

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT



OKLAHOMA

Annual Evaluation Report

Regulatory and Abandoned Mine Land Reclamation Programs

Evaluation Year 1997

(October 1, 1996 through September 30, 1997)

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I. Introduction

The Surface Mining Control and Reclamation Act of 1977 created the Office of Surface Mining in the Department of the Interior. SMCRA provides authority to OSM to oversee the implementation of and provide Federal funding for State regulatory programs that have been approved by OSM as meeting the minimum standards specified by SMCRA. This report contains summary information regarding the Oklahoma program and the effectiveness of the Oklahoma program in meeting the applicable purposes of SMCRA as specified in Section 102. The evaluation period covered by this report is October 1, 1996, to September 30, 1997.

OSM continued to implement the new oversight policy initiated in the 1996 evaluation year. The primary focus of the new policy is an on-the-ground results-oriented strategy that evaluates the end result of State program implementation, i.e., the success of the State programs in ensuring that areas off the minesite are protected from impacts during mining, and that areas on the minesite are contemporaneously and successfully reclaimed after mining activities are completed. The new policy emphasizes a shared commitment between OSM and the States to ensure the success of SMCRA through the development and implementation of a performance agreement. Also, the new policy continued to encourage public participation as part of the revised oversight strategy. Besides the primary focus of evaluating end results, the oversight guidance makes clear OSM's responsibility to conduct inspections to monitor the State's effectiveness in ensuring compliance with SMCRA's environmental protection standards.

Oversight is a continuous and ongoing process. To further the idea of continuous oversight, this annual report is structured to report on OSM's and Oklahoma's progress in conducting evaluations and completing oversight activities, and on their accomplishments at the end of the evaluation period. Detailed background information and comprehensive reports for the program elements evaluated during the period are available for review and copying at the Office of Surface Mining, Tulsa Field Office, 5100 E. Skelly Drive, Suite 470, Tulsa, Oklahoma 74135-6547.

The following acronyms are used in this report:

AEA	Alternative Enforcement Action
AMD	Acid Mine Drainage
AMLR	Abandoned Mine Land Reclamation Program
AVS	Applicant Violator System
COE	U.S. Army Corps of Engineers
EY	Evaluation Year
FTACO	Failure-to-Abate Cessation Order
IHCO	Imminent Harm Cessation Order
MCRCC	Mid-Continent Regional Coordinating Center

NOV	Notice of Violation
OCC	Oklahoma Conservation Commission
ODM	Oklahoma Department of Mines
OSM	Office of Surface Mining
PCA	Pittsburg County Mineral and Surface Owners Association
SMCRA	Surface Mining Control and Reclamation Act of 1977
SPATS	State Program Amendment Processing System
TFO	Tulsa Field Office
733 Action	November 12, 1993, 30 CFR 733 Letter to Governor of Oklahoma

II. Overview of Coal Mining Industry

The coal-bearing strata in Oklahoma underly approximately 21 percent of the State occurring in the eastern half. The coal is bituminous and is Middle and Late Pennsylvanian in age. The demonstrated coal reserves are 1.6 million tons, or 0.3 percent of the total U.S. coal reserves. About 8,000 square miles in Oklahoma have coal-bearing strata that are considered to be of commercial value with seams ranging from 10 inches to 5 feet thick.

Coal production for calendar year 1996 was 1.7 million tons. Thirteen permits produced coal during EY 1997. One of the 13 producing permits was an underground mine; the remaining 12 were area surface mines. Oklahoma had 89 permits that included 39,814 acres at the end of the evaluation period. ODM employs 31 people to administer the approved regulatory program.

