



**Performance Agreement for Evaluation Years 2021 and 2022**

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Between

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

and

**KENTUCKY DEPARTMENT FOR  
NATURAL RESOURCES**

**July 1, 2020**

## EVALUATION YEARS 2021-2022 PERFORMANCE AGREEMENT

### INTRODUCTION

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) provides the Office of Surface Mining Reclamation and Enforcement (OSM) with the authority and responsibility to oversee the implementation of, and provide Federal funding for, the state and tribal regulatory and abandoned mine land (AML) programs that have been approved by the Secretary of the Interior as meeting the minimum standards specified in SMCRA. The purpose of this agreement, between OSM's Lexington Field Office (LFO) and the Kentucky Department for Natural Resources (KYDNR), is to summarize this oversight activity, and to express OSM's commitment to continue to share technology and training opportunities with KYDNR, for the evaluation years 2021 and 2022. It is understood that this agreement may be amended or modified during this time period and any such amendments or modifications must be agreed to by both LFO and KYDNR. OSM's directives REG-8 and AML-22 provide the framework for this agreement and the information and findings generated from the implementation of this Agreement are used in the preparation of OSM's Annual Evaluation Report of KYDNR's regulatory programs.

### I. Abandoned Mine Land Oversight Activities

#### A. Office Programmatic Evaluation of Division of Abandoned Mine Lands (DAML)

The office portion of the AML oversight evaluation will include reviews of authorizations to proceed (ATP) submissions by DAML and reviews of the past project files.

##### 1. Processing Authorization to Proceed Requests

The ATPs should demonstrate the mining impact, AML eligibility, and the causal connection between the AML source and the AML feature such as slides, fires, impacted water supplies, etc. LFO will field verify approximately one third of the ATP requests before signing the ATP approvals. These sites will be randomly selected, unless LFO or DAML determine that a particular ATP request warrants field verification. These reviews will evaluate the National Environmental Protection Act (NEPA) documents prepared by DAML and other documentation to update the e-AMLIS to include eligibility, reclamation cost, priority designation, and accomplishment measurement units.

LFO will evaluate each AML reclamation project's environmental assessment or categorical exclusion information documentation, prepared by DAML to ensure that the required NEPA information has been provided for LFO's NEPA analysis. When the

documentation is complete, LFO will perform a NEPA review of the provided information and will either (i) determine that the project falls within one of DOI or OSM's listed categorical exclusions (CE); (ii) prepare an environmental assessment (EA) on the environmental impacts for the proposed action and, if no significant impacts are identified, prepare a finding of no significant impacts (FONSI); or (iii) if the action would clearly have significant impacts, recommend that an environmental impact statement (EIS) be prepared.

LFO will provide KYDNR an ATP determination for proposed reclamation projects, within 14 working days from LFO's receipt of a deemed complete ATP request. If DAML requests an expedited ATP, LFO will make every effort to approve the project as soon as possible. At a minimum, a complete ATP request must include documentation of KYDNR's preparation of an EA or CE determination and notification that all AML problems addressed by the project have been appropriately entered or processed for entry into the e-AMLIS. KYDNR agrees that an EA will be used to document the NEPA evaluation of all ATP requests that involve construction activity within a jurisdictional flood plain and for water supply projects.

**2. Evaluation of Electronic AML Inventory System (e-AMLIS) Updates**

KYDNR will ensure the information in the e-AMLIS matches the information maintained in hard copy or electronic copy by KYDNR and that this information follows the guidelines and criteria set in OSM Directive AML-1. LFO will evaluate KYDNR's maintenance of the e-AMLIS. Also, KYDNR agrees to use the electronic data input authority to continue to work toward the goal of entering all known and future Kentucky AML sites into the e-AMLIS. LFO agrees to provide assistance to accomplish these goals, including the possibility of assistance in the data entry.

**3. Post Construction Evaluation of AML Project Sites**

LFO's review will evaluate AML restoration effectiveness as it relates to permanent reclamation of AML impacted lands. LFO and KYDNR will use the information gained from this study to identify factors that contributed to additional repairs on previously completed sites.

**4. Preparation and Review of AML Grant Requests**

LFO and KYDNR's grants financial specialists will conduct necessary reviews to ensure that drawdown, disbursements, and the accounting of program income are accomplished in accordance with requirements for federal funds, both under State and Federal law.

