OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Annual Evaluation Report

for the

Regulatory and Abandoned Mine Land Reclamation Programs

Administered by the State

of

Texas

for

Evaluation Year 2001

(October 1, 2000, through September 30, 2001)

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I. Introduction

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) created the Office of Surface Mining Reclamation and Enforcement (OSM) in the Department of the Interior. 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 Texas program and the effectiveness of the Texas program in meeting the applicable purposes of SMCRA as specified in Section 102. The evaluation period covered by this report is October 1, 2000 to September 30, 2001.

The primary focus of OSM's oversight 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 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, public participation is encouraged 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 standards.

OSM's oversight guidance emphasizes that 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 Texas' 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:

AML	Abandoned Mine Land Reclamation
EY	Evaluation Year
OSM	Office of Surface Mining Reclamation and Enforcement
RCT	Railroad Commission of Texas, Surface Mining and Reclamation Division
SMCRA	Surface Mining Control and Reclamation Act of 1977

II. Overview of the Texas Coal Mining Industry

The near-surface coal deposits (200 feet) in Texas are about 97 percent lignite. The remainder is bituminous coal. The potential coal reserves are 23.37 billion tons of lignite and 787 million tons of bituminous coal. The sulfur content ranges from .7 to 1.5 percent for lignite and 1.4 to 3.6 percent for the bituminous coal. Cannel coal is mined on three South Texas mines and has an average sulfur content of 2.2 percent. The coal seams mined in Texas average about 8 feet in thickness.

In the 1840's the first bituminous coal was mined along the Trinity River of Texas. As early as 1850, lignite was produced and used. Coal from both lignite and bituminous deposits was used by the railroads until the 1920's. In 1917, coal production in Texas was about 2.5 million tons, with approximately equal amounts of lignite and bituminous coal. From 1918 until 1950, only 18,000 tons of lignite were produced. In 1954, a lignite-fueled electric power-generating plant near Rockdale, Texas opened. Following that, annual coal production increased rapidly to meet the demand for electric power generation at additional plants. In 2000, nearly 49 million tons of lignite and bituminous coal were produced in Texas from large surface mines using large equipment such as bucket-wheel excavators and cross pit spreaders in addition to draglines, scrapers, loaders, and trucks. Over 99.5 percent of the production was lignite.

Most of the lignite production is used in the generation of electric power within the State. The lignite from one mine is used to produce activated carbon. The bituminous production has been used intrastate by the cement, lime and light-weight aggregate industry to fire kilns, and boilers. The cannel coal mined near Laredo, Texas, has been exported to Europe for fireplace coal, to South America for generation of electricity, and used within the State by various industries such as cement production. Texas is the Nation's fifth ranked coal-producing State and the largest lignite producer in the world. Daily employment at the 20 permitted operations exceeds 2,000.

Climate is not a limiting factor for reclamation in Texas although, the mines near Laredo are west of the 100th meridian and use a 10-year extended responsibility period for bond release. Some mines have encountered acid-forming materials in the overburden that has complicated reclamation activities. In areas, where topsoil substitution is used, selective overburden handling techniques have proven successful.

III. Overview of the Public Participation Opportunities in the Oversight Process and the State Program

RCT provides for public input into the State program through several avenues. Citizens may comment on permit applications, be party to the proceedings, comment on amendments to the State program, or file complaints on mining operations. On a controversial new permit application, RCT held a meeting of landowners to explain the permitting process to them and allow them to state their concerns.

OSM reviewed RCT's performance on customer service, looking at bond releases, permitting actions, citizen's complaints, lands unsuitable petitions and availability of records. The following findings and conclusions resulted from the study:

Bond Release: OSM's review of a sample of bond release files found that, in every case, the applicants had published a notice of bond release application seeking public comment. No comments were received on the any of the bond release applications in the sample.