III. Overview of Public Participation in the Program

A. Public Participation in OSM's Oversight

As part of OSM's public outreach efforts for EY 1997, letters were mailed to known interested parties soliciting comments on oversight of ODM's implementation of its approved program. Comments received were similar to the responses to TFO's public outreach efforts the previous year. The Pittsburg County Mineral and Surface Owners Association was still active in providing comments on ODM's implementation of its approved program as well as OSM's oversight. The major concerns expressed by the public were that:

1. The 733 action, which has one issue remaining to be resolved, was too narrowly defined, and OSM accepted corrective action that was not adequate to resolve the issues.

2. There is a continuing appearance of conflict-of-interests of some members of the Oklahoma Mining Commission with the Oklahoma coal industry.
3. AOC has not been achieved on a number of Oklahoma mines. As a result of a citizen's complaint in 1994, TFO issued an NOV and CO for failure to meet AOC. The action was appealed, which was still undecided at the end of EY 1997. This has delayed the correction of the violation. [note: During the first quarter of EY 1998, the appeal was rejected, which allows OSM's enforcement actions to stand.]
4. The bond to cover long-term treatment of AMD on one permit is inadequate.

OSM's Regional Director for MCRCC met with citizens and industry to discuss their concerns. OSM also held a public scoping meeting in Poteau, Oklahoma, to solicit public input concerning a controversial permit application proposing to mine Federal coal on Cavanal Hill. To many residents of Poteau, the view of Cavanal Hill is an important component to the overall quality of life in their community. It is considered an important landmark and scenic tourist attraction. The mine application proposed mining in a Visual Resource Management Area with part of the disturbance visible from Poteau. Approximately 165 people attended the meeting. The full range of concerns were expressed at the meeting and in the written comments received. Citizens were particularly concerned about visual impacts, devaluation of property, the potential impact on health from increased dust and noise levels, the potential for blasting damage, problems associated with increased truck traffic, adverse impacts to water resources, and the compliance record of the applicant. In an attempt to address the concerns on visual impacts, the permit application's revegetation plan was modified to include trees and shrubs on some of the more visually sensitive areas.

B. Public Participation in the State Program

ODM allows public input into the State program through several avenues. Citizens may comment on permit applications and amendments to the State program, and citizens may file complaints on mining operations. Citizens may participate in the various conferences and hearings that are part of the permitting and enforcement processes. ODM held a public information meeting in Poteau, Oklahoma, to give interested members of the public a chance to ask ODM permit reviewers specific questions on the then pending Federal permit application on Cavanal Hill.

IV. Major Accomplishments/Issues/Innovations

A. Regulatory Program

1. 733 Action

On November 12, 1993, under 30 CFR 733, OSM sent a letter to the Governor of Oklahoma stating that 8 issues with the implementation of Oklahoma's regulatory program must be corrected. At the beginning of EY 1997, one issue, Reclamation and Bonding Failure, had not been completely resolved. During EY 1997, OSM and ODM worked together to identify all sites in the State where reclamation performance bonds have proved to be inadequate to complete reclamation and where AEA's should be used to secure additional funds. The Department of the Interior's Solicitor's Office assisted TFO in helping ODM's Legal Division prepare for filing its initial AEA cases. ODM and OSM also worked together to ensure that the reclamation, which was being done either through bond forfeiture or in lieu of bond forfeiture, complied with the Oklahoma program.

2. Other Regulatory Program Oversight Activities

OSM addressed problems of national/regional interest during the evaluation period. The issues involved:

- Ensuring bond amounts are adequate for sites where long term continuous treatment of AMD is required to meet effluent limitation requirements.
- Coordination between ODM, EPA, and OSM on Spill Prevention Control and Countermeasure Plans for the State's coal mine operations.
- The use of final pit impoundments and the resulting changes in AOC.

With respect to final pit impoundments and AOC, the concern was focused on an approved permit application package for a Federal permit, which allowed the creation of large permanent final pit impoundments that would result in a significant change in elevation and slope of an area that had been a gently sloping pasture prior to mining. DOI's Assistant Secretary for Land Management conditioned the mine plan approval with a requirement for OSM, in cooperation with ODM, to conduct a review to determine

whether AOC and postmining land use provisions contained in the permit application package were consistent with the Oklahoma regulatory program. If the review determined that mining plan modifications/permit revisions were necessary, the operator would work with ODM and OSM to revise the permit application package to address the AOC and postmining land use concerns.

