

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

**Annual Evaluation Report
for the
Regulatory and Abandoned Mine Land Programs**

**Administered by the State
of
MISSOURI**

for

**Evaluation Year 2011
July 1, 2010 to June 30, 2011**

**Prepared by:
Alton Field Division
Indianapolis Area Office**

September 2011



EXECUTIVE SUMMARY

During the 2011 Evaluation Year, the Office of Surface Mining Reclamation and Enforcement (OSM), Mid-Continent Region (MCR), Alton Field Division (AFD) conducted oversight evaluations of the Missouri Department of Natural Resources, Land Reclamation Program (LRP) Regulatory and Abandoned Mine Land Programs. The oversight studies focused on the success of the LRP in meeting the Surface Mining Control and Reclamation Act of 1977 goals for environmental protection and prompt, effective reclamation of land mined for coal. A Partnership Plan in the form of a Performance Agreement was cooperatively developed by the AFD and the LRP to tailor the oversight activities to the unique conditions of the state program. The purpose of the oversight activities was to identify the need for financial, technical, and other program assistance to strengthen the state program.

In order to enhance OSM's transparency, the AFD has increased its efforts to conduct outreach by soliciting comments from the public and interested groups regarding the oversight process, views on additional review topics for the evaluation year and suggestions for improvements of future annual evaluation reports. These outreach efforts are done through E-mail notification and at the OSM MCR website (<http://www.mcrcc.osmre.gov>). Access to annual reports, performance agreements, topic-specific reports, cooperative agreements and other information is available at this site.

Success in Achieving the Purposes of SMCRA – National Measurement Elements

Off-site impacts – During 59 LRP inspections and 30 AFD inspections, one off-site impact was identified at a bond forfeiture mine, the same off-site impact reported each Evaluation Year since 2006. The source of that off-site impact was eliminated during Evaluation Year 2011. Missouri has 15 inspectable units at the end of the Evaluation Year and 93.3 percent of those inspectable units were free from off-site impacts during the Evaluation Year.

Reclamation success – Based on AFD mine site evaluations of areas where phased bond was released during Evaluation Year 2011, the AFD concludes that the LRP is ensuring successful reclamation based on bond release on most but not all of those affected acres. The AFD determined that those affected acres meet the requirements for release with the exception of an area where subsoil was distributed as growing medium instead of topsoil, without topsoil substitute approved in the permit and plan. Based on a finding that no violations of the requirement for contemporaneous reclamation were identified during AFD complete mine site evaluations, the AFD concluded that the LRP is ensuring contemporaneous reclamation.

During the Evaluation Year reclamation responsibility was released at 203 acres at three bond forfeiture mines. According to the LRP the amount of reclamation completed represents all that they were able to accomplish given circumstances that were beyond their control or that were not foreseen. Based on AFD mine site evaluations of some of those mines the AFD concluded that the LRP is ensuring successful reclamation at the bond forfeiture mines. Reclamation liability remains at 1316.5 acres at 15 permit areas at four bond forfeiture mines. In the 13 to 23 years since the bonds have been forfeited at these mines, all of the required reclamation has not been

completed, therefore, reclamation is not contemporaneous. The AFD recommended the LRP complete reclamation at the bond forfeiture mines by the end of Evaluation Year 2013.

Customer service: Citizen complaints – The AFD evaluated the LRP compliance with Missouri regulations pertaining to public participation in responding to two blasting complaints. The LRP investigated the complaints with technical assistance provided by OSM. The LRP verbally informed the complainants during the investigation that they would be advised of the results once all information necessary to fully investigate their complaint was known and analyzed. Due to OSM’s delay in providing its technical assistance evaluation findings, the LRP was unable to send the written results of the citizen complaint investigations to the complainants and persons alleged to be in violation within the required 10 days of the mine inspections conducted to investigate the complaints.

National Priority Topic Reviews Topics

During Evaluation Year 2011 the AFD conducted a follow-up to the Evaluation Year 2010 evaluation of the LRP implementation of program requirements for approximate original contour. In the Evaluation Year 2010 report the AFD recommended that the AFD obtain an official concurrence with the LRP on an accepted interpretation of approximate original contour. In February 2011 the LRP Director and Chief, AFD, signed an agreement to accept the definition of approximate original contour as found in SMCRA.

General Oversight Topic Reviews

Evaluation of unanticipated maintenance at Abandoned Mine Land Reclamation Projects -

The results of the review served as a measure of the Missouri Abandoned Mine Land Program success in achieving the goal of self-sustaining reclamation. The AFD conducted site visits at six Missouri Abandoned Mine Land reclamation project post-reclamation remediation sites and concluded that the Abandoned Mine Land Program is performing reclamation maintenance that leads to permanent reclamation. The AFD recommended that the Abandoned Mine Land Program consider developing written policies and a plan for performing post-construction monitoring and unanticipated maintenance needs as described in Section B of OSM’s “Final Guidelines for Reclamation Programs and Projects.”

OSM Assistance

Technical assistance - OSM, MCR, Program Support Division provided technical assistance at the Old Bevier Wetlands, Lester Davis and Germantown Title IV projects in a continuing effort to remediate acid mine drainage and at Continental Coal, Inc., Cottonwood Creek Mine, a Title V active mine, to investigate citizens’ blasting complaints.

Training - OSM provided training to 15 LRP staff that attended 15 Technical Innovation and Professional Services classes and four LRP staff that attended three National Technical Training Program classes.

Grants – The 2011 Missouri Title IV grant is \$2,538,665 and the Title V grant is \$221,664.

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Cover page photo - Continental Coal, Inc., Cottonwood Creek Mine

I. Introduction

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) created the OSM in the Department of the Interior (DOI). SMCRA provides authority to OSM to oversee the implementation of and provide Federal funding for the State regulatory programs that have been approved by the Secretary of Interior as meeting the minimum standards specified by SMCRA. This report contains summary information regarding the Missouri Program and the effectiveness of the LRP in meeting the applicable purposes of SMCRA as specified in section 102. This report covers the period of July 1, 2010, to June 30, 2011. Detailed background information and comprehensive reports for the program elements evaluated during the period are available for review and copying at the AFD, Alton, Illinois and at the OSM MCR website (<http://www.mcrcc.osmre.gov>). Select the “Oversight” tab and then select Missouri. On the following page, select Evaluation Year (EY) 2011 from the “Oversight Documents by Evaluation Year” section and choose the document link to view or download.

The following acronyms are used in this report:

