

**Office of Surface Mining  
Reclamation and Enforcement**

**Annual Evaluation Summary Report  
for the  
Regulatory Program**

**Administrated By**



**The  
Wyoming  
Department of Environmental Quality**

**Evaluation Year 2007  
(July 1, 2006 to June 30, 2007)**

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(Cover Photo: Glenrock Coal Co. Phase II reclamation with foreground undisturbed native land)  
(Ridge in background is site of future wind generation facilities)

I. **Introduction**

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) created the Office of Surface Mining Reclamation and Enforcement (OSM) in the Department of the Interior. SMCRA provides authority to OSM to oversee the implementation of and provide Federal funding for State regulatory programs that have been approved by OSM as meeting the minimum standards specified by SMCRA. This report contains summary information regarding the Wyoming Program and the effectiveness of the Wyoming program in meeting the applicable purposes of SMCRA as specified in Section 102. This report covers the period of July 1, 2006 to June 30, 2007. Detailed background information and comprehensive reports for the program elements evaluated during the period are available for review and copying at the OSM Casper Field Office (CFO).

The following list of acronyms are used in this report:

BLM	Bureau of Land Management
CFO	Casper Field Office
CO	Cessation Orders
DEQ	Wyoming Department of Environmental Quality
EQC	Environmental Quality Council
EY2007	Evaluation Year 2007
FY2007	Fiscal Year 2007
LQD	Wyoming Land Quality Division
NOV	Notices of Violation
OSM	Office of Surface Mining Reclamation and Enforcement
OTT	Office of Technology Transfer
PRBRC	Powder River Basin Resource Council
PRCC	Powder River Coal Company
SHPO	State Historic Preservation Officer
SMCRA	Surface Mining Control and Reclamation Act of 1977
TDN	Ten-Day-Notices
TIPS	Technical Innovation & Professional Services
USFS	United States Forest Service
WMA	Wyoming Mining Association
WOC	Wyoming Outdoor Council

## **II. Overview of the Wyoming Coal Mining Industry**

Wyoming is the top coal producing state in the nation and supplies nearly 37% of the country's coal needs. Table 1 shows the past 3 years' coal production for Wyoming. Over ninety-nine percent of the current coal production in Wyoming is from surface coal mines and ninety-two percent