

*October, 2009*

***OFFICE OF SURFACE MINING  
RECLAMATION AND ENFORCEMENT***

**Annual Evaluation Summary Report**

**for the**

**Regulatory Program**

**Administered by the Knoxville Field Office**

**of**

**Tennessee**

**for**

**Evaluation Year 2009**

**(October 1, 2008 to September 30, 2009)**

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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. The Act also provides authority for OSM to implement a Federal regulatory program in the States without approved regulatory programs. In Tennessee, OSM implemented the Federal regulatory program in October 1984 when the State repealed its surface mining law. OSM also has regulatory authority responsibilities for surface coal mining activities in the State of Georgia since they have never adopted an approved State program under SMCRA. This report contains summary information regarding the Tennessee and Georgia Federal Program and the effectiveness of the Federal Program in meeting the applicable purposes of SMCRA as specified in Section 102. This report covers the period of October 1, 2008, to September 30, 2009. Detailed background information and comprehensive reports for the program elements evaluated during the period are available for review and copying at the Knoxville, Tennessee OSM Office. You can also view this report on the OSM website at <http://www.osmre.gov/Reports/EvalInfo/2009/2009.shtm>

The following list of acronyms is used in this report:

AMD	Acid Mine Drainage
AML	Abandoned Mine Land
ARRI	Appalachian Regional Reforestation Initiative
FRA	Forestry Reclamation Approach
KFO	Knoxville Field Office
MEIR	Minesite Evaluation Inspection Report
NMA	National Mining Association
NRCS	Natural Resources Conservation Service
NTTP	National Technical Training Program
OSM	Office of Surface Mining
SMCRA	Surface Mining Control and Reclamation Act
TDEC	Tennessee Department of Environment and Conservation
TIPS	Technical Innovation and Professional Services

## **II. OVERVIEW OF THE TENNESSEE COAL MINING INDUSTRY**

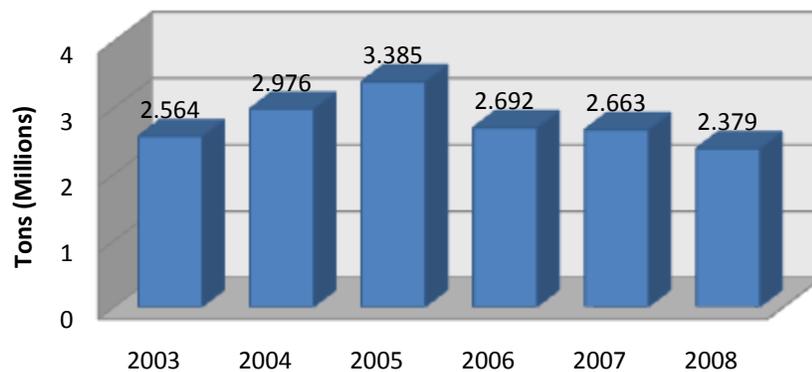
Tennessee's coal resources are in 22 counties located in the Appalachian Region of the Eastern United States extending from the Kentucky border to the Alabama border in the east central portion of Tennessee. Mining in the northern counties is primarily in the steep slope areas of the Cumberland Mountain range. Mining in the southern counties is generally confined to area-type operations due to the relatively flat terrain associated with the Cumberland Plateau.

Tennessee's recoverable coal reserves of 60.7 million short tons exist in bituminous coal beds from less than 28 inches to 42 inches in thickness at depths of up to 1,000 feet. Tennessee coal is used primarily for the generation of electric power.

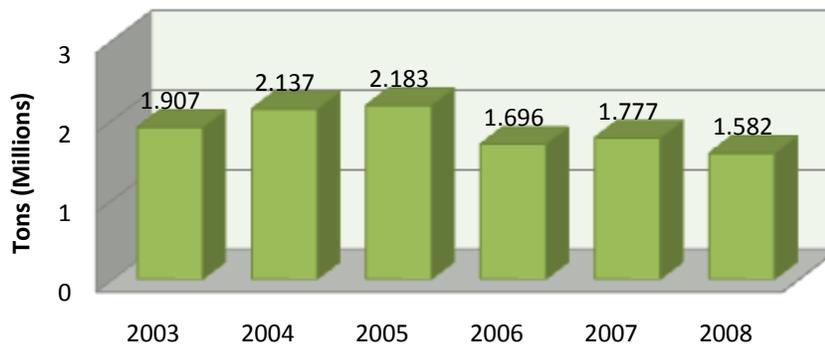
Tennessee ranked twenty second in production of coal among the 26 coal-producing states in fiscal year 2009. Coal production declined from a high of 11,260,000 tons in 1972 to 2.564 million tons in 2003. Coal production has remained relatively steady since calendar year 2003 with 2.4 million tons reported during calendar year 2008. Currently, there are a total of 14 active coal-producing mines that have permitted 7,336 acres. Underground mines have permitted 78 acres, excluding shadow areas, (shadow area is the footprint of the underground disturbance transposed to the surface area above) at 4 active mines, and surface operations have permitted 7,258 acres at 10 active mines as of September 30, 2009.

Currently, there are six abandoned surface mine sites located in Dade and Walker Counties of Northern Georgia which total 141 disturbed acres. There has been no coal production or permitting activity in Georgia for several years.

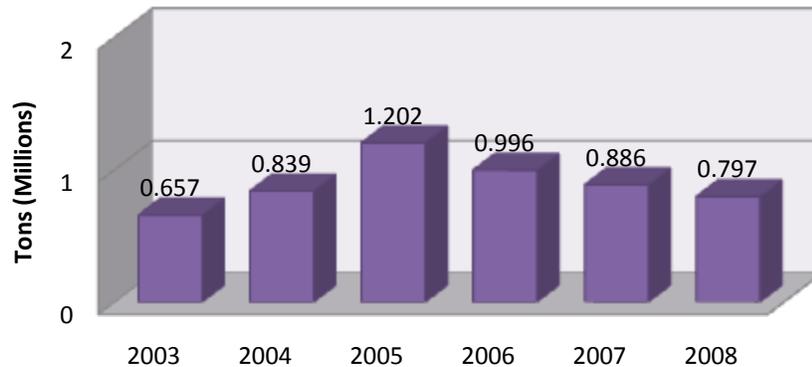
### Total Tennessee Coal Production 2003-2008



### Tennessee Surface Mine Coal Production 2003-2008



## Tennessee Underground Mine Coal Production 2003-2008



### **III. OVERVIEW OF THE PUBLIC PARTICIPATION OPPORTUNITIES IN THE TENNESSEE FEDERAL PROGRAM**

The Tennessee Federal Program provides numerous public participation opportunities in its program activities. Efforts are made to encourage participation and to inform the public of the avenues to participate in the regulatory program.

- **Public/Citizen Participation in the Regulatory Process**

Citizens, environmental groups, and industry representatives have access to all regulatory program files including permitting, inspection and enforcement, and bonding program files. Managers and staff have open-door policies for any segment of the public to discuss issues that may arise.