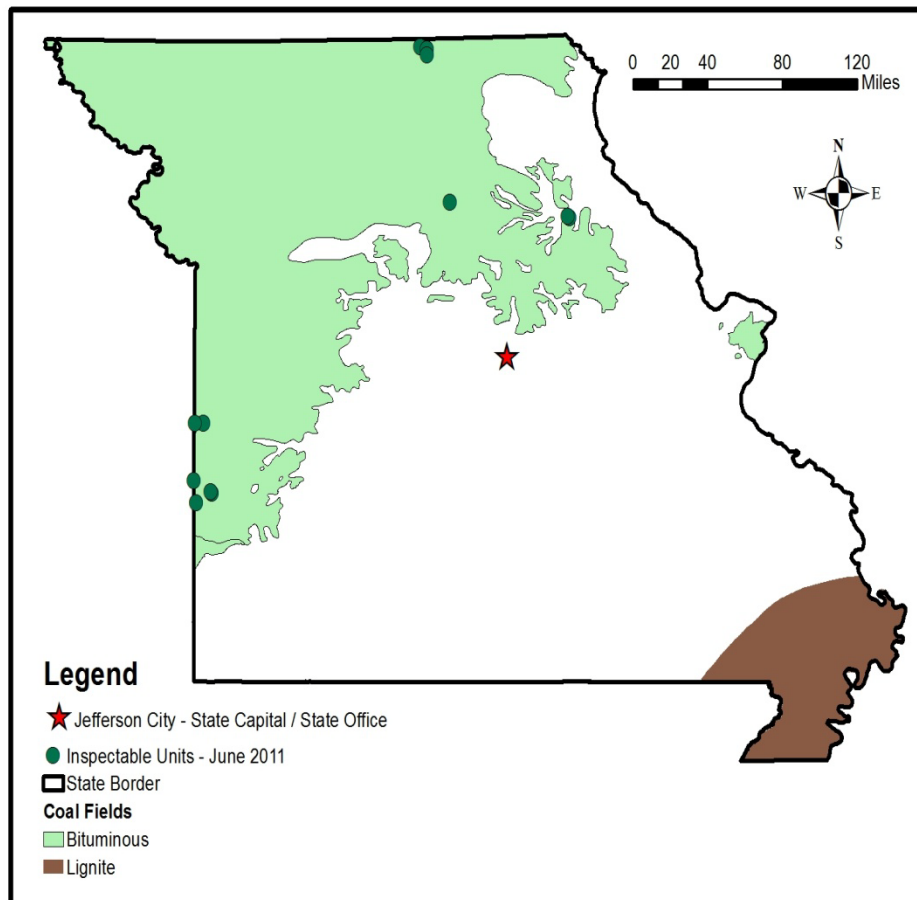
AFD – Alton Field Division
AML – Abandoned Mine Land
AMLIS – Abandoned Mine Land Inventory System
DOI – Department of the Interior
EY – Evaluation Year
IAO – Indianapolis Area Office
IMCC – Interstate Mining Compact Commission
IU – Inspectable Unit
LRP – Missouri Land Reclamation Program
MCR – Mid Continent Region
LRC – Missouri Land Reclamation Commission
OSM – Office of Surface Mining Reclamation and Enforcement
PA – Performance Agreement
PSD – Program Support Division
SMCRA – Surface Mining Control and Reclamation Act

II. Overview of the Missouri Coal Mining Industry

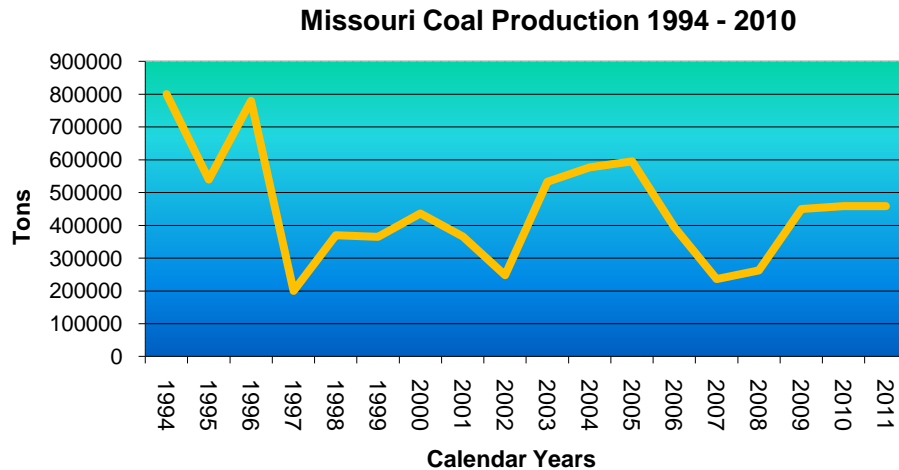
Coal deposits were first mined in Missouri in the late 1840's, giving the state the distinction of being the first state west of the Mississippi River to produce coal for commercial use. Although most of the early coal mines in the state were underground, surface mining began in the mid 1930's, and has accounted for virtually all the coal produced in Missouri since the 1960's. Approximately 67,000 acres were affected by coal mining in 48 Missouri counties before enactment of the SMCRA in 1977.

Missouri's coal ranges from lignite to high volatile A bituminous. Its coal reserve is estimated to be six billion tons, accounting for between one and two percent of the coal reserves in the United States. The coal-bearing areas cover about 23,000 square miles, or

33 percent of the state. Twelve of the 20 identified coal seams have been actively mined. Coal is currently produced at two surface mines located in Bates County at the southwest portion of the state. The averages of the coal mined there is 10800 British Thermal Units, 3.8 percent sulfur and 16 percent ash. The mines supply coal to customers in Missouri and Kansas for production of cement, heating and industrial steam and electric power. The coal used at the electric power producers consists of a mixture of approximately 90 percent Power River Basin coal and 10 percent Missouri coal.



Coal production in Missouri reached its peak in 1984 when nearly seven million tons were mined. A sharp decline to 627,774 tons occurred in 1993, down from the 1992 production level of 2,908,012 tons, after the state's largest operator ceased production. Annual production has fluctuated during the last decade; however, production remained relatively steady during the period 2003-2005 with an average production of about 569,000 tons per year. Production dropped to 394,099 tons in calendar year 2006 and continued to decline in 2007 when only 236,108 tons were produced. A slight increase in production occurred in calendar year 2008 when 262,025 tons were mined. The upward trend continues with 449,526 tons produced in 2009 and 458,447 tons produced in 2010.



III. Overview of the Public Participation and Outreach Efforts

Missouri and OSM consider the bi-monthly Missouri Land Reclamation Commission (LRC) public meetings the principal forum for participation from industry, landowners, citizen groups, and other interested parties. Whenever the opportunity arises, LRP personnel attend and set up displays explaining LRP’s responsibilities and accomplishments at public gatherings and conferences. Press releases are completed for larger abandoned mine land projects. When ongoing abandoned mine land reclamation projects attract local news coverage, LRP personnel take the opportunity to explain the activities and importance of the State’s Abandoned Mine Land (AML) Program by participating in press interviews. The LRP also provides landowners and the public in general the full extent of public participation in its permitting and bond release processes as provided by the state regulations.

Missouri maintains internal systems to track AML contract obligations and expenditures, public inquiries and project ranking data. Every year, numerous contacts are made with the public, other state and federal agencies, industry officials, and landowners of abandoned mine lands.

In order to enhance OSM’s transparency, the AFD has increased its efforts to conduct outreach to solicit comments from the public and interested groups regarding the oversight process, views on additional review topics for the EY and suggestions for improvements of future annual evaluation reports. These outreach efforts are done through E-mail notification and at the OSM MCR website (<http://www.mcrcc.osmre.gov>). Select the “Oversight” tab and then select Missouri. On the following page, select Evaluation Year 2011 from the “Oversight Documents by Evaluation Year” section and choose the document link to view or download. Access to Annual Reports, Performance Agreements (PA’s), topic-specific reports, cooperative agreements and other information is available at this site. Additionally, a link to the LRP website which contains LRP contact information, Missouri’s statute and regulations, and other information about the program is available.

Major Accomplishments and Innovations in the Missouri Program

The LRP processed and approved four bond release requests at one mine during EY 2011 resulting in removal of three permit areas as inspectable units. When this mine was active, nearly 12,000 acres were under bond. As reclamation has proceeded and bond has been released, the number of bonded acres has gradually been reduced to 855 acres.

During EY 2011, the Missouri LRC approved release of reclamation liability on 203 acres at five permit areas, four of them interim program permit areas, at three bond forfeiture mines. One mine was removed as an inspectable unit. From EY 2006 through EY 2011, 5309 acres of reclamation liability have been released at the bond forfeiture mines.

The LRP is continuing to address the outstanding program amendments to its existing state regulations. In April 2011, the LRP submitted a detailed proposed schedule for promulgating Missouri's amended rules regarding ownership and control. The schedule estimates that the rules will become final in October 2012.

