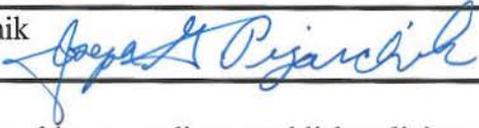


	U.S. DEPARTMENT OF THE INTERIOR OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT DIRECTIVES SYSTEM	Subject Code: AML-22
		Transmittal Number: 973
		Date: MAR 28 2013
Subject: Evaluation of State/Tribe Abandoned Mine Land Programs		
Approval: Joseph G. Pizarchik		 Title: Director

1. **Purpose.** This directive and its appendices establish policies, procedures, and responsibilities for monitoring, assisting, and evaluating State/Tribe Abandoned Mine Land (AML) Programs. This Directive applies to all Office of Surface Mining Reclamation and Enforcement (OSM) organizational units and personnel involved in monitoring, assisting, and evaluating State/Tribe AML Programs.
2. **Summary of Changes.**
 - a. Incorporates changes required by the Tax Relief and Health Care Act of 2006 (Surface Mining Control and Reclamation Act Amendments of 2006; P.L. 109-432).
 - b. Makes distinctions between the goals and objectives of certified AML Programs and those of non-certified AML Programs.
 - c. Identifies core program data to be utilized by the OSM in table format that will be included in the annual evaluation.
 - d. Updates outreach and public participation requirements into AML oversight planning and activities.
 - e. Establishes Topic-Specific oversight reviews, prepared annually by OSM as part of the oversight of each State/Tribe, which provides the findings and details regarding the evaluation of specific elements within the programs. Topic-specific oversight reviews replace the Enhancement and Performance Reviews in previous versions of this directive.
 - f. Changes the report cycle from federal fiscal year to evaluation year.
 - g. Establishes the option of preparing a separate AML annual evaluation report or combining it with the annual regulatory program evaluation.
 - h. Establishes the database system, e-AMLIS, as the official repository of Abandoned Mine Land Inventory System data stored in accordance with Directive AML-1 and makes Field Office Directors responsible for validation and verification of these data through oversight.

3. Definitions.

a. State/Tribe Reclamation Program. A program established by a State/Tribe in accordance with and approved under Title IV, section 405 of the Surface Mining Control and Reclamation Act (SMCRA), for reclamation of lands and water adversely affected by past mining, including the AML reclamation plan and annual applications for grants under the AML reclamation plan. Programs are further defined as follows:

(1) Certified Programs: States/Tribes that have certified under section 411(a) of SMCRA that reclamation of all eligible coal problems has been completed.

(2) Uncertified Programs: States/Tribes that have not certified under section 411 (a) of SMCRA that reclamation of all eligible coal problems has been completed.

b. Oversight. The process of evaluating and assisting States/Tribes in the administration, implementation, and maintenance of their approved AML programs.

c. e-AMLIS. The Abandoned Mine Land Inventory System (e-AMLIS) is a computerized database containing the AML Inventory information. e-AMLIS stores data and related information and provides information (reports, maps, data files) showing the status of unfunded, funded and completed Priority 1 and 2 AML problems for pre-SMCRA coal State/Tribe grant reclamation programs, the Federal Reclamation Program, and the U.S. Department of Agriculture Natural Resources Conservation Service, Rural Abandoned Mine Program. In addition, e-AMLIS contains funded and completed problems for the following programs/priorities: State/Tribe grant reclamation of Priority 3 problems, post-SMCRA interim coal sites and insolvent surety coal sites, and non-coal sites. e-AMLIS contains information on completed problems for Priority 4 (facilities), and Priority 5 (earlier projects for the development of public lands), Acid Mine Drainage Set-Aside sites, State and Federal emergency programs, remining, and reclamation accomplished through other means, such as private citizens.

d. Performance Agreement/Evaluation Plan (PA). A written plan for conducting oversight activities in a State/Tribe during one or more Evaluation Years. PAs are developed by OSM in collaboration with the State/Tribe to the maximum extent possible with consideration of input provided by the public. OSM and the State/Tribe are encouraged to sign the PA as mutually agreeing to the content. However, signatures and/or agreement are not mandatory for OSM to conduct oversight as specified in the PA.

e. Topic-Specific Oversight Reviews. Individual reports prepared annually by OSM as part of the oversight of each state/tribe that contain the findings and details regarding the evaluation of specific program elements of the programs. Summaries of the topic-specific oversight reports are contained in the annual evaluation report for the state/tribe. Program elements considered for evaluation are specified in each PA for a State/Tribe.

f. Action Plan. A detailed schedule of specific measures to be taken to resolve AML program implementation problems identified during OSM's oversight of a state/tribe AML program.

4. **Policy.** The overall measure of success of AML programs is the degree to which States/ Tribes are achieving planned reclamation goals. As prescribed by SMCRA section 405(i), “OSM will monitor the progress and quality of AML Programs.” OSM will achieve this by: 1) assessing the Program’s annual progress in addressing problems identified in its e-AMLIS inventory (over the established 12 month Evaluation Year) and; 2) assessing compliance with the requirements of the approved AML reclamation plan, SMCRA, applicable 30 CFR regulations, grant requirements, applicable 43 CFR regulations, and applicable OMB circulars governing financial management. OSM field offices will prepare PAs, topic-specific reports, and annual evaluation reports and make them available to the public.

5. **Responsibilities.**

a. **Director/Deputy Director.** Establish nationwide reclamation policies and identify, as needed, special review topics as national priorities.

b. **Assistant Director Program Support.**

(1) Develop, clarify, and revise national AML policies, AML evaluation policies, and special review topics.

(2) Coordinate with other Assistant Directors and Regional Directors on national policy resulting from legal or other reviews.

c. **Regional Directors (RD)**

(1) Coordinate with Field/Area Offices or Divisions to ensure that oversight activities are planned, conducted, monitored and reported in accordance with national policies, procedures and guidance.

(2) Provide Field/Area Offices or Divisions with the technical assistance necessary to support oversight activities.

(3) Interpret policy issues and facilitate cooperation between Field/Area Office Directors or Field Division Chiefs and their State/Tribe Program counterparts.

d. **Field Office Directors (FOD) or equivalent (Area Office Managers or Field Division Chiefs).**

(1) Develop, negotiate, and implement AML PAs through discussions with their State/Tribe counterparts.

(2) Notify the public of OSM’s intention to develop a PA with each State/Tribe. Ensure effective interagency/intergovernmental coordination. Solicit comments and opinions from the public and other stakeholders on topics or AML program elements that should be considered for inclusion under a proposed PA and reviewed through oversight.

(3) Interact routinely with citizens, environmental organizations, State and Federal agencies, industry or other stakeholders to determine their areas of interest and concern. To further this interaction, each Field Office/Area Office should conduct an outreach program within the State/Tribe to solicit comments from the public and interested parties regarding AML programs and consider these comments in determining where OSM will focus its limited oversight resources and what aspects of the State/Tribe program will be reviewed.

(4) Develop day-to-day operational procedures consistent with national and regional oversight policies.

(5) Incorporate technical or programmatic assistance into PA's, where necessary.

(6) Conduct all oversight reviews and evaluation activities and prepare related documents and reports in accordance with the appendices to this directive and other national and regional policies and procedures.

(7) Brief the RD on the annual evaluation report and/or conditions within the State/Tribe reclamation program implementation, when appropriate.

- e. Office of Communications (OC). Coordinate with RDs and FODs to incorporate information from annual evaluation reports in the OSM Annual Report as appropriate.

6. **Procedures**. AML program monitoring and evaluation activities will be planned, conducted and reported in accordance with this directive, its appendices, and all other relevant directives and supplemental guidance.