In response to the permit condition, OSM assembled a team composed of members from ODM, OSM's MCRCC and TFO. The team concluded ODM followed its program in approving the AOC and land-use provisions for the permit. However, the team recommended that ODM develop policies that direct the decision-making on future permits where large final pit impoundments were requested. In response to the team findings, ODM required the permit to be revised to provide for ramps to allow better access to the water. ODM also developed policies on slopes for pasture postmining land use, justifications for developed water resources in relation to final pit impoundments, and information needs for high value fish and wildlife habitats. The process worked well to enhance communication between OSM and ODM, to identify common concerns, and to provide each agency with new perspective on the issue of AOC and final pit impoundments.

B. Program Amendments

ODM submitted three State Program Amendments during EY 1996 for which processing continued in EY 1997:

ODM proposed a revision to Oklahoma's rules to add a new permit provision to address employee protection from discrimination after the employee reported illegal activity or requested an inspection (SPATS No. OK-017-FOR). At the end of EY 1997, OSM was waiting for comments from Federal solicitors. [note: During the first quarter of EY 1998, OSM sent ODM an issue letter on the amendment. ODM subsequently withdrew the amendment.]

ODM reinstated rules for coal extraction incidental to government financed highways or other construction that had been accidentally deleted by the Oklahoma Legislature during recodification (SPATS No. OK-018-FOR). This amendment was approved.

ODM proposed revisions and additions to its rules regarding compensation for material damage resulting from subsidence caused by underground coal mining operations and the replacement of water supplies adversely impacted by

underground coal mining operations (SPATS No. OK-019-FOR). This amendment was approved.

During EY 1997, ODM submitted on its own initiative a State Program Amendment proposing normal husbandry practices that could be performed without restarting the 5 year liability period for revegetation success (SPATS No. OK-022-FOR). The amendment was being processed by OSM's MCRCC but had not been approved at the end of EY 1997.

At the end of the evaluation period, ODM was continuing to work to satisfy the requirements addressing revegetation diversity that were made a part of OSM's approval of a previous amendment (SPATS No. OK-012-FOR).

C. Abandoned Mine Land Reclamation Program

The Oklahoma Conservation Commission is the State Regulatory Authority for the AMLR program. It is operating with an annual grant of \$1.5 million and full-time staff of 6. Part-time field staff are utilized when necessary for engineering surveys and construction inspectors. Project selection has been based on a system of protection of health, safety and general welfare, and property from extreme danger of adverse effects of coal mining practices. Selection of projects for construction complied with Section 403 of SMCRA and the approved AMLR program.

In EY 1997, OCC's projects were those that were funded through its annual construction appropriation plus carry-over of construction projects started in previous years. Projects included reclaiming water-filled coal mine strip pits classified as priority 2 as allowed in the approved AMLR program. The selected projects have usually been located near roads and facilities where the general public has been affected. Where possible, the pits have been filled in and the highwalls reclaimed to eliminate the hazard. OCC has placed emphasis on closure of open portals and mine shafts and treatment of subsided areas. In all cases, OCC involved the general public and local citizens in project selection. No citizen complaints were received.

OCC followed standard construction practices using State contracting procedures. OCC has been using AVS to check on all contractors to ensure that active coal miners with outstanding violations were not awarded AML contracts. On-the-ground inspection of the completed projects indicated OCC completed projects appropriately and on time. Citizens have indicated satisfaction with completed projects and program implementation.

During EY 1997, OCC completed 6 reclamation projects on 141 acres reclaiming 10,100 linear feet of highwall, 100 acres of spoil piles, closed 18 vertical openings,

16 portals, and 5 hazardous water bodies. Since program approval OCC has reclaimed 2,868 acres.