Missouri coal companies have received these national reclamation awards:

Year of Award	Awarded by	Coal company name	Mine name
EY2007	IMCC	Associated Electric Cooperative, Inc.	BeeVeer
EY2008	OSM	Associated Electric Cooperative, Inc.	BeeVeer

IV. Success in Achieving the Purposes of SMCRA

To further the concept of reporting end results under Title V of SMCRA, the findings from performance standard and public participation evaluations are being collected for a national perspective in terms of the number and extent of observed off-site impacts, the number and percentage of inspectable units (IU) free of off-site impacts, the number of acres that have been mined and reclaimed and which meet the bond release requirements and have been released for the various phases of reclamation, and the effectiveness of customer service provided by the state.

Individual topic evaluation reports that provide additional details about the evaluations are available on the OSM website identified previously and at the Indianapolis Area Office.

A. Off-site impacts

Pursuant to OSM Directive REG-8, revised January 31, 2011, OSM annually evaluates and reports on the effectiveness of the LRP's Regulatory Program in protecting the environment and the public from off-site impacts resulting from coal mining and reclamation operations. Off-site impact data are a measurement of the state's on-the-

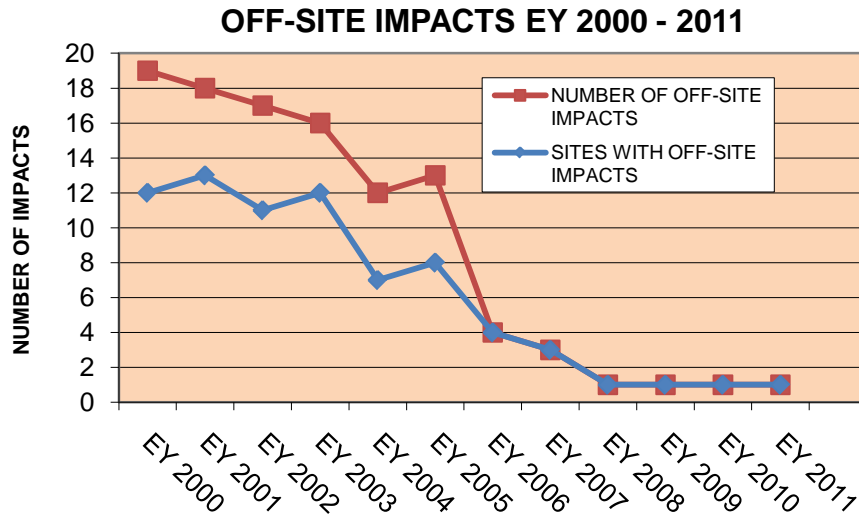
ground success in preventing or minimizing off-site impacts. The goal, however, is for each IU to have no off-site impacts.

An off-site impact is defined as anything resulting from a surface coal mining and reclamation activity or operation that causes a negative effect on resources (people, land, water, structures) where that impact is intended to be minimized or prevented by SMCRA or the applicable state program. The applicable state program must regulate or control the mining or reclamation activity or result of the activity causing an off-site impact. In addition, the impact on the resource must be substantiated as being related to a mining and reclamation activity and must be outside the area authorized by the permit for conducting mining and reclamation activities. Off-site impacts may be identified within the permit boundary, if the impact is outside the area authorized by the permit for mining and reclamation activities.

The AFD conducted an evaluation of the effectiveness of the LRP in protecting the environment and the public from off-site impacts and incidences of on-the-ground problems resulting from surface coal mining and reclamation operations. This evaluation was conducted in accordance with the methods and guidelines described in Directive REG-8, the EY 2011 LRP and AFD PA and the Off-Site Impacts Workplan which described the objective of the evaluation and the specific responsibilities of the LRP and AFD.

Off-site impact data were collected by the LRP during 30 partial and 29 complete inspections of 15 inspectable units conducted during EY 2011 and provided to the AFD. The LRP reported one off-site impact characterized as hydrologic with a minor impact on land resource. The off-site impact occurred at a bond forfeiture mine where the eroded open channel emergency spillway at a sediment pond continued to result in deposition of sediment off the permit area. This is the same off-site impact first reported during EY 2006 which continued to exist and be reported as an off-site impact each EY through EY 2011. The AFD also collected off-site impact data during partial and complete mine site evaluations it conducted during the EY. The AFD conducted 30 mine site evaluations during the EY and did not identify any off-site impacts. During the mine site evaluations the AFD observed that the previously eroded open channel emergency spillway had been filled with soil, graded, seeded and mulched in August and September 2010, thereby eliminating the source of the off-site impact.

Fifteen mining units required inspections during EY 2011. Seven of the IUs are active coal mining company mines and surety reclamation mines and all were free of off-site impacts. The remaining eight IUs are bond forfeiture mines, all but one of which are free of off-site impacts. 93.3 percent of all 15 IUs are free of off-site impacts. The AFD recommended that the LRP continue its successful efforts to prevent off-site impacts at mines in Missouri.



B. Reclamation success

The AFD conducted an evaluation of the effectiveness of the LRP in ensuring successful reclamation on lands affected by surface coal mining operations. This evaluation was conducted in accordance with the methods and guidelines described in Directive REG-8, the EY 2011 LRP and AFD PA and the Reclamation Success Workplan which described the objective of the evaluation and the specific responsibilities of the LRP and AFD.

The effectiveness of the LRP in ensuring successful reclamation on lands affected by surface coal mining was determined by the number of acres that met phased bond release standards at the active mines and surety mine and by the number of acres at which reclamation responsibility was released at bond forfeiture mines. Information was collected during AFD mine site evaluations to measure program performance in the following areas:

- a. Land form / approximate original contour
- b. Land capability
- c. Hydrologic reclamation
- d. Contemporaneous reclamation

Based on AFD mine site evaluations of 22.0 acres of phase I and 35.1 acres of phase I, II and III bond released on February 11, 2011, at four permit areas the AFD concluded that the LRP is ensuring successful reclamation based on bond release on many but not all of these affected acres. The AFD determined that those affected acres meet the reclamation requirements for release of the phased bond except for 18.0 of the 22.0 acres released phase I at one permit area where subsoil was distributed as growing medium instead of topsoil, without topsoil substitute approved in the permit and plan. The LRP informed the AFD that they will not require that the company redistribute topsoil at the 18.0 acres now, instead, will require the company submit to the LRP for review and approval, a soil analysis which will prove that the soil medium replaced at the 18 acres is comparable to,