During the permitting process, the KFO is available to meet informally with individual citizens or organizations that have expressed concerns or have an interest in a pending permit or renewal application or a revision of an existing permit. The purpose of these meetings is to answer questions relative to the concerns and to provide information and/or explanations with respect to the permitting actions at issue. As a part of this informal public participation process, the KFO maintains a contact list that includes eighteen individuals and organizations that have expressed an interest in being notified of permitting actions being considered by OSM's KFO. In FY 2009, KFO met with individual citizens or representatives of environmental groups on at least eight different occasions, and discussed numerous individual issues during telephone conversations and inquiries.

Formal public participation opportunities are also afforded on all applications for new permits, significant revisions, and renewals reviewed in KFO. In FY 2009, public conferences and associated input were requested on one new application, three

significant revisions, and two renewal applications processed by KFO. One of the renewal applications was subsequently withdrawn and as such, the conference was not conducted. A total of three public conferences were conducted in FY 2009 with the remaining conferences anticipated to occur during the next fiscal year.

- **Agency Participation in the Regulatory Process**

Just as with participation of the public in the SMCRA regulatory process, KFO solicits input from numerous local, State, and Federal agencies that may have an interest in a proposed permitting action. KFO maintains a mailing / contact list including eleven different State or Federal agencies that receive notification of proposed permitting actions. Local or county-specific mailing / contact lists are also maintained for each of the twenty historical coal producing counties in Tennessee. Each of these county-specific lists generally include from eight to ten local agencies or officials that are also notified of proposed permitting actions. In addition to providing written notification to these agencies, KFO continues to participate in periodic meetings with agencies such as the Tennessee Department of Environment and Conservation, U. S. Fish and Wildlife Service, and the National Park Service to discuss issues related to coal mining in Tennessee. In FY 2009, at least thirteen inter-agency meetings occurred in response to individual proposed permitting actions or concerns, issues, and clarification of existing policies. In addition to these inter-agency meetings, there were, over the course of the fiscal year, numerous phone conversations with other agencies that further facilitated their participation in the SMCRA regulatory process.

- **Industry Meetings**

Pre-Permit Application Meetings with the Industry - KFO continues to meet with individual coal companies or their consultant(s) prior to submittal of a permit application to discuss potential issues that might arise during the permitting process and to seek resolution of concerns/problems that address regulatory requirements as well as the needs of the industry stakeholder. KFO instituted a pre-application process whereby the applicant meets with OSM, COE, USFWS, and TDEC while the application is being developed. The purpose of this meeting is to ensure all agencies with regulatory responsibilities review the proposed application and request information before the application is finalized for submittal. Because of the success of this initiative, this activity has become routine in the normal permitting process.

Stakeholder Meetings with the Industry - In implementing the regulatory program in Tennessee, KFO holds stakeholder meetings to discuss programmatic issues affecting the coal industry in Tennessee. These meetings are designed to solicit input from the industry for consideration by KFO. KFO conducted two such meetings during the past year. A joint meeting with the Tennessee Department of Environment and Conservation was held to discuss with industry stakeholders both State and SMCRA regulatory requirements related to water quality. KFO conducted a second meeting with industry that was an “open forum” type meeting where issues of concern to both the regulatory agency and the regulated industry could be discussed.

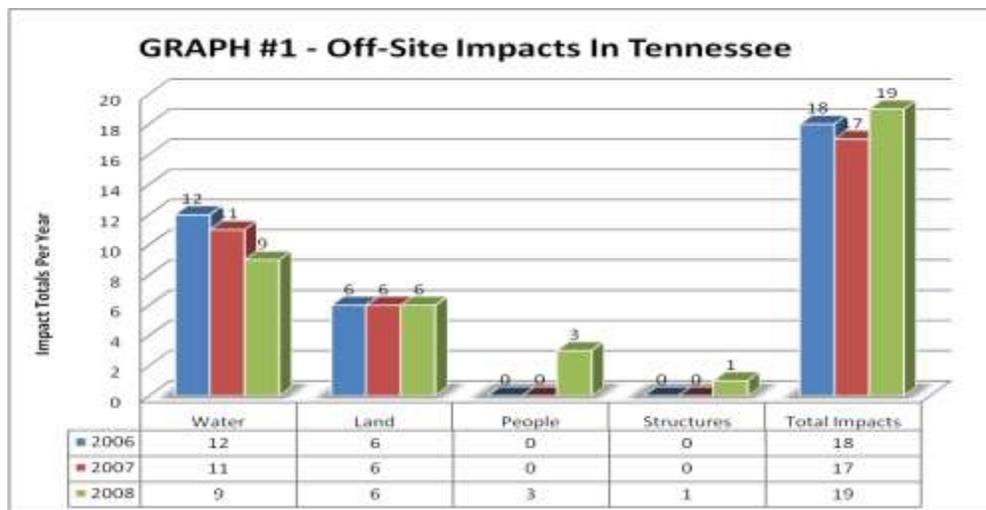
#### **IV. MAJOR ACCOMPLISHMENTS/ISSUES/INNOVATIONS IN THE TENNESSEE FEDERAL PROGRAM**

- **Off-site Impact Study**

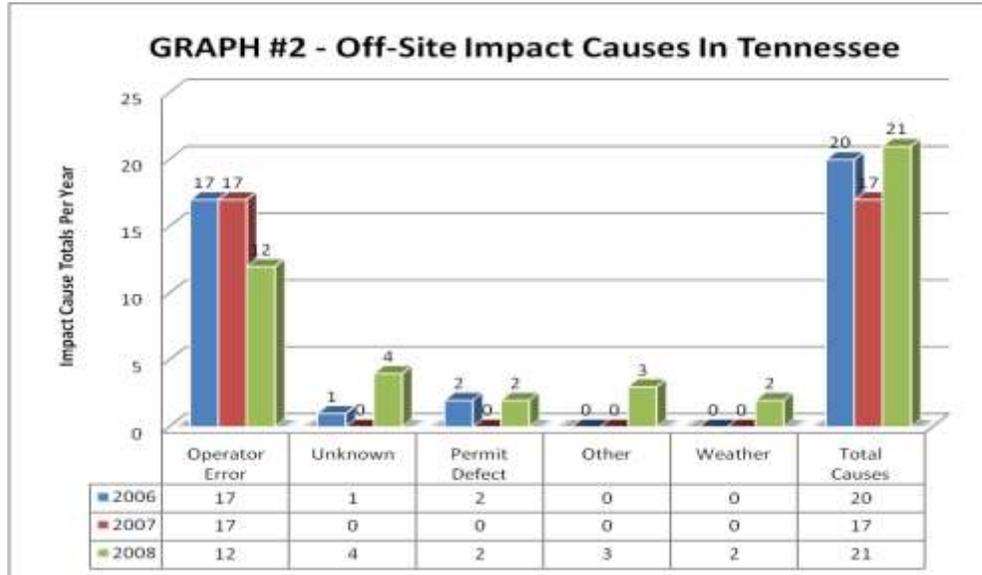
During FY 2009, the KFO conducted a study of off-site impacts in Tennessee. Off-site impact data is routinely collected and reported in conjunction with enforcement actions issued as a result of SMCRA mandated mine site inspections.