Permitting Actions: The review of a sample of permitting actions documented that, in every case, the applicants had published a notice that the application was available for public review and comment. RCT received comments on two of the applications in the sample and asked the applicants to address the comment. Both applicants addressed the comments by explaining how the commenters' concerns would be handled. The files contained no further correspondence, indicating that the commenters had been satisfied by the response to their comments.

Citizen's Complaints: In every citizen's complaint, including telephone complaints, RCT responded promptly in writing to the complainant and offered confidentiality. In two cases, no further action was needed because the complaint was not a regulated condition, but in all of the other complaints, RCT met with the complainant and inspected the site identified in the complaint. In two cases, the permittee corrected the problem that led to the complaint. No violations were cited. After investigation, RCT found that all of the other complaint conditions were not caused by mining. For every complaint, RCT responded promptly with its findings and disposition of the complaint. RCT also provided information for appealing the findings to each complainant. On one citizen's complaint, OSM participated with RCT inspectors on the inspection, OSM observed that RCT's inspectors were timely, thorough, and courteous.

Lands Unsuitable Petitions: On November 12, 1999, Neighbors for Neighbors filed a petition to declare a large area in Bastrop and Lee Counties as unsuitable for mining. RCT accepted the petition and began evaluating it. RCT made all information on the petition available to the public. RCT held a public hearing on November 2 and 3, 2000 in Giddings, Texas and November 6 - 10, 2000 in Austin, Texas. RCT also accepted public comment through November 20, 2000. After the Surface Mining and Reclamation Division completed its evaluation of the petition, RCT heard oral arguments in a Commission conference on the petition on March 6, 2001. At that conference, the Commissioners allowed time for everyone who wished to speak either for or against the petition to be heard or to present written comments. Each speaker was treated with respect and given attention even when they exceeded the time limit for comments. After reviewing the Surface Mining and Reclamation Division's and Legal Division's evaluation of the petition, the Commission denied the petition, but only after they had heard and considered the comments received at the conference.

Availability of Records: RCT maintains records on mining operations in mining areas and has kept these records up-to-date.

RCT appropriately provided for public participation on every program aspect that was reviewed. All citizen's complaints were handled in accordance with the approved State program. Records were appropriately made available for public review. RCT even provided extra opportunities for the public to comment on the lands unsuitable petition. In processing the lands unsuitable petition and reaching a decision, RCT followed all relevant parts of the State program to reach a decision that was based on thorough analysis and extensive public comment.

IV. Major Accomplishments/Issues/Innovations in the Texas Program

A. Regulatory Program

During evaluation yearEY 2001, RCT successfully operated its regulatory program so that there were no significant adverse environmental impacts from coal mining in Texas. RCT completed its review on a Lands Unsuitable Petition and made the decision to deny the petition. RCT informed all operators that it now considered a bond release schedule to be part of the reclamation plan and must be included in permit applications.

OSM awarded its 2001 National Award to TXU for its ponded forested wetlands on its Monticello Mine. TXU built the wetland on 30 acres of flood plain with two tiers. The upper tier has a dense stand of native upland hardwood trees. The lower tier has an equally good stand of native lowland hardwood trees. The effect is esthetically pleasing and will provide the community recreational areas for generations to come.

B. Abandoned Mine Land Reclamation

On June 23, 1980, the Secretary of the Interior approved Texas' AML reclamation plan under Title IV of SMCRA. Texas has completed reclamation on all inventoried coal related sites and is certified to use AML funds for the reclamation of noncoal abandoned mine lands. The Texas AML program had an operating grant of $298,275 and a full-time staff of 8 in EY 2001.

During EY 2001 the AML program oversaw construction on two open pit uranium mines and one coal related subsidence abatement project in an RV park. One Brewster County project relocated a road that was placed over a shallow underground cinnabar mine during a road straightening project. The thin layer of overburden separating the road surface and the void presented a significant risk of road collapse as vehicles

passed over the old mine works. Project planning had to address the occurrence of listed cacti on the site.

