

Office of Surface Mining

Annual Evaluation Summary Report

for the

Regulatory and Abandoned Mined Land Programs

Administered by the Division of Soil Conservation

of

IOWA

for

Evaluation Year 1999

(October 1, 1998, to September 30, 1999)

November 1999

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# 1999 IOWA ANNUAL EVALUATION REPORT

## I. Introduction

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) created the Office of Surface Mining (OSM) in the Department of the Interior. SMCRA provides authority to OSM to oversee the regulation 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 Iowa Division of Soil Conservation (IDSC) and the effectiveness of the Iowa program in meeting the applicable purposes of SMCRA as specified in Section 102. This report covers the period of October 1, 1998, to September 30, 1999.

The primary focus of the OSM oversight policy for the 1999 evaluation year (EY) is an on-the-ground results-oriented strategy that evaluates the end result of State programs in ensuring that areas on the mine site are protected from impacts during mining, and that areas on the mine site are contemporaneously and successfully reclaimed after mining activities are completed. The new policy emphasizes a shared commitment between OSM and the State to ensure the success of SMCRA through the development and implementation of a performance agreement. Also, the policy this year continues to encourage public participation as part of the 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.

To further the idea that oversight is a continuous and ongoing process this annual report is structured to report on the progress of OSM and Iowa 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 OSM office in Alton, Illinois.

The following list of acronyms are used in this report:

ACSI	Appalachian Clean Streams Initiative
AML	Abandoned Mine Land
AMLIS	Abandoned Mine Land Inventory System
AVS	Applicant/Violator System
EPR	Enhancement and Performance Review
EY	Evaluation Year
IDSC	Iowa Division of Soil Conservation
MCRCC	Mid-Continent Regional Coordinating Center
OSM	Office of Surface Mining
SMCRA	Surface Mining Control and Reclamation Act of 1977
TIPS	Technical Information Processing System
U.S.	United States

## **II. Overview of Coal Mining Industry**

Iowa's coal ranges from sub-bituminous to high-volatile C bituminous. The demonstrated coal reserve base is estimated to be 2.2 billion tons, or less than ½ of 1 percent of the United States (U.S.) coal reserves. The coal-bearing areas cover about 18,468 square miles, or 33 percent of the State. Most coal seams are less than five feet thick. The coal has a relatively high sulfur content.

Coal mining activities first began in Iowa in the 1840's. More than 35 companies extracted coal in 17 counties. However, mining was concentrated in four counties; Lucas, Marion, Mahaska, and Monroe. Production varied throughout its history, peaking in 1981 at 708,602 tons per year. From that time forward, production decreased with the last coal mined in 1994 at a production level of 50,000 tons per year (Table 1). Fifty people were employed in the industry at that time.

Most of this production came from surface mining operations. Because of the thin coal seams, the productivity rate from this activity was less than the national average. This along with the high sulphur content of the coal aided in the existing condition of Iowa's coal industry.

During the 1999 evaluation period, Iowa had 28 inspectable units. Twenty-three of these units were surface mines, two were underground mines, and three were wash plants (Table 2). The average number of acres per inspectable unit was 307.

Before the enactment of SMCRA, approximately 13,764 acres were affected by coal mining in 17 Iowa counties. The resulting hazardous conditions recorded in OSM's AMLIS, included the following: 97,131 feet of dangerous highwalls; 1,372 acres of dangerous spoil piles and embankments; 49 hazardous water bodies; 18 vertical openings; 7.1 miles of sediment clogged streams; 2,624 acres of mine lands which cause flooding and sediment deposition on unmined land. There were no reported deaths associated with AML hazards during this evaluation period.

## **III. Overview of Public Participation in the Program**

Public (citizen) requests for information, assistance, and investigations in Title IV and Title V receive prompt consideration and response. Iowa also coordinates with the appropriate State and Federal agencies in the development and implementation of reclamation projects. Copies of the Citizens Complaint Card are available to the public on request. This card provides a step-by-step process for citizens that wish to report a problem with coal mining under the Title IV and Title V reclamation programs.

Daily contacts are made with the public involving the management of active AML construction projects. In EY 1999, Iowa conducted several formal meetings with AML project landowners to review reclamation design status as follows:

- " Held a meeting with potential outside participants for the Appalachian Clean Streams Initiative (ACSI) funded DeHeer Reclamation Project.
- " Held three initial landowner meetings to begin the design on new reclamation project sites.
- " Held nine Preliminary Design Review landowner meetings to obtain comments and initiate development of the Final Design.
- " Held one meeting with project landowners to review the final designs and obtain construction easements for the reclamation projects.