V. Success in Achieving the Purposes of SMCRA

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

A. Off-site Impacts

Using both State and Federal inspections, 29 off-site impacts were observed from 1,104 opportunities for observations. An observation is defined as an inspection, either State or Federal, partial or complete. When a Federal observation led to a State observation, or the inspections were conducted jointly, the observation was counted only once. No types of sites were excluded from observation. An off-site impact is a violation of the State program outside areas permitted to be disturbed.

Twenty of the 29 off-site impacts identified were hydrologic impacts; 14 of these were minor, 4 were moderate, and 2 were major. Five observed impacts were impacts to land; 3 of these were minor, 1 was moderate, and 1 was major. Three observations were impacts to people; 2 were minor and 1 was major. The remaining observation identified a minor impact to a structure.

Twenty-nine impacts from 1,104 observations is a very small ratio. Further, of the 29 off-site impacts that were observed, only 3 were major impacts and only 5 were moderate impacts. The remaining 21 impacts were minor. The conclusion is that ODM and the mining industry in Oklahoma have ensured that coal mining and reclamation operations in Oklahoma have been designed and implemented so that, for the most part, they prevent adverse impacts to areas outside what has been permitted to be disturbed. The goal for EY 1998 is for the agencies and companies to work together, especially in relation to protecting the hydrologic system, to further reduce the off-site impacts (See Table 4).

B. Reclamation Success

OSM is evaluating reclamation success by comparing the number of acres released with acres disturbed. At Phase I bond release AOC has been achieved, and usually topsoil or approved alternative has been replaced on disturbed areas. At Phase II

bond release surface stability has been achieved and vegetation established. Phase III bond release is the final step in reclamation performance bond release, with implementation of the post-mining land use, return of vegetation productivity and restoration of surface- and ground-water hydrology.

At the end of EY 1996, 22,304 acres had been disturbed, and an additional 2,980 acres were disturbed during EY 1997. During EY 1997, 3,275.5 acres were approved for Phase I bond release (1,540.1 acres were undisturbed), 493.2 acres approved for Phase II bond release (296 acres were undisturbed), and 7,491.83 acres were approved for Phase III bond release (1,555.3 acres were undisturbed).

OSM participates with ODM on most bond release inspections. Based on oversight and bond release inspections, OSM concluded that ODM was successful in EY 1997 in implementing its program so that reclamation success was assured on reclaimed lands where bonds have been released (See Table 5).

ODM and OSM worked together to refine the processes for ensuring that bonds were forfeited on abandoned sites, that violations were corrected, and the reclamation plans were completed. ODM completed reclamation on 147 acres through contracts using forfeited bonds or through bonding companies completing the work in lieu of bond forfeiture; 12,341 acres remain to be reclaimed (See Table 6).

VI. OSM Assistance

OSM provided ODM with TIPS training to allow more effective implementation of the approved program. At ODM's request, OSM arranged for training in contour/steep slope mining techniques. The request was in anticipation of the issuance of a Federal permit that proposed to mine in steeper than the usual slopes encountered on Oklahoma coal mines as well as the State's first head-of-hollow fill. OSM also provided training in surface water modeling, wetland evaluation techniques, blasting, erosion and sediment control, and reclamation performance bonding.

The State requested and OSM provided assistance in:

- Recalculating reclamation bond liability for some of the permits of the State's largest coal operator. The operator had expressed concerns that certain elements in its reclamation costs estimates did not accurately reflect the real cost of third party reclamation.
- Evaluating reclamation performance bonding instruments relative to the use of certificates of deposit.

- Using field amendments to delete areas affected by oil field disturbance. The issue arose from industry concerns that ODM's method of using permit revisions to delete from permits areas disturbed by oil field development was too cumbersome and costly.
- Developing improved guidelines to follow when preparing plans and specifications for bond forfeiture work.
- Providing ODM with excess computer hardware and software and technical advice to set up a local area network at its Oklahoma City office.