No citizen complaints were received. RCT followed standard construction practices using State contracting procedures. RCT followed the provisions of its realty requirements. OSM's inspection of construction projects found RCT completed projects in a manner consistent with its approved reclamation plan. The designs for projects reviewed exhibited an awareness and consideration for natural resource values.

RCT determined that sections of the Texas Abandoned Mine Plan addressing public input need updating and is planning a revision.

In EY 2001, RCT completed noncoal-related reclamation of 4,000 linear feet of dangerous highwalls, 1 hazardous water body, 88 acres of spoils, and 1 road relocation. One coal-related subsidence feature was also reclaimed. During EY 2002, RCT anticipates initiating an additional construction project addressing openings associated with underground cinnabar mining in western Texas and possibly two open pit uranium projects in south central Texas.

C. Program Amendments

During the EY 2001, OSM approved one amendment to the Texas regulatory program (TX-47). Texas submitted an amendment to change the regulatory program (TX-48) and an informal amendment to change the AML program (TX-49) that were still pending at the end of the evaluation year. Texas is waiting for further guidance from OSM before it will submit another amendment (TX-32), also in response to a 30 CFR 732 letter. The status and content of each of these is described below:

TX-32 On January 6, 1997, OSM sent a 30 CFR 732 letter to all States requiring changes in ownership and control regulations. OSM's changes in ownership and control regulations prompted the 732 letter. As a result of legal challenges to OSM's regulations and changes in response to the judicial decision, Texas requested additional guidance from OSM before it submitted the amendment. OSM has not yet provided that guidance.

TX-47 On November 22, 1999, OSM sent a 30 CFR 732 letter to Texas requiring changes in the Texas program backfilling and grading rules. Texas responded with an amendment to its program on August 24, 2000, and also included changes in its remining rules. OSM approved the amendment on November 24, 2000.

TX-48 On August 23, 2000, OSM sent a 30 CFR 732 letter to all States requring changes in the States' valid existing rights regulations. OSM's changes in its

valid existing rights regulations prompted the 732 letter. In response to the letter, after working with OSM through the informal amendment process, Texas submitted an amendment on July 25, 2001. OSM still had concerns about the amendment, and on September 24, 2001, offered Texas several options for proceeding further. Texas responded on October 22, 2001, with revisions to its amendment.

TX-49 On September 10, 2001, Texas submitted an informal amendment to change its AML program rules on project selection and prioritization. OSM responded to the informal amendment with its concerns on September 24, 2001. As of October 30, 2001, Texas' formal amendment was still pending.

V. Success in Achieving the Purposes of SMCRA as Measured by the Number of Observed Off-Site Impacts and the Number of Acres Meeting the Performance Standards at the Time of Bond Release

To further the concept of reporting end results, the findings from performance standard evaluations and public participation 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 which meet the bond release requirements for the various phases of reclamation. Individual topic reports are available in TFO which provide additional details on how the following evaluations and measurements were conducted.

A. Off-Site Impacts

RCT conducted 201 partial and 84 complete inspections of coal mining and reclamation operations in EY 2001. OSM conducted 10 non-joint oversight inspections. This is a total of 294 inspections or opportunities for observations of off-site impacts. Only 3 off-site impacts were observed.

The 3 off-site impacts observed in EY 2001 affected water and land. Two impacts were encroachment on land and one was hydrologic impact to land and water. One encroachment was moderate and one was minor; the water impact was minor in its degree of impact. All three were reported in State inspection reports. The impacts were recorded on 3 of 19 inspectable units; thus, 84 percent of the permitted sites produced no off-site impacts. This is essentially the same percentage as during EY 2000. OSM has concluded that RCT and the mining operations have been effective in minimizing off-site impacts.

B. Reclamation Success

SMCRA and the Texas State program describe coal mining as a temporary use of the land. OSM has established final bond release as an indication that the land had been

successfully reclaimed. Studies on reclamation and revegetation success that are done for bond release are the only conclusive way to evaluate whether reclamation has been successful and timely.

Of 239,436 acres currently under permit, 144,466 acres are bonded. In measuring reclamation success, bonded acreage is more meaningful than permitted acreage.