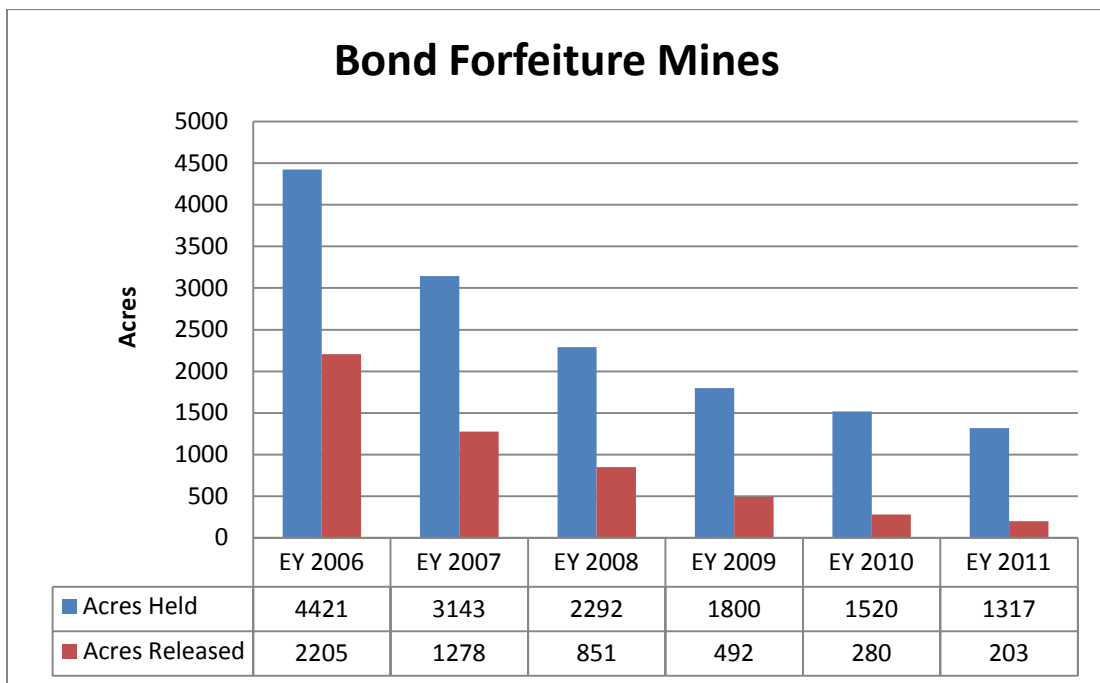
if not superior to, topsoil. If a soil substitution plan is not approved by the LRP, the AFD recommends that the LRP require that topsoil be distributed at the 18.0 acres. Based on a finding that no violations of the requirement for contemporaneous reclamation were identified during AFD complete mine site evaluations at the four mines of the two active coal mining companies, the AFD concluded that the LRP is ensuring contemporaneous reclamation.

It has been seven years since the permits were revoked at the one and only surety reclamation mine. Completion of the remaining reclamation has not been initiated by the surety, therefore, reclamation is not considered contemporaneous. Because the surety bonding has been in bankruptcy proceedings the LRP has no control over the timing of completion of the remaining reclamation. The LRP informed the AFD that the bankruptcy trustee will have a contractor conduct some reclamation at this mine during EY 2012, July 1, 2011 through June 30, 2012.

During EY 2011 the Missouri LRC approved release of reclamation responsibility for 203 acres at one permanent program permit and four interim program permits, all of which were at bond forfeiture mines. Based on AFD mine site evaluations the AFD concluded that the LRP is ensuring successful reclamation based on release of reclamation responsibility. The LRP continues to make progress in obtaining release of reclamation responsibility. Four interim permits were removed as inspectable permits during EY 2011, yet the rate at which reclamation responsibility has been released at bond forfeiture mines has steadily diminished each EY since EY 2006 when 2205 acres of reclamation responsibility were released. The diminishing rate of reclamation responsibility releases is to be expected as there are no large blocks of permit areas to release as there were during EY 2006 through EY 2008. Reclamation responsibility remains on smaller isolated areas at 1316.5 acres at 15 permit areas at four bond forfeiture mines. Of the 1316.5 acres that remain, the number of acres that require reclamation activities is small and many of the acres are likely eligible for release of reclamation responsibility. Even though the number of acres that require reclamation activities is small, if reclamation and release of reclamation responsibility continue in the future at the same pace it did during EY 2010 and EY 2011, it may take several more years for the bond forfeiture mines to be reclaimed and reclamation responsibility released. The bonds were forfeited at the remaining four bond forfeiture mines in 1988, 1993, 1997 and 1998. In the 13 to 23 years since the bonds have been forfeited at these mines, all of the required reclamation has not been completed, therefore, reclamation is not contemporaneous.

During EY 2011 reclamation activities were conducted at two mines. The reclamation activities involved few acres and included grading of eroded areas; repair and replacement of spillways at two ponds; removal of woody plants from a dry pond basin and seeding and mulching. In the EY 2010 Reclamation Success Evaluation Report the AFD recommended that the LRP aggressively pursue completion of reclamation at bond forfeiture mines. The amount of reclamation activities conducted at the bond forfeiture mines during EY 2011 does not appear to the AFD to be an aggressive pursuit of completion of reclamation. The LRP informed the AFD that the amount of reclamation

completed and acres for which reclamation responsibility was released during EY 2011 represent all that they were able to accomplish given circumstances that were beyond their control or that were not foreseen including extremely wet weather and ground conditions. Further, the LRP informed the AFD that work on the bond forfeiture mines will proceed as rapidly as the LRP can do and that they will strive to complete the remaining reclamation at the bond forfeiture mines at the earliest possible time, but cannot commit to any definitive deadline to complete the reclamation. The AFD recommended the LRP complete reclamation at the remaining four bond forfeiture mines and obtain LRC approval of release of reclamation responsibility by the end of EY 2013, with half of the required reclamation completed and reclamation liability released during EY 2012. The AFD requested that by July 15, 2011, the LRP provide the AFD with a schedule of the reclamation to be completed and reclamation responsibility to be released during EY 2012 which the LRP has done.



C. Customer service

The AFD conducted an evaluation of the effectiveness of customer service provided by the LRP, specifically, compliance with the state regulations at 10 CSR 40-8.030(4) pertaining to public participation as it relates to the handling of citizen complaints. The evaluation was conducted in accordance with the methods and guidelines described in Directive REG-8, the EY 2011 LRP and AFD PA and the Customer Service-Citizen Complaints Workplan. The AFD evaluated the LRP compliance with 10 CSR 40-8.030(4) in responding to two letters received by the LRP alleging property damage due to blasting operations at a southwest Missouri mine.

The LRP requested assistance from OSM, Mid-Continent Region (MCR), Program Support Division (PSD) to evaluate the blasting complaints due to the LRP's recent limited experience in investigating blasting complaints and not having a seismograph or staff trained in the use of a seismograph. OSM used its seismograph to monitor two blasts conducted at the mine. The PSD also reviewed blast logs using OSM's Blast Log Evaluation Program. OSM was delayed in preparing its technical assistance evaluation report and did not send it to the LRP until approximately four and one-half months after the LRD request for assistance.

The LRP informed the complainants in a timely manner of the inspection to be conducted to investigate the complaints. The LRP verbally informed the complainants during the investigation that they would be advised of the results once all information necessary to fully investigate their complaint was known and analyzed. Due to OSM's delay in preparing its evaluation report, the LRP was unable to send to the complainants and the person alleged to be in violation the written findings of the complaint investigations within the required ten days of the date of the inspection conducted to investigate the citizen complaints. When the complainants and person alleged to be in violation were informed of the investigation findings, the LRP satisfied the requirement for explaining why no enforcement action was taken and for informing the complainants of their right to informal review of the inaction with respect to the alleged violations.

Per state regulations, the LRP is required to send the results of citizen complaint investigations to the complainants and persons alleged to be in violation within ten days of mine inspections conducted to investigate the complaints or, if there is no inspection, within 15 days of receipt of the citizen's written statements. If OSM assists the LRP in investigating citizen complaints it needs to do so timely so the LRP can respond to citizen complaints in the timeframes required by regulation. If the LRP needs additional time to investigate the complaints or has other good reason for not being able to meet those time limits such as having to wait for OSM assistance, the AFD recommended that within those time limits the LRP provide written notification to the complainants and persons alleged to be in violation that additional time is required to investigate the complaints.