In order to evaluate sufficient off-site impact data to determine trends and causes, data from the past three-year period (FY 2006, 2007 and 2008) were used. KFO enforcement files were reviewed and interviews were conducted with reclamation specialists having historical knowledge of field decisions and circumstances prior to impact occurrence. Differences among minor, moderate and major off-site impacts were not examined since all are counted in reporting the performance measurement regardless of impact severity.

During this three year period a total of fifty four off-site impacts to people, land, water and structures were identified. The study revealed the vast majority of impacts during this period occurred to water, followed in order by land, people and structures. Off-site impacts to water most often occurred due to changes in water chemistry during mining or when sediment laden runoff left sites for short distances. Many of the impacts to land resulted from slides, encroachment off permits and from blast fly rock. People and structures were adversely affected when public roads were impacted by mining operations. Adverse impacts to people also resulted from blast vibrations.



The study also found the overwhelming majority of Tennessee off-site impacts during this period were caused by operator error.



Based on the study findings the KFO developed a plan for further reducing occurrences of offsite impacts in Tennessee. The major steps in the plan are as follows:

1. Meet with KFO field inspectors in the Fourth Quarter of FY 2009 to discuss uniform methods and consistency in reporting off-site impacts and strategies for helping operators reduce off-site impacts.
2. Meet with KFO technical staff in the First Quarter of FY 2010 to discuss the observed permit defects that contributed to off-site impacts and consider options to avoid them in the future.
3. Develop an off-site impact study PowerPoint presentation illustrating the study method and findings to be used to inform and educate the coal industry. The presentation is targeted for completion during the First Quarter of FY 2010.
4. Develop an information document (bulletin or newsletter) for distribution to the Tennessee coal industry and consultants. The purpose of this document will be to focus on off-site impact trends and causes, and bring attention to possible means of preventing off-site impacts. The document will be distributed during the Second Quarter of FY 2010.

- **Abandoned Mine Land Projects in Tennessee**

OSM now allocates and awards funding to Tennessee to reclaim abandoned mine land sites pursuant to provisions included in the 2006 changes to SMCRA. The Tennessee Department of Environment and Conservation (TDEC), Land Reclamation Section is

the State agency responsible for receiving such AML funds and implementation of the approved Tennessee Abandoned Mine Land Reclamation (AMLR) Plan.

During FY 2009, TDEC was awarded an AML grant for the period February 1, 2009, to January 31, 2013, in the amount of \$1,896,843 with subaccounts for \$1,648,738 in non-emergency construction costs; \$238,105 in Acid Mine Drainage (AMD) set-aside costs; and \$10,000 in non-emergency administrative costs.

TDEC drew down the approved \$238,105 in AMD set-aside funds on June 3, 2009. The funds are maintained in a separate interest-bearing Tennessee Surface Mine Reclamation Fund account established under TN Code 59-8-326, dedicated to receive AMD set-aside funds in accordance with 30 CFR 402(g)(6) solely for AMD reclamation. The set-aside funding will be used to leverage matching funds from other agencies whenever possible in order to address AMD problems emanating from the Tennessee coalfields.

During FY 2009, TDEC submitted and OSM issued authorizations to proceed (ATPs) on several AML hazard abatement construction projects:

- A & W Reclamation – ATP issued November 25, 2008 - \$64,000 in post-Act reclamation funding to address drainage problems from past coal mining.
- AML Enhancement - Silvey Gap Gob Pile – ATP issued April 15, 2009. TDEC will expend an estimated \$1,625 in AML non-emergency construction funding for native hardwood tree planting over the project site. The total estimated abatement construction cost associated with the AML hazard abatement is \$466,625. The estimated AML construction funding of \$1,625 is less than one percent of the total cost. The reduced construction cost was achieved by allowing coal removal from the existing coal refuse pile incidental to AML hazard abatement construction.
- Gobey Waterline – ATP issued April 15, 2009 - \$300,000 in AML water supply construction funding to provide potable water to 45 households, where water contamination or diminution resulted from pre-SMCRA coal mining.
- Cherry Branch Reclamation – ATP issued September 9, 2009 - \$600,000 in AML non-emergency construction funding to eliminate highwalls, spoil piles and depressions and restore 58 acres of pre-SMCRA mined land.

During FY 2009, TDEC completed AML hazard abatement construction at the Green Sea 2 Reclamation project for a cost of \$486,000. Highwalls, spoil piles, and depressions were eliminated to restore 60 acres of pre-SMCRA mined land.

Tennessee is also currently working on revising its AML Program to reflect statutory, regulatory, policy, procedural, and organizational changes that have occurred since 1984. TDEC provided an informal submission of the AMLR Plan during FY 2009. OSM field

office and regional personnel reviewed and provided TDEC comments on the informal submission. TDEC is currently working on a formal submission of the AMLR Plan.

The Abandoned Mine Land Program for the State of Tennessee along with the Knoxville Field Office published a public notice in August 2009 to solicit topics from citizens, industry and environmental groups to include in its 2010 Abandoned Mine Land Reclamation (AMLR) oversight work plan. The public notice requested input concerning AMLR oversight. A total of two comment letters were received and responses issued. The notice also informed the public that a final copy of the plan is available for public review at any time.

- **Acid Mine Drainage Mitigation Projects**

The Federal Program in Tennessee participates as facilitator with local watershed efforts to mitigate the effects of acid mine drainage (AMD) being discharged into watersheds from abandoned coal mines. The TDEC completed on-the-ground work using monies provided by local, State, and Federal agencies and OSM's Abandoned Mine Land (AML) fund. The five designated watersheds are:

**North Chickamauga Creek** - This is a watershed near Chattanooga that has a formal citizen's group leading the clean-up effort. The North Chickamauga Creek Conservancy has been the driving force behind the watershed restoration activities, which include AMD treatment systems, land acquisitions for watershed preservation, stream bank stabilization projects, water monitoring programs, and Greenway trails and pathways. To date, cooperating agencies, private and corporate contributors, and in-kind services from the local communities have provided over five million dollars toward the preservation activities. In FY 2009, the KFO continued to provide water monitoring assistance to the watershed group's partners in order to prioritize water improvement project needs and document the effects the water improvement projects have on the creek.