#### **IV. Major Accomplishments/Issues/Innovations**

The Iowa AML program made considerable progress in its reclamation activities in EY 1999. A series of smaller sites, which were let out for engineering design contracts last year, reached the Preliminary Design stage during this evaluation year. Preliminary Designs were submitted for eleven of these projects, and landowner review meetings were completed on nine of these projects. These nine projects are currently in the Final Design preparation phase. Iowa received \$165,644 in ACSI funding which was applied to a reclamation project. The design work was fast tracked on this project to allow for bid letting and award of the contract number on one portion of the site prior to the end of this evaluation year.

Additional activities were conducted in the Iowa program this evaluation year to ensure that successful on-the-ground reclamation is achieved on Priority 1 and 2 AML sites. These accomplishments are listed as follows:

- " Issued Notice-to-Proceed on the Final Design development on nine new reclamation projects.
- " Completed and reviewed Final Designs for two reclamation projects.
- " Submitted one nomination for the 1999 Annual AML Awards Program.
- " Completed one Environmental Assessment and one Categorical Exclusion, and an Authorization-to-Proceed was received for each of these documents.
- " Awarded two new construction contracts for AML reclamation projects, one of these funded by the ACSI.
- " Completed reclamation work on two construction projects.

" Completed one 401-404 wetland mitigation permit application and received authorization from the Corps.

In a letter dated September 26, 1994, the OSM Director notified Iowa that its AML Plan must be amended to comply with the Abandoned Mine Land Reclamation Act of 1990, and the Energy Policy Act of 1992. Iowa has not met the schedule developed during EY 1999 which called for submission of an amendment to OSM by May 1999. Iowa provided OSM with a new schedule for completion of the regulations and AML Plan revisions by May 2000.

Bond forfeiture reclamation conducted by the IDSC during EY 1999 consisted of maintenance of the reclaimed portion of an underground mine. Iowa also finalized project contracts and specification documents, awarded contracts, and completed initial reclamation on four surface mines. The initial reclamation on these five sites will continue to be maintained until the projects are stabilized.

During EY 1999, bond forfeiture proceedings on a surface coal mine were completed, and the bond in the amount of \$81,000 has been surrendered to the State. Also, notices of intent to forfeit bond on 21 coal mine operations have been issued.

Iowa submitted a formal amendment to OSM proposing Revegetation Success Guidelines. Approval of these guideline will allow the IDSC to grant Phase III bond release.

During the evaluation year, OSM extended the close out date of Iowa's FY 1998 Title V grant to use all funds awarded. Iowa s FY 1999 Title V grant was not submitted in a timely manner. The State has committed to timely submission of all grant documents during FY 2000.

## **V. Success in Achieving the Purposes of SMCRA**

To further the concept of reporting end results under Title V of SMCRA, 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, and the effectiveness of customer service provided by the State.

The overall measure of excellence in the AML program is the degree to which States are successful in achieving planned reclamation goals. One of the primary goals of AML Enhancement and Performance Reviews (EPR) is to improve upon this success. EPRs document each State s ability to achieve desired outcomes. Emphasizing outcomes will allow OSM to identify when the end result is not being achieved and establish a basis for reaching agreement with (and providing assistance to) a State to improve its program.

Individual topic reports that provide details on how the following evaluations and measurements are conducted are available in the Alton, Illinois Office.

## **A. Off-site Impacts**

A sample of 28 State complete inspections and four joint Federal partial inspections were used for the evaluation of off-site impacts on 28 permits. Reports from the 32 inspection samples identified 32 off-site impacts. These 32 impacts include 29 carried over from EY1998. The sample reports identified three new off-site impacts relating to land stability and hydrology. The impacts on resources off the permit were usually minor to moderate. However, 15 percent of the off-site impacts are considered major, based on REG-8. These off-site impacts were caused by deterioration of diversions, haulroads, and general lack of maintenance.

The off-site impacts were most often observed on abandoned mine sites. The State has addressed the resulting violations through appropriate enforcement actions. However, without continued maintenance these sites will continue to deteriorate until the disturbed areas are reclaimed by the Surety or the State.

Off-site impacts in Iowa are expected to remain and increase in number and degree until the disturbed sites are reclaimed. OSM has concluded that off-site impacts continue to be a significant problem in Iowa and is working with the State and Sureties to reclaim abandoned mine sites.