**5. Maintenance of the Approved Reclamation Plan**

KYDNR agrees to work in conjunction with LFO in the evaluation of, and where applicable suggest changes to, the AML plan in order to address changing policy requirements of Public Law 95-87 and adapt the current programs implementation. KYDNR and LFO agree to keep an open dialogue, regarding the current program maintenance needs and KYDNR's plans and actions, to address the identified maintenance needs. LFO agrees to administer AML plan amendments in a timely manner.

**6. Review and Preparation of Guidance Documents**

KYDNR will provide LFO copies of all written directives or memoranda containing programmatic guidance, office operating procedures, or other documentation used by KYDNR to implement and /or accomplish the goals of KYDNR's AML plan.

**7. Support for and Coordination of AML Enhancement/Remining Efforts**

KYDNR and LFO agree to continue working together to identify remining sites and collectively develop incentives that will encourage economically viable and beneficial remining operations.

**8. Conduct Abandoned Mine Land Coordination Meeting**

KYDNR and LFO agree to meet at least twice yearly to discuss directives, policies, proposed policies, and procedures used in the coordination of the AML program in Kentucky.

**9. Encourage AML Reforestation Efforts**

LFO and KYDNR agree to encourage and explore reforestation efforts on AML reclamation projects.

**10. Utilize Post Act Reclamation Program (Civil Penalty Projects)**

LFO will solicit, from KYDNR, project proposals on post-SMCRA sites for referral to OSM as potential Civil Penalty Projects.

**11. Abandoned Mine Land Economic Development Pilot Program**

Congress authorized the Abandoned Mine Land Reclamation Economic Development Pilot Program (AML Pilot) with the purpose of stimulating economic activity through development on, and/or adjacent to, abandoned mine lands. OSM will administer the AML Pilot program and provide KYDNR with AML Pilot grants and guidance to use the funds and track the progress of projects. OSM will vet AML Pilot projects based on eligibility criteria set forth in OSM's final guidance for projects to be funded under the AML Pilot program, and review and process ATP requests for AML Pilot projects. AML Pilot projects must meet the eligibility criteria set forth in OSM's guidance for projects

to be funded under the AML Pilot program. Eligible sites include unreclaimed priority 1, 2, or 3 sites listed in e-AMLIS, previously reclaimed AML lands and polluted waters, and land adjacent to unreclaimed or previously reclaimed AML lands and polluted waters.

## **B. Field Project Evaluation of DAML**

LFO will conduct results-oriented reviews in accordance with this document. The following activities are planned:

### **1. Pre-Authorization Inspections**

LFO will field verify approximately one third of the ATP requests before signing the ATP approvals. These sites will be randomly selected, unless LFO or KYDNR determines that a particular ATP request warrants field verification. This review will include the evaluation of the EA document prepared by KYDNR and documentation to update the e-AMLIS to include eligibility, reclamation cost, priority designation, and accomplishment measurement units.

### **2. Active-Construction Site Visits**

LFO will conduct active construction site visits on selected AML reclamation projects that are authorized and active during the EYs covered under this Agreement.

### **3. Final Construction Site Visits**

LFO will conduct final construction site visits on selected completed projects. LFO, as time allows, will attempt to attend all KYDNR scheduled final inspections with state personnel depending on staff availability, otherwise LFO may conduct a final site visit at a later date.

### **4. Post-Construction Site Visits**

LFO will review selected post-construction sites, which will be chosen from projects completed in the past three grant years. The review samples will be randomly selected state grant projects completed for at least two full growing seasons and less than five years prior to the start of the evaluation year, and will include water supply projects. In addition to this review, LFO will complete approximately 10 post construction site visits to address specific project situations for routine grant project monitoring. LFO will notify KYDNR of all site visits and KYDNR will be granted the opportunity to accompany LFO on these visits.

### **5. Unannounced Site Visits**

LFO reserves the right to conduct site visits on State AML reclamation projects at any time to perform oversight without notifying KYDNR. If LFO's inspector identifies a concern, he or she will contact the appropriate State project management personnel prior to completing the inspection report. The LFO inspector will discuss the concerns identified during the inspection and provide KYDNR an opportunity to address these concerns.

**6. Concern Resolution**

Any concern that cannot be resolved through discussions with LFO and State project management personnel will be documented in the findings section of the LFO inspector's report. These findings will be transmitted to KYDNR with a request for a written explanation of KYDNR's plans or actions to resolve the concern. If the concern remains unresolved after evaluating KYDNR's response, LFO will request an office or on-site visit to seek final resolution of the issue.

