



**U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
DIRECTIVES SYSTEM**

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AML 1-2
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Date:
JUN 22 2007

Subject: Abandoned Mine Land Inventory

Approval: 

Title: Acting Director

1. Purpose. This Change Notice implements one provision of the Tax Relief and Health Care Act of 2006, Division C, Title II, Subtitle A, Surface Mining Control and Reclamation Act Amendments of 2006 (SMCRA). Other changes necessitated by this act will be addressed in a future Change Notice or in a revised Directive.

Section 403 (c) Inventory states: "...States and Indian tribes with approved abandoned mine reclamation programs pursuant to section 405 may offer amendments, subject to the approval of the Secretary, to update the inventory as it applies to eligible lands and waters under the jurisdiction of such States and Tribes."

With the issuance of this Change Notice, all new Abandoned Mine Land (AML) Problem Areas, except State Emergency and Remining Problem Areas, must be approved by the Office of Surface Mining Reclamation and Enforcement (OSM) before being added to the AML Inventory. This includes Problem Areas having Pre-SMCRA Priority 3, Enhanced AML Reclamation Rule, Noncoal (P1, P2, P3, & 411(f)), Acid Mine Drainage Plan, Coal Interim Sites, and Coal Insolvent Surety sites.

Priorities will be determined using the current guidance in this Directive until such time as they are changed through rule making to bring them in line with the above-referenced legislation.

The following procedures will be used:

A. The State/Tribe will submit the following information to the appropriate Field Office Director:

1. A PROBLEM AREA DESCRIPTION FORM (PAD) - OSM 76
2. A new form, AML-1, Appendix A.
3. If it is a Priority 1 or 2 problem type, the appropriate Priority Documentation Form(s). The date on the Priority Documentation Form must match that on the associated AML-1, Appendix A so that the Field Office can match the Priority Documentation Form with the request to enter a new Problem Area.
4. Any other supporting documents/information the State/tribe wishes to submit.

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B. The Field Office Director (FOD) will review the information submitted by the State/Tribe. The FOD will approve or disapprove the State/Tribe entering the new Problem Area into the AML Inventory by signing and dating the appropriate place on the new form, AML-1, Appendix A.

C. The FOD will return the completed new form, AML-1, Appendix A to the State/Tribe. The FOD will maintain a record of all actions taken.

D. The State/Tribe will enter the approved new Problem Area into the AML Inventory using AMLIS.

New Problem Areas entered into the AML Inventory by a State/Tribe between December 20, 2006, and the issuance of this Change Notice must be approved/disapproved by the appropriate FOD before an Authorization to Proceed (ATP) is issued or within six months of the issuance of this Change Notice, whichever comes first. If the FOD disapproves the Problem Area being entered into the inventory, the State/Tribe must remove it from the Inventory.

2. Revisions. Changes to the AML Inventory Manual are listed below:

Abandoned Mine Land Inventory Manual

Chapter 1 INTRODUCTION

2. Policy

a. Updated information, new-Problem Areas, and new problems on existing PAs are added by the States and Tribes. OSM updates information for non-program States and Tribes.

All new Problem Areas except State emergency and remaining Problem Areas must be approved by OSM before the State/Tribe may enter them into the AML inventory.

States/Tribes should not expend any significant funds on site development or design prior to the Problem Area being approved for inclusion in the AML Inventory.

c. Site visits by OSM may be done but are not required before an AML Problem Area is approved by OSM for inclusion in the Inventory.

e. The existence of a Problem Area in the Inventory does not necessarily constitute OSM concurrence with either the priority or eligibility determinations.

However, in reviewing these determinations, OSM will give deference to the State and Tribe whenever feasible. In cases where there appears to be a lack of factual support and/or where a State's or Tribe's action appears to conflict with the guidance outlined in this directive, OSM should address the matter with the appropriate State or Tribe representative.

g. There is no requirement to enter unfunded post-SMCRA coal interim, coal insolvent surety, coal Priority 3, non-coal problems, or Acid Mine Drainage Plan problems in the Inventory. However, when these sites are funded and completed, the required data must be entered. Because information concerning unfunded high priority post-SMCRA coal interim and coal insolvent surety sites is used for planning purposes, States and Tribes may voluntarily submit such unfunded problems at any time. OSM encourages States and Tribes to include such information in AMLIS. Before a new Problem Area containing any of these types of problems can be added to the AML Inventory, doing so must be approved by OSM. They will be added as unfunded problems.

3. Responsibilities

c. Field Office Directors (FODs) are responsible for conducting performance evaluations of State/Tribe conformance with the policies and procedures set out in this directive. They will advise States and Tribes of needed changes to Inventory practices, assist them in interpretation of Inventory guidance, and perform field visits when needed for technical assistance or for performance evaluation. OSM Directive AML-22, "Evaluation of State and Tribal Abandoned Mine Land Programs," contains the procedures for setting program measurement techniques, collecting and reporting core program data, and establishing Programmatic Agreements between OSM and the States/Tribes.