V. National Priority and General Oversight Topic Reviews

A. National priority review topics

OSM did not assign any National Priority Review Topics for evaluation year 2011. During EY 2011 the AFD conducted a follow-up to the EY 2010 national priority oversight evaluation of primacy states for implementation of program requirements for approximate original contour where active surface coal mining is taking place. In the report of this 2010 evaluation, the AFD concluded that the LRP's implementation of its approved program is achieving approximate original contour and recommended that as required by Directive REG-8, Appendix 1, the AFD should obtain an official concurrence with the LRP on an accepted interpretation of approximate original contour. In February 2011 the LRP Director and Chief, AFD, signed an agreement to accept the definition of approximate original contour as found in the Surface Mining Control and Reclamation

Act of 1977 as an interpretation of approximate original contour between the two agencies.

B. General oversight topic reviews

1. Field office oversight inspection activity

During EY 2011, the AFD conducted oversight inspections in Missouri to evaluate the effectiveness of the State Program in implementing its rules and regulations that specifically target the performance standards required of the mining operations. Information gathered from these inspections indicates how well state programs are ensuring environmental protection, reclamation success, and prevention of off-site impacts. As part of its implementation of the June 11, 2009, Memorandum of Understanding between the United States Environmental Protection Agency, DOI, and United States Army Corps of Engineers, OSM determined that it would increase inspections as one way to conduct more effective oversight. In EY 2011 the AFD targeted the same number of inspections as was conducted in EY 2010. The findings for the oversight inspections conducted can be found in Section V of this report – Success in Achieving the Purposes of SMCRA.

The following table indicates the numbers and types of inspections conducted by the AFD in Missouri for the past three evaluation years.

EY 2009 Inspections Conducted	EY 2010 Inspections Target #	EY 2010 Inspections Conducted	EY 2011 Inspections Target #	EY 2011 Inspections Conducted
9	24	31	24	30

EY 2011 inspection types

Complete	Partial	Random	Focused	Joint	Non-joint	Independent
12	18	0	30	21	9	9

Compared to EY 2009, the AFD conducted an additional 21 inspections in Missouri during EY 2011, a 233 percent increase. During the increased inspection activity, no changes were observed in the number of on-the-ground violations or other violations and number of off-site impacts identified.

Over the last ten years, the number of inspectable units in Missouri has steadily declined. Fifty-eight inspectable units were on the inspectable units list at the beginning of EY 2001. At the end of EY 2011 only 15 inspectable units remain and only two mines are producing coal. The LRP expects this downward trend to continue for the foreseeable future. As the number of inspectable units decreases, the number of oversight inspections required to be conducted should also decrease.

2. Evaluation of the LRP inspection frequency

During EY 2011 the AFD evaluated the LRP inspection frequency to determine if it complied with the inspection frequencies required by Missouri regulations at 10 CSR 40-8.030 and Missouri statute 444.865 at active, inactive and abandoned permanent program and interim program operations.

Missouri has 15 inspectable units that required inspection during the EY. Four of the inspectable units required monthly inspections including one complete inspection and two partial inspections during each of the four quarters of the EY. During one of the EY 2011 quarters two additional complete inspections were conducted at two of the inspectable units in lieu of the required partial inspections. These four inspectable units met the required inspection frequencies during the EY. The other 11 inspectable units are abandoned mines that required one complete inspection per calendar year. This includes three inspectable units at one mine that may be reclaimed by the surety company and are approved for one complete inspection per calendar year except during construction (reclamation) when monthly inspections are required. Reclamation was not conducted at that mine during EY 2011 but may be conducted during EY 2012. The requirement for reduced inspection frequency has been satisfied at all of the abandoned mines. Annual complete inspections were conducted at all 11 abandoned mines inspectable units during the EY which met the required inspection frequency.

There was one exploration permit in effect during EY 2011. Missouri regulation 10 CSR 40.8.030(1)(C) says, "The Director shall cause periodic inspections to be conducted of all coal exploration operations required to comply in whole or in part with the regulatory program." The LRP did not inspect the exploration permit area during EY 2011 and does not know if any exploration took place.

3. Abandoned mine land reclamation program amendment processing

For EY 2011 an oversight workplan was developed for AFD assistance and cooperation with the Missouri AML Program to develop and process an abandoned mine land reclamation plan amendment to incorporate all requirements of SMCRA Amendments of 2006. The purpose of this cooperative effort was to ensure that an amendment to the state plan would be mutually understood by the Missouri AML Program and the AFD, especially relating to project priority determinations, Abandoned Mine Land Inventory System (AMLIS) updating and grants. When this workplan was developed, it was anticipated that final federal regulations implementing the 2006 amendments would be published, and a clear understanding would exist by which to proceed with amending state AML reclamation plans. At the end of EY 2011, OSM had not required the States to make any changes in their AML reclamation plans.

4. Abandoned mine land inventory system certification and data accuracy

During the EY 2011, the inventory system was taken off-line and the data was migrated to test implementation of a redesigned system. This system now referred to as e-AMLIS

(Electronic Abandoned Mine Land Inventory System) was put into production and made available for on-line use by the states in May 2011. Due to the late implementation no oversight was conducted during EY 2011. New policy and procedures will be implemented in EY 2012 along with verification in accordance with the OSM's Directive AML-1.

5. Evaluation of AML reclamation maintenance projects

The overall measure of excellence in the AML Program is the degree to which States are successful in achieving reclamation goals. One of the primary goals of AML topical reviews, referred to as Enhancement and Performance Reviews, is to improve upon this success. These reviews document each State's ability to achieve desired outcomes. Emphasizing outcomes allows OSM to justify when the end result is not being achieved and establish a basis for reaching agreement with and providing assistance to a State to improve its program. An evaluation report that provides additional details about the evaluation is available on the OSM website identified previously and at the AFD.

The AFD conducted an evaluation of unplanned reclamation project maintenance. The evaluation was conducted in accordance with the methods and guidelines described in the EY 2011 LRP and AFD PA and the AML Reclamation Project Maintenance Workplan. The results of the review served as a measure of AML Program success in achieving the goal of self-sustaining reclamation. This evaluation relates to the established principle that reclamation should be permanent, and that it should be achieved in a timely, cost-effective manner.

The AFD reviewed the AML Program's policies and procedures regarding project maintenance and conducted site visits at six post-reclamation remediation sites. The purpose of this oversight was to evaluate the AML Program's administration of unplanned project maintenance and, if needed, recommend possible means by which to reduce unanticipated maintenance and achieve permanent reclamation stability.

The Missouri AML Program's State Reclamation Plan does not specifically address reclamation maintenance work. However, the AML Program does have established policies and procedures concerning maintenance and the SMCRA enabling regulations and the OSM Abandoned Mine Land Reclamation Program Guidelines provide guidance as well.

The findings resulting from this evaluation review are:

- (1) Where the AML Program has performed reclamation maintenance work it was accomplished successfully.
- (2) The frequency of unscheduled project maintenance does not reflect a need to rethink project designs being developed by the program. No trend or other indication was noted that would indicate program deficiency.

(3) The program has project maintenance policies and procedures although some are unwritten. An example of such unwritten policy is that if a landowner does anything to negate completed reclamation, he/she assumes sole responsibility for the project.

(4) The AML Program continues maintenance work on old as well as newer projects. More recent completed projects are monitored for maintenance needs. Older projects are not routinely monitored for maintenance needs as are the newer ones, instead, the staff responds to those needs that are brought to their attention.

The conclusions drawn from this oversight evaluation are that the Missouri AML Program is performing reclamation maintenance that leads to permanent reclamation. The frequency of unscheduled project maintenance occurring in the Missouri AML Program does not reflect a program deficiency. Further, the AFD believes that the Missouri AML Program is using the best available technology that is cost effective to accomplish reclamation.