**7. Construction Management**

KYDNR agrees to provide LFO a copy of construction plans, specifications, and other documents, for each AML construction project advertised for bids. KYDNR agrees to continue the policy of using departmental personnel to provide on-site construction monitoring and inspection services unless prior notification is provided to LFO.

KYDNR agrees to immediately notify LFO in writing, upon execution of any non-administrative change order for AML construction project contracts which required prior written approval by the Director of DAML. This notification will include a copy of all available documentation supporting the change order, and any inspection reports proposing or supporting the change order.

LFO agrees to provide any identified concerns directly to KYDNR in a manner that does not interfere with contractor negotiations.

It is understood that LFO has the authority to determine, with justification, that a specific change is a disallowable cost.

**8. Previous Project Maintenance Study**

The purpose of this study is to analyze data in order to identify trends and factors affecting the need for maintenance at previous AML project sites. The LFO will review the 10 most recent AML maintenance projects as the sample set. This study will be accomplished through a combination of field inspections and review of ATP

packages and relevant documentation. Joint field inspections will be conducted for these sites and the review of the documentation review will be performed by LFO's AML staff with input from DAML's staff.

## **II. Regulatory Program Oversight Activities**

### **A. Oversight Inspections**

During each EY covered under this agreement (2021 & 2022), it is LFO's intention to conduct the target number of oversight inspections, as determined by guidance found in OSM's REG-8 directive. This target number of oversight inspections for KY's inspectable units (IU) is calculated using the following formula:  $n = 384 / (1 + (383/N))$ , where "n" is the sample size, and "N" is the total number of IUs. The target number of inspections will be recalculated at the beginning of each EY. The calculated number of target inspections for EY 2021 is 301.

Although all inspections are intended to be joint inspections, LFO reserves the right to conduct independent inspections and KYDNR staff will be notified in advance of any such inspections. The types of oversight inspections are listed below.

#### **1. Oversight Complete (OC)**

From the calculated target number of inspections for the applicable EY, LFO will randomly select a group of permits from KYDNR's list of permits that are in an active status classification, which includes permits classified as AP, A-1, A-2 and permits with Phase I (P-1) bond release status, and LFO will conduct oversight complete inspections on the selected permits. Oversight inspection procedures will be those historically used by LFO and KYDNR and may include an office review by LFO prior to conducting the joint field inspection.

#### **2. Partial Inspections**

Partial inspections are all other oversight inspections and these inspection types are generally coded as: oversight partial other (OPO), oversight Phase III release (OBR3), oversight mine drainage deleted sites (OMDDS), and oversight mine drainage active inventory (OMDAI).

- a. OPO inspections are typically follow-up inspections on a site related to an OC that has been conducted on a permit.
- b. OBR3 inspections will be conducted on permits that KYDNR has received a request for a Phase III bond release inspection. For each underground mining

permit selected, the OBR3 inspection will include reviews of the outcrop barrier and subsidence control plans.

- c. Oversight Mine Drainage Deleted Sites (OMDDS) inspections are oversight inspections conducted on all sites proposed to be removed from the “active” Long Term Treatment (LTT) Inventory and placed on the “historical” LTT Inventory. It is estimated that, for each EY, 10 OMDDS inspections may be required. These OMDDS inspections will include a joint verification that the OMDDS no longer require treatment to meet the KPDES permit effluent limits.
- d. Oversight Mine Drainage Active Inventory (OMDAI) are inspections conducted on randomly selected LTT Inventory permits. LFO and KYDNR will jointly select 10 LTT Inventory permits per EY for inspection. The inspection findings will be used in programmatic and technical evaluations of the LTT Inventory program and water treatment bond determination process.

## **B. Program Assessment Through Topical Oversight**

### ***1. Department of Interior’s Regions One and Two (OSM R1&R2) Oversight Studies***

OSM’s R1 & R2 routinely performs, for the purpose of ensuring consistency in the implementation of the approved state regulatory programs in the Region, selected oversight studies on its primacy states’ programs in the Region. These studies are usually focused topical studies associated with programmatic issues that are common to the Region’s primacy states. For the term of this Performance Agreement, the proposed regional oversight studies include:

#### ***a. Regional Review of Blasting Activities***

Review of Blasting Operations. Blasting requirements include pre-blast surveys, warning notification protocols, explosive use and blast design records maintenance, addressing complaints, etc. The purpose of the study is to evaluate how states assess compliance with these standards.