**Underground mine discharge contains low pH and high metals-laden water. Note the iron staining on the limestone rocks.**



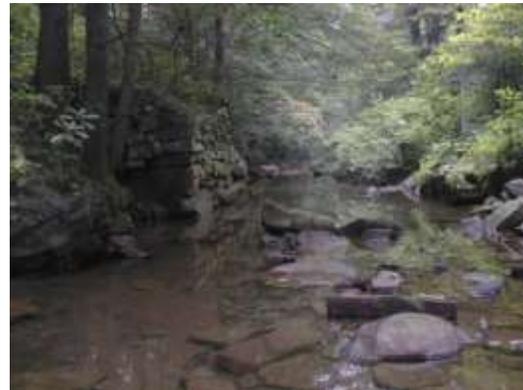
**The discharge enters the passive treatment system. Note the discharge inlet in the background.**



**This is a multi-cell passive treatment system, with the inlet on the left, and the water circulates through all the cells prior to discharging into the stream.**



**The stream below the passive treatment system that the partnership is trying to protect.**



**Bear Creek** - This is a watershed near Oneida in Scott County that flows into the Big South Fork National River and Recreation Area. The TDEC installed numerous passive treatment systems at abandoned coal mines in the watershed and additional future facilities will be installed as funds become available. To date, the TDEC, the Environmental Protection Agency, the Natural Resources and Conservation Service (NRCS) and OSM have contributed \$2,433,235.00 in funds and in-kind services in Bear Creek. In FY 2008, NRCS continued construction activities on two watershed cooperative agreement projects that will reclaim toxic spoils and treat water from abandoned mines in the areas. Due to increased cost of fuel, fertilizers and transportation, additional funding was requested by the partnership in FY 2008. OSM provided \$98,000 and \$99,000 for the cooperative agreements. No new funding was granted during FY 2009. The work initiated during FY 2008 is expected to continue into

FY 2010. One agreement was completed in FY 2009 and the other site's grading plans are being prepared by the NRCS. Completion is expected in FY 2010.

**Before the reclamation efforts performed by the Natural Resources and Conservation Service with assistance from the Knoxville Field Office using matching cooperative agreement funding from OSM.**



**A sports complex near Oneida, Tennessee was developed for use by local soccer and softball teams.**



**The reclamation eliminated sources of acid mine drainage and stream sedimentation discharging from abandoned mines.**



**Big Laurel Creek** - This is a watershed in Fentress County, Tennessee. The Tennessee Wildlife Resources Agency (TWRA), in cooperation with the TDEC, is taking the lead for the mitigation projects. The State agencies have installed several passive treatment systems in the watershed using State and OSM's AML funds. Activity in this watershed was reduced during 2009 due to other workload priorities.

**Coal Creek** - Coal Creek and the associated watershed is about 30 miles north of Knoxville and flows through Lake City and empties into the Clinch River; one of Tennessee's most used trout fisheries. The mission statement of the Coal Creek Watershed Foundation is to "Improve the Quality of Life in the Coal Creek Watershed". The group was formed in late 1999 and has been very active with clean up, educational, and outreach efforts. While the partners have been active in the watershed, OSM's activities have been reduced due to other workload priorities.

**Big Creek** - This watershed is about 40 miles north of Knoxville and empties into Norris Lake. The water intake for the City of LaFollette is also in Big Creek. The main tributaries of Big Creek are Thompson and Ollis Creeks which were extensively mined and heavily impacted by acid mine drainage from abandoned coal mines. There were no OSM projects in the watershed during 2009.

- **Tennessee Reforestation Initiative**

The Appalachian Regional Reforestation Initiative (ARRI) is a cooperative effort among the States of Kentucky, Maryland, Ohio, Pennsylvania, Virginia and West Virginia; the Office of Surface Mining, including the Tennessee Federal Program, their partners in industry, environmental organizations, academia, local, State and Federal government agencies and local citizenry. The goals of the initiative are to plant more high-value hardwood trees on reclaimed coal mined lands in Appalachia and to increase the survival rates and growth rates of the planted trees by using the Forestry Reclamation Approach (FRA). The FRA is a science-based technology designed to help restore native hardwood forest habitat and enhance natural succession of native forest plants on previously mined land. Additional information about the FRA is available on the ARRI website <http://arri.osmre.gov/>. KFO staff serves as members of the ARRI Core Team and the ARRI Science Team, and continue to provide leadership and active support in promoting and achieving the goals of ARRI.

During 2009, a total of 321,000 trees were planted on reclaimed mine sites in Tennessee and 235,000 of those trees were planted on sites prepared using the FRA. As a result, 73 percent of trees planted on reclaimed mines in Tennessee in 2009 were on sites prepared using the FRA. The Tennessee mining industry has worked with KFO to include appropriate provisions in the approved mining permits and to implement the FRA in the field. This year KFO will present an ARRI Reforestation Award to Kopper Glo Fuel, Inc. for the King Mountain Surface Mine in Claiborne County, Tennessee. Final reclamation of the mine site is underway resulting in over 100,000 native hardwood trees planted on 220 acres prepared according to the FRA.

**Kopper Glo uses FRA rough grading to prepare an un-compacted tree growth medium which will reduce soil erosion and enhance water infiltration, increase tree root penetration, tree survival and growth.**



**A one-year-old red oak seedling planted on a steep slope at the King Mountain site.**



KFO staff conducted three FRA workshops in Tennessee training 95 equipment operators with Kopper Glo Mining Company and National Coal Company. The workshop included a classroom training session and field visits to the active mine sites to discuss FRA implementation. KFO continued promoting the FRA into the Mid-Continent Region (MCR). KFO staff played a major role in working toward this goal by making FRA presentations and conducting two Workshops in Alabama resulting in a commitment from the Alabama Surface Mining Commission and the coal industry to install FRA demonstration projects on active mine sites during the coming year. KFO staff also conducted two FRA workshops in Tennessee at request of the Oklahoma Department of Mining, the OSM Tulsa Field Office and the mining industry. The workshops included a classroom training session about the FRA and a field trip to the White Oak Reforestation Project in Tennessee to view an existing FRA demonstration area.

KFO planned and organized an Arbor Day tree planting at the North Cumberland Wildlife Management Area with representatives from The Nature Conservancy, KFO, the Young Marines, Tennessee Wildlife Resources Agency, Tennessee Division of Forestry, Lexington Coal Company, Triple H Coal, Tennessee Chapter of the American Chestnut Foundation and Coal Creek Foundation.

**The Young Marines plant hardwood seedlings at the North Cumberland Wildlife Management Area on a site that was ripped to reduce soil compaction in accordance with the FRA.**



KFO worked with the University of Tennessee to develop OSM Applied Science Proposals for research on implementing the FRA on steep slope mining areas. The proposals were selected for funding by OSM with KFO staff serving as the OSM Technical Representative for the approved projects.

During 2009, KFO staff made presentations about the FRA at numerous conferences including the American Society of Mining and Reclamation, the Society of American Foresters, the American Chestnut Foundation, the Tennessee Mining Conference, the National Association of State Mining Reclamationists and the Alabama Mining Institute. FRA presentations were also given to the Clear Fork Watershed Council, the Woodland Community and associated OSM VISTA members.