OSM with assistance from Federal Solicitors worked with ODM to resolve the remaining issue of the 733 action.

Through Administrative and Enforcement and Cooperative Agreement grants, OSM provided ODM with 52 percent of its operating costs for administration of its regulatory program, and through AML Administration and Construction grants, 100 percent of funds for its AMLR program.

VII. General Oversight Topic Reviews

Reports and other documents concerning topics reviewed during the evaluation period are available at OSM's Tulsa Field Office located at 5100 E. Skelly Drive, Suite 470, Tulsa, Oklahoma 74135-6547.

The following topics were evaluated in EY 1997:

Mine-site Evaluation: During EY 1997, TFO conducted 27 complete inspections, 28 bond release inspections, and 23 other inspections for a total of 78 inspections of Oklahoma mines. As a result of the oversight inspections, TFO sent 9 TDN's to ODM alleging 19 violations. On two violations, where TFO had determined that ODM's response was inappropriate, OSM issued a Federal NOV on one and a Federal IHCO on the other. On the remaining 17 violations, ODM either took action to cause the violation to be corrected or found that the operator had corrected the violations before ODM's inspection.

Reclamation and Bonding: This was Issue 5 from the 733 action, which had been unresolved at the beginning of the evaluation period. The review was designed to monitor ODM's implementation of ODM/OSM joint team recommendations for resolution of the issue. The resolution was extended to December 31, 1996. By letter dated July 3, 1997, OSM informed the Governor of Oklahoma that Issue 5 was still not resolved, and extended the time for resolution to November 15, 1997. Included in the notification were

17 specific actions ODM must accomplish in order to resolve the 733 action. Each action included a specific date for accomplishment.

Permitting -- Hydrologic Structures: As a follow-up to last year's review, OSM evaluated hydrologic structures in one recently approved permit. That review did not identify any issues. The conclusion is that ODM has approved designs of sedimentation ponds and diversions according to the approved State program.

Reclamation Performance Bonding Instruments: Based on document reviews and meetings with ODM, OSM was concerned that the collectability of reclamation performance bonds might be impaired by irregularities in bonding instruments and record keeping.

Restarting Revegetation Liability Periods: OSM's review of State inspection and bond release documents revealed that ODM has not always followed its approved program in restarting revegetation liability periods when augmentation occurred. At the end of the evaluation period, OSM was still working with ODM toward resolution of the issue.

Bonding for AMD site: During EY 1996, the Supreme Court of the State of Oklahoma determined that the appealing mining company was responsible for meeting pH effluent limits of surface discharges from its permit. OSM became concerned that ODM had not required the company to post an adequate bond or otherwise submit and obtain approval for a plan that ensures continued adequate treatment of AMD. ODM agreed to require a plan for providing adequate bond or otherwise ensure adequate treatment of the AMD if bond forfeiture occurred.

ODM's Policy of Not Issuing Enforcement Actions, Including FTACO's, on Revoked Permits: OSM is concerned that ODM's policy of not issuing enforcement actions on revoked permits is contrary to the requirements of the Oklahoma approved program and will interfere with its ability to effectively pursue AEA's. TFO has obtained the assistance of the Department of the Interior Solicitors to provide guidance in working with ODM to reach a solution. ODM has agreed to develop a revised policy document.

Extension of abatement periods for correcting violations: OSM initiated a follow up review designed to determine whether ODM is complying with its approved program when granting permittees extensions for the completion of abatement work required by State issued enforcement actions. The review will be completed during EY 1998.

Conflicts-of-interest: OSM continued a review of possible conflicts-of-interest of the members of the Oklahoma Mining Commission. The review was initiated during the previous evaluation year due to citizen's concerns and will continue during EY 1998.