#### ***b. CHIA Review phase II***

Phase II of the ongoing regional CHIA review will begin during the time period of this agreement.

#### ***c. Review of impoundments, Phase II.***

Phase II of the ongoing regional study on impoundments may begin during the time period of this agreement. Topical areas of the Phase II study are being formulated and

LFO will solicit input from KYDNR in the development of the work plan after this process is complete.

## **2. LFO Topical Oversight Reviews and Studies**

In addition to the regional Topical Oversight Studies, LFO, based on discussions with KYDNR, identifies programmatic areas of potential concern in the regulatory program and, with KYDNR's input, develops topical studies or reviews to address these concerns. The topical studies/reviews listed below are proposed during the time period of this agreement.

### ***a. Budget, Staffing, and Inspection Frequency***

LFO, with KYDNR's assistance and input, will evaluate the KYDNR's regulatory programs budget and staffing levels for adequacy in the successful implementation of the approved regulatory program, with an emphasis on inspection frequency and completeness. KYDNR will supply LFO with inspection activity, including the required number of inspections, inspections conducted on a semi-annual basis, and the inspector staffing levels.

### ***b. Industry Compliance***

LFO, with input from KYDNR, will evaluate industry compliance with the regulatory program requirements for the EYs during the time frame of this agreement. LFO calculates the industry compliance rate as a percentage of oversight inspections conducted with no violations observed during the oversight inspection.

### ***c. Off-Site Impact Report***

One measure used by LFO in the evaluation of KYDNR's implementation of its regulatory program is the monitoring and quantifying of "off-site" impacts (off permit) that have been attributed to the permitted mining operations. To perform this evaluation, LFO will compile information, provided by KYDNR and/or observed during oversight inspections, on known off-site damage incidents resulting from surface and underground coal mining activities and analyzes this information to determine the cause of the off-site impacts. Information provided by KYDNR, on a monthly basis, will include copies of each notice of non-compliance, copies of cessation orders, and copies of the Inspector's Violation Statements. KYDNR will also provide a monthly report from SMIS, summarizing non-compliances and cessation orders issued for the period. LFO will also compile data from the disposition of TDNs, if any, and information obtained from LFO's inspector interviews and/or field measurements of offsite impacts during oversight and bond release/bond

forfeiture inspections. LFO will also evaluate the information for trends and the identification of programmatic issues and these findings will be documented and discussed with KYDNR. LFO will include its findings in the Annual Evaluation Reports developed during the time frame of this agreement.

***d. Long Term Treatment (LTT) Inventory Policy and Practices Study***

Another measure used by LFO in the evaluation of KYDNR's implementation of its regulatory program is the identification of, and monitoring the status of, non-compliant discharges (AMD discharges) that have been attributed to the permitted mining operations. To perform this evaluation, LFO reviews KYDNR's LTT policy(s), guidance, and the practices used by KYDNR to address sites with known AMD discharges and to identify sites that may have the potential for future AMD discharges. LFO and KYDNR also use these findings to determine the adequacy of the reclamation bond and remediation efforts associated with these sites. The purpose of KYDNR's LTT policy(s) and guidance is to address issues related to AMD that developed as a result of the permitted mining activities. The LTT policy establishes procedures for the reporting, monitoring, and removing permits from the LTT Inventory. The LTT Inventory is routinely updated, maintained, and made available to the permit review staff, the inspection staff, and LFO. During each EY LFO and KYDNR will jointly evaluate ten permits selected from the LTT Inventory, as well as all sites proposed for deletion.

***e. Forfeiture Reclamation Study***

The purpose of this study is to evaluate the land reclamation achieved at bond forfeiture sites for comparison to permanent program standards. LFO and KYDNR will, at the time of the DAML's final inspection, inspect bond forfeiture sites where reclamation is completed during the evaluation year. These inspections are intended to be joint, however, the LFO reserves the option of conducting independent site visits if necessary. DAML will provide the following; notification of all final inspections as far in advance as practicable, all pertinent information about each site including, but not limited to, site location, permit number, reclamation cost estimates for the forfeited sites, and the cost to complete the reclamation.

***f. Top Soil Evaluation***

The purpose of this study is to review the permitting and inspection procedures for replacing or supplementing topsoil. A similar study was conducted through EY 2001-2004. This will be a follow-up to the recommendations made during that study. A group comprised of members from OSM and KYDNR will be formed and a work plan

will be agreed upon prior to the study beginning. This review, much like the previous, may span more than one EY.

