

**Performance Agreement**

**between**

**The Illinois Department of Natural Resources  
Office of Mines and Minerals  
Abandoned Mine Land Reclamation Division**

**and**

**The Office of Surface Mining Reclamation and Enforcement  
Indianapolis Field Office**

**for**

**Evaluation Year 2002**

September 2001

## **Performance Agreement**

### **I. INTRODUCTION**

In 1995 the Office of Surface Mining (OSM) and the National Association of Abandoned Mine Lands Programs signed a declaration of shared commitment. That commitment, ratified by Association members, was toward public service, teamwork, responsibility and integrity in carrying out the provisions of Title IV of SMCRA through approved State/Tribal programs.

Following that national commitment, a State-Federal partnership between the Illinois Office of Mines and Minerals, Abandoned Mine Land Reclamation Division (AMLRD), and the OSM-Indianapolis Field Office (IFO) was established and continues to the present. This partnership has been, and should continue to be, maintained in a spirit of cooperation, trust, mutual respect and dedication to continued success in restoring abandoned mine lands and meeting the needs of affected citizens.

Beginning in 1996, OSM's policies and procedures for evaluating AML Programs within the context of shared commitment were set forth in OSM Directive AML-22. In that directive, six "principles of excellence" were presented to guide OSM in conducting Enhancement and Performance Reviews (oversight) of State programs. In addition, examples of performance measures relating to each principle were presented to help determine the degree to which AML Programs meet those principles. Since IFO's oversight activities are guided by AML-22, it will serve as a framework for this Performance Agreement.

This agreement provides for the AMLRD and the IFO to work together to enhance a successful program. Both parties should respect their different roles and responsibilities in accomplishing the mutual goal of fulfilling the purposes of SMCRA and the State's approved plan.

### **II. TERM OF THIS AGREEMENT**

The performance period of this agreement shall be October 1, 2001 through September 30, 2002: OSM's 2002 Evaluation Year (EY 02).

### **III. PRINCIPLES/SPECIFIC TOPICS FOR ENHANCEMENT AND PERFORMANCE REVIEWS**

Appendix A presents the programmatic areas for review and evaluation under this agreement.

### **IV. OSM-INDIANAPOLIS FIELD OFFICE OBLIGATIONS**

The Indianapolis Field Office shall:

1. Perform its oversight function (Enhancement and Performance Review activities) in cooperation with the AMLR Division in a fair and open manner.

2. Clearly communicate with the AMLR Division to discuss the program as needed, while striving to reduce the impact on the AMLR staff as much as possible.
3. Recognize excellence in the Division's performance and report it in all performance related documentation.
4. Notify the AMLR Division immediately if any issue arises which could reflect negatively on performance.
5. Serve as the Division's primary source for technical assistance and Federal policy information relating to SMCRA implementation, and respond to all requests in an accurate and timely manner.
6. Trust the AMLR Division in fulfilling its responsibilities, and respect its authority as IFO strives to fulfill its support and oversight role.

#### V. ILLINOIS OMM-AMLR DIVISION OBLIGATIONS

The AMLR Division shall:

1. Freely communicate with the IFO concerning any issues relating to performance as they arise so that they can be resolved in a timely manner.
2. Cooperate with the IFO in its Enhancement and Performance Review activities (within the limits of practicability) as mutually agreed.
3. Provide program data in accordance with OSM Directive AML-22, and other information needed by any joint work team, or for OSM program monitoring.

#### VI. MODIFICATION OF THIS AGREEMENT

This agreement may be modified at any time by mutual agreement of the involved parties. Modifications shall be in writing and shall be signed by both parties.

#### VII. SIGNATURES

The terms herein are agreed to this \_\_\_\_ day of \_\_\_\_\_, 2001

\_\_\_\_\_  
For Illinois OMM-AMLR Division

\_\_\_\_\_  
For OSM-Indianapolis Field Office

## APPENDIX A

### PRINCIPLES/TOPICS FOR EY 2002 AML PROGRAM OVERSIGHT

Outlined below are specific performance evaluation objectives for EY 02. These specific topics/program areas are presented under the principle of excellence in reclamation found in Appendix 2 of AML-22 to which they relate.

#### I. State Programs should be responsive to public concerns

An ongoing public concern in many Illinois localities is the safety and welfare threat posed by underground mine subsidence. The Illinois AML Emergency Program undertook an underground mine mapping initiative in 2000, using state-of-the-art technology, to help the public make informed decisions relating to actions in at-risk areas. This undertaking is ongoing, but there is need for additional funding to support the effort.

In EY 01 the State solicited the IFO's assistance in identifying and securing additional funding and technical assistance. In EY 02 the pursuit of financial and technical support will continue. A specific work plan for this agreement element is not anticipated.

#### II. Program States must have approved reclamation plans which meet the requirements of Federal laws and regulations and conduct reclamation in accordance with their plan.

The IFO will confirm implementation of any commitments or stipulations identified in environmental documents and consultations with other agencies. Such stipulations (mitigation measures) should be accurately and unambiguously reflected in reclamation contracts and implemented accordingly. Selected AML reclamation projects will be reviewed during and after construction to confirm implementation of environmental commitments.

Specific evaluation activities are presented in the oversight work plan.

#### III. Effectiveness of on-the-ground reclamation

On-the-ground success is the ultimate goal in reclaiming land and water resources adversely affected by past coal mining. Two EY 02 oversight elements relate to this principle.

- A. In EY 01 the IFO and AMLR Division jointly studied unplanned maintenance (remedial work) on post-construction sites. That study indicated that one of the most common problems encountered following project completion was acid seeps from reclaimed gob piles. It was also noted that preventing acid seeps was one of the hardest problems to solve. At the AMLRD's suggestion, in EY 02 a joint

effort will be made to focus on possible solutions to this common reclamation problem.

A work plan for accomplishing this review will be developed jointly and presented to management prior to initiating the review.

B. The AMLR Division and IFO will continue cooperative involvement in the Clean Streams Initiative. The AMLR Division and IFO will meet during the first quarter of EY 02 to:

- (1) evaluate progress, and review planned actions;
- (2) determine program assistance needs, especially for funding; and
- (3) collaborate on establishing a partnership with the Shawnee RC&D.

IV. Programs should have systems in place to ensure accountability and responsibility for spending AML funds and a process to assure that such systems are working.

No specific oversight review will be conducted in EY 02 directly relating to this principle of excellence.

V. Information on AML Program operations should be gathered and maintained in an effective manner

AML programs should maintain a data management system to provide an organized method of determining and updating informational needs of management, with the ability to process data in an efficient manner. The AMLRD currently has a good information management system and is effectively using it. Nevertheless, an evaluation will be made to determine potential for enhancement.

A work plan for performing this evaluation will be developed jointly by AMLRD and IFO staff.

IV. Responsiveness/effectiveness of the AML Emergency Program

Since there has not been an oversight review of the Illinois Emergency Program for a few years, an overall review will be performed in EY 02 at the State's suggestion. Administrative and reclamation activities will be reviewed to determine if greater efficiency can be achieved, if additional resources may be needed, or any other program enhancement are practicable.

The AMLRD and IFO anticipate that this effort may be a multi-year review, involving AMLRD and IFO staff. A work plan will be jointly developed and presented to

management for approval during the first quarter of EY 02.

Specific work plans for the elements of this Performance Agreement will be established by mutual consent as deemed necessary.