## **B. Reclamation Success**

REG 8, revised September 30, 1997 noted for Successful Reclamation, that Success will be determined based on the number of acres that meet the bond release standards and have been released by the State. Successful reclamation includes achievement of approximate original contour, reestablishment of land capability, restoring hydrologic balance, and contemporaneous reclamation. Using this criteria, without any bond release activity in the State during this time period, the effectiveness of the State program to ensure successful reclamation on lands affected by surface coal mining operations cannot be evaluated.

Initial reclamation has been completed on five bond forfeiture sites in Iowa, but this activity does not come under the reclamation success criteria defined by REG 8 for this review. A review of the reclamation success found that no bond has been released since 1988. Iowa cannot release bond on areas considered reclaimed because neither the coal nor the Surety companies have filed an application for bond release. Moreover, during this time period, even if an application for bond release had been submitted it could not have been processed to finalization. Iowa did not have in place required revegetation success standards. This obstacle is being removed. A formal submission of the revegetation success standards is now out for public review, and is expected to be approved, with a few exceptions, early in EY 2000.

OSM has encouraged Iowa to conduct bond forfeiture procedures on all abandoned post-SMCRA mine sites since 1995 to allow Surety companies to apply for and obtain bond release. This year the State sent out notices of intent to forfeit letters on 21 mine sites. The Surety companies must now make a decision to either reclaim the mine sites or forfeit the bond. As this process takes place, this will result in measurable reclamation success as defined in REG 8.

Iowa is to be commended for the significant progress it has made in reclaiming sites and in laying the groundwork for future bond releases to occur primarily through Surety reclamation. We anticipate that bond releases will begin to occur early in the next calendar year. OSM will review this topic in EY 2000, and work with Iowa to accomplish reclamation of lands affected by coal mining operations.

### **C. Customer Service**

Handling of the bond release process was reviewed to evaluate the overall quality of Customer Service as it pertains to bond release in the State of Iowa. No bond release applications were received or processed this evaluation year. Based on these findings, no conclusions were drawn regarding Iowa's effectiveness in providing Customer Service as it pertains to bond release on Title V lands. A review of this topic is scheduled again for EY 2000.

Iowa has a computer-based public (citizen) inquiries tracking system that operates as an integral part of the State AML program. This system is routinely used to track public requests for information, assistance, investigations, outreach, public meetings, and investigations. It enables the State to provide appropriate consideration, response, and closure to public concerns in a timely manner.

Iowa received three potential AML emergency eligible site inspection requests. All of these sites were inspected. A fourth was received but referred to OSM to determine eligibility. Fifty-five contacts were made with landowners of AML reclamation projects that were either in the design or construction phase. Three Congressional Office inquiries were received, and three AML programmatic information inquiries were responded to by Iowa's AML program staff. Additionally, Iowa coordinated with the appropriate Local, State, and Federal agencies in the development and implementation of AML reclamation projects.

A sample of the records was reviewed and actions were evaluated for timeliness and completeness. The sample records indicate that Iowa is entering and maintaining all public inquiries in the State's public inquiry tracking system in a timely and professional manner.



Based on these findings, OSM has concluded that Iowa has established and maintains a public inquiries tracking system that facilitates an effective response to public concerns.

#### **D. Abandoned Mine Land Reclamation**

Iowa received \$1.5 million in Federal AML funds this evaluation year. This is the minimum level of funding which OSM allots to any State reclamation program, regardless of coal tonnage mined. This represents a \$500,000 reduction when compared with past funding. Iowa is changing its AML program to prepare for much smaller sized projects due to the continued 25 percent cut in program funding.

Iowa does not administer the AML Emergency Program within the State. It conducts an initial investigation and forwards potential emergency complaint information and recommendations to OSM for a final determination. Iowa received three potential AML emergency eligible site inspection requests. All of these sites were inspected. A fourth was received but referred to OSM to determine eligibility. All were determined to be non-emergencies.

During the evaluation period, Iowa completed reclamation begun in previous evaluation years. In EY 1999, IDSC reclaimed AML lands and waters associated with 1,250 linear feet of dangerous highwalls, 56 acres of mine lands that contributed to flooding and sedimentation problems, one hazardous water body, three acres of industrial and residential waste on mine lands, and .3 miles of stream clogged by mine sediments. Since program approval, Iowa has reclaimed 13 vertical openings, 49,720 feet of dangerous highwall, 907 acres of mine land contributing to flooding problems, 5.9 miles of sediment-clogged stream, 777 acres of dangerous spoil piles and embankments, and 121 hazardous water bodies.