Recommendations offered for Missouri AML Program consideration are: (1) continue to perform excellent post reclamation maintenance, and (2) consider developing written policies and a plan for performing post construction monitoring and unanticipated maintenance needs as described in Section B of OSM's "Final Guidelines for Reclamation Programs and Projects" (66 FR 31250, June 11, 2001). This recommendation is offered in light of the loss of institutional knowledge as staff retirements occur, and the subsequent need for written guidance for the benefit of new personnel replacing them.

VI. Regulatory Program Problems and Issues

OSM has initiated a corrective action process that applies when problems are identified with a State's approved regulatory program, or the state's actions under that program, that could, if left unaddressed, result in a failure by the state to effectively implement, administer, enforce, or maintain its approved regulatory program. Missouri had no program problems or issues identified in EY 2011.

VII. OSM Assistance

OSM provides technical assistance and technology support to State AML and Regulatory Programs at the individual state level on project specific efforts, and at the national level in the form of national meetings, forums and national initiatives. The MCR's PSD provides direct technical assistance in project and problem investigation, design and analysis, permitting assistance, developing technical guidelines and training and support. MCR provides instructors for OSM's National Technical Training Program and also works with the national Technical Innovation and Professional Services Program to deliver state-of-the-art computer hardware, software, training and systems support for Missouri's AML and Regulatory Programs. MCR also works on the development of regional and national forums, meetings and initiatives to ensure that interests and needs of individual States are considered and included in these events. MCR initiated a

regional Technology Transfer Team in 2004 on which each State, including Missouri, has a representative.

During EY 2011, OSM provided Missouri with the following assistance:

A. Title IV technical assistance

The MCR's PSD provided hydrologic assistance to remediate long-term acid mine drainage at the Old Bevier Wetlands, Lester Davis and Germantown projects. During EY 2011, reconnaissance water samples were collected at each site. In June 2011 the passive acid mine drainage treatment system was evaluated at the Old Bevier Wetlands site. There are two technical assistance requests for the Old Bevier Wetlands site. One is to evaluate the viability of the passive treatment system and to assist in any rehabilitation design and the second, a more pressing need, is to assist in redesigning a stream channel improvement that has eroded an acid mine drainage collection pipeline. In April 2011 the PSD also provided assistance using the borehole camera system in investigating the Sims Shaft that abruptly opened within 15 feet of a residence in Joplin, Missouri.

B. Title V technical assistance

The MCR's PSD provided assistance to the LRP in investigating two citizen complaints regarding blasting. The PSD used its seismograph to monitor two blasts; reviewed the results of the seismograph monitoring; reviewed 19 blasting records using OSM's blast log evaluation program; and provided an evaluation report to the LRP.

C. Training

National Technical Training Program courses are offered by OSM throughout the year, which address technical and programmatic aspects of mining and reclamation. These courses are provided for OSM and State participants as well as industry and others on a space available basis. During EY 2011, 15 classes were attended by 15 LRP staff members.

OSM also provides Technical Innovation and Professional Services including local workstations and software for State use, training and support. During EY 2011, four LRP staff participated in three classes.

D. Grants

The 2011 Missouri Title IV grant is \$2,538,665 and the Title V grant is \$221,664.

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APPENDIX 1

Summary of Core Data to Characterize the Program

The following tables present summary data pertinent to mining operations and regulatory activities under the Missouri regulatory program. Unless otherwise specified, the reporting period for the data contained in the tables is the Evaluation Year. Other data and information used by OSM in its evaluation of Missouri's performance is available for review in the evaluation file maintained by the Indianapolis Area Office and at the OSM MCR website (<http://www.mcrc.org>). Select the "Oversight" tab and then select Missouri. On the following page, select Evaluation Year 2011 from the "Oversight Documents by Evaluation Year" section and choose the document link to view or download.

Because of the enormous variations from state to state and tribe to tribe in the number, size, and type of coal mining operations and the differences between state and tribal programs, the summary data should not be used to compare one state or tribe to another.

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TABLE 1 – COAL PRODUCED FOR SALE, TRANSFER, OR USE

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TABLE 1

COAL PRODUCED FOR SALE , TRANSFER, OR USE¹ (Millions of short tons)			
Calendar Year	Surface Mines	Underground Mines	Total
2010	0.458	0.000	0.458
<p>¹Coal production is the gross tonnage (short tons) and includes coal produced during the calendar year (CY) for sale, transfer or use. The coal produced in each CY quarter is reported by each mining company to OSM during the following quarter 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 other sources due to varying methods of determining and reporting coal production.</p>			

TABLE 2

PERMANENT PROGRAM PERMITS, INITIAL PROGRAM SITES, INSPECTABLE UNITS, AND EXPLORATION

Mines and Other Facilities	Numbers of Permanent Program Permits and Initial Program Sites									Area in 1's of acres					
	Permanent Program Permits				Initial Program Sites				Insp. Units ⁴	Permanent Program Permits (Permit Area)		Initial Program Sites		Total Area	
	Active	Inactive	Abandoned	Total	Active	Inactive	Abandoned	Total		Federal Lands	State/Tribal and Private Lands	Federal Lands	State/Tribal and Private Lands		
Surface Mines	9	0	15	24	0	0	3	3	14	0.0	3,574.0	0.0	1,317.0	4,891.0	
Underground Mines	0	0	0	0	0	0	0	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	0.0	0.0	0.0	0.0	
Total	9	0	15	24	0	0	3	3	14	0.0	3,574.0	0.0	1,317.0	4,891.0	
Permanent Program Permits and Initial Program Sites:				Total Number:		27			Average Acres per Site:				181.15		
Average Number of Permanent Program Permits and Initial Program Sites per Inspectable Unit (IU):						1.93			Average Acres per IU:				349.36		
Permanent Program Permits in Temporary Cessation:				Total Number:		0			Number More than 3 Years:				0		
EXPLORATION SITES															
Number of Exploration Sites with Permits:				Total number of permit sites:				1			Sites with Federal lands⁵:				0
Number of Exploration Sites with Notices:				Total number of notice sites:				0			Sites with Federal lands⁵:				0
⁴ An Inspectable Unit may include multiple small and neighboring Permanent Program Permits or Initial Program Sites that have been grouped together as one Inspectable Unit, or conversely, an Inspectable Unit may be one of multiple Inspectable Units within a Permanent Program Permit. ⁵ When a Permanent Program Permit or Initial Program Site contains both Federal and State and Private lands, the acreage for each type of land is in the applicable column. ⁶ The number of Exploration Sites with Federal lands includes sites with exploration permits or notices any part of which is regulated by the state under a cooperative agreement or by OSM pursuant to the Federal Lands Program, but excludes exploration sites that are regulated by the Bureau of Land Management															

TABLE 3

PERMITS ALLOWING SPECIAL CATEGORIES OF MINING			
Special Category of Mining	30 CFR Citation Defining Permits Allowing Special Mining Practices	Numbers of Permits	
		Issued During EY	Total Active and Inactive Permits
Experimental Practice	785.13(d)	0	0
Mountaintop Removal Mining	785.14(c)(5)	0	0
Steep Slope Mining	785.15(c)	0	0
AOC Variances for Steep Slope Mining	785.16(b)(2)	0	0
Prime Farmlands Historically Used for Cropland	785.17(e)	0	7
Contemporaneous Reclamation Variances	785.18(c)(9)	0	0
Mining on or Adjacent to Alluvial Valley Floors	785.19(e)(2)	0	0
Auger Mining	785.20(c)	0	0
Coal Preparation Plants Not Located at a Mine Site	785.21(c)	0	0
In-Situ Processing	785.22(c)	0	0
Remining	773.15(m) and 785.25	0	0
Activities in or Within 100 Feet of a Perennial or Intermittent Stream	780.28(d) and/or (e) 784.28(d) and/or (e)	0	1