7. **Reporting Requirements**. FODs (or their equivalents), shall prepare an annual evaluation report for each State/Tribe within their area of responsibility. OC, in concert with RDs and FODs, will incorporate information from the annual evaluation reports into the OSM Annual Report.

8. **Effect on Other Documents**. Supersedes Directive REG-8, "Oversight of State Regulatory Programs and State and Tribal Abandoned Mine Land Reclamation Programs", Transmittal Number 967, dated January 31, 2011, with respect to AML activities; supersedes Directive AML-22, "Evaluation of State and Tribal Abandoned Mine Land Programs", Transmittal Number 840, dated November 20, 1995, Directive AML-22-1, "Evaluation of State and Tribal Abandoned Mine Land Programs", Change Notice, Transmittal Number 872, dated October 6, 1997.

9. **References.**

- a. OSM Directive GMT-10, "Federal Assistance Manual"
- b. OSM Directive AML-1, "Abandoned Mine Land Inventory"
- c. OSM Directive AML-4, "Procedures for Emergency and Federal High Priority Reclamation Program Projects", Appendices 1 through 10
- d. Title IV of SMCRA, incorporating Tax Relief and Health Care Act of 2006 (2006 SMCRA Amendments; P.L. 109-432)
- e. 30 CFR Parts 870 through 888
- f. June 11, 2001, Federal Register ("Abandoned Mine Land Reclamation Program Guidelines" 66 FR 31250-31258).

10. **Effective Date.** Upon issuance

11. **Distribution.** By electronic format

12. **Appendices.**

- a. Appendix A Guidelines for AML Oversight
- b. Appendix B Annual Report (includes blank tables)
- c. Appendix C Oversight of Topic-Specific elements - Work Plan
- d. Appendix D Oversight of Topic-Specific elements – Report Format
- e. Appendix E Principles of Excellence and Performance Measures

Contact: Program Support Directorate, Division of Reclamation Support, (202-208-5365)

APPENDIX A

Procedures and Guidelines for AML Oversight

This appendix will serve as guidance for developing the PA and applies to OSM personnel responsible for AML program oversight activities such as: developing AML PAs, conducting oversight reviews, and preparing of the annual evaluation reports, public outreach, and the maintenance and availability of oversight documents. These are intended as guidance and apply only to Federal responsibilities.

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I. BACKGROUND AND PURPOSE

The monitoring or oversight of State/Tribe AML Programs serves to provide information, assistance, and feedback to States/Tribes, OSM, and the public to ensure the purposes and goals of the AML program are being responsibly, efficiently, and effectively met. OSM recognizes that conditions vary at AML sites across the country and that SMCRA was implemented to provide the States/Tribes with primary governance of AML reclamation operations. OSM intends to provide assistance to the States/Tribes through program guidance, if needed, and will conduct oversight as necessary to ensure that AML funds are being used to accomplish the objectives of Title IV, section 405 of SMCRA.

This directive establishes guidelines and general criteria for evaluating State/Tribe AML programs approved under SMCRA. Specifically it:

- Provides guidance for the development of Performance Agreements/Evaluation Plans and topic-specific oversight reviews;
- Clarifies the respective roles and responsibilities of OSM and the States/Tribe in carrying out AML programs; and
- Establishes the content that should be included in the annual evaluation report, as it applies to the status of the State/Tribe approved AML program.

II. SCOPE AND REGULATORY REQUIREMENTS

A. General Requirements

The approved State/Tribe AML reclamation plan establishes the authority, objectives and limitations for the operation of each AML program. Not only do States/Tribes operate within the scope of the approved AML reclamation plan, but OSM also refers to it when conducting oversight to assess the Program's effectiveness in using AML funds to achieve the objectives of SMCRA. In addition to the AML reclamation plan, OSM may also rely on:

Title IV of SMCRA, 30 CFR Subchapter R, the [Abandoned Mine Land Reclamation Program Guidelines](#) (June 11, 2001, Federal Register 66 FR 31250-31258), and additional Federal requirements listed at the end of this section.

30 CFR regulations (Parts 870 – 887) that are applicable to oversight of AML programs include: [Note: the official distribution of this directive is by electronic format and underlined text is hyperlinked to the full regulation content, U.S. Government Printing Office (e-CFR)]

[Part 870](#)—ABANDONED MINE RECLAMATION FUND—FEE COLLECTION AND COAL PRODUCTION REPORTING

- [Part 872](#)—MONEYS AVAILABLE TO ELIGIBLE STATES AND INDIAN TRIBES
- [Part 873](#)—FUTURE RECLAMATION SET-ASIDE PROGRAM
- [Part 874](#)—GENERAL RECLAMATION REQUIREMENTS
- [Part 875](#)—CERTIFICATION AND NONCOAL RECLAMATION
- [Part 876](#)—ACID MINE DRAINAGE TREATMENT AND ABATEMENT PROGRAM
- [Part 877](#)—RIGHTS OF ENTRY
- [Part 879](#)—ACQUISITION, MANAGEMENT, AND DISPOSITION OF LANDS AND WATER
- [Part 880](#)—MINE FIRE CONTROL
- [Part 881](#)—SUBSIDENCE AND STRIP MINE REHABILITATION, APPALACHIA
- [Part 882](#)—RECLAMATION ON PRIVATE LAND
- [Part 884](#)—STATE RECLAMATION PLANS
- [Part 885](#)—GRANTS FOR CERTIFIED STATES AND INDIAN TRIBES
- [Part 886](#)—RECLAMATION GRANTS FOR UNCERTIFIED STATES AND INDIAN TRIBES
- [Part 887](#)—SUBSIDENCE INSURANCE PROGRAM GRANTS

In addition, to the items listed above, SMCRA and 30 CFR Subchapter R often reference other pertinent federal regulations, OMB Circulars, and Directives. The following is a listing of those referenced items and their subject matter:

Title 43 CFR – PUBLIC LANDS: INTERIOR

- [43 CFR Part 12](#) – Administrative and Audit Requirements and Cost Principles for Assistance Programs
- [43 CFR Subpart A](#) - Administrative and Audit Requirements and Cost Principles for Assistance Programs
- [43 CFR Subpart C](#) - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. (OMB A-102)
(*aka, the Grants Common Rule, it establishes what are considered allowable costs for governmental Programs such as AML Programs, 30 CFR 886.21 also addresses allowable costs*)
- [43 CFR Subpart E](#) - Buy American Requirements for Assistance Programs
- [2 CFR, Subtitle A, Chapter II, Part 225](#) - Cost Principles for State and Local Governments (OMB A-87)
- [Appendix A](#) – General Principles for Determining Allowable Costs
- [Appendix B](#) – Selected Items of Cost (42 topics discussed)

[Appendix C](#) – State and Local-wide Central Service Cost Allocation Plans

[Appendix D](#) – Public Assistance Cost Allocation Plans

[Appendix E](#) – State and Local Indirect Cost Rate Proposals

- [OMB Circular A-133](#) – Audits of State and Local Governments
- [31 CFR 205](#) (Treasury Circular 1075)
- OSM Directive [AML-1](#)
- [OSM’s Federal Assistance Manual](#) which is OSM policy per Directive GMT-10
- Construction contracts > \$10,000 shall contain a provision to require compliance with Executive Order – 11246 – Equal Employment Opportunity, as amended by E.O.— 11375 and as supplemented in Department of Labor regulation 40 CFR Part 60.
- All contracts shall include a provision to require compliance with the Copeland Act of 1934 at 18 USC 874 dealing with anti-kickback provisions, as supplemented by Department of Labor 29 CFR Part 3.