An OSM evaluation of completed projects found that Iowa designs and constructs projects which meet objectives outlined in environmental analysis documents and project proposals without undue environmental consequences. Iowa monitors completed project sites and performs maintenance until sites reach stable conditions.

#### **VI. OSM Assistance**

OSM's goal is to provide direct technical assistance to Iowa in all aspects of the Technical Information Processing System (TIPS), electronic permitting initiatives, Geographic Information System, Global Positioning System, and other spatial data technologies. OSM is also available to provide support for State symposia/conferences, topical seminars, workshops, interactive forums, specialized on-site training, and technology outreach programs.

The State received a Dell NT Workstation as part of the first phase of the TIPS UNIX to NT conversion in EY 1999. Three Iowa employees attended TIPS training on Arc View.

MCRCC provided Iowa with advice and documentation from other State and Federal agencies that will allow OSM to approve, with exceptions, the Iowa Revegetation Guidelines.

In September 1999, the MCRCC worked with Iowa to develop emergency complaint investigation and response guidelines. These guidelines provide direction to staff of both agencies for handling AML citizen inquiries which require prompt response to protect the public.

OSM provided informal training regarding inspection and enforcement policies, methods, and procedures concurrently with joint Federal Inspections. The MCRCC provided technical assistance in the evaluation of abandoned mine sites for use in the State's bond forfeiture proceedings. OSM conducted site visits and calculated cost estimates for reclamation of 22 permits.

## **VII. General Oversight Topic Reviews**

The following oversight topics were reviewed during EY 1999. The detailed Evaluation and Findings Reports are available on request at the MCRCC in Alton, Illinois.

### **A. AML On-The-Ground Reclamation**

Since EY 1996, Iowa completed between one and four AML reclamation projects each year. An evaluation of active and completed projects found that Iowa designs and constructs projects which succinctly address the Priority 1 and 2 hazards. Reclaimed sites meet objectives outlined in the environmental analysis documents and project proposals without undue environmental consequences.

### **B. Response To Public Concerns**

Iowa has a computer-based public (citizen) inquiries tracking system that operates as an integral part of the State AML program. Public inquiries are entered and maintained in the State's public inquiry tracking system in a timely and professional manner. OSM has concluded that Iowa has established and maintains a public inquiries tracking system that facilitates an effective response to public concerns.

### **C. Customer Service**

The State's handling of the bond release process was reviewed to evaluate the overall quality of Customer Service as it pertains to bond release in the State of

Iowa. No bond release applications were received or processed this evaluation year. Based on these findings, no conclusions were drawn regarding Iowa's effectiveness in providing Customer Service as it pertains to bond release on Title V lands. A review of this topic is scheduled for EY 2000.

**D. Off-site Impacts**

Reports from the 32 inspection sample identified 32 off-site impacts. These 32 impacts include 29 carried over from EY 1998. The sample reports identified three new off-site impacts relating to land stability and hydrology. The impacts on resources off the permit are usually minor to moderate. However, 15 percent of the off-site impacts are considered major.

The number of off-site impacts in Iowa are expected to remain and increase until the disturbed sites are reclaimed. OSM has concluded that off-site impacts are a significant problem in Iowa.

**E. Successful Reclamation**

A programmatic review of Reclamation Success indicates that Iowa did not receive, review, conduct, or approve any bond releases in EY 1999.

Using bond release as a measure of successful reclamation, OSM has concluded that since Iowa has not received any bond release applications in EY 1999, its reclamation success cannot be evaluated. OSM will continue to review this topic in EY 2000.

## **Appendix A: Tabular Summaries of Data Pertaining to Mining, Reclamation, and Program Administration**

Tabular Summaries of Data Pertaining to Mining, Reclamation and Program Administration. These tables present data pertinent to mining operations and State and Federal regulatory activities within Iowa. They also summarize funding provided by OSM for Iowa staffing levels. Unless otherwise specified, the reporting period for the data contained in all tables is October 1, 1998 through September 30, 1999. Additional data used by OSM in its evaluation of Iowa s performance is available for review in the evaluation files maintained by the MCRCC, Alton, IL.

