

APPENDIX F

**SAMPLE TERMINATION OF JURISDICTION DECISION DOCUMENT
FOR INITIAL PROGRAM LANDS**

DECISION DOCUMENT
Termination of Jurisdiction
Permit / No-Name Mine



Department of the Interior
Office of Surface Mining Reclamation and Enforcement

PSD Project Number:

MM/DD/YY

Termination of jurisdiction Decision Package
CONTENTS
[Mining Company Name]
[Mine Name]
[Project/Permit Number]

1. Memorandum from the Mine Team to the Chief, PSD and the FOD.
(See Exhibit 1 for a sample Memorandum).
2. Location Maps
3. Federal Lease No.'s
4. Chronology of Events
5. Findings (See Exhibit 2 for sample Findings).
6. Decision Letter for Termination of Jurisdiction
7. Notifications.
8. Letters of Review and Consultation, as applicable
 - a. Tribes
 - b. Bureau of Land Management
 - c. Bureau of Indian Affairs
 - d. other Federal, State, Local agencies
9. OSM/WRCC Technical Analyses
10. OSM/WRCC Termination of Jurisdiction Inspection Report and Site Photographs
11. OSM's Public Notice of the Termination of Jurisdiction Action
12. Record of Conference, if requested and held by OSM/WRCC.
13. Map and/or read-only computer disk or CD-ROM containing a map and the legal land description of the lands on which OSM is terminating its jurisdiction.

Exhibit 1 Sample Memorandum from the Mine Team

MEMORANDUM

TO: Chief, Program Support Division (PSD)
Field Office Director (FOD)

THROUGH: Team Manager, ISFPT-H or C

FROM: Mine Team

SUBJECT: Recommendation to Approve [Disapprove] Termination of Jurisdiction for Initial Program Lands within the No-Name Mine, Mining Company, Any County, State, Lease Number(s)_____, PSD Project Number_____.

I. Recommendation

We recommend approval [disapproval] of this action to terminate OSM's jurisdiction over the subject reclaimed area [or increment thereof] that satisfies [does not satisfy] all requirements of the reclamation plan for the initial program lands, the Act, and Subchapter B of 30 CFR Chapter VII.

II. Basis for Recommendation

The basis for the recommendation is:

1. OSM's receipt of complete information submitted by Mining Company dated mm/dd/yy to demonstrate Mining Company's compliance with initial program performance standards for reclamation;
2. OSM/WRCC's written findings for [or against] the approval of OSM's termination of jurisdiction (attached, see Tab 5);
3. OSM/WRCC's technical analysis for Mining Company's reclamation information package (attached, see Tab 9);
4. OSM/WRCC's termination of jurisdiction inspection (attached, see Tab 10); and,
5. OSM/WRCC's consultation with other Federal agencies, and [the Tribe and the Nation](attached, see Tab 8).

The termination of jurisdiction information package was reviewed for completeness and technical adequacy by the Mine Team in accordance with the Indian Lands Program [or Federal Program State] regulations at 30 CFR 750 [or 30 CFR 740 (or applicable

Federal Program State regulations)]. The Mine Team's findings indicate that Mining Company completed revegetation of the permit area in compliance with the initial program success standards for revegetation at 30 CFR 715.20. The findings also indicate that Mining Company complied with all applicable water quality standards and effluent limitations in accordance with 30 CFR 715.17. The Mine Team finds that under the initial program, Mining Company successfully completed all requirements under Subchapter B of 30 CFR Chapter VII. The Mine Team's Technical Analysis is included in the attached decision package.

III. Background

To warrant OSM's termination of jurisdiction, Mining Company submitted information on mm/dd/yy to demonstrate that its reclamation was accomplished in accordance with the Act, regulations, and approved reclamation plan. The Mine Team deemed the termination of jurisdiction information to be administratively complete on mm/dd/yy. OSM published a notice of the impending termination of jurisdiction action in local newspapers beginning on mm/dd/yy. The Mine Team notified the municipality where the mine is located (by certified mail) about the impending termination of jurisdiction action.