***g. Post Mining Land Use***

The purpose of this study will be to evaluate permits that have been reclaimed, but have not applied for, or are not yet eligible for, final bond release. The study will consist of permit reviews, site visits, and evaluations of the findings to determine the status of the permit's approved post mining land use (PMLU), whether the PMLU conditions for bond release have been met, and, if the conditions for bond release have not been met, the likelihood of the PMLU's conditions being met. A joint review team, comprised of LFO and KYDNR staff, has been formed and has developed a mutually agreed to scope of work, workplan, and information needs plan for this study.

***h. The Process of Enforcement Actions***

The purpose of this study is to evaluate KYDNR's enforcement of its approved regulatory program, including the enforcement of the terms and conditions of the permits issued by the regulatory authority. The study will also evaluate the effectiveness of the regulatory program's enforcement "tools" in association with the administrative review process. A mutually agreed upon scope of work, workplan, and information needs plan for this study will be developed and finalized in EY 2021.

**C. 733 Action on Bonding Adequacy**

KYDNR has submitted a program amendment (KY 261) to address issues, identified by OSM, with the adequacy of KYDNR's reclamation bonds, more specifically the adequacy of bonds for long term treatment sites. KY 261 is under active review by OSM and OSM will continue to work with KYDNR to resolve this issue. LFO will continue to monitor, review, and provide input on KYDNR's actions associated with KY 261, until resolution.

**D. Program Coordination**

KYDNR and LFO will continue to work together on ways or opportunities to continually improve the implementation of the regulatory program(s). These occasions include, but are not limited to, the continuation of following coordination efforts:

**1. KYDNR Coordination Meetings**

KYDNR will schedule staff level coordination meetings, with LFO and the Mine Safety and Health Administration, on a regular basis to discuss issues regarding slurry impoundments.

## **2. Interagency Coordination Meetings**

LFO will continue to host Interagency Coordination meetings with Federal and State agencies to discuss and enhance coordination of SMCRA and Clean Water Act (CWA) issues in Kentucky. In addition, LFO and KYDNR agree to continue the Interagency Permit Coordination meetings with the Environmental Protection Agency, U.S Army Corp of Engineers, U.S. Fish and Wildlife Service, and Kentucky Division of Water to identify points of coordination between SMCRA and CWA. Recommendations made by the group will be promptly made available to management for consideration and, if approved, to expedite implementation.

## **3. AML and Active Mine Tours for Government Officials**

KYDNR and LFO will continue to work cooperatively on planning and conducting AML and active mine site tours for government officials. These tours provide an opportunity to demonstrate State – Federal partnership and provide a mechanism and forum for providing information.

### **E. Program Assessment Facilitated Through Data Exchange**

Data sharing between KYDNR and LFO is critical to the success, and accuracy, of the required regulatory program assessments. Also, the reporting of specific activities, as required by the Government Results and Performance Act (GPRA) and other Bureau Measures, provide KYDNR, OSM, and the public with timely assessments of performance trends associated with the state's implementation of its regulatory programs.

#### **1. Surface Mining Information System (SMIS)**

The SMIS database and associated “Doctree” systems are essential parts of the oversight program in Kentucky. Specific permit data elements are readily accessible by LFO, either remotely via VPN or through access at the state offices. This data sharing process will be reviewed and monitored throughout the evaluation year to ensure timely and necessary access to the pertinent state data. For example, the completion of the Inspection Frequency and Enforcement studies is dependent on access to this information through the SMIS database.

#### **2. Validation and Verification Statement**

In order for LFO to comply with GPRA, the LFO is required to report: (1) the number of active sites free of off-site impacts; (2) the number of acres where reclamation goals are achieved as evidenced by release from Phase III performance bonds; and (3) the number of acres released from Phase I and II performance bonds. The LFO relies on the data from Kentucky's SMIS, to obtain this data and as assistance to LFO in the verification

of data, KYDNR, by maintaining SMIS, is providing the LFO with verification that they have established and are in compliance with: (1) data entry procedures to ensure data is properly and accurately entered by skilled/trained staff, and (2) standard data security and integrity protocols and procedures to ensure that computer malfunctions, natural disasters or human error and other actions that may occur do not affect collected data.

### **3. Data for States and Tribes**

Metrics, as specified by OSM, are used in the evaluation of the success of the implementation of the state regulatory program and these metrics are included in Appendix B of the Annual Report. KYDNR agrees to work cooperatively with LFO in compiling this information from their records and providing it to LFO in a timely manner.