FODs must approve all additions of new Problem Areas to the AML Inventory except for State emergency and remining Problem Areas for States/Tribes for which they are responsible. (Section 403 (c) of SMCRA)

5. Updating the AML Inventory

A PAD (also known as an OSM-76) is completed/updated and entered into AMLIS at various times. Generally, unfunded, funded, and completed projects in the Inventory should be updated or reviewed according to the following scenario:

Note: FODs must approve all additions of new Problem Areas to the AML inventory except for State emergency and remining Problem Areas for States/Tribes for which they are responsible.

a. Unfunded. Update or review:

- (1) When new problem areas are identified;
- (2) When new problems occur or are identified on existing problem areas;
- (3) When estimated costs are revised substantially;
- (4) When priority rankings change; and

(5) Prior to when the request for an Authorization to Proceed (ATP) is submitted to OSM for a pre-SMCRA coal P1 & P2 keyword(s), including Appalachian Clean Streams Initiative projects. Projects are not considered funded until the ATP is approved.

b. Funded. Update or review

(3) When the request for an Authorization to Proceed is approved by OSM or a contract is signed to perform the work for:

- Pre-SMCRA coal P3 sites;
- non-coal;
- SMCRA 411(f) sites;
- acid mine drainage sites;
- coal interim permit sites; and
- coal insolvent sureties sites.

In the case of a problem(s) in a new Problem Area not yet in the AML Inventory, the FOD must approve the new Problem Area being added to the AML Inventory. The new Problem Area must be added as unfunded.

The chart below indicates when to prepare or update a PAD for each reclamation program.

PAD SUBMISSION GUIDE

Planned Program	Unfunded	Funded	Completed
Pre-SMCRA Coal (P1& P2) State/Tribe AML Program - Includes work conducted under the "Enhancing AML Reclamation" rule, Appalachian Clean Streams Initiative & FRP (non-Emergency).	X	X	X
Pre-SMCRA Coal (P3, P4, P5) State/Tribe AML Program Includes P3 work conducted under the "Enhancing AML Reclamation" rule.	(1)	X	X
State Program Emergencies - Federal Emergency projects are entered into FRPMS and information then transferred to the AML Inventory.			X
OSM's Watershed Cooperative Agreement Program	(1)	X	X
Non-coal (P1, P2, P3) & 411(f)		X	X
Acid Mine Drainage Plan, Coal Interim Site <u>*/</u> , & Coal Insolvent Surety Site ^{*/}	(1)	X	X
Remining, Other (formerly "Private") & 10% Set aside			X

*/ It is not required that these problems be entered as unfunded but minimum program States may wish to do so to help assure they are eligible for the maximum amount available to them as a minimum program State. See (1) below.

(1) If the problem(s) is in a new Problem Area not yet in the AML Inventory, the FOD must approve the new Problem Area being entered into the AML Inventory. It is entered as unfunded.

CHAPTER 5 PRIORITY DOCUMENTATION FORMS

These forms are used to help determine and document why a keyword is a Priority 1 or 2 problem. They are required PAD documentation and must be maintained by OSM/State/Tribe in either hard paper copy or electronic version. Electronic versions of these Priority Documentation Forms are in AMLIS.

With issuance of this Change Notice a separate Priority Documentation Form must be completed for each keyword and priority. For example, if a PAD were being submitted for a Problem Area that had Priority 1 and Priority 2 dangerous highwalls (DH) and a Priority 2 Dangerous Impoundment (DI), three Priority Documentation Forms would have to be completed -- (1) DH, Priority 1; (2) DH, Priority 2; and (3) DI Priority 2.

When the keyword is in a new Problem Area not currently in the AML Inventory, a Priority Documentation form for each keyword and priority must be sent to the FOD with the request to enter the new Problem Area into the AML Inventory. The date on the Priority Documentation Form must match that on the associated AML-1, Appendix A so that the Field Office can match the Priority Documentation Form with the request to enter a new Problem Area.

Only one copy of a Priority Documentation form can currently be uploaded into AMLIS. Therefore if more than one copy of a Priority Documentation form is required, the additional copies must be maintained as separate copies. When AMLIS is modernized, it will be able to handle multiple copies of Priority Documentation forms. At that time, the State/Tribe may choose to upload these copies into AMLIS.

AML-1 Appendix A follows:

U.S. Office of Surface Mining Reclamation and Enforcement



Approve/Disapprove Adding New Problem Area to the AML Inventory

State/Tribe _____

Problem Area Number _____

Problem Area Name _____

Funding Source(s) (Check the appropriate source(s))

(SGA) Pre-SMCRA Coal (P1, P2, P3) State/Tribe Program	(AMA) Acid Mine Drainage Plan
(SGB) Pre-SMCRA Coal (P3 Only)	(NCA) Non-Coal (P1, P2, P3)
(FRA) FRP Non-emergency	(NCF) Non-Coal Sec. 411(f)
(RMA) Remining	(CLA) Clean Streams Initiative
(CIA) Coal Interim Site Funding	(ENH) Enhanced AML Rule Projects
(CSA) Coal Insolvent Surety Site Funding	

Approve

Disapprove

Name (Print)

Name (Print)

Signature/date

Signature/date

Comments (If necessary, continue on next page)

Comments (continued)