**TABLE 1**

<b>COAL PRODUCTION (Millions of short tons)</b>			
<b>Period</b>	<b>Surface mines</b>	<b>Underground mines</b>	<b>Total</b>
Coal production <sup>A</sup> for entire State:			
1994	0.05	0.00	0.05
1995	0.00	0.00	0.00
1996	0.00	0.00	0.00
1997	0.00	0.00	0.00
1998	0.00	0.00	0.00

<sup>A</sup> 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.

**TABLE 2**

<b>INSPECTABLE UNITS (As of September 30, 1999)</b>															
<b>Coal mines and related facilities</b>	Number and status of permits								<b>Insp. Unit<sup>D</sup></b>	<b>Permitted acreage<sup>A</sup> (hundreds of acres)</b>					
	Active or temporarily inactive		Inactive		Abandoned		Totals								
	IP	PP	Phase II bond release		IP	PP	IP	PP							
			IP	PP						IP	PP	IP	PP	Total	
<b>STATE and PRIVATE LANDS</b>						<b>REGULATORY AUTHORITY: STATE</b>									
Surface mines	0	17	2	1	0	3	2	21	23	3	49	52			
Underground mines	0	2	0	0	0	0	0	2	2	0	32	32			
Other facilities	0	2	0	0	0	1	0	3	3	0	2	2			
<b>Subtotals</b>	0	21	2	1	0	4	2	26	28	3	83	86			
<b>FEDERAL LANDS</b>						<b>REGULATORY AUTHORITY: STATE</b>									
Surface mines	0	0	0	0	0	0	0	0	0	0	0	0			
Underground mines	0	0	0	0	0	0	0	0	0	0	0	0			
Other facilities	0	0	0	0	0	0	0	0	0	0	0	0			
<b>Subtotals</b>	0	0	0	0	0	0	0	0	0	0	0	0			
<b>ALL LANDS<sup>B</sup></b>															
Surface mines	0	17	2	1	0	3	2	21	23	3	49	52			
Underground mines	0	2	0	0	0	0	0	2	2	0	32	32			
Other facilities	0	2	0	0	0	1	0	3	3	0	2	2			
<b>Totals</b>	0	21	2	1	0	4	2	26	28	3	83	86			
Average number of permits per inspectable unit (excluding exploration sites) . . . . .												1			
Average number of acres per inspectable unit (excluding exploration sites) . . . . .												307			
Number of exploration permits on State and private lands: . . . . .												0	On Federal lands: . . . . .	0	<sup>C</sup>
Number of exploration notices on State and private lands: . . . . .												0	On Federal lands: . . . . .	0	<sup>C</sup>
<p><b>IP:</b> Initial regulatory program sites.  <b>PP:</b> Permanent regulatory program sites.</p> <p><sup>A</sup> When a unit is located on more than one type of land, includes only the acreage located on the indicated type of land.</p> <p><sup>B</sup> 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.</p> <p><sup>C</sup> 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.</p> <p><sup>D</sup> Inspectable Units includes multiple permits that have been grouped together as one unit for inspection frequency purposes by some State programs.</p>															

TABLE 3

STATE PERMITTING ACTIVITY EY 1999												
Type of application	Surface mines			Underground mines			Other facilities			Totals		
	App. Rec.	Issued	Acres	App. Rec.	Issued	Acres <sup>A</sup>	App. Rec.	Issued	Acres	App. Rec.	Issued	Acres
New permits	0	0	0	0	0	0	0	0	0	0	0	0
Renewals	0	0	0	0	0	0	0	0	0	0	0	0
Transfers, sales and assignments of permit rights	0	0		0	0		0	0		0	0	
Small operator assistance	0	0		0	0		0	0		0	0	
Exploration permits	0	0		0	0		0	0		0	0	
Exploration notices <sup>B</sup>		0			0			0			0	
Revisions (exclusive of incidental boundary revisions)		0			0			0			0	
Incidental boundary revisions		0	0		0	0		0	0		0	0
Totals	0	0	0	0	0	0	0	0	0	0	0	0

OPTIONAL - Number of midterm permit reviews completed that are not reported as revisions n/a

<sup>A</sup> Includes only the number of acres of proposed surface disturbance.