The Mine Team notified Mining Company, appropriate Indian tribe, surface land owners, agent, or lessee, and appropriate Federal and/or State land management agencies of the inspection date on mm/dd/yy. The termination of jurisdiction inspection was conducted on mm/dd/yy. [*If applicable, (a person(s) by name) who participated in the inspection, raised concerns during the inspection about Mining Company's compliance with initial program reclamation requirements. Accordingly, OSM documented these concerns in its termination of jurisdiction inspection report. OSM held a conference on mm/dd/yy (if applicable). The Mine Team advised the person(s) that OSM could not accept objections nor hold public hearings on the initial program termination of jurisdiction decision, and that any appeal(s) of OSM's decision would have to be filed with the Board of Land Appeals in the Office of Hearings and Appeals under the procedures at 43 CFR Section 4.1280.]*

We recommend that OSM terminate its jurisdiction over Mining Company's reclaimed initial program lands [within the permit area (or increment thereof) as described below:

(Note: the legal description of lands for which OSM is terminating jurisdiction may be attached to this document as Appendix A if it is too large to be described in the space provided)

IV. Approval

After making the required findings, attached, we approve the termination of jurisdiction action by OSM on the applicable initial program lands within the No-Name

Mine in accordance with 30 CFR 700.11(d)(1).

Approved: _____ Date:
Field Office Director Chief, Program Support Division

[or]

V. Disapproval

The requisite findings can not be made; therefore, we disapprove OSM's termination of jurisdiction over the subject lands, **except for** that increment(s) of land described below on which OSM's termination of jurisdiction is hereby approved in accordance with 30 CFR 700.11(d)(1): (land description)].

Disapproved: _____ Date:
Field Office Director Chief, Program Support Division

Attachment (Findings Document)

cc: Field Office

Exhibit 2 Sample Findings for Approval of Termination of jurisdiction

Findings for the Approval of Termination of jurisdiction

[Permit No.] _____ /No-Name Mine

Project No.

Findings

1. OSM finds that the information submitted by Mining Company to demonstrate that it accomplished all reclamation requirements of the initial program, is complete and accurate. Based on OSM's review of the reclamation information, and the termination of jurisdiction inspection, OSM finds that Mining Company has fully complied with all requirements of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), the Indian Lands [Federal Program State] program at 30 CFR Part 750 [applicable Federal Program State, e.g. 30 CFR Part 947], and the requirements of Subchapter B.
2. There are no outstanding enforcement actions pertaining to reclamation obligations [on the permit] or area subject to the termination of jurisdiction.
3. Mining Company has demonstrated that reclamation required by SMCRA and the Indian Lands Program [Federal Program State program] has been accomplished in accordance with the reclamation plan for initial program lands [contained in the permit].
4. In accordance with the reclamation plan, Mining Company has completed all reclamation to support the approved post-mining land use(s) and has regraded and revegetated the reclaimed area in accordance with applicable performance standards at 30 CFR Sections 715.14, 715.16, and 715.20.
5. [If applicable for prime farmlands, the reclamation operation resulted in productive capacity that is equal to or greater than the productive capacity that existed prior to mining pursuant to 30 CFR 716.7].
6. [On Indian Lands, the Federal surface management agency has concurred with OSM's finding that the revegetated area is ready to be used for its approved postmining land use pursuant to 30 CFR 715.20(a)(3)].
7. In accordance with 30 CFR 715.13 and 14, Mining Company has demonstrated that permanent impoundments will be suitable on a permanent basis for their intended use of [specify use] and that impoundments meet provisions for protecting the hydrologic balance in accordance with 30 CFR 715.17(k):
 - a. The size of the impoundment(s) is adequate for its intended purposes.

b. The impoundment dam construction is designed to achieve necessary stability with an adequate margin of safety compatible with the margin of safety of structures constructed under P.L. 83-566 (16 U.S.C. 1006).

c. The quality of the impounded water will be suitable on a permanent basis for its intended uses and discharges from the impoundment will not degrade the quality of receiving waters below the water quality standards established pursuant to applicable Federal and State law.

d. The level of water will be reasonably stable.

e. Final grading complies with the provisions of 30 CFR 715.14 and provides adequate safety and access for proposed water users.

8. OSM finds that when measured on the basis of the applicable reference area(s), the revegetation complies with the revegetation success standards in the approved reclamation plan and the regulations. Mining Company has demonstrated that the vegetative cover meets all standards required by 30 CFR 715.20 to support the approved post-mining land use(s).

Field Office Director
Western Regional Coordinating Center

Chief, Program Support Division
Western Regional Coordinating Center

Date _____

Date

APPENDIX G

SAMPLE APPROVAL DECISION LETTER

Mr./Ms. Manager
Mining Company
Address

Date

CERTIFIED MAIL
RETURN
RECEIPT REQUESTED

RE: Termination of Jurisdiction for the No-Name Mine, Permit No.