The records of permit issuance and bond acceptance of about 20 years ago show that at that time about 85,000 acres were permitted. Under the normal scenario of mining, reclamation, and extended responsibility period, the expectation is that most of this acreage would have already been successfully reclaimed and released from bond. To date, Phase III bond releases total 9,601 acres. However, these releases are not evenly distributed among the Texas permits and mining companies nor were these releases always on the oldest permits. Several permits have had large areas released, while other permits have had few or no bond releases.

An example where bond releases have been diligently pursued is current Permit 4H part of which was in Permit 4 that was issued on February 22, 1982. The original permit included 12,135 acres. Over the last 20 years, acreage has been added to this permit increasing its present size to 30,529 acres of which 22,260 acres is bonded. Bonded acreage in the original permit was not easily obtainable, but for the purposes of this study, if the assumption that the same proportion of permitted to bonded acreage existed then as now, then we would estimate that 8,848 acres were bonded. Bond releases for this permit are: Phase I - 11,613 acres; Phase II - 8,116 acres ; and Phase III - 5,102 acres. This indicates that 3,746 acres or 42 percent of the estimated original bonded acreage could still be bonded. The 58 percent that may have been released shows that this company has been diligently working for final bond release and OSM can conclude that reclamation at this mine has been successful.

An example of a permit where little or no acreage has been released from bond is Permit 1D part of which was in Permit 1 that was issued on April 20, 1981. It included 8,688 acres. Over the last 20 years, acreage has been added to this permit to its present size of 17,838 acres with 17,395 acres bonded. Bond releases for this permit are: Phase I - 755 acres; Phase II - 607 acres; and Phase III - 0 acres. Using the same assumption that the bonded acreage has been about the same proportion of permitted acreage as it is now, an estimate of acreage that has been bonded for about 20 years is 8,487 acres. This shows that either there are large tracts of land that should be ready for bond release or that reclamation has not been successfully completed.

One company, which has 50 percent of all currently bonded acreage on 6 permits, has been diligently applying for and receiving bond releases in recent years. This company has received 91 percent of all Phase III bond releases. One company's 2,700-acre permit (with 803 acres bonded) is too new to have any lands eligible for bond release.

The remaining 8 companies with about 50 percent of all bonded acreage have only 4.5 percent of the Phase III bond releases.

In 2000, RCT sent letters to permittees requesting a plan for obtaining bond releases. One company responded that it had just acquired the permits and was not responsible for lack of bond releases. Another responded that it could not complete reclamation on many parts of its mine because it might need to reactivate those areas. A third company said that bond releases were not a priority and would be sought when large tracts were eligible for all phases.

In 2001, RCT sent another letter to permittees advising them that a bond release schedule is part of the required reclamation plan schedule. The letter also stated that a bond release schedule would be required for all new permit applications, all permit renewals, and all permits at midterm permit review.

Existing data indicate that there are many acres under bond where reclamation could or should have been completed to the point of final bond release. Inspection reports have shown that many of the lands have been reclaimed, but bond release has not been sought. Except for lands that have been left unreclaimed for long periods (under temporary cessation), there are no specific environmental problems that can be attributed to the lack of bond release.

During recent years, OSM has reported that reclamation in Texas has been successful because of the large number of acres that could receive bond release if bond release were sought. Because operators have not initiated bond release requests for these reclaimed acres, using OSM's primary measure of successful reclamation (Phase III bond release), one could conclude that reclamation has not been successful on several sites. During EY 2001, RCT took positive action to promote timely bond releases. OSM agrees that RCT's interpretation of the State program that the reclamation plan requires a bond release schedule is a reasonable interpretation. RCT has taken an appropriate action to ensure that reclamation has been successful.

RCT should continue implementing its requirement for a bond release schedule to be included as a part of the reclamation plan and should ensure that the schedules are met.