- **White Oak Reforestation Project**

The White Oak Reforestation Project (WORP) is located in Campbell County, Tennessee. The initial phase of this project was to establish a 130-acre Forestry Reclamation Approach (FRA) demonstration area on a mine site reclaimed by Gatliff Coal Company in 2002.

During 2009, the demonstration area was used to show effective reforestation to coal companies, and state regulatory authorities from Virginia, Tennessee, Alabama and Oklahoma. The WORP was also used facilitate the field trip for a FRA Ground Cover Workshop conducted by ARRI Science Team members from the University of Tennessee Department of Forestry. Emphasis is placed on explaining the environmental benefits that can be realized through creating highly productive forestland on reclaimed mine sites. These multiple benefits include restoration of clean water and air resources, carbon sequestration, soil conservation, wildlife and endangered species habitat, recreational opportunities, commercial forestry, and other economic opportunities based on forest products.

**Development of a mixed hardwood forest during the fifth growing season at the White Oak Reforestation Project in Campbell County, Tennessee**



- **Process Improvement Team (PIT Crew)**

During FY 2009, the KFO formed a Process Improvement Team (PIT Crew) comprised of staff with diverse experience and responsibilities. The PIT Crew's purpose is to develop an efficient and effective process for KFO Technical and Inspection staff to work together as an assigned team to design and implement a quality permit from initial conception of proposed mining through final bond release. KFO management gave the PIT Crew the task of creating a team concept for streamlining requests for technical assistance, which would improve coordination between work groups, implement and promote a team environment, empower work groups to set priorities without management involvement and identify and resolve issues during the application review and during the early stages of mining. The PIT crew has developed a list of permits for a test period to track the progress and successes of the concept and is nearing completion of the written draft of the informal process. The PIT Crew is the ground breaker for a "team concept" effort in KFO and its success will be a model for future development of all KFO teams.

- **Summary of Successes**

KFO continues to improve its relationships with its customers and stakeholders by providing increased opportunities for participation in the regulatory functions of the Field Office and by meeting with State and Federal agencies, citizens, landowners, and industry to discuss concerns and to foster better working relationships. The results have produced enhancements in compliance with respect to operators anticipating and addressing potential problems before they develop into violations. There have also been enhancements in communications with operators and landowners, based on industry feedback since the outreach efforts began. This feedback has consisted of improved oral communications as well as input into development of field office policies and procedures such as the recent development of guidance documents for the protection and enhancement of Federally-listed species such as the Indiana bat and the blackside dace.

**Trust Funds** – In accordance with 30 CFR 942.800(c), trust funds or annuities are intended to guarantee treatment of the long-term post-mining pollutional discharges associated with sites permitted under the Tennessee Federal Program. The primary purpose of such trusts is to protect the environment; and the health and welfare of the public while providing an economical way through which the trust or annuity will be invested and managed for the long-term operation of water control and treatment facilities associated with coal mine sites.

During FY 2009, OSM conducted the first annual review of the Gladly Fork long term treatment trust fund, the first treatment trust fund implemented under the Tennessee Federal Program. During this past fiscal year, three additional sites were evaluated and were determined to be candidates for long-term bonding. From these three sites, the second treatment trust fund agreement to be implemented under the Tennessee Federal program was finalized with Lexington Coal Company (LCC). A total of \$836,594 was invested to provide long term treatment of pollutional discharges emanating from LCC's Energy Wash facility in Campbell county Tennessee. Additional sites are being evaluated in FY 2010 as technical reviews of the water quality conclude at several sites with potential post-mining water quality concerns.

**Electronic Permitting** - KFO serves as a leader in promoting new technology in implementing SMCRA by creating the first federal electronic permitting process. The Electronic Permit Application Control Solution (EPACS) encompasses all of the permitting aspects in KFO. EPACS consists of two major components, the client tool that allows the applicant to electronically prepare and transmit the application and the internal tracking tool that allows management and staff to track and review the application.

During FY 2009, the KFO completed several items to facilitate the release of EPACS. In June of FY 2009, an installation program was developed to install the client tool from a CD. KFO distributed the client software application to the consultants during an industry meeting in September of 2009 and was able to purchase and install additional hardware to

support the review of applications in the Field Office. Training on the EPACS client tool was performed throughout the year. There will be continued training efforts throughout all aspects of the EPACS. KFO was able to develop and distribute surface and ground water data sheets with the client tool, developing standard sheets and ensuring consistent submittal of data by the applicant. Future efforts will be made to continue to develop more software tools to enhance to duties of reviewing permits. Preparations were made during the FY 2009 year to present EPACS at the Interstate Mining Compact Commission (IMCC) Benchmarking Workshop on E-Permitting and Mobile Computing meeting that will be held during FY 2010.

**KFO GIS** – The KFO Geographic Information System (KFO GIS) is the only federal repository containing geographic data about coal mining operations within Tennessee. KFO customers use these spatial data to visualize and understand the relationships of past, present, and proposed coal mining operations and their potential environmental impacts. In the past year, KFO GIS has completed digitizing of selected coal mining features from legacy paper maps, is now working toward completion of data entry of laboratory-grade environmental data from approved coal mining permit applications, and also is restructuring its workflow to receive these data in digital format from approved electronic permits. In FY 2009, KFO GIS contributed high quality coal mining data for many projects, assisted inspection and technical staff in the use of these data and GIS applications, provided data to external customers such as industry to reduce sampling costs in preparing new permit applications and also to the public and other governmental agencies requesting environmental data of the Tennessee coalfield, and successfully completed a mobile GIS initiative to test the feasibility of extending office workstation GIS functionalities to the field for use by inspectors and technical personnel. Nationally, members of KFO GIS participate on the Coal Mining Spatial Data Standards ASTM Task Group and the National Coal Mining Geospatial Committee (NCMGC). The Data Standards Task Group develops voluntary standards in cooperation with our SMCRA partners for selected coal mining spatial features under American Society for Testing and Materials (ASTM) International guidelines. This work lays the foundation for standardized creation, use, collection, and assimilation of national datasets of coal mining features from approved regulatory programs. Future OSM geospatial planning efforts will build on this foundation.

**OSM-KFO Reclamation Specialist, Joy Keegan and Reclamation Specialist Trainee, Mychal Dabney conducts a Mobile GIS test by utilizing a laptop.**



- **Litigation** – No new litigation was initiated during FY 2009.