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

**TABLE 4**  
**OFF-SITE IMPACTS**  
**EY 1999**

RESOURCES AFFECTED			People			Land			Water			Structures		
DEGREE OF IMPACT			minor	moderate	major	minor	moderate	major	minor	moderate	major	minor	moderate	major
TYPE OF IMPACT AND TOTAL NUMBER OF EACH TYPE	Blasting	0	0	0	0	0	0	0	0	0	0	0	0	0
	Land Stability	4	0	0	0	2	1	1	1	2	0	0	0	0
	Hydrology	26	0	0	0	7	8	6	13	8	4	1	1	0
	Encroachment	2	0	0	0	1	1	0	1	1	0	1	0	0
	Other	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	32	0	0	0	10	10	7	15	11	4	2	1	0

**OFF-SITE IMPACTS ON BOND FORFEITURE SITES**

RESOURCES AFFECTED			People			Land			Water			Structures		
DEGREE OF IMPACT			minor	moderate	major	minor	moderate	major	minor	moderate	major	minor	moderate	major
TYPE OF IMPACT AND TOTAL NUMBER OF EACH TYPE	Blasting	0	0	0	0	0	0	0	0	0	0	0	0	0
	Land stability	0	0	0	0	0	0	0	0	0	0	0	0	0
	Hydrology	0	0	0	0	0	0	0	0	0	0	0	0	0
	Encroachment	0	0	0	0	0	0	0	0	0	0	0	0	0
	Other	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	0	0	0	0	0	0	0	0	0	0	0	0	0

The objective of this table is to report all off-site impacts identified on active sites regardless of the source of the information. More than one resource may be affected by each type of impact. Impacts related to mine subsidence or other areas where impacts are not prohibited are not included in this table. Refer to report narrative for a complete explanation and evaluation of the information provided by this table.



**TABLE 5**

<b>ANNUAL STATE MINING AND RECLAMATION RESULTS EY 1999</b>		
<b>Bond release phase</b>	<b>Applicable performance standard</b>	<b>Acreage released during this evaluation period</b>
Phase I	* <input type="checkbox"/> Approximate original contour restored * <input type="checkbox"/> Topsoil or approved alternative replaced	0
Phase II	* <input type="checkbox"/> Surface stability * <input type="checkbox"/> Establishment of vegetation	0
Phase III	* <input type="checkbox"/> Post-mining land use/productivity restored * <input type="checkbox"/> Successful permanent vegetation * <input type="checkbox"/> Groundwater recharge, quality and quantity restored * <input type="checkbox"/> Surface water quality and quantity restored	0
	<b>Bonded Acreage Status<sup>A</sup></b>	<b>Acres</b>
	Total number of bonded acres at September 30, 1998 <sup>B</sup>	8,593 <sup>C</sup>
	Total number of bonded acres during this evaluation year	0
	Number of acres bonded during this evaluation year that are considered re-mining, if available	0
	Number of acres where bond was forfeited during this evaluation year (also report this acreage on Table 7)	234
<p><sup>A</sup> Bonded acreage is considered to approximate and represent the number of acres disturbed by surface coal mining and reclamation operations</p> <p><sup>B</sup> Bonded acres in this category are those that have not received a Phase III or other final bond release (State maintains jurisdiction).</p> <p><sup>C</sup> <u>Disturbed</u> acres, reported in previous annual reports as bonded acres, has been modified this year to reflect <u>permitted</u> acres as bonded acres (see Table 7).</p>		

**IOWA TABLE 6  
1999**

Iowa Site	Permit Area	Unaffected Acres	Disturbed Acres	Phase 3 Release Acres	Initially Reclaimed Acres	Unreclaimed Acres
ACC#1wp	40	10	30	0	0	30
ACC#1A	250	88	162	132	161	1
ACC#3	262	75	187	3	185	2
ACC#5	124	40	84	0	71	13
ACC#6	95	12	83	0	80	3
ACC#7	401	140	261	0	161	100
ACC#8	250	190	60	0	0	60
ICMC#1wp	140	35	105	53	90	15
ICMC#8	163	93	70	0	70	0
IF&M#1wp	50	0	50	0	50	0
IF&M#3	101	0	101	44	101	0
IF&M#4	145	85	60	0	60	0
IF&M#5	283	219	64	0	64	0
Jude #3	80	3	77	8	76	1
Jude#4	120	20	100	0	99	1
Jude#5	33	3	30	0	29	1
Star#2	92	5	87	0	86	1
Star#3	80	55	25	11	24	1
Star#4	180	1	179	162	178	1
Star#5	234	69	165	0	163	2
Star#6	110	0	110	0	109	1
Star#7	371	314	57	0	56	1
Star#10	517	221	296	0	279	17
Star#11	728	550	178	0	177	1
Star#12	233	136	97	0	96	1
Star#14	340	339	1	0	0	1
Sup#1	1770	1300	470	0	450	20
Sup#2	1401	1301	100	0	90	10
<b>TOTALS</b>	<b>8593</b>	<b>5304</b>	<b>3289</b>	<b>413</b>	<b>3005</b>	<b>284</b>
Percent of total permit area			38%			
Percent of total permit area				5%		
Percent of total permit area						3%
Percent of total disturbed area						9%