VI. OSM Assistance

OSM provided financial assistance to Texas in the form of grants, for 50 percent of the operational budget for RCT's activity as the regulatory authority and 100 percent of RCT's activity in AML. RCT has access to and uses equipment provided by OSM for the Technical Information Processing System.

VII. General Oversight Topic Reviews

Mine-Site Evaluation

During EY 2001, the Tulsa Field Office conducted 10 complete oversight inspections and 1 joint inspection with the State to assist in investigating a citizen's complaint. OSM found no violations during these inspections.

Appendix A: Tabular Summaries of Data

These tables present data pertinent to mining operations and State and Federal regulatory activities within Texas. They also summarize funding provided by OSM and Texas staffing. Unless otherwise specified, the reporting period for the data contained in all tables is October 1, 2000, to September 30, 2001. Additional data used by OSM in its evaluation of Texas' performance is available for review in the evaluation files maintained by the Tulsa Field Office.

TABLE 1

COAL PRODUCTION (Millions of short tons)			
Annual Evaluation Period	**Surface mines**	**Underground mines**	**Total**
Coal production[A] for entire State:			
1998	52.900	0.000	**52.900**
1999	53.000	0.000	**53.000**
2000	48.700	0.000	**48.700**

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.

TABLE 2

INSPECTABLE UNITS
As of September 30, 2001

Coal mines and related facilities	Number and status of permits: Active or temporarily inactive		Inactive Phase II bond release		Abandoned		Totals		Insp. Units[D]	Permitted acreage[A] (hundreds of acres)		
	IP	PP	IP	PP	IP	PP	IP	PP		IP	PP	Total
STATE AND PRIVATE LANDS	**REGULATORY AUTHORITY: STATE**											
Surface mines	0	15	0	4	0	0	0	19	19	0	2,395	2395
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
Subtotals	0	15	0	4	0	0	0	19	19	0	2395	2395
FEDERAL LANDS	**REGULATORY AUTHORITY: STATE**											
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
Subtotals	0	0	0	0	0	0	0	0	0	0	0	0
ALL LANDS[B]												
Surface mines	0	15	0	4	0	0	0	19	19	0	2,395	2395
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
Totals	0	15	0	4	0	0	0	19	19	0	2395	2395

Average number of permits per inspectable unit (excluding exploration sites): 1

Average number of acres per inspectable unit (excluding exploration sites): 12,603

Number of exploration permits on State and private lands: 39 On Federal lands[C]: 0

Number of exploration notices on State and private lands: 0 On Federal lands[C]: 0

IP: Initial regulatory program sites

PP: Permanent regulatory program sites

[A] When a unit is located on more than one type of land, include 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, 2001

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	0	0	0	0	0	0	0	0	0	0	0	0
Renewals	0	5	95,613	0	0	0	0	0	0	0	5	95,613
Transfers, sales and assignments of permit rights	1	1		0	0		0	0		1	1	
Small operator assistance	0	0		0	0		0	0		0	0	
Exploration permits	0	0		0	0		0	0		0	0	
Exploration notices[B]		39			0			0			39	
Revisions (exclusive of incidental boundary revisions)		258			0			0			258	
Incidental boundary revisions		0	0		0	0		0	0		0	0
Totals	1	303	95,613	0	0	0	0	0	0	1	303	95,613

OPTIONAL - Number of midterm permit reviews completed that are not reported as revisions. 2

[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 4

OFF-SITE IMPACTS

DEGREE OF IMPACT		RESOURCES AFFECTED												
		People			Land			Water			Structures			Total
		minor	moderate	major	minor	moderate	major	minor	moderate	major	minor	moderate	major	
TYPE OF IMPACT	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	1	0	0	0	0	0	1
	Encroachment	0	0	0	1	1	0	0	0	0	0	0	0	2
	Other	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	0	0	0	1	1	0	1	0	0	0	0	0	3

Total number of inspectable units: 19

Inspectable units free of off-site impacts: 16

OFF-SITE IMPACTS ON BOND FORFEITURE SITES

DEGREE OF IMPACT		RESOURCES AFFECTED												
		People			Land			Water			Structures			Total
		minor	moderate	major	minor	moderate	major	minor	moderate	major	minor	moderate	major	
TYPE OF IMPACT	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

Total number of inspectable units: N/A

Inspectable units free of off-site impacts: N/A

Refer to the report narrative for complete explanation and evaluation of the information provided by this table.