TABLE 4

PERMITTING ACTIVITY												
Type of Application	Surface Mines			Underground Mines			Other Facilities			Totals		
	App. Rec.	Issued/ Appvd	Acres	App. Rec.	Issued/ Appvd	Acres ¹	App. Rec.	Issued/ Appvd	Acres	App. Rec.	Issued/ Appvd	Acres
New Permits	0	0	0	0	0	0	0	0	0	0	0	0
Renewals	0	0		0	0		0	0		0	0	
Transfers, sales, and assignments of permit rights	0	0		0	0		0	0		0	0	
Small operator assistance	0	0		0	0		0	0		0	0	
Exploration permits										0	0	
Exploration notices ²											0	
Revisions that do not add acreage to the permit area		0			0			0			0	
Revisions that add acreage to the permit area but are not incidental boundary revisions	1	1	114	0	0	0	0	0	0	1	1	114
Incidental boundary revisions	0	0	0	0	0	0	0	0	0	0	0	0
Totals	1	1	114	0	0	0	0	0	0	1	1	114
Permits terminated for failure to initiate operations:							Number:	0		Acres:	0.0	
Acres of Phase III bond releases (Areas no longer considered to be disturbed):										Acres:	35.0	
Permits in temporary cessation							Notices received:	0		Terminations:	0	
Midterm permit reviews completed that are not reported as revisions							Number:	0				
¹ Includes only the number of acres of proposed surface disturbance												
² State approval not required. Involves removal of less than 250 tons of coal and does not affect lands designated unsuitable for mining.												

TABLE 5

OFF-SITE IMPACTS EXCLUDING BOND FORFEITURE SITES													
RESOURCES AFFECTED		People			Land			Water			Structures		
DEGREE OF IMPACT		Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major
TYPE OF IMPACT EVENT	NUMBER OF EVENTS												
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 Units²: 5
 Inspectable Units with one or more off-site impacts: 0
 Inspectable Units free of off-site impacts: 5 % of Inspectable Units free of off-site impacts¹: 100

OFF-SITE IMPACTS AT BOND FORFEITURE SITES													
RESOURCES AFFECTED		People			Land			Water			Structures		
DEGREE OF IMPACT		Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major
TYPE OF IMPACT EVENT	NUMBER OF EVENTS												
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	1	0	0	0	1	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	1	0	0	0	1	0	0	0	0	0	0	0	0

Total Number of Inspectable Units²: 15
 Inspectable Units with one or more off-site impacts: 1
 Inspectable Units free of off-site impacts: 14 % of Inspectable Units free of off-site impacts¹: 93

TABLE 5
(Continued)

TOTAL OFF-SITE IMPACTS INCLUDING BOND FORFEITURE SITES													
RESOURCES AFFECTED		People			Land			Water			Structures		
DEGREE OF IMPACT		Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major
TYPE OF IMPACT EVENT	NUMBER OF EVENTS												
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	1	0	0	0	1	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	1	0	0	0	1	0	0	0	0	0	0	0	0

Total Number of Inspectable Units²: 20
 Inspectable Units with one or more off-site impacts: 1
 Inspectable Units free of off-site impacts: 19 % of Inspectable Units free of off-site impacts¹: 95

¹ % of Inspectable Units free of off-site impacts is based on the number of Inspectable Units at the end of the Evaluation Year. The number of Inspectable Units may vary during the Evaluation Year.

² Total number of Inspectable Units is (1) the number of Inspectable Units at the end of the Evaluation Year and (2) the number of permanent program permits terminated under Phase III bond release during the Evaluation Year and (3) the number of Initial Program Sites with jurisdiction terminated during the Evaluation Year and (4) the number of bond forfeiture sites that were reclaimed during the Evaluation Year.

TABLE 6

SURFACE COAL MINING AND RECLAMATION ACTIVITY								
Areas of Phase I, II, and III Bond Releases During the Evaluation Year (EY)								
Phase I Releases Total Acres Released in Approved Phase I Releases	Phase II Releases		Phase III Releases			Total Acres Released During the EY		
	Total Acres Released in Approved Phase II Releases	Acres not previously released under Phase I	Total Acres Released in Approved Phase III Releases	Acres not previously released under Phase II	Acres not previously released under Phase I or II			
22		0			35	Phase I	57	
	0			35		Phase II	35	
			35			Phase III	35	
Cumulative Total Acres Released under All Bond Release Phases at the End of the Evaluation Year						127		
Number of Permanent Program Permits Terminated under Phase III Bond Release and Initial Program Sites with Jurisdiction Terminated During the Evaluation Year						6		
Areas of Permits Bonded for Disturbance by Surface Coal Mining and Reclamation Operations								
						Total Acres at Start of EY	Total Acres at End of EY	Change in Acres During EY
New Area and Cumulative Area Bonded for Disturbance						3,251	3,308	92
Area Bonded for Disturbance without Phase I Bond Release						3,191	3,225	34
Area Bonded for Disturbance for which Phase I Bond Release Has Been Approved						3	25	22
Area Bonded for Disturbance for which Phase II Bond Release Has Been Approved						10	31	21
Total Area Bonded for Disturbance						3,204	3,281	77
Area Bonded for Remining						0	0	0
Areas of Permits Disturbed by Surface Coal Mining and Reclamation Operations								
Disturbed Area						2,832	3,007	175

TABLE 7

BOND FORFEITURE ACTIVITY (Permanent Program Permits)			
Bond Forfeiture and Reclamation Activity	Number of Sites	Dollars	Acres
Sites with bonds forfeited and collected that were un-reclaimed at the start of the current Evaluation Year (i.e., end of previous Evaluation Year) ¹	12		1,303
Sites with bonds forfeited and collected during the current Evaluation Year	0	0	0
Sites with bonds forfeited and collected that were re-permitted during the current Evaluation Year	0		0
Sites with bonds forfeited and collected that were reclaimed during the current Evaluation Year	0		0
Sites with bonds forfeited and collected that were un-reclaimed at the end of the current Evaluation Year ¹	12		1,303
Sites with bonds forfeited but un-collected at the end of the current Evaluation Year	0		0
Forfeiture Sites with Long-Term Water Pollution			
Bonds forfeited, lands reclaimed, but water pollution is still occurring	0		
Bonds forfeited, lands reclaimed, and water treatment is ongoing	0		
Surety/Other Reclamation Activity In Lieu of Forfeiture			
Sites being reclaimed by surety/other party at the start of the current Evaluation Year (i.e., the end of previous Evaluation Year) ²	3		1,213
Sites where surety/other party agreed during the current Evaluation Year to do reclamation	0		0
Sites being reclaimed by surety/other party that were re-permitted during the current Evaluation Year	0		0
Sites with reclamation completed by surety/other party during the current Evaluation Year ³	0		0
Sites being reclaimed by surety/other party at the end of the current Evaluation Year ²	3		1,213
¹ Includes data only for those forfeiture sites not fully reclaimed. ² Includes all sites where surety or other party has agreed to complete reclamation and the site is not fully reclaimed. ³ These sites are also reported in Table 6, Surface Coal Mining and Reclamation Activity, because Phase III bond release would be granted on these sites.			