Appendix A: Tabular Summaries of Data

These tables present data pertinent to mining operations and State and Federal regulatory activities within Oklahoma. They also summarize funding provided by OSM and Oklahoma staffing. Unless otherwise specified, the reporting period for the data contained in all tables is October 1, 1996 to September 30, 1997. Additional data used by OSM in its evaluation of Oklahoma's performance is available for review in the evaluation files maintained by the Tulsa OSM Office.

TABLE 1

Period	Surface mines	Underground mines	Total
Coal production^A for entire State:			
Calendar Year			
1995	1.82	0.07	1.89
1996	1.71	0.14	1.84
1997 ^B (01/01/97 - 06/30/97)	0.90	0.15	1.05

^A Coal production as reported in this table is the gross tonnage which includes coal that is sold, used or transferred as reported to OSM by each mining company on form OSM-1 line 8(a). Gross tonnage does not provide for a moisture reduction. OSM verifies tonnage reported through routine auditing of mining companies. This production may vary from that reported by States or other sources due to varying methods of determining and reporting coal production.

^B Indicate period if other than a full calendar year.

TABLE 2

INSPECTABLE UNITS (As of September 30, 1997)												
Coal mines and related facilities	Active or temporarily inactive		Inactive		Abandoned		Totals		Insp. Unit ^D	Permitted acreage ^A (hundreds of acres)		
	IP	PP	Phase II bond release		IP	PP	IP	PP		IP	PP	Total
			IP	PP								
STATE and PRIVATE LANDS REGULATORY AUTHORITY: STATE												
Surface mines	0	43	0	12	6	22	6	77		14	321	335
Underground mines	0	1	0	0	0	0	0	1		0	0	0
Other facilities	0	1	0	0	0	0	0	1		1	0	1
Subtotals	0	45	0	12	6	22	6	79	0	15	321	336
FEDERAL LANDS REGULATORY AUTHORITY: STATE												
Surface mines	0	9	0	0	0	1	0	10		0	54	54
Underground mines	0	0	0	0	0	0	0	0		0	2	2
Other facilities	0	0	0	0	0	0	0	0		0	0	0
Subtotals	0	9	0	0	0	1	0	10	0	0	56	56
ALL LANDS ^B												
Surface mines	0	52	0	12	6	23	6	87	0	14	375	389
Underground mines	0	1	0	0	0	0	0	1	0	0	2	2
Other facilities	0	1	0	0	0	0	0	1	0	1	0	1
Totals	0	54	0	12	6	23	6	89	0	15	377	392
Average number of permits per inspectable unit (excluding exploration sites)												
Average number of acres per inspectable unit (excluding exploration sites)												
Number of exploration permits on State and private lands: . _____ On Federal lands: _____ ^C												
Number of exploration notices on State and private lands: . . _____ On Federal lands: _____ ^C												
^{IP} : Initial regulatory program sites. ^{PP} : Permanent regulatory program sites. ^A When a unit is located on more than one type of land, includes only the acreage located on the indicated type of land. ^B Numbers of units may not equal the sum of the three preceding categories because a single inspectable unit may include lands in more than one of the preceding categories. ^C Includes only exploration activities regulated by the State pursuant to a cooperative agreement with OSM or by OSM pursuant to a Federal lands program. Excludes exploration regulated by the Bureau of Land Management. ^D Inspectable Units includes multiple permits that have been grouped together as one unit for inspection frequency purposes by some State programs.												

TABLE 3

STATE PERMITTING ACTIVITY
(As of September 30, 1997)

Type of application	Surface mines			Underground mines			Other facilities			Totals		
	App. Rec.	Issued	Acres	App. Rec.	Issued	Acres ^A	App. Rec.	Issued	Acres	App. Rec.	Issued	Acres
New permits	5	4	3,937.4	0	0	0	0	0	0	5	4	3,937.4
Renewals	1	1	984.5	0	0	0	0	0	0	1	1	984.5
Incidental boundary revisions	3	1	51.0							3	1	51.0
Revisions (exclusive of incidental boundary revisions)	49	44								49	44	0.0
Transfers, sales and assignments of permit rights	6	5	2,442.9	0	0	0	0	0	0	6	5	2,442.9
Small operator assistance	0	0	0.0	0	0	0	0	0	0	0	0	0.0
Exploration permits										0	0	0.0
Exploration notices ^B										0	0	0.0
Totals	59	51	3,478.4	0	0	0	0	0	0	59	51	3,478.4