TABLE 5

ANNUAL STATE MINING AND RECLAMATION RESULTS

Bond release phase	Applicable performance standard	Acreage released during this evaluation period
Phase I	- Approximate original contour restored - Topsoil or approved alternative replaced	2,308.19
Phase II	- Surface stability - Establishment of vegetation	957.81
Phase III	- Post-mining land use/productivity restored - Successful permanent vegetation - Groundwater recharge, quality and quantity restored - Surface water quality and quantity restored	613.41
	Bonded Acreage Status[A]	**Acres**
Total number of bonded acres at end of last review period (September 30, 2000)[B]		143,839.00
Total number of bonded new acres during this evaluation period		627.00
Number of acres bonded during this evaluation year that are considered remining, if available		0.00
Number of acres where bond was forfeited during this evaluation year (also report this acreage on Table 7)		0.00

[A] Bonded acreage is considered to approximate and represent the number of acres disturbed by surface coal mining and reclamation operations.

[B] 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)

Bond Forfeiture Reclamation Activity by SRA	Number of Sites	Acres
Sites with bonds forfeited and collected that were unreclaimed as of September 30, 2000 (end of previous evaluation year)[A]	None	
Sites with bonds forfeited and collected during Evaluation Year 2001 (current year)	None	
Sites with bonds forfeited and collected that were re-permitted during Evaluation Year 2001 (current year)	None	
Sites with bonds forfeited and collected that were reclaimed during Evaluation Year 2001 (current year)	None	
Sites with bonds forfeited and collected that were unreclaimed as of September 30, 2001 (end of current year)[A]	None	
Sites with bonds forfeited but uncollected as of September 30, 2001 (end of current year)	None	
Surety/Other Reclamation (In Lieu of Forfeiture)		
Sites being reclaimed by surety/other party as of September 30, 2000 (end of previous evaluation year)[B]	None	
Sites where surety/other party agreed to do reclamation during Evaluation Year 2001 (current year)	None	
Sites being reclaimed by surety/other party that were re-permitted during Evaluation Year 2001 (current year)	None	
Sites with reclamation completed by surety/other party during Evaluation Year 2001 (current year)[C]	None	
Sites being reclaimed by surety/other party as of September 30, 2001 (current evaluation year) [B]	None	

[A] Includes data only for those forfeiture sites not fully reclaimed as of this date

[B] Includes all sites where surety or other party has agreed to complete reclamation and site is not fully reclaimed as of this date

[C] This number also is reported in Table 5 as Phase III bond release has been granted on these sites

TABLE 7

TEXAS (Full-time equivalents at the end of evaluation year)	
Function	**EY 2001**
Regulatory Program	
Permit review	17.00
Inspection	14.00
Other (administrative, fiscal, personnel, etc.)	9.00
Regulatory Program Total	**40.00**
AML Program Total	**8.00**
TOTAL	**48.00**

TABLE 8

FUNDS GRANTED TO TEXAS BY OSM

(Millions of dollars)

EY 2001

Type of Grant	Federal Funds Awarded	Federal Funding as a Percentage of Total Program Costs
Regulatory - Administration & Enforcement	$1,497,816.00	50%
Regulatory Totals	$1,497,816.00	50%
AMLR - Administration & Construction	$298,275.00	100%
AMLR Totals	$298,275.00	100%
Total Regulatory & AMLR	**$1,796,091.00**	

TABLE 9

TEXAS
INSPECTION ACTIVITY

PERIOD: OCTOBER 1, 2000 - SEPTEMBER 30, 2001

Inspectable Unit Status	Number of Inspections Conducted	
	Complete	Partial
Active*	68	169
Inactive*	16	32
Abandoned*		
Total	**84**	**201**
Exploration	**N/A**	**32**

* Use terms as defined by the approved State program.