B. Oversight of Uncertified Programs

In addition to section A (above), for programs that have not certified under section 411 of SMCRA, that all coal reclamation priorities have not been achieved, OSM oversight should:

- Ensure program adherence to the priorities of section 403 of SMCRA and 30 CFR 874.11 – 874.14.
- Ensure that funds received under section 411(h)(1) of SMCRA (“prior balance replacement”) are used only for the purposes of 30 CFR 872.31(b).
- Evaluate whether, and to what degree, the program is operating within its approved program, how is it expending funds and on what, and if e-AMLIS is maintained and up to date.
- Ensure States/Tribes have implemented a plan to address any required legislative or administrative changes or other circumstances that may require program changes, and provide prompt notification if any amendment(s) is necessary to conform the State/Tribe program to SMCRA and the applicable regulations.
- Ensure financial management and mechanisms meet the requirements of the FAM, OMB and Treasury Circulars, and all other applicable laws.
- Ensure the grantee’s responsibilities under 30 CFR 886.16 are met.

C. Oversight of Certified Programs

For programs that have certified under section 411 of SMCRA, that all coal reclamation priorities have been achieved, OSM oversight should:

- Evaluate whether, and to what degree, the program is operating within its approved program.
- Ensure for programs that receive funds under section 411 (h)(1) of SMCRA (“prior balance replacement”):
 - The State legislature or Tribal council has established purposes for the Program,

- with priority given to addressing the impacts of mineral development.
- To the extent necessary, the State/Tribe AML reclamation plan incorporates these established purposes, and priority is given to addressing the impacts of mineral development.
- The actual expenditure of grant funds and project selection, in fact gives priority to addressing the impacts of mineral development over all other potential priorities.
- Ensure for programs that receive funds under SMCRA Section 411(h)(2) (“certified in lieu”):
 - The purpose(s) of the funds is adequately described in the grant application.
 - The funds were actually obligated as described in the grant and that all funds are utilized for public purposes.
- Ensure that if coal related problems are discovered, priority is given and e-AMLIS is maintained and up to date.
- Ensure States/Tribes have implemented a plan to address any required legislative or administrative changes or other circumstances that may require program changes, and provide prompt notification if any amendment(s) is necessary to conform the State/Tribe program to SMCRA and regulations.
- Ensure financial management and mechanisms meet the requirements of the FAM, OMB and Treasury Circulars, and all other applicable laws.
- Ensure the grantee’s responsibilities under 30 CFR 885.16 are met.

III. PROCEDURES

A. General Approach

OSM offices, in consultation and, to the extent possible, collaboration with each State/Tribe develop AML PAs that address the unique aspects of the respective State/Tribe AML program.

This agreement incorporates a shared commitment by the State/Tribe and OSM in determining how annual evaluations will be conducted. The State/Tribe takes an active role in the entire evaluation process. The process is designed to evaluate whether the State/Tribe, through its AML program, is achieving the overall objective of Section 102 of SMCRA which states that AML programs are to:

"... promote the reclamation of mined areas left without adequate reclamation prior to the enactment of this Act and which continue, in their unreclaimed condition, to substantially degrade the quality of the environment, prevent or damage the beneficial use of land or water resources, or endanger the health or safety of the public ..."

B. Performance Agreement/Evaluation Plan

Each AML PA should set forth the framework for reviewing and evaluating the respective AML program and providing assistance; identifying accomplishments and issues in AML program implementation, and formulating action plans as needed to improve program

implementation. For efficiency, the development of AML PA's may be combined with Title V PA development.

The AML PA will identify topic-specific oversight review elements for monitoring and evaluating the State/Tribe's implementation of the approved AML program. Reviews will emphasize accomplishments in protecting the public health and safety, while restoring the environment by abatement of AML hazards, reducing or eliminate adverse effects to natural resources from past mining, and restoring lands and water to beneficial uses.

The AML PA should clearly describe what is expected to be accomplished through joint OSM and State/Tribe site visits, so that both understand the purpose. AML site visits are an integral part of OSM's oversight responsibility to ensure that the development of environmental documents for AML projects are in accordance with the National Environmental Policy Act (NEPA), reviewing potential AML emergencies for abatement consideration, and performing topic-specific evaluations. OSM may conduct additional site visits or evaluations on other aspects of AML activity as needed to meet its statutory requirements.

The AML PA format will be left to the discretion of the individual OSM Field Offices (FO) and States/Tribes to work out; however, the information contained should include many of the following fundamentals:

- Program evaluation goals and the plans to achieve those goals in order to give all stakeholders a clear understanding of what OSM and the State/Tribe plan to do.
- State/Tribe involvement in the AML oversight evaluation process.
- OSM approval processes (i.e. conducting NEPA compliance reviews, issuing authorizations to proceed with project construction, and declaring AML emergencies).
- Other AML oversight activities that OSM may conduct in a State/Tribe, including national priority reviews if any are established by the OSM Director for the AML program.
- Topic-specific program element(s) considered for evaluation this evaluation year (EY).
- Corrective Action plans as needed to rectify program implementation issues and concerns, and ensure long-term reclamation success of abandoned mine lands.
- Explanation of how OSM and the State/Tribe plan to address public comments/input and how outreach will be conducted during the year.
- OSM technical or programmatic assistance availability to the State/Tribe, and expected outcomes of the assistance, and
- Core program data and the format for such that the State/Tribe has agreed to provide OSM and OSM provide the State/Tribe.

Schedule for Outreach on the Performance Agreement/Evaluation Plan

Date	Outreach Activity
March 1	Announce opening of a 30 day period for interested parties to comment on oversight and provide suggestions for potential oversight evaluation topics, including the opportunity for discussions with the FO
March 1 – March 30	Opportunity for interested parties to comment on oversight and provide suggestions for potential oversight evaluation topics
April 15	Draft Performance Agreement/Evaluation Plan developed and sent to the State/Tribe for their review and comments
April 30	As appropriate, incorporate state or tribe comments into the draft Performance Agreement/Evaluation Plan
May 1	Announce the opportunity for interested parties to comment on the proposed Performance Agreement/Evaluation Plan, including the opportunity for discussions with the FO on proposed oversight plans
May 1 – May 15	Opportunity for interested parties to comment and request discussions with the FO
May 15	Close of comment period/last day for public discussions with the FO
May 15 – June 30	In conjunction with the State/Tribe, finalize Performance Agreements/Evaluation Plans
July 14	Post final Performance Agreement/Evaluation Plans on OSM's website

C. Topic-Specific Oversight Reviews and Reports

The AML PA identifies topic-specific program element(s) being considered for oversight to assess State/Tribe performance in implementing the approved AML program. Program element(s) need not be reviewed every year; however, since maintenance of the AML inventory is mandatory, e-AMLIS should be monitored continuously. The OSM office responsible for oversight will select the AML program element(s) by considering oversight findings of past evaluation years, current observed trends, input received from public outreach, any national objectives established by the OSM Director for the AML program, and “Principles of Excellence and Performance Measures” at Appendix E. Topic-specific review work plans and reports, using the formats at Appendix C and D, should identify the methodology or criteria that will be applied, (such as project file reviews, site visits, technical analysis, other data collection or oversight mechanisms); in order to identify accomplishments as well as issues in the AML program implementation. Action plans or solutions by OSM and the State/Tribe may then be subsequently formulated to rectify program implementation issues and concerns.

Because the AML oversight reviews are conducted and based on the concept of trend analysis, and the interaction between State/Tribe AML programs and OSM is continual, the oversight reviews may cover periods longer than one year. The topic-specific oversight report should support and explain the review findings and identify accomplishments as well as issues in the AML program implementation.

A draft report will be sent to the State/Tribe with a request for comments and, if appropriate, will include a schedule of actions to be taken to address any issues or resolve any problems. A final report, developed after consideration of State/Tribe comments, will be provided to the State/Tribe.