**Pending:**

***National Mining Association v. Kempthorne, No. 00-0549 (E.D. Tenn.)***

In 2000, the National Mining Association (NMA) challenged KFO's issuance of Field Office Policy Memorandum No. 37, which established procedures for revising permits and increasing reclamation bonds where there is unanticipated acid mine drainage (AMD). NMA argued that the Policy Memorandum's new procedures for recalculating bond amounts to account for long-term treatment of AMD violate both the Administrative Procedure Act and the Surface Mining Control and Reclamation Act of 1977 (SMCRA). On March 2, 2007, OSM published a final rule in the *Federal Register* that provides for the use of trust funds and annuities to fund the treatment of post-mining pollutional discharges from surface coal mining operations and thus satisfy performance bond obligations for treatment of those discharges. Although Field Office Policy Memorandum No. 37, subject of the pending lawsuit, was rescinded on February 29, 2008, the litigation remains pending.

- **Endangered Species** – In a continuing effort to improve and enhance protections for threatened and endangered species, KFO, in cooperation with the U. S. Fish and Wildlife Service, finalized guidelines for protection and enhancement of the blackside dace, a fish species listed as “threatened” under the Endangered Species Act. These guidelines were developed in accordance with the 1996 Biological Opinion and are designed to help minimize the impact to the dace and their habitats. This species is or historically has been identified as present within first and second order streams in portions of three counties in the northern Tennessee coalfield. The guidelines are provided for the use of industry when they are considering development of a mining proposal under the SMCRA regulatory program. The guidelines are provided to help the potential applicant understand what information must be provided in an application to identify whether the species is indeed present in the area proposed to be mined, and if present, what measures must be taken to ensure that the proposed mining is not likely to adversely affect the continued existence of the species, or result in destruction or adverse modification of their critical habitats, as determined under the Endangered Species Act of 1973, as amended.

## V. TECHNICAL ASSISTANCE

KFO continues to have a number of its employees, primarily the Technical Group staff, serving on different projects, teams, and assignments that are of common interest to the Appalachian Region and to all of OSM. Several of these technical assistance activities are cooperative efforts with the Program Support Division within ARC. For the evaluation year, the Technical Group has spent approximately 93 percent of its time on Federal program activities and 7 percent on technical assistance activities. The projects and activities, which involve KFO employees, are as follows:

- National Blasting Work Group
- Instructors for NTTP Training Courses
- Instructors for TIPS Training Courses
- Appalachian Regional Reforestation Initiative
- KFO Reforestation Initiative
- Technical support to OSM's Lexington and Charleston Field Offices for oversight and Federal Lands issues
- Technical support to Bureau of Land Management on Federal Lands issues such as leasing and NEPA requirements
- Technical support for joint OSM / State initiative to apply geospatial technology in implementation of the SMCRA regulatory program.
- New River Mussel Survey
- Technical support to National Park Service and other Federal / State agencies in development of a hydrologic database for the New River watershed

**VI. 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 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 that meet the bond release requirements for the various phases of reclamation.

**• Off-Site Impacts**

**Active Sites** - One of the intents of SMCRA is to prevent adverse affects to the public and to the environmental resources adjacent to a permitted surface coal mining operation. While conducting complete and partial inspections during EY 2009 KFO Reclamation Specialists evaluated all active mine sites for off-site impacts. Off-site impacts resulting from SMCRA violations were directly reported via the Minesite Evaluation Inspection Report (MEIR). The MEIR data was transferred to a database with a summary report developed for year-end reporting purposes. In addition to MEIR data collection, citizen complaint files were evaluated and interviews with individual inspectors were conducted to determine if off-site impacts from other sources had occurred.

Fifteen permits were identified as having 21 events that impacted 23 resources (people, land, water and structures). Nineteen off-site impacts to water (15 minor, 3 moderate and 1 major) occurred due to changes in water chemistry during mining or sediment laden run-off leaving the sites for short distances. The major impact to water occurred when a mining disturbance was developed without planned sediment control, resulting in significant sediment deposits to the receiving stream. Two impacts to land, both minor, resulted from mining disturbances occurring outside the approved permit boundaries. One minor impact to people and one minor impact to structures occurred when an excessive amount of mud and debris was tracked by coal trucks onto a public road.

The majority of the violations were considered to be permittee negligence. For this reason, improvements in the regulatory functions or processes are being reviewed.

During FY 2009, the OSM KFO conducted an off-site impact study to determine trends and causes of impacts occurring during the previous three years (FY 2006, 2007 and 2008). This study is discussed in detail in Section IV of this report.

**OSM-KFO Reclamation Specialist, Dudley Shumate and Reclamation Specialist Trainee, Mychal Dabney evaluate surface mine drainage for hydrologic impacts.**



**Bond Forfeiture Sites** - KFO is responsible for conducting inspections of bond-forfeited sites at reduced frequencies including at least one complete inspection per year. Many of these sites have remained in abandoned status for several years but natural vegetative processes have stabilized the disturbances. During FY 08, the KFO received civil penalty monies, which were utilized during FY 2009 to remediate two off-site impacts. A third off-site impact report in FY 08 was eliminated when an unpermitted minesite was reclaimed. The KFO reports no off-site impacts at bond forfeited sites during FY 2009.

- **Bond Releases**

During the period October 1, 2008, through September 30, 2009, KFO processed 27 bond release applications. A total of 22 release actions were approved, consisting of 6 Phase I, 8 Phase II, and 8 Phase III releases. These actions resulted in returning all or a portion of the bond on 3,614 acres of reclaimed mine lands (see attached Table 5). During this same period there were no bond release applications disapproved, 4 bond release applications were returned as incomplete and no bond release applications were withdrawn.

## **APPENDIX A:**

These tables present data pertinent to mining operations and Federal regulatory activities within Tennessee. The reporting period for the data contained in the tables is October 1, 2008, through September 30, 2009. Additional data used by KFO in its evaluation of performance is available for review in the evaluation files maintained by the KFO.

### **TABULAR SUMMARY OF CORE DATA TO CHARACTERIZE THE PROGRAM**

- Table 1: Coal Production in Tennessee
- Table 2: KFO Inspectable Units in Tennessee
- Table 2: KFO Inspectable Units in Georgia
- Table 3: KFO Permitting Activity in Tennessee
- Table 4: Off-Site Impacts in Tennessee
- Table 4: Off-Site Impacts in Georgia
- Table 5: Annual State Mining and Reclamation Results for Tennessee
- Table 6: KFO Bond Forfeiture Activity
- Table 7: KFO Staffing
- Table 8: Funds Granted to State by OSM
- Table 9: KFO Inspection Activity in Tennessee
- Table 9: KFO Inspection Activity in Georgia
- Table 10: KFO Enforcement Activity in Tennessee
- Table 10: KFO Enforcement Activity in Georgia
- Table 11: Lands Unsuitable Activity

**TABLE 1**

**Coal Produced for Sale, Transfer, or Use**  
 (Millions of Short Tons)

Period	Surface Mines	Underground Mines	Total
Coal production <sup>A</sup> for entire State:			
Calendar Year			
CY 2006	1.696	0.996	2.692
CY 2007	1.777	0.886	2.663
CY 2008	1.582	0.797	2.379

A

Coal production as shown in this table is the gross tonnage and includes coal produced during the calendar year (CY) for sale, transfer or use. The coal produced in each CY quarter is reported to OSM during the following quarter by each mining company on line 8 (a) of form OSM-1, 'Coal Reclamation Fee Report.' 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.