Dear Mr./Ms.:

The Office of Surface Mining Reclamation and Enforcement, Western Regional Coordinating Center (OSM/WRCC) has completed its review of Mining Company's reclamation information submitted on mm/dd/yy to demonstrate compliance with all requirements of the initial program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The termination of jurisdiction inspection was conducted on mm/dd/yy. Person(s) [*by name*] from Mining Company accompanied OSM/WRCC on its inspection.

OSM finds that Mining Company has successfully complied with all requirements under Subchapter B of 30 CFR Chapter VII. Therefore, effective this date, OSM hereby terminates its jurisdiction over the subject lands [within Permit No. _____, or an increment thereof], described below. Permit No. _____ is hereby terminated [if jurisdiction terminated on all initial lands *and final bond release on permanent lands within the permit*]. [If an *increment* of initial program lands (included in the permanent program permit area) is subject to this termination of jurisdiction, the letter should include the following: "Please be advised that the lands described below, on which OSM is terminating its jurisdiction, must be removed from the permit area by means of a permit revision."]

[*If applicable*, Surety Bond Number 1234 (or Collateral Bond Number 5678) provides coverage for the area (or increment) on which OSM is terminating jurisdiction; therefore, Mining Company may submit a general purpose rider (OSM form enclosed) to remove the subject lands from the description of lands being covered by Surety Bond Number 1234 (or Collateral Bond Number 5678). If you have any questions about how to prepare your bond rider, [or other form of amendment for other instruments] please contact the WRCC bonding specialist at (303) 844-xxxx, or the Mine Coordinator at (303) 844-xxxx.]

OSM congratulates Mining Company on its successful reclamation of the No-Name Mine [or reclamation of the initial program lands] and appreciates the professional relationship between Mining Company and OSM during the mining and reclamation operations at the No-Name Mine over these past years.

This decision may be appealed in accordance with the regulations found at 43 CFR 4.1280 to 4.1286. To initiate an appeal, you must file a written notice of appeal with this

office at the above address within 20 days of the date you receive this decision. At the same time, you must also file a copy of the notice with the Board of Land Appeals in the Office of Hearings and Appeals. The Board may render a final agency decision on the matter in accordance with the applicable regulations.

If you have any questions or need assistance, please call the Mine Coordinator at (303) 844-xxxx, or the No-Name Mine Team Leader at (303) 844-xxxx.

Sincerely,

Field Office Director

Chief, Program Support Division

Enclosures:

Decision Document

Bond Rider form(s) [if applicable]

cc: Field Office
BLM: State
BIA: Tribe/Nation
State Agency
Nation/Tribe Agency
WRCC Bonding Specialist

APPENDIX H

SAMPLE DISAPPROVAL LETTER

CERTIFIED MAIL

M. Operator
Surface Mine
P.O. Box 789
Somewhere, U.S.A. 12310

November 15, 1997

Re: M. Operator
Permit No. 8910
Unknown County, State

RE: Termination of Jurisdiction

Dear Mr. Operator:

The Office of Surface Mining Reclamation and Enforcement (OSM) has evaluated your request for OSM's termination of jurisdiction over initial program lands [within Permit No.____]. Mining Company's reclamation information submitted to support this action was accepted by OSM as complete on September 30, 1997, and an inspection was conducted on October 31, 1997.

For the reasons given below, OSM may not terminate its jurisdiction over the subject initial program lands.

[On this site there are outstanding violations. We also observed that a highwall remains on the site adjacent to one of the sediment ponds. This highwall cannot be eliminated until it is appropriate to remove the sediment ponds].

We will reconsider the termination of jurisdiction action when corrective actions are taken and approved by OSM as follows: [the outstanding violations are resolved and the backfilling and grading is completed, as required].

This decision may be appealed in accordance with the regulations found at 43 CFR 4.1280 to 4.1286. To initiate an appeal, you must file a written notice of appeal with this office at the above address within 20 days of the date you receive this decision. At the same time, you must also file a copy of the notice with the Board of Land Appeals in the Office of Hearings and Appeals. The Board may render a final agency decision on the matter in accordance with the applicable regulations.

If you have questions or wish to arrange a meeting to discuss this action informally, please contact the [Team Leader or Mine Coordinator] at (303) 844-****.

Sincerely,

Field Office Director

Chief, Program Support Division

cc: Field Office
BLM: State
BIA: Tribe/Nation
State Agency
Nation/Tribe Agency
WRCC Bonding Specialist