D. Outreach Requirements for OSM

1. Public Participation and Outreach

Note: The following requirements can be efficiently and effectively accomplished at the same time as the REG-8 requirements for Title V. Additionally, these requirements mirror REG-8.

Each OSM FOD (or equivalent) shall actively seek out, evaluate, and respond to public participation. FODs are to routinely and periodically interact with State/Tribe and local coal associations, citizens, environmental organizations and other groups to determine their areas of concern and receive suggestions relative to AML reclamation; as well as to provide timely information about OSM activities that may interest such groups. To further this interaction, each FO is currently required to develop and conduct an outreach program within the States/Tribes to solicit comments from the public and interested parties regarding the AML oversight review process, recommendations for additional program element topics for the evaluation year, and suggestions for improvements of future annual AML evaluation reports. FODs are encouraged to work with their respective States/Tribes in developing such programs and in conducting such outreach jointly whenever possible.

At a minimum, each FO shall provide an e-mail address, phone number and physical address where the public can provide input or seek information. This contact information shall be in a highly visible location on their respective website. The FO shall acknowledge receipt and appreciation of public input in a timely manner. Additionally, information and data posted on the FO website shall include contact information to be utilized by the public. Each FO is encouraged to maintain a “frequently asked questions” (FAQ) area on the web. The FAQ could contain brief answers for questions often asked of the field office.

2. Information Accessibility

Each FO shall, at a minimum, annually review all public information requests to identify which information and data are of interest to outside organizations. Every possible consideration shall be given to placing frequently requested information, documentation and data on the appropriate OSM website. At a minimum, each FO shall provide the Evaluation Files for posting on the OSM website (see section I., Evaluation Files, below). Proactively

providing information via outlets such as the Internet serves to not only keep OSM transparent but also reduces the resources expended responding to requests for documents under FOIA concerning routine information.

All information placed on the Internet shall be reviewed to ensure that it is understandable by a layman, free of technical jargon, and complies with all Privacy Act and other legal (e.g., confidentiality) requirements. Where technical data and information require precise terminology, the terminology must be fully defined and explained so that the public understands its meaning. Documents involving State/Tribe input will be provided to the State/Tribe for review prior to posting on the OSM website. All appropriate documents will be posted within 14 days after the document is finalized. Internal working documents will not be posted.

3. Outreach During the AML Performance Agreement/Evaluation Plan Development

Each FO will conduct an outreach program within each State/Tribe to solicit comments from the public and interested parties regarding the oversight process, views on review topics for the evaluation year, and suggestions for improvements to future annual evaluation reports. These comments will be considered in determining where OSM will focus its oversight resources and what aspects of the State/Tribe program will be reviewed. The following elements must be included in the FO outreach effort consistent with the —Schedule for Outreach on the Performance Agreement/Evaluation Plan in section III.B., Performance Agreements/Evaluation Plans, above.

- Announcement of the opportunity to provide comments, views or suggestions prior to the development of the Performance Agreement/Evaluation Plan;
- Announcement of the opportunity to provide comments on the proposed Performance Agreement/Evaluation Plan after its development;
- FO acknowledgement of receipt and appreciation for public input received;
- Posting proposed and final Performance Agreement/Evaluation Plan on OSM’s website.

Announcements will be made using OSM’s website and by email. The FO is responsible for maintaining a current list of email addresses for all parties interested in a State/Tribe regulatory program. The FO may choose to use other appropriate outreach methods for a particular State/Tribe. Selection of other outreach methods, such as letters and newspaper announcements, should be based on the experiences of the FO in communicating effectively with the public and interested parties for the particular State/Tribe. To ensure that OSM is reaching public stakeholders, in areas where the public may not have access to the Internet, OSM will notify the public using other methods.

Announcements must include a description of how interested parties may discuss specific ideas and concerns with the FO.

E. Data Collection

The collection of standard program metrics provides a mechanism to more accurately portray the approved State/Tribes program's reclamation accomplishments, and establishes a uniform and standardized approach for effectively disseminating information (i.e., GPRA related data requests etc.).

Annual AML evaluation reports are enhanced by including summary data tables and graphics of annual and cumulative AML accomplishments, which reflect changes in the core data that characterize the AML program. The tables and graphics give perspective to the current evaluation year as well as cumulative AML accomplishments, and help illustrate any trends in program activities. OSM will accomplish data analysis using data extracted from e-AMLIS. To provide OSM oversight personnel guidance and to ensure consistent annual report preparation, the sources, procedures, and criteria or requirements for collecting and reporting data under each table are specified in Appendix B. OSM and the State/Tribe should agree on supplemental information, data and its use prior to reporting.

e-AMLIS is the repository and source of official data reported in annual evaluation reports for States/Tribes. In addition, OSM will require consistent criteria be applied when reporting regional and field office data. Likewise, summary data for Federal, State and Tribal programs that are reported in OSM's Annual Report to the President and Congress should derive from e-AMLIS.

Data Validation and Verification: FODs (or their equivalents) are responsible for ensuring the data in e-AMLIS for their States/Tribes are timely entered, accurate, and complete. FODs (or their equivalents), and RDs must validate and verify the data and, pursuant to Department of the Interior Validation and Verification policy and procedures (OMB Circular A-120: "Management's Responsibility for Internal Control" - requirements regarding implementation of internal controls to ensure, among other objectives, that data are reliable and complete.) certify that:

- The data being used are appropriate for the outcome that is being pursued (i.e. the data are valid).
- Data collection, analysis, and reporting standards and procedures are in place and people are properly trained.
- Data entry methods are established, data are verified, data are available when needed, and data entry staff is trained.
- Use of externally controlled data is documented.
- Established procedures and protocols are addressed in individual employee's performance standards and are adhered to.
- Responsible officials certify that procedures were followed each reporting period, and
- Responsible officials certify that data accuracy has been checked each reporting period.

F. Measurement and Reporting of End Results

To measure and report the success of State/Tribe AML programs, FODs (or their equivalents), and Field Division Chiefs, will prepare an annual AML evaluation report for each State/Tribe within their area of responsibility. The annual AML evaluation report will present State/Tribe AML accomplishments and on-the-ground reclamation success using the format and tables included under Appendix B. The annual AML evaluation report will include summaries of the topic-specific oversight reviews conducted throughout the evaluation year review period and other noteworthy program activity. OSM will also report these accomplishments nationally.

The tables will report State/Tribe accomplishments in:

- Table 1 - AML features/hazards inventoried, funded, and completed through the end of the current evaluation year (units and cost).
- Table 2 - Eliminating public health and safety hazards related to past mining (reporting Priority 1 and 2 AML units and costs accomplishments by AML problem type) both during and cumulative through the current evaluation year.
- Table 3 - Eliminating environmental problems related to past mining (reporting Priority 3 and SMCRA section 403(b) AML feature units and costs accomplishments by AML problem type) both during and cumulative through the current evaluation year.
- Table 4 - Enhancing the public well being as a result of all Priority 1, 2, and 3 AML projects completed during the current evaluation year; detailing the number of people with reduced exposure potential to AML hazards from completed AML projects.
- Table 5 - AML projects completed during the current evaluation year through financial resource partnering agreements, the nature and amount of SMCRA funding v. increased funds leveraged, in-kind efforts thereby derived, and total project funding.
- Table 6 - AML reclamation projects started during and cumulative through the current evaluation year, both State and Federal.
- Table 7 - AML program grant awards money and staffing at the end of current evaluation year.

G. Innovative State Actions

Emphasis will be placed on recognizing innovative State/Tribe approaches to managerial efficiency, problem resolution, and extraordinary/innovative achievements in reclamation practices.