**Provide production information for the latest three full calendar years to include the last full calendar year for which data is available.**

**TABLE 2**

**Inspectable Units  
 As of September 30, 2009**

Coal mines and related facilities	Number and Status of Permits								Nbr. of Insp. Units <sup>A</sup>	Permitted Acreage <sup>B</sup> (100's of acres)				
	Active or temporarily inactive		Inactive Phase II bond release		Abandoned		Totals			Federal Lands		State/Private Lands		All Lands
	IP	PP	IP	PP	IP	PP	IP	PP		IP	PP	IP	PP	Total
<b>LANDS FOR WHICH THE STATE IS THE REGULATORY AUTHORITY</b>														
Surface mines	2	52	1	6	94	32	97	90	187	0.0	2.0	34.9	236.6	273.5
Underground mines	0	32	0	3	21	22	21	57	78	0.0	1.6	1.5	9.6	12.7
Other facilities	1	34	0	4	2	7	3	45	48	0.0	0.0	0.1	22.1	22.2
<b>Total</b>	<b>3</b>	<b>118</b>	<b>1</b>	<b>13</b>	<b>117</b>	<b>61</b>	<b>121</b>	<b>192</b>	<b>313</b>	<b>0.0</b>	<b>3.6</b>	<b>36.5</b>	<b>268.3</b>	<b>308.4</b>
Total number of permits:										313				
Average number of permits per inspectable unit (excluding exploration sites):										1.00				
Average number of acres per inspectable unit (excluding exploration sites):										98.53				
Number of exploration permits on State and private lands:								1	On Federal lands <sup>C</sup> :		0			
Number of exploration notices on State and private lands:								31	On Federal lands <sup>C</sup> :		0			
<p>IP: Initial regulatory program sites          PP: Permanent regulatory program sites</p> <p><sup>A</sup> Inspectable units include multiple permits that have been grouped together as one unit for inspection frequency purposes by some State programs.</p> <p><sup>B</sup> When a single inspectable unit contains both Federal lands and State/Private lands, enter the permitted acreage for each land type in the appropriate category.</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>														

**TABLE 2**

**Inspectable Units**  
 As of September 30, 2009

Coal mines and related facilities	Number and Status of Permits								Nbr. of Insp. Units <sup>A</sup>	Permitted Acreage <sup>B</sup> (100's of acres)				
	Active or temporarily inactive		Inactive Phase II bond release		Abandoned		Totals			Federal Lands		State/Private Lands		All Lands
	IP	PP	IP	PP	IP	PP	IP	PP		IP	PP	IP	PP	Total

**LANDS FOR WHICH THE STATE IS THE REGULATORY AUTHORITY**

Surface mines	0	0	0	0	4	0	4	0	4	0.0	0.0	1.3	0.0	1.3
Underground mines	0	0	0	0	2	0	2	0	2	0.0	0.0	0.1	0.0	0.1
Other facilities	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>6</b>	<b>0.0</b>	<b>0.0</b>	<b>1.4</b>	<b>0.0</b>	<b>1.4</b>

Total number of permits:	6
Average number of permits per inspectable unit (excluding exploration sites):	1.00
Average number of acres per inspectable unit (excluding exploration sites):	23.33
Number of exploration permits on State and private lands:	0
Number of exploration notices on State and private lands:	0
On Federal lands <sup>C</sup> :	0
On Federal lands <sup>C</sup> :	0

IP: Initial regulatory program sites  
 PP: Permanent regulatory program sites

<sup>A</sup> Inspectable units include multiple permits that have been grouped together as one unit for inspection frequency purposes by some State programs.

<sup>B</sup> When a single inspectable unit contains both Federal lands and State/Private lands, enter the permitted acreage for each land type in the appropriate category.

<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.

**TABLE 3**

**State Permitting Activity  
 As of September 30, 2009**

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	1	1	605	1	0	0	0	2	46	2	3	651
Renewals	1	0		6	7		6	3		13	10	
Transfers, sales, and assignments of permit rights	4	6		0	1		0	0		4	7	
Small operator assistance	0	0		0	0		0	0		0	0	
Exploration permits										0	0	
Exploration notices <sup>B</sup>											10	
Revisions (exclusive of incidental boundary revisions)		79			7			11			97	
Revisions (adding acreage but are not incidental boundary revisions)	0	0	0	0	0	0	0	0	0	0	0	0
Incidental boundary revisions	10	10	10	0	1	15	2	2	33	12	13	58
<b>Totals</b>	<b>16</b>	<b>96</b>	<b>615</b>	<b>7</b>	<b>16</b>	<b>15</b>	<b>8</b>	<b>18</b>	<b>79</b>	<b>31</b>	<b>140</b>	<b>709</b>

OPTIONAL - Number of midterm permit reviews completed that are not reported as revisions: 9

<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 (excluding bond forfeiture sites)**

RESOURCES AFFECTED	People			Land			Water			Structures		
	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major
Blasting	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
Hydrology	19	0	0	0	0	0	15	3	1	0	0	0
Encroachment	3	0	0	2	0	0	0	0	0	1	0	0
Other	1	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>23</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>15</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>

Total number of inspectable units (excluding bond forfeiture sites): 135  
 Inspectable units free of off-site impacts: 120  
 Inspectable units with off-site impacts: 15

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

RESOURCES AFFECTED	People			Land			Water			Structures		
	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major
Blasting	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
Hydrology	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
Other	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>									

Total number of inspectable units (only bond forfeiture sites): 178  
 Inspectable units free of off-site impacts: 178  
 Inspectable units with off-site impacts: 0

**TABLE 4**  
**OFF-SITE IMPACTS (excluding bond forfeiture sites)**

RESOURCES AFFECTED	People			Land			Water			Structures		
	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major
Blasting	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
Hydrology	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
Other	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

Total number of inspectable units (excluding bond forfeiture sites): 0  
 Inspectable units free of off-site impacts: 0  
 Inspectable units with off-site impacts: 0

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

RESOURCES AFFECTED	People			Land			Water			Structures		
	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major
Blasting	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
Hydrology	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
Other	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

Total number of inspectable units (only bond forfeiture sites): 6  
 Inspectable units free of off-site impacts: 6  
 Inspectable units with off-site impacts: 0