OPTIONAL - Number of midterm permit reviews completed that are not reported as revisions 0

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

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

TABLE 3A

STATE OF OKLAHOMA - INSPECTION ACTIVITY October 1, 1996 through September 30, 1997		
NUMBER OF INSPECTIONS CONDUCTED ON INSPECTABLE UNITS		
INSPECTABLE UNITS	PARTIAL	COMPLETE
ACTIVE	396	194
INACTIVE	2	7
ABANDONED	**258	**138
IN-RECLAMATION	36	73
EXPLORATION	0	0
TOTAL	692	412

** Bond forfeiture inspections are included in abandoned category.

TABLE 4

OFFSITE IMPACTS														
RESOURCES AFFECTED		People			Land			Water			Structures			
DEGREE OF IMPACT		Total	Min	Mod	Maj	Min	Mod	Maj	Min	Mod	Maj	Min	Mod	Maj
TYPE OF IMPACT AND TOTAL NUMBER OF EACH TYPE	Blasting	0												
	Land Stability	3			1	2								
	Hydrology	22	1				1		13	4	2	1		
	Encroachment	3	1			1		1						
	Other	1							1					
	Total	29	2	0	1	3	1	1	14	4	2	1	0	0
Total number of permits or mine sites with observed off-site impacts: Permits 14 Mines 14 Total number of permits or mine sites evaluated: Permits 114 Mines 114 Total number of observations made to evaluate mine sites of permits for off-site impacts: 1,104														

TABLE 5

ANNUAL STATE MINING AND RECLAMATION RESULTS		
Bond release phase	Applicable performance standard	Acreage released during this evaluation period
Phase I	<ul style="list-style-type: none"> ● Approximate original contour restored ● Topsoil or approved alternative replaced 	3,275.50
Phase II	<ul style="list-style-type: none"> ● Surface stability ● Establishment of vegetation 	493.20
Phase III	<ul style="list-style-type: none"> ● Post-mining land use/productivity restored ● Successful permanent vegetation ● Groundwater recharge, quality and quantity restored ● Surface water quality and quantity restored 	7,491.83
	Disturbed Acreage Status^A	Acres
	Total number of disturbed acres at end of last review period	34,785.51
	Total number of acres disturbed during this evaluation year	2,886.60
	Number of acres disturbed during this evaluation year that are considered re-mining	Not Available
^A Bonded acres in this category are those that have not received a Phase III or other final bond release (State maintains jurisdiction).		

TABLE 6

STATE BOND FORFEITURE ACTIVITY (Permanent Program Permits)			
	Sites	Dollars	Acres
Bonds forfeited as of September 30, 1996 ^A	87.0	\$19,691,296.00	35,250.0
Bonds forfeited during EY 97	0.0	\$0.00	0.0
Forfeited bonds collected as October 1, 1997 ^A	0.0	\$0.00	0.0
Forfeited bonds collected during EY 1997	0.0	\$0.00	0.0
Forfeiture sites reclaimed during EY 1997	1.0	\$129,269.00 ^B	147.3
Forfeiture sites repermited during EY 1997	0.0	\$0.00	0.0
Forfeiture sites unreclaimed as of October 1, 1997	36.0	NA	12,341.0
Excess reclamation costs recovered from permittee	0.0	\$0.00	0.0
Excess forfeiture proceeds returned to permittee	0.0	\$0.00	0.0
^A Includes data only for those forfeiture sites not fully reclaimed as of this date. ^B Cost of reclamation, excluding general administrative expenses.			