H. Problem Resolution

A goal of OSM's oversight of State/Tribe AML programs is to identify and resolve any potential problems early. Action plans may be developed as needed to resolve identified issues or problems consistent with and/or parallel to OSM Directive REG-23. Working with States/Tribes during oversight to jointly resolve identified issues through meetings, interactive decision-making, or action plans as needed, will result in sound AML programs effectively administered as intended by SMCRA. OSM will report resolved problems and incremental improvements toward resolving such problems, as well as any significant new issues, in the State/Tribe specific annual AML evaluation reports.

I. Evaluation Files

The FO will maintain a public review file for oversight activities conducted in each evaluation year on an ongoing basis in accordance with Directive INF-1 (“evaluation file”). The evaluation file will be maintained independent of any administrative record (see Directive INF-2). It will be kept current and include all documents pertinent to the Evaluation Year regardless of the date of preparation or receipt of documents. In some cases, this may require that a document (e.g., a multi-year Performance Agreement/Evaluation Plan) be duplicated and placed in several evaluation files (a copy in each evaluation file to which the document pertains). The evaluation file for each Evaluation Year must contain the following items:

- National/regional AML oversight guidance and format documents, revisions, and clarifications thereof.
- The AML PA between OSM and the State/Tribe.
- A list of the AML site visits conducted referencing the AML project type and name.
- All final topic-specific oversight evaluation reports prepared for the Evaluation Year;
- Any data analyses/summaries used to prepare the findings in the Topic-specific reports and annual evaluation report.
- Actions plans developed or in effect during the evaluation year.
- OSM-State/Tribe meeting minutes and substantive correspondence concerning evaluation techniques, topics, schedules, and findings.
- The final annual evaluation report and all State/Tribe comments thereon.
- Public comments (unless confidentiality is requested), complaints, or observations pertaining to the PA, annual evaluation report or the evaluation process, and
- Summaries of public meetings held concerning the AML oversight process.

The evaluation file will not include the following items:

- Working papers.
- Raw unorganized data.
- Protected Privacy Act data;
- Confidential (e.g., attorney-client privileged) documents or other confidential information, or any other information legally protected from disclosure.
- Grant reports and related documents (although the file should include a note explaining where and how these documents may be reviewed), or
- Briefing papers.
- Draft reports

The evaluation file will be available on OSM’s website. The evaluation files will be physically available for public review during normal business hours in the same manner as administrative record files (see Directive INF-2). Single copies of the final annual evaluation report and final topic-specific oversight reports will be provided free of charge upon request. Requests for copies of other evaluation file documents may be processed in accordance with

Directive INF-3 (Freedom of Information Act procedures) if the FOD determines that the request imposes a significant burden on FO resources.

APPENDIX B

Annual Report

A. Reporting Requirements

The FOD will prepare an annual AML evaluation report for each State/Tribe within his or her area of responsibility. It can be combined with the Title V REG-8 report or prepared separately as appropriate for each State/Tribe. The target date for completion of a final report, including all changes as a result of comments from all parties is no later than 60 days after the end of the EY. The intent is to have reports finalized, so that information can be used for Congressional hearings routinely conducted in the early spring and to provide information to the OC for inclusion in OSM's Annual Report. The following is a suggested timetable:

1. The draft report should be forwarded to the State/Tribe within 30 days of the close of the evaluation year. (End of July)
2. The State/Tribe will be provided no less than a 15-day comment period and can be extended.
3. Within 10 days of receipt of the State/Tribe comments, the FOD should make any necessary revisions to the report. The State/Tribe comments and a summary of the FOD's disposition of those comments will be appended to the report.
4. If the FOD substantively revises the report, the State/Tribe will be allowed a brief time (5 days) to provide additional comments. Any comments submitted will be appended to the report in place of the comments provided earlier, unless the new comments incorporate the previous ones by reference.
5. Once the FOD determines that all changes resulting from State comments have been completed, the FOD will brief and consult with the RD on the final report. The FOD will then finalize the report, post a copy of the report on OSM's website (regional website) for public viewing, and notify interested parties, including the Director, RD, OC, and other OSM units of the availability of the reports on OSM's website (early-September). Hard copies will be made available upon request.
6. To promote dissemination of oversight information, the FOD will contact interested parties by email to notify them of the report posting on the website and/or provide electronic or paper copies of the report to States/Tribes and other parties who have requested a copy.

B. Format and Instructions

Unless additional tables and graphics are needed to illustrate and supplement the report findings, adherence to the format and instructions provided on the following pages is strongly encouraged and all tables (section C) must be completed as applicable. (Note: appropriate changes to dates in the text of the annual report and tables must be made to reflect the current evaluation year.) The annual AML evaluation report required under this Directive can be combined with the annual evaluation report on regulatory program activities required by Directive REG-8, "Oversight of State Regulatory Programs". **If the annual AML evaluation report is combined, reproduction of the cover page, table of contents is not necessary but the contents of the report should include the applicable information for the State/Tribe being evaluated from each of the sections in the format below:**

Cover Page

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Executive Summary

I. General

- a. Introduction
- b. Program Administration

II. Noteworthy Accomplishments

- a. Overall Performance

III. Utilization of OSM Technological Assistance

- a. National Technical Training Program (NTTP)
- b. Technical Innovation and Professional Services (TIPS)

IV. Public Participation and Outreach

- a. OSM
- b. State/Tribe

V. Results of Evaluation Year 20XX Reviews

- a. Topic-Specific Reviews
 - 1. Overall Reclamation Success
 - 2. AML Emergency Investigations and Abatement Efforts
 - 3. Acid Mine Drainage
 - 4. Water Supply Restoration
 - 5. AML Grant Fiscal and Administrative Reviews

6. e-AMLIS

VI. Tables

VII. Comments

Executive Summary

Instructions: Provide overall assessment of the evaluation cycle, progress made, improvement needed, special circumstances

I. General

a. Introduction

Instructions: Insert a general background on SMCRA and the State/Tribe Program.

List of acronyms:

- AMD Acid Mine Drainage
- AML Abandoned Mine Land
- ATP Authorization to Proceed
- e-AMLIS Abandoned Mine Land Inventory System
- FAM Federal Assistance Manual
- [add acronyms as applicable]

b. Program Administration

Instructions: Describe the overall assessment of the program. Discuss any progress or participation under special initiatives, if any. Mention any AML reclamation plan amendments that were approved or outstanding during the year.

This section of the report is to set forth the general impression of how the program works. Areas such as communication, training, staffing, and cooperation with OSM would be appropriately discussed here. Also use this section to discuss any special considerations or program abnormalities, such as heavy rains and flooding, shortened construction seasons, strikes, industry fluctuations, etc., that may have affected the program's success during the period. Provide an overall assessment of the progress made toward resolving issues both uncovered during this evaluation year and any outstanding from prior years.

II. Noteworthy Accomplishments

Instructions: Briefly summarize the State/Tribe overall performance in implementing its Abandoned mine lands program to meet the applicable purposes listed in section 102 of

SMCRA.

a. Overall Performance

Identify any significant accomplishments and innovations that may be of national or regional interest and place each in context. This description should include areas of the State/Tribe program that go beyond the minimum requirements and should include areas of the State/Tribe program where innovative approaches to solving problems have proven successful. Provide an overall summary of the success of the State/Tribe program and the State/Tribe and OSM's expectations for the program in the coming year as they relate to the accomplishments and innovations described above.

III. Utilization of OSM Technological Assistance

Instructions: To provide a context or characterization for the reader to understand the level of assistance that OSM has provided to the State/Tribe during the evaluation year, include:

- Specific technical assistance;
- Training;
- Management assistance;
- Financial (reference Table 8, Funds Granted to State/Tribe by OSM);
- Any other notable assistance provided, as well as the expected results; and
- A brief general statement about OSM's assistance role.