NOTES: 1. Superior #2 permit area 1416 acres per certificate was changed to 1401 per revision.  
 2. Superior #2, unit B was reclaimed during EY 1999.  
 3. IF&M sites were initially reclaimed during EY 1999.  
 4. Superior #1 and #2 are underground mines; most of the permit area covers only underground activities.  
 5. Star #11 has 3 units; unit B and C were prohibited from mining for lack of some information.

DSC perception: Iowa has been enforcing SMCRA: only 3 percent of permits remain unreclaimed.

**TABLE 7**

**STATE BOND FORFEITURE ACTIVITY**  
**(Permanent Program Permits)**  
 EY 1999

	Sites	Dollars	Acres Acres Acres
Bonds forfeited as of October 1, 1998 <sup>A</sup>	5	\$247,789	1,690
Bonds forfeited during EY 1999 <sup>C</sup>	1	\$81,000	234
Forfeited bonds collected as of October 1, 1998 <sup>A</sup>	5	\$247,789	1,690
Forfeited bonds collected during EY 1999	1	\$81,000	234
Forfeiture sites reclaimed during EY 1999	1	\$225,223 <sup>B</sup>	1,111
Forfeiture sites repermited during EY 1999	0		0
Forfeiture sites unreclaimed as of September 30, 1999	5		813
Excess reclamation costs recovered from permittee	0	\$0	
Excess forfeiture proceeds returned to permittee	0	\$0	

<sup>A</sup> Includes data only for those forfeiture sites not fully reclaimed as of this date.

<sup>B</sup> Cost of reclamation, excluding general administrative expenses.

<sup>C</sup> Iowa does not consider the bond forfeited until the bond is collected.

Notes: 1. Disturbed acres, reported in previous annual reports as bonded acres, has been modified this year to reflect permitted acres as bonded acres (see Table 5).  
 2. Superior #2, B unit, was initially reclaimed as of September 30, 1998. Final payment was made to the contractor during EY 1999. Initial reclamation occurred on four Iowa Fuel and Minerals sites by September 30, 1999, but payment has yet to be made.

**TABLE 8**

<b>STATE REGULATORY PROGRAM STAFFING</b> <b>(Full-time equivalents at end of EY 1999)</b>	
<b>Function</b>	<b>EY 1999</b>
<b>Regulatory program</b>	
<b>Permit review</b> .....	1.95
<b>Inspection</b> .....	1.05
<b>Other (administrative, fiscal, personnel, etc.)</b> .....	1.65

**TABLE 9**

<b>REGULATORY FUNDS GRANTED TO IOWA BY OSM</b> <b>(Millions of dollars)</b> <b>EY 1999</b>		
<b>Type of Grant</b>	<b>Federal Funds Awarded</b>	<b>Federal funding as a percentage of total program costs</b>
<b>Administration and Enforcement</b>	\$0.12	39.13%
<b>Small Operator Assistance Program</b>	\$0	0%
<b>Totals</b>	\$0.12	

## Appendix B: State Comments on Report

November 18, 1999

# Iowa comments on 10/28/99 Draft EY 99 Oversight Report &

## TITLE IV Concerns -- AML

12. Why is an AML data TABLE for accomplishments during the Evaluation Year **no longer** included as part of the report? While the accomplishments are included in the narrative, the tabular presentation was always included in previous reports. As a result, there are no AML tables.

13. On page 3, the following typographic errors are noted:

There needs to be a line space between the bullet regarding completion of one EA and one CE, and the next bullet regarding the award of two new AML construction contracts. (2<sup>nd</sup> bullet from the bottom of the page.)

The bullet regarding the EA and CE completions would more correctly read that &Exclusion and an Authorization-to-Proceed was received for each of these documents.

The last bulleted comment on this page should read, Completed reclamation work on two construction projects. The word works should be changed to work .

4. There needs to be a line space added between the last two paragraphs on page 6.

5. The word sights in VII. A. page 8, is misspelled and should be sites . (last sentence of that paragraph.)

The remaining AML information appears to accurately reflect that which was sent by the Division to OSM for the 1999 Evaluation Year.