### **4. Data on Agreed Orders**

Establishing this data sharing process will assist in keeping OSM informed of enforcement agreements or agreed to orders between KYDNR and permittees. KYDNR agrees to provide LFO with timely updated lists of these agreements.

## **F. Federal Lands Permitting**

LFO will assist OSM in performing compatibility findings and determinations, including valid existing rights findings, required for permitting actions associated with Federal lands. LFO will also review all permitting actions associated with Federal lands for NEPA compliance. LFO will work with the Bureau of Land Management, the U.S. Forest Service, and the U.S. Army Corp of Engineers to develop environmental assessment/environmental impact statements for coal lease areas on Federal lands. LFO will coordinate with KYDNR to ensure that such land management agencies have an opportunity to comment on all Federal land SMCRA permits.

## **G. State Program Amendments**

LFO will continue to work with KYDNR in the processing of outstanding program amendments.

## **H. Regulatory Grants**

LFO assists OSM in the awarding and administration of Kentucky's annual grants. As a part of its oversight role, LFO will perform quarterly reviews on the type and status of KYDNR's position vacancies and KYDNR's financial statements to assure appropriate use of grant allocations. LFO will also complete an end of the year review of KYDNR's *Inspection Staffing and Frequency* reports for the purpose of evaluating inspectors' workload and the program's

success in meeting mandatory inspection frequency. These findings will be included in the annual report

### **III. TECHNOLOGY DEVELOPMENT AND TRANSFER**

#### **A. Technical Training**

##### **1. Instructors**

LFO will assist OSM by providing instructors for training and course development for NTTP. LFO will also promote State partnerships for the purpose of continuing to build a network of experienced trainers for KYDNR/regional /national training efforts.

##### **2. TIPS**

LFO will coordinate with KYDNR and OSM's TIPS program to facilitate new software implementation and enrollment in TIPS training classes (as funding is available).

##### **3. NTTP**

OSM and KYDNR will continue collaboration efforts to identify and develop training courses for use in Kentucky and throughout the region. In addition, KYDNR, and OSM will explore scheduling NTTP classes in Kentucky to facilitate technical training of new inspection personnel and permit reviewers.

#### **B. Technical Assistance**

##### **1. Experimental Practices**

LFO will conduct joint reviews and field inspections with KYDNR for proposals on experimental practices. The OSM R1 & R2 Office will take the lead in evaluating and providing final recommendations to the Regional Director for project approval or disapproval.

#### **C. Technology Transfer**

##### **1. Appalachian Regional Reforestation Initiative (ARRI) Reforestation Effort**

LFO will work jointly with KYDNR, industry, non-profit organizations, the University of Kentucky, and others in the academic community to provide outreach and technology transfer regarding reforestation enhancement on surface mines. Both LFO and KYDNR will be actively involved in the Appalachian Regional Reforestation Initiative (ARRI). This Initiative will transfer research findings and new technology as it develops to

industry, landowners, other government agencies, and other interested parties for implementation on mine sites. LFO and KYDNR agree to:

- a. **Arbor Day** – Jointly schedule an Arbor Day Event in 2021 and 2022.
- b. **Tree Planting events** – participate in community tree planting events.
- c. **Training and Outreach** – Continue outreach and training (as funding is available) to KYDNR and LFO inspection personnel, coal industry, and the public on the Forestry Reclamation Approach.

2. **GIS - Geo Spatial Efforts**

LFO will assist KYDNR in their on-going initiative to plot and geo-reference new and existing permit boundaries. OSM will continue to work with KYDNR on establishing their Unmanned Aerial Vehicle (UAV) program.

**EFFECTS ON OTHER AGREEMENTS**

This agreement terminates and replaces the Performance Agreement between the Office of Surface Mining, Lexington Field Office, and the Commonwealth of Kentucky signed by the Commissioner, Department for Natural Resources, on June 19, 2018.

**SIGNATURES**

Representing LFO and KYDNR, the following officials agree to the objectives and steps outlined in the Agreement:

**Office of Surface Mining  
Reclamation and Enforcement  
Lexington Field Office**

**Kentucky  
Department for Natural Resources**

*Michael C. Castle* June 30, 2020  
Micheal C. Castle. Date  
Field Office Director

*Gordon R. Slone* June 29, 2020  
Gordon R. Slone Date  
Commisioner