State should provide inspection data to OSM annually, at a minimum, and maintain inspection data on a continual basis. OSM offices responsible for Federal and Indian Programs need to complete this table since data will be queried from the I&E Tracking System.

TABLE 10

TEXAS
ENFORCEMENT ACTIVITY

PERIOD: OCTOBER 1, 2000 - SEPTEMBER 30, 2001

Type of Enforcement Action	Number of Actions*	Number of Violations*
Notice of Violation	5	5
Failure-to-Abate Cessation Order	0	0
Imminent Harm Cessation Order	0	0

* Do not include those violations that were vacated.

State should provide enforcement data to OSM annually, at a minimum, and maintain data on a continous basis. OSM offices responsible for Federal and Indian Programs need not complete this table since data will be queried from I&E Tracking System.

TABLE 11

LANDS UNSUITABLE ACTIVITY
TEXAS

PERIOD: OCTOBER 1, 2000 - SEPTEMBER 30, 2001

Number of Petitions Received	0		
Number of Petitions Accepted	0		
Number of Petitions Rejected	0		
Number of Decisions Declaring Lands Unsuitable	0	Acreage Declared as Being Unsuitable	0
Number of Decisions Denying Lands Unsuitable	1	Acreage Denied as Being Unsuitable	9,622

State should provide lands unsuitable data to OSM annually if there is any activity in this program area. OSM OFFICES RESPONSIBLE FOR FEDERAL AND INDIAN PROGRAM STATES MUST ALSO COMPLETE THIS TABLE.

TABLE 12

ABANDONED MINE LAND RECLAMATION
NEEDS AND ACCOMPLISHMENTS SINCE PROGRAM APPROVAL

Problem nature	Unit	Coal-related problems				Noncoal-related problems	
		Abatement status				Abatement status	
		Unfunded	Funded	Completed	Total	Funded	Completed
Priority 1 & 2 (Protection of public health, safety, and general welfare)							
Clogged streams	Miles	0	0	0	0	0	0
Clogged stream lands	Acres	0	0	0	0	0	0
Dangerous highwalls	Lin Feet	0	0	3,285	3,285.00	3,100	42,830
Dangerous impoundments	Count	0	0	0	0	0	0
Dangerous piles and embankments	Acres	0	0	987	987	0	474
Dangerous slides	Acres	0	0	0	0	0	0
Gases: hazardous/explosive	County	0	0	0	0	0	0
Underground mine fires	Acres	0	0	0	0	0	0
Hazardous equip. & facilities	Count	0	0	0	0	0	0
Hazardous water bodies	Count	0	0	5	5	1	10
Industrial/residential waste	Acres	0	0	0	0	0	0
Portals	Count	0	0	6	6	0	52
Polluted water: agric. & indust.	Count	0	0	0	0	0	0
Polluted water: human consumption	Count	0	0	0	0	0	0
Subsidence	Acres	0	0	6	6	0	0
Surface burning	Acres	0	0	0	0	0	0
Vertical opening	Count	0	0	21	21	0	314
Priority 3 (Environmental restoration)							
Spoil areas	Acres	0	0	152	152	30	284
Benches	Acres	0	0	0	0	0	0
Pits	Acres	0	0	0	0	0	0
Gob piles	Acres	0	0	8	8	0	0
Slurry ponds	Acres	0	0	0	0	0	0
Haul roads	Acres	0	0	0	0	0	0
Mine openings	Count	0	0	0	0	0	0
Slumps	Acres	0	0	0	0	0	0
Highwalls	Lin Feet	0	0	0	0	0	0
Equipment/facilities	Count	0	0	0	0	0	0
Industrial/residential waste	Acres	0	0	0	0	0	0
Water problems	Gal/min	0	0	0	0	0	0
Other		0	0	0	0	0	0

Appendix B: State Comments on Report