## TITLE V Concerns A&E

ÿÿ On page 2, 4<sup>th</sup> paragraph, last sentence -- the figure should be 307 instead of 335.

ÿÿ On page 4, 4<sup>th</sup> paragraph, there were 21 notifications of intent to forfeit bond issued during EY 1999 -- not 22. (Both the NITF and the show cause order to forfeit the bond for Star #5 were issued in EY 98.)

ÿÿ Also on page 4, in the last sentence of the 4<sup>th</sup> paragraph, the comment regarding the acceptance of the Revegetation Success Guidelines appears to be inconsistent with the comment beginning in the last paragraph of page 5 regarding the formal submission of the Revegetation Success Guidelines.

ÿÿ Also on page 4, the third and fourth sentences in the 5<sup>th</sup> paragraph read, *The grant was placed on hold while the State reworked the grant submittal to reflect the actual happening within the state program. This was accomplished in a timely manner.* Both are insignificant and need to be removed.

ÿÿ Page 5, 2<sup>nd</sup> paragraph -- the first sentence needs to be deleted. As stated, *The off-site impacts were most often observed on operations where the permits expired without permit renewal.* is inappropriate and raises more questions than it answers. It has no statistical validity. Additionally, it is not necessary to renew the permit if no further coal removal is to occur. The responsibility still runs to the operator.

ÿÿ Page 5, 2<sup>nd</sup> paragraph, last sentence under B. Reclamation Success is negative and misleading. It reads, *A review of reclamation success found that no bond has been released since 1988, and the Division has never granted a Phase III bond release in the permanent program.*

The best revision would be to re-phrase it to read, *A review of reclamation success found that the state has received only one bond release request since 1988. The Division will be able to approve Phase III bond releases under its permanent program once OSM completes review and approval of pending*

*revegetation success guidelines.*

The sentence should either be removed in its entirety, or modified as indicated.

- Page 6, 2<sup>nd</sup> paragraph,-- the figure 22 should read 21 as detailed in an earlier comment.
- On page 7, last paragraph under OSM Assistance, the sentence needs to read that Three & Iowa employees attended TIPs training on Arc View rather than two. (Tow and Beardsley attended on 12/1/98. Berrier received same training in Alt on 5/11/99.)
- Page 8, 3<sup>rd</sup> paragraph, last sentence the number 23 units would more appropriately read either 23 bonding units or 22 permits. While the forfeiture of Star #5 was initiated in EY 98, Iowa concurs that the Star #5 reclamation cost estimate was done in EY 99, thereby addressing 22 permits in that effort. ACC #8 has two distinct bond units for which estimates were done separately, resulting in calculations for 23 bonding units.
- The Division's permitting engineer has discussed table 7 corrections to address permitted acres vs. disturbed acres with OSM oversight staff. A photo copy of corrected Table 7 as conveyed in those discussions is included with these comments.

Under the sites column, second row, forfeited bonds collected prior to 10/1/98 needs to show 5 instead of zero. In the same row of the table, forfeited bonds collected during EY 99 needs to show 1 instead of zero.

In the acres column, 305 becomes 1690, 165 becomes 234, 305 becomes 1690, 165 becomes 234, 30 becomes 1111, and 440 becomes 813.

A footnote needs to be included stating that *Disturbed acres reported in earlier reports as bonded acres have been modified to reflect permitted acres as bonded acres as in Table 5, contrary to prior oversight reports.*



**OSM S ACTIONS ON THE IOWA COMMENTS  
REGARDING THE 1999 ANNUAL EVALUATION REPORT**

OSM made changes in the Iowa Annual Report that reflected the the States comments offered in their November 29, 1999, fax except item #1 under Title IV and item #6 under Title V. Item #1 comments that there is no AML table in the report this year. Because of complications with the AML table in the EY 1998 Annual Report, OSM opted not to include one for the EY 1999 Annual Report. The State was invited to include an AML Accomplishments Table as part of its comments. IDSC was not able to offer an AML table for EY 1999, but reserved the right to provide one for EY 2000. Item #6 comments that the last sentence under B. Reclamation Success is negative and misleading. This sentence was restructured to be more accurate.

During the weeks of November 22 and 29, 1999, telephone conversations were held with IDSC personnel concerning the State s comments. Discussions about the tables and part of the narrative resulted in some changes.