TABLE 7

OKLAHOMA STAFFING (Full-time equivalents at end of evaluation year)	
Function	EY 1997
Regulatory program	
Permit review	4.8
Inspection	11.8
Other (administrative, fiscal, personnel, etc.)	14.2
Sub-total	30.8
AML Program	6.0
TOTAL	36.8

TABLE 8

FUNDS GRANTED TO OKLAHOMA BY OSM (Millions of dollars)			
Type of grant		Federal funds awarded	Federal funding as a percentage of total program costs
Regulatory	Administration and enforcement	\$0.84	50%
	Small operator assistance	\$0.00	100%
Regulatory Totals		\$0.84	
AMLR	Administration and construction	\$1.50	100%
AMLR Total		\$1.50	
Total Regulatory and AMLR		\$2.34	

Appendix B: State Comments on Report



JAMES HAMM
DIRECTOR

FRANK KEATING
GOVERNOR

STATE OF OKLAHOMA
DEPARTMENT OF MINES

January 15, 1998

Michael C. Wolfrom, Director
Tulsa Field Office
Office of Surface Mining
5100 East Skelly Drive, Suite 470
Tulsa, OK 74135-6547

Dear Mr. Wolfrom:

We have completed our review of OSM's draft 1997 Annual Evaluation Report for Oklahoma. Through discussion with you and/or your staff, I believe that two comments ODM had have been resolved: (1) Page 5, Paragraph 1, Line 3 - removal of the phrase "without adequate justification", and (2) Page 5, Paragraph 4, Line 6 - changing the last sentence to end with the words "withdrew the amendment."

It appears that OSM may need to make some change(s) to Page 11, Paragraph 5 due to the status of the program amendment identified on Page 5, Paragraph 4 as SPATS No. OK-017-FOR.

Also, attached is a corrected copy of Table 6 (State Bond Forfeiture Activity). The first item, "Bonds forfeited as of September 30, 1996", previously showed 189 sites. This number is actually the total of individual bond instruments which were forfeited. The corrected table shows the correct number of sites forfeited as of 9/30/96, which is 87.

We appreciate the opportunity to comment on our annual evaluation. Please let me know if you have any questions.

Sincerely,

Maryann Hitchard
for James Hamm
Director

Enclosure

OFFICE OF SURFACE MINING
TULSA FIELD OFFICE
98 JAN 20 11 08 AM '98

TABLE 6

STATE BOND FORFEITURE ACTIVITY (Permanent Program Permits)			
	Sites	Dollars	Acres
Bonds forfeited as of September 30, 1996 ^A	87	19691296.00	35,250.0
Bonds forfeited during EY 97	0.0	0.00	0.0
Forfeited bonds collected as October 1, 1997 ^A	0.0	0.00	0.0
Forfeited bonds collected during EY 1997			
Forfeiture sites reclaimed during EY 1997	1.0	129269.00 ^B	147.3
Forfeiture sites repermited during EY 1997	0.0	0.00	0.0
Forfeiture sites unreclaimed as of October 1, 1997	36.0		12,341.0
Excess reclamation costs recovered from permittee	0.0	0.00	0.0
Excess forfeiture proceeds returned to permittee	0.0	0.00	0.0
^A Includes data only for those forfeiture sites not fully reclaimed as of this date. ^B Cost of reclamation, excluding general administrative expenses.			

TELEPHONE CONVERSATION RECORD

DATE: 1/20/98

FROM : Mike Sharp
Abandoned Mine Land Program
Oklahoma Conservation Commission

TO : Ken Haynes
AML Program Specialist
Tulsa Field Office

SUBJECT: Oklahoma Annual Oversight Report

The Tulsa Field Office sent the Oklahoma Conservation Commission a copy of the 1997 report on December 24, 1997, requesting comments on the AML portion of the report. Mike Sharp reported that the OCC had reviewed the report and had no comments.

Ken Haynes