IV. Public Participation and Outreach

Instructions: To provide a context or characterization for the reader to understand the level of public involvement and the opportunities provided for public input by OSM and the State, prepare a brief narrative setting forth general information on public participation in OSM's oversight process and in the State/Tribe program. The term, "public," includes all stakeholders (i.e., citizenry at large, industry, other Federal, State, or local agencies, and environmental groups). The following are potential topics:

- Identify the OSM website and State/Tribe website (if available) where the public can find information relating to public comment, the State/Tribe PA, and other documentation;
- Identify the opportunities and information provided by OSM and the State/Tribe to the public to provide input into the AML oversight review process;
- Identify the State/Tribe efforts to solicit public input and allow the public to provide input into the project selection process;
- Identify public meetings held and quantify the amount of participation that occurred;
- Identify outreach efforts undertaken by OSM and the State/Tribe to inform and educate the public of AML program benefits;

- Characterize any significant involvement of environmental, industry and grassroots organizations;
- Identify any results or impacts to the effectiveness of the program that have occurred due to public participation;
- Identify any highly controversial areas or concerns that have arisen due to public involvement;
- Identify any precedent-setting legal issues decided during the period; and
- Briefly summarize any specific issues or successes identified through OSM evaluations conducted on the state or tribe implementation of the public participation aspects of the program.

V. Results of Evaluation Year 20XX Reviews

Instructions: Provide a short description of all program elements that OSM reviewed during the period. The description may include issues that were identified through means other than a formal oversight study topic. Include a statement on how and where to obtain individual topic-specific reports and information. Utilize photographs or data charts to better communicate findings to the reader.

a. Topic-Specific Reviews (examples)

1. Overall Reclamation Success

Instructions: Provide details on projects addressed during the evaluation year, information could include reclamation plan reviews – identification, prioritization and planning process, plan update, on-the-ground reclamation success, etc.

2. AML Emergency Investigations and Abatement Efforts

Instructions: Provide details on the emergency criteria and if it follows the State AML reclamation plan, if projects are completed as described in the AML Emergency Investigation report, etc.

3. Acid Mine Drainage

Instructions: Provide details on Acid Mine Drainage projects, if any.

4. Water supply Restoration

Instructions: Describe projects accomplished under the authority of SMCRA section 403(b).

5. AML Grant Fiscal and Administrative Reviews

Instructions: Provide details on the evaluation of grants fiscal and administrative controls within the [Insert State/Tribe] AML program focused on AML grant application and reporting procedures, grant money used for non-coal reclamation, etc.

Document how the following provisions of the Federal Assistance Manual were followed in OSM's evaluation of the State/Tribes fiscal and administrative controls:

PART 1 - Requirements for All OSM Assistance Agreements (applies to Certified and Uncertified Programs)

1-120-30B – Application requirements and specifically the program narrative

1-150-20 - What are our responsibilities for monitoring program performance?

1-150-30 - What will we do to monitor program performance?

6. e-AMLIS

Instructions: Provide details on the information the State entered into e-AMLIS and if it agrees with information in its files, procedures have been certified, approval from OSM was obtained, etc.

VI. Tables

Instructions: Complete the e-AMLIS tables in accordance with guidance provided below. The reporting period for all tables, is the evaluation year. If a table does not apply to a particular State/Tribe, enter an explanatory statement in lieu of the table. In these instances (e.g., certified programs), the substitution of an alternative table is encouraged, displaying data such as source of funds and program accomplishments.

Summary of Core Data to Characterize the Abandoned Mine Lands program

The following tables' present summary data pertinent to reclamation activities under the [State/Tribe] abandoned mine land program. Unless otherwise specified, the reporting period for the data contained in the tables is the evaluation year. Other data and information used by OSM in its evaluation of [State/Tribe] performance is available for review in the evaluation file maintained by [OSM Office].

Because of the enormous variations from State to State and Tribe to Tribe and the differences between State/Tribe programs, the summary data should not be used to compare one State/Tribe to another.

VII. Comments

Instructions: Append the comments on the annual evaluation report submitted by the State/Tribe after the title page followed by a discussion of how OSM addressed each of the comments.

Tables and Instructions for Completion of Specific Tables

Note: For the tables below, in order to get complete definitions of the Priorities, how they are inventoried, etc. refer to the AML-1 Manual.

Data collected from the e-AMLIS utilized to populate Tables 1-5 will be done via **pre-programmed scripts** created by OSM staff familiar with the database; eliminating confusion and providing mechanisms for data accuracy and consistency.

Tables 6-7 capture data that is routinely asked for and utilized for annual evaluation reports, the OSM Annual Report, etc. Offices should establish procedures to capture this data to populate these two tables.

Table 1 – (State/Tribe) Status of AML Inventory

This table will report the current status of the State/Tribe specific AML inventory. The table presents Government Performance and Results Act (GPRA) acres and costs data for all Priority 1, 2, and 3 AML features inventoried, funded, and completed through the end of the current evaluation year. Using GPRA acres and percentages, it details the historical progress the State/Tribe AML program has made to reclaim all identified AML features or hazards within its jurisdiction. Under the SMCRA 2006 Amendments, Priority 3 AML features may be routinely reclaimed when elevated in priority by a determination that the Priority 3 AML features are adjacent to Priority 1 or 2 AML features or being reclaimed in conjunction with Priority 1 or 2 AML features. This table will show the GPRA acres and costs data associated with all Priority 1, 2, and 3 AML features that were funded and abated. Official e-AMLIS data will be collected by the OSM offices preparing the annual evaluation report and used to populate this table through the current evaluation year.

Note:

Priority 1 hazards – represent protection of public health, safety, and property from extreme danger of adverse effects.

Priority 2 hazards – represent protection of public health and safety from adverse effects.

Priority 3 – represents restoration of land and water resources and the environment previously degraded by adverse effects.

Priority 3 AML features may be routinely reclaimed when elevated in priority by a determination that they are adjacent to Priority 1 or 2 AML features or being reclaimed in conjunction with Priority 1 or 2 AML features. E-AMLIS provides an automated approach to designating that a specific Priority 3 is adjacent.

State/Tribe)
STATUS OF AML INVENTORY
of all Priority 1, 2, and 3 Hazards
on June 30, 20xx

	High Priority		Elevated Priority 3	Stand-Alone Priority 3 (Not adjacent or in conjunction w/ P1&2)	Total
	Priority 1	Priority 2			
UNFUNDED					
GPRAs Acres			N/A		0
Dollars			N/A		0
FUNDED					
GPRAs Acres					0
Dollars					0
COMPLETED					
GPRAs Acres					0
Dollars					0

Percent of unfunded P1, P2 and adjacent P3 hazards (GPRAs acres) where no reclamation has taken place:

Percent of funded P1, P2 and adjacent P3 hazards (GPRAs acres) currently under reclamation:

Percent of completed P1, P2 and adjacent P3 hazards (GPRAs acres) reclaimed:

Table 2 – (State/Tribe) Accomplishments in Eliminating Health and Safety Hazards Related to Past Mining

This table will report State/Tribe accomplishments in eliminating public health and safety hazards related to past mining (reporting Priority 1 and 2 AML units and costs accomplishments by AML problem type) both during and cumulative through the current evaluation year. Official e-AMLIS data will be used to populate this table by problem type as of the end of the current evaluation year. Data is also provided for the Priority 1 and 2 AML units and costs remaining unreclaimed at the end of the period. Elevated Priority 3's will be filtered out by problem type of this table and not included in the calculations.