<b>TABLE 5</b>				
<b>Annual State Mining and Reclamation Results</b>				
Bond release phase	Applicable performance standard	During this Evaluation Year		
		Total acreage released	Acreage also released under Phase I	Acreage also released under Phase II
A	B	C	D	E
Phase I	- Approximate original contour restored - Topsoil or approved alternative replaced	486		
Phase II	- Surface stability - Establishment of vegetation - Post-mining land use/productivity restored	1,751	434	
Phase III	- Successful permanent vegetation - Groundwater recharge, quality and quantity restored - Surface water quality and quantity restored	1,377	434	1,050
<b>Bonded Acreage <sup>A</sup></b>		<b>Acres during this evaluation year</b>		
Total number of new acres bonded during this fiscal year		709		
Number of acres bonded during this fiscal year that are considered remaining, if available		0		
Number of acres where bond was forfeited during this fiscal year		30		
<b>Bonded Acreage Status</b>		<b>Cumulative Acres</b>		
Total number of acres bonded as of the end of last review period (Sept. 30, 2008) <sup>B</sup>		19,297		
Total number of acres bonded as of the end of this review period (Sept. 30, 2009) <sup>B</sup>		20,006		
Sum of acres bonded that are between Phase I bond release and Phase II bond release as of Sept. 30, 2009 <sup>B</sup>		4,576		
Sum of acres bonded that are between Phase II bond release and Phase III bond release as of Sept. 30, 2009 <sup>B</sup>		2,720		
<b>Disturbed Acreage</b>		<b>Acres</b>		
Number of Acres Disturbed during this fiscal year		718		
Number of Acres Disturbed at the end of the fiscal year (cumulative)		0		
<sup>A</sup> Bonded acreage is considered to approximate and represent the number of acres disturbed by surface coal mining and reclamation operations. <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).				

Brief explanation of columns D & E. The States will enter the total acreage under each of the three phases (column C). The additional columns (D & E & E) will "break-out" the acreage among Phase II and/or Phase III. Bond release under Phase II can be a combination of Phase I and II acreage, and Phase III acreage can be a combination of Phase I, II, and III. See "Instructions for Completion of Specific Tables," Table 5 for example.

<b>TABLE 6</b>			
<b>State Bond Forfeiture Activity</b> (Permanent Program Permits)			
Bond Forfeiture Reclamation Activity by SRA	Number of Sites	Dollars	Acres
Sites with bonds forfeited and collected that were unreclaimed as of Sept. 30, 2008 (end of previous fiscal year) <sup>A</sup>	5		125
Sites with bonds forfeited and collected during Fiscal Year 2009 (current fiscal year)	1	\$ 111,000	30
Sites with bonds forfeited and collected that were re-permitted during Fiscal Year 2009 (current fiscal year)	0		0
Sites with bonds forfeited and collected that were reclaimed during Fiscal Year 2009 (current fiscal year)	2		15
Sites with bonds forfeited and collected that were unreclaimed as of Sept. 30 2009 (end of current fiscal year) <sup>A</sup>	4		140
Sites with bonds forfeited but uncollected as of Sept. 30 2009 (end of current fiscal year)	0		0
<b>Surety/Other Reclamation (In Lieu of Forfeiture)</b>			
Sites being reclaimed by surety/other party as of Sept. 30, 2008 (end of previous fiscal year) <sup>B</sup>	0		0
Sites where surety/other party agreed to do reclamation during Fiscal Year 2009 (current fiscal year)	0		0
Sites being reclaimed by surety/other party that were re-permitted during Fiscal Year 2009 (current fiscal year)	0		0
Sites with reclamation completed by surety/other party during Fiscal Year 2009 (current fiscal year) <sup>C</sup>	0		0
Sites being reclaimed by surety/other party as of Sept. 30, 2009 (current fiscal year) <sup>B</sup>	0		0
<sup>A</sup> Includes data only for those forfeiture sites not fully reclaimed as of this date <sup>B</sup> Includes all sites where surety or other party has agreed to complete reclamation and site is not fully reclaimed as of this date <sup>C</sup> This number also is reported in Table 5 as Phase III bond release has been granted on these sites			

<b>TABLE 7</b>	
<b>State Staffing</b> (Full-time equivalents at end of evaluation year)	
Function	FY 2009
Regulatory Program	
Permit Review	11.00
Inspection	11.00
Other (administrative, fiscal, personnel, etc.)	15.00
Regulatory Program Total	37.00
AML Program Total	0.00
<b>Total</b>	<b>37.00</b>

**TABLE 8**

**Funds Granted To Tennessee  
 BY OSM**  
 (During the Current Fiscal Year)  
 (Actual Dollars, Rounded to the Nearest Dollar)

Type of Funding	Federal Funds Awarded During Current Evaluation Year	Federal Funding as a Percentage of Total Program Costs
Regulatory Funding		
Administration and Enforcement Grant	\$ 0	0.00 %
Other Regulatory Funding, if applicable	\$ 0	0.00 %
Subtotal	\$ 0	
Small Operator Assistance Program	\$ 0	100 %
Abandoned Mine Land Reclamation Funding <sup>A</sup>	\$ 1,896,843	100 %
<b>Totals</b>	<b>\$ 1,896,843</b>	

<sup>A</sup> Includes funding for AML Grants, the Clean Streams Initiative and the Watershed Cooperative Agreement Program.

**TABLE 9**

**State Inspection Activity  
 During Current Fiscal Year**

Inspectable Unit Status	Number of Inspections Conducted	
	Complete	Partial
Active <sup>A</sup>	437	978
Inactive <sup>A</sup>	111	26
Abandoned <sup>A</sup>	4	0
<b>Total</b>	552	1,004
<b>Exploration</b>	45	37

<sup>A</sup> Use terms as defined by the approved State program.

<b>TABLE 9</b>		
<b>State Inspection Activity            During Current Fiscal Year</b>		
<b>Inspectable Unit            Status</b>	<b>Number of Inspections Conducted</b>	
	<b>Complete</b>	<b>Partial</b>
Active <sup>A</sup>	0	0
Inactive <sup>A</sup>	0	0
Abandoned <sup>A</sup>	0	0
<b>Total</b>	0	0
<b>Exploration</b>	0	0

<sup>A</sup> Use terms as defined by the approved State program.

**TABLE 10**

**State Enforcement Activity**

During Current Evaluation Year

Type of Enforcement Action	Number of Actions <sup>A</sup>	Number of Violations <sup>A</sup>
Notice of Violation	53	69
Failure-to-Abate Cessation Order	0	0
Imminent Harm Cessation Order	0	0

<sup>A</sup> Do not include those violations that were vacated.

**TABLE 10**

**State Enforcement Activity**  
 During Current Evaluation Year

Type of Enforcement Action	Number of Actions <sup>A</sup>	Number of Violations <sup>A</sup>
Notice of Violation	0	0
Failure-to-Abate Cessation Order	0	0
Imminent Harm Cessation Order	0	0

<sup>A</sup> Do not include those violations that were vacated.

**TABLE 11**

**Lands Unsuitable Activity**

**During Current Fiscal Year**

	Number	Acreage
Number Petitions Received	0	
Number Petitions Accepted	0	
Number Petitions Rejected	0	
Number Decisions Declaring Lands Unsuitable	0	0
Number Decisions Denying Lands Unsuitable	0	0