TABLE 8

REGULATORY AND AML PROGRAMS STAFFING	
Function	Number of FTEs
Regulatory Program	
Permit Review and Maintenance	1.45
Inspection	2.35
Other (supervisory, clerical, administrative, fiscal, personnel, etc.)	1.00
Regulatory Program Total	4.80
AML Program Total	10.35
TOTAL	15.15

TABLE 9

FUNDS GRANTED TO STATE OR TRIBE BY OSM (Actual Dollars Rounded to the Nearest Dollar)			
Type of Funding	Federal Funds Awarded	Total Program Cost	Federal Funds Awarded as a Percentage of Total Program Costs
Regulatory Funding			
Administration and Enforcement Grant	221,664		
Other Regulatory Funding, if applicable	0		
Subtotal (Regulatory Funding)	221,664	443,328	50
Small Operator Assistance Program Grant Funding	0	0	
Abandoned Mine Land Reclamation Funding	2,538,655	0	
Watershed Cooperative Agreement Program	0	0	
TOTAL	2,760,319		

TABLE 10

STATE OR TRIBAL INSPECTION ACTIVITY							
Permits and Sites		Complete Inspections			Partial Inspections		
Activity Status	Number of Permits and Sites	Inspections Required Annually	Approximate Number of Required Inspections ⁴	Number of Complete Inspections Conducted	Inspections Required Annually	Approximate Number of Required Inspections ⁴	Number of Partial Inspections Conducted
Approximate Number of Required Inspections of Permanent Program Permits							
Active	9	4	36		8	72	
Inactive	0	0	0		0	0	
Abandoned	15	1	15		0	0	
Approximate Number of Required Inspections of Initial Program Sites							
Active	0	0	0		0	0	
Inactive	0	0	0		0	0	
Abandoned	3	1	3		0	0	
Inspections Conducted and Approximate Number Required on All Permanent Program Permits and Initial Program Sites							
Total Active	9		36	38		72	70
Total Inactive	0		0	0		0	0
Total Abandoned	18		18	18		0	0
Total	27		54	56		72	70
Exploration Sites with Permits and with Notices							
All Exploration	1			0			0
⁴ The number of required inspections are approximations because part way through the Evaluation Year sites may change "activity status" or become eliminated because final Phase III bond release was approved or the regulatory authority terminated its jurisdiction under the Initial Program. Likewise, as new permits are issued throughout the Evaluation Year, the number of Permanent Program Permits would increase, but only some of the "Inspections Required per Site Annually" would be required for those sites permitted part way through the year. Additionally, some sites may be consolidated into one inspectable unit, thus one inspection may cover multiple sites.							

TABLE 11

STATE OR TRIBAL ENFORCEMENT ACTIVITY		
Type of Enforcement Action	Number of Actions ⁴	Number of Violations ⁴
Notice of Violation	0	0
Failure-to-Abate Cessation Order	0	0
Imminent Harm Cessation Order	0	0

⁴ Does not include actions and violations that were vacated.

TABLE 12

LANDS UNSUITABLE ACTIVITY		
Activity	Number	Acres
Petitions Received	0	
Petitions Rejected	0	
Petitions Accepted	0	
Decisions Denying Petition	0	
Decisions Declaring Lands Unsuitable	0	0
Decisions Terminating Unsuitable Designations	0	0

TABLE 13

OSM OVERSIGHT ACTIVITY					
Oversight Inspections and Site Visits					
	Complete		Partial		
	Joint	Non-Joint	Joint	Non-Joint	Total
Oversight Inspections	2	10	18	0	30
	Technical Assistance		Other		Total
Site Visits	2		0		2
Violations Observed by OSM and Citizen Requests for Inspection⁴					
Type of Action				Total number of each action	
How many violations were observed by OSM on oversight inspections?				0	
Of the violations observed, how many did OSM defer to State action during inspections?				0	
Of the violations observed, how many did OSM refer to the State through Ten-Day Notices? ²				0	
How many Ten-Day Notices did OSM Issue for observed violations? ³				0	
How many Ten-Day Notices did OSM issue to refer citizen requests for inspection?				0	
How many Notices of Violation did OSM issue?				0	
How many Failure-to-Abate Cessation Orders did OSM issue?				0	
How many Imminent Harm Cessation Orders did OSM issue?				0	
OSM Action for Delinquent Reporting or Non-Payment of Federal AML Reclamation Fees					
How many Ten-Day Notices for delinquent reporting or non-payment of Federal AML reclamation fees did OSM issue?				0	
How many Notices of Violation for delinquent reporting or non-payment of Federal AML reclamation fees did OSM issue?				0	
How many Federal Failure-to-Abate Cessation Orders for delinquent reporting or non-payment of Federal AML reclamation fees did OSM issue?				0	
⁴ This section does not include actions for delinquent reporting or non-payment of Federal AML fees that are reported in the last section of the table. ² Number of violations contained in Ten-Day Notices not including those issued to refer citizen requests for inspection. ³ Number of Ten-Day Notices issued not including those to refer citizen requests for inspection.					

TABLE 14

STATUS OF ACTION PLANS						
Action Plan ID	Problem Type⁴	Problem Title	Problem Description	Date Action Plan Initiated	Scheduled Completion Date	Actual Completion Date
⁴ Problem Type: "PA" indicates a required Program change under subchapter T or 732 "RP" indicates a Regulatory Program implementation or administrative problem						

****In EY 2011, the Alton Field Division did not develop or had a need to develop an action plan.**

TABLE 15
(Optional)

POST-MINING LAND USE ACREAGE OF SITES FULLY RECLAIMED	
(Phase III bond release or termination of jurisdiction under the Initial Program)	
Land Use⁴	Acres Released
Cropland	0.00
Pasture/Hayland	0.00
Grazingland	0.00
Forestry	0.00
Residential	0.00
Industrial/Commercial	0.00
Recreation	0.00
Fish & Wildlife Habitat	0.00
Developed Water Resources	0.00
Undeveloped land or no current use or land management	0.00
Other - Public Utilities	0.00
Other -	0.00
Other -	0.00
Other -	0.00
Other -	0.00
Other -	0.00
Other -	0.00
Other -	0.00
Other -	0.00
Sub-Total Other	0.00
Total	0.00

⁴ Land uses as defined in 30 CFR 701.5 or "Other" as defined under the state or tribal program

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APPENDIX 2

LRP Comments on the Report

1. Bond forfeiture sites – OSM cites that the LRP is not performing contemporaneous reclamation on bond forfeiture sites because of the amount of time between when the site went into forfeiture to when it is released or not released for responsibility of reclamation. Using the term Contemporaneous Reclamation to try to find a regulatory driver to show that the LRD is not doing enough to complete reclamation at bond forfeiture sites in a timely manner does not seem to be appropriate since there are not time limits for reclamation on bond forfeiture sites. To conserve resources the LRP has one full time employee (FTE) to take care of all bond forfeiture sites. The decision to only have one FTE was made years ago when OSM did not want to support funding of staff for bond forfeiture work.

Furthermore, no consideration is given as to the condition of the sites which are all stable only needing maintenance repairs. No consideration is given to the prioritization LRD has done to fix the worst sites first which also amounted to some of the largest contiguous acres or any consideration for the remaining sites being relatively smaller acreages with numerous landowners.

Bond forfeiture responsibility released hinge on the landowner's acceptance of the reclamation. The remaining acres are with numerous landowners so it takes additional time to coordinate small contracts to effectively manage the work of each landowner. Incorporating more landowners in one contract can only be achieved on a case by case basis.

2. At the top of page 13 of this report of this report, please strike the phrase as indicated.

Disposition of comments

1. Bond forfeiture sites – The LRP identifies in their comments several reasons for not yet having completed reclamation at all of the bond forfeiture mines. Taking all of those reasons into account, the AFD believes the 13 to 23 years since the bonds were forfeited at the remaining four bond forfeiture mines is more than enough time for the reclamation to have been completed. The AFD is going to stay with the conclusion that reclamation at the remaining bond forfeiture mines is not contemporaneous and the recommendation that the LRP complete reclamation at the bond forfeiture mines by the end of EY 2013.

2. The phrase referred to by the LRD is on page 8 of this report and was removed as recommended.