(State/Tribe)
Accomplishments in Eliminating Health and Safety Hazards Related to Past Mining
Priority 1 and 2 Hazards

(As of June 30, 20xx)

PROBLEM TYPE (keyword)																	
Clogged Stream (CS) (miles)	Clogged Stream Lands (CSL) (acres)	Dangerous Pile or Embankment (DPE)(acres)	Dangerous Highway (DH) (feet)	Dangerous Impoundment (DI) (count)	Dangerous Slide (DS) (acres)	Gases: Hazardous /Explosive (GHE) (count)	Hazardous Equip. /Facilities (HEF) (count)	Hazardous Water Body (HWB) (count)	Industrial/Residential Waste (IRW) (acres)	Portal (P) (count)	Polluted Water:Agri/Industrial (PWAI)(count)	Polluted Water: Human Consumption (PWHC)(count)	Subsidence (S) (acres)	Surface Burning (SB) (acres)	Underground Mine Fire (UMF) (acres)	Vertical Opening (VO) (count)	TOTAL
UNRECLAIMED/REMAINING HAZARDS (Unfunded)																	
Units																	N/A
GPRA Acres																	
Dollars																	0
ANNUAL RECLAMATION - EY20xx only (Completed)																	
Units																	N/A
GPRA Acres																	0
Dollars																	0
HISTORICAL RECLAMATION - EY1978 - 20xx (Completed)																	
Units																	N/A
GPRA Acres																	0
Dollars																	0

Table 3 – (State/Tribe) Accomplishments in Eliminating Environmental Problems Related to Past Mining

This table will report State/Tribe accomplishments in eliminating environmental problems related to past mining (reporting Priority 3 and SMCRA section 403(b) AML feature units and costs accomplishments by AML problem type) both during and cumulative through the current evaluation year. Official e-AMLIS data will be used to populate this table by problem type as of the end of the current evaluation year. Data are also provided for the Priority 3 and SMCRA section 403(b) AML units and costs remaining unreclaimed at the end of the period. All priority 3 problem types will be included in this table, including priority 3's that have been elevated to a Priority 1 or Priority 2 funding status.

(State/Tribe)
**Accomplishments in Eliminating Environmental Problems Related to Past Mining
Priority 3 and SMCRA section 403(b) Hazards**

(As of June 30, 20xx)

	PROBLEM TYPE (keyword)														
	Bench , Solid Bench, Fill Bench (BE) (acres)	Industrial/Residential Waste Dump (DP) (acres)	Equipment and Facilities (EF) (count)	Gob (GO) (acres)	Highwall (H) (feet)	Haul Road (HR) (acres)	Mine Opening (MO) (count)	Pit, Open Pit, Strip Pit (PI) (acres)	Spoil, Spoil Bank (SA) (acres)	Slurry (SL) (acres)	Slump (SP) (acres)	Water (WA) (gallons)	Other (specify)	Water Supplies (WS) – Section 403(b) (count)	TOTAL
UNRECLAIMED/REMAINING HAZARDS (Unfunded)															
Units															N/A
GPRA Acres															
Dollars															0
ANNUAL RECLAMATION - FY20xx only (Completed)															
Units															N/A
GPRA Acres															0
Dollars															0
HISTORICAL RECLAMATION - FY1978 - 20xx (Completed)															
Units															N/A
GPRA Acres															0
Dollars															0

Table 4 – (State/Tribe) Accomplishments in Public Well-Being Enhancement

This table will report State/Tribe accomplishments in enhancing the public well-being as a result of all Priority 1, 2, and 3 AML projects completed during the current evaluation year. The table details the number of people with reduced exposure potential to AML hazards from completed AML projects.

(State/Tribe)
Public Well-Being Enhancement
(All Priority 1, 2, and 3 AML projects completed during EY 20xx)

#	PAD Number	Project Name	Problem Type(s) Reclaimed	GPRA Acres	Cost	Number of People with Reduced Exposure Potential (State Estimated /or/ Census Data)
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
TOTAL				0	0	0

Table 5 – (State/Tribe) - Partnership Financial Resources Dedicated to Protecting the Public from Adverse Effects of Past Mining

This table will report State/Tribe accomplishments in financial resource partnering with other Federal, State, Tribal, agencies and/or public-private organizations to complete AML hazard abatement during the current Federal fiscal year. SMCRA is not the only statute that authorizes expenditure of public funds for reclamation and related public works projects that benefit coalfield citizens. Numerous other Federal, State/Tribe programs cooperate with State/Tribe AML programs. The last twenty years have also given rise to more sophisticated public-private partnerships that focus on improving the environment and natural resources. This table is intended to capture data related to cost-shared reclamation activity during the current Federal fiscal year and will report: 1) the number of projects completed through partnership agreements, 2) the number of active partnership/leveraging agreements, 3) the nature and amount of SMCRA funding, 4) the nature and amount of non-SMCRA funding leveraged, 5) in-kind contributions derived, and 6) resultant total project funding.

Note: In order to populate this table from e-AMLIS, OSM should encourage the State/Tribe to enter an “alternate funding source” into the e-AMLIS. Also, since many of these projects are unique in governance and funding mechanisms, completion of the “Comments” field is encouraged. See guidance on alternate funding sources in AML-1 Manual.

(State/Tribe)
Partnership Financial Resources Dedicated to Protecting the Public from
Adverse Effects of Past Mining
(AML projects completed during EY 20xx)

#	PAD Number	Project Name	SMCRA Program Funding Source	Total SMCRA funding	Alternate Non-SMCRA Funding Source	Total non-SMCRA Funding	In-Kind Services	Total Project Funding	Comments
1									
2									
3									
4									
5									
6									
7									
TOTAL				0		0	0	0	

Table 6 – (State/Tribe) – Reclamation Projects

This table reports State/Tribe accomplishments in the number of AML reclamation projects started and/or completed during the current evaluation year within the specific State/Tribe lands. (“Started” means that OSM has given authorization to proceed and the projects are ready to move into the construction phase or have already done so.) These data are not maintained in e-AMLIS. Therefore, the FO is responsible for tracking and compiling this data in cooperation with the respective State/Tribe.

**(State/Tribe)
Reclamation Projects Started and/or Completed
(AML projects started and/or completed during EY 20xx)**

Project Type	Projects started	Projects completed
State/Tribe (EY 20xx):		
Federal (EY 20xx):		
Total (EY 20xx):		

Table 7 – (State/Tribe) – AML Program Grant Awards and Staffing

This table will report State/Tribe AML program funding and staffing through the current evaluation year. The table will report grants awarded by OSM for AML program administration and construction as well as for specific purposes (i.e. water supply projects and AMD set-aside funding). The table will also report the number of personnel (translated to full-time equivalents) dedicated to the State/Tribe AML program, as of the close of the current evaluation fiscal year.

Note: Although reported under directive REG-8, these data are captured and reported under this AML annual report table to show the funding and staffing available for use by the State/Tribe to implement its AML program.

**(State/Tribe)
AML Program Grant Awards and Staffing
(During EY 20xx)**

AML Program Costs	
Administration	0
Construction	0
Water Supply Construction	0
AMD Set-Aside	0
Other(s) (Specify)	0
Total AML Funding	0
AML Program Staffing (full-time equivalents on June 30, 20xx):	0

APPENDIX C

OSM (20XX) Topic-specific Oversight Work Plan [State/Tribe]

Program Topic: Identify the oversight element to be evaluated and the basis for evaluation: initial, follow-up or cyclical.

Background: Provide the background for the evaluation, including, but not limited to, why this oversight element/function was selected for evaluation, when it was last evaluated, and what the findings were from previous evaluations.

Population/Sample: Identify the population that will be subject to evaluation, the sample that will be reviewed, and how the sample will be selected.

Review Scope and Methodology: Describe how the evaluation will be conducted. Including but not limited to what files will be reviewed, if site visitations will be conducted, the measurements that would be used to determine success or need for improvement, and statistics that will be gathered.

Reporting: Explain how the results of the review will be reported.

Schedule: Identify the major steps in the evaluation and report writing and the benchmarks for completion of these steps.

APPENDIX D

OSM (20XX) Topic-Specific Oversight Report [State/Tribe]

Program Topic: Identify the oversight element and the basis for review: initial, follow-up, or cyclical.

Executive Summary: Provide an executive summary explaining the review purpose, general findings, program implementation issues identified by the review, and corrective actions taken to resolve the same.

Review Dates: Provide the dates of the review, any field visits, and other contacts with the program.

Background: State the reasons for the review, including whether it was a follow up review or a first time review.

Review Scope and Methodology: Describe the population subject to the review, the actual sample reviewed and how the sample was chosen. Discuss also the statistics generated by the review, the specific data gathered and specific measures used to evaluate the program element.

Findings and Conclusions: Report the findings with specific examples to support these findings. Use statistics and discuss the specific measures to explain the degree to which the program element is being accomplished. Identify positive conclusions by describing the accomplishments of the program. Document and describe any issues and their causes, and describe any necessary plan to resolve these issues. Discuss the relative importance of these issues when considering the overall program.

Recommendations, Corrective Actions, Resolutions: Discuss any corrective actions necessary and provide a schedule for implementing these actions.

APPENDIX E

Principles of Excellence and Performance Measures

Following are six principles of excellence, which support the concept of excellence in reclamation, along with suggested performance measures, which could be used to determine the degree to which programs were meeting the principles. These are suggestions only, and are provided as examples of the type of questions the Field Office or Regional Office, as applicable, could use in a review. They are neither all inclusive nor mandatory for each review. They are representative of the questions that should be asked when addressing a particular principle. In addition to answering the question either “yes” or “no”, the evaluator should prepare a narrative to support and explain the answer and to describe the degree to which the program meets the principle.

Evaluation should be an ongoing process, which will bring overall improvement in the AML program. They are not to be done as evaluation year reviews, which expound upon problems in a program, but as a continual process that assists in strengthening future performance if needed.

1. Programs should be responsive to public concerns. The state or tribal AML program should effectively address public inquiries concerning the program and provide requested information. The public must be able to provide input into the project collection process. There also needs to be a demonstrated effort to inform and educate the public of the benefits of the AML program.

Possible performance measures:

- Does the program follow the plans process for including citizen input into reclamation project selection?
- Does the program properly implement interagency/intergovernmental coordination? It should be coordinating with all required and affected agencies (such as the U.S. Fish and Wildlife Service and the State Historic Preservation Office, as well as affected state and local entities) at the appropriate time in project design.
- Does the program provide requested information to the public in a timely manner?

2. Program states and Indian tribes must have approved reclamation plans, which meet the requirements of Federal laws and regulations and conduct reclamation in accordance with their plan. Included in this plan must be an identification, prioritization, and planning process. The plan should be updated timely to reflect changes in the law or regulations.

Possible Performance Measures:

- Does the current plan meet the requirements of SMCRA, the regulations and other applicable laws? If not, a schedule must be established and the plan changed.
 - Does the program autonomously recognize the need for change in the plan and take the necessary actions to change it on its own initiative?
 - Does the program comply with OSM Directive AML-1 (AML Inventory)? This measure focuses on whether the state/tribe provides OSM with updated of the Problem Area Description (PAD) in a timely, complete and cumulative manner. OSM should check the state/tribe's ongoing process for documenting priority determinations, for placing problem areas into the inventory and for submitting updated to show funding and accomplishments. There should be an ongoing review of both the state/tribe's implementation of the OSM Directive AML-1 guidelines and criteria, as well as the status of the inventory on a program-wide basis.
 - Does the program comply with its plan for project ranking and selection? This addresses whether the selection of projects by the state/tribe was in accordance with the plan, or if in variance, can be reasonably explained and justified.
 - Does the program follow the project planning requirements of the plan? This item looks at the project design process and the process for obtaining the necessary rights-of-entry. This category also includes the identification of liens on any property subject to the project construction.
 - Are the contracting procedures being followed? The contracts should accurately and unambiguously reflect the project goals and mitigation identified in the environmental documents and consultations/coordination with other agencies.
 - Does the state or tribe perform the AVS check on the successful bidder at the time of contract award?
3. On-the-ground reclamation is to be achieved in a timely, cost-effective manner. AML programs should have efficient and cost-effective reclamation technology and administration that provides long-term success. Reclamation should be conducted in a manner that results in a net benefit to society. When possible, reclamation should not only eliminate a hazard, but also create a beneficial use for the reclaimed area.

Possible Performance measures:

- Is construction completed on schedule (within the performance period)?

- Are the final costs of the project, as compared to the program's original estimates, appropriately documented and supported?
 - Are the projects completed in an environmentally sound manner and in compliance with all state and Federal statutory and regulatory requirements to minimize both short and long-term effects? Discuss measures to control sedimentation, water pollution, enhance wildlife or other natural resources values and in other areas. Did the state obtain all necessary permits in a timely manner, to include those pertaining to history preservation, wetlands preservation, restoration, and storm water discharge?
 - Does the state use construction techniques that lower cost and/or improve stability?
 - Is the degree to which the state/tribe monitors projects during construction appropriate?
 - Do completed projects meet the goal of the design?
 - Do projects frequently require unscheduled maintenance (thereby indicating a possible need to rethink designs)?
 - Is there an effective procedure for post-project reviews to evaluate the long-term success of project designs? Is the procedure being implemented? Are adequate post-project reviews being conducted? Are the reviews being adequately analyzed on a program basis, and are the results/recommendations of the analysis being used to improve long-term success of project designs?
4. Programs should have systems in place to ensure accountability and responsibility for spending AML funds and a process to assure that such systems are working. Programs should develop and maintain internal controls to ensure that proper procedures for grants and other activities are properly followed. These systems should include, but not be limited to, accounting records, contracting and procurement records, payroll records, inventory records and project records.

Possible Performance measures:

- Are AML monies distributed to their state/tribe obligated quickly (i.e., is the unobligated balance growing, shrinking, or stable)?
- Are drawdowns and disbursements of monies and accounting of receipt/disposition of program income accomplished in accordance with requirements for Federal funds?
- Are financial progress and closeout reports submitted timely?

- Are procedures for procurement, management, and disposal of property and/or services followed?
 - Do the internal control systems work? Are there indications that the program has detected and corrected problems on its own initiative?
 - Are audits conducted by states/tribes in accordance with the Federal Single Audit Act of 1984, are they up to date with audit resolution?
5. Information on AML Program operations and accomplishments should be gathered and maintained in an effective manner. Programs should have records, which reflect all aspects of the program, and a well-designed, organized system to maintain these records. There should be trained staff familiar with these systems in order to provide information quickly and accurately. This information should be readily available to OSM.

Possible performance measure:

- Does the program maintain a data management system to provide an organized method of determining and updating informational needs of management, with the ability to process data in an efficient manner?
6. Emergency complaints should be addressed timely and effectively, and ensure compliance with the emergency guidelines outlined in OSM Directive GMT-10 and the approved State Emergency Program Procedures. Only that action necessary to abate the emergency should be taken under the emergency program.

Possible Performance measures:

- Are complaints investigated promptly?
- Do emergency recommendations meet the emergency criteria?
- Are the emergencies promptly abated?
- Are the emergency funds being used for only the emergency abatement?
- Is the remaining problem, if any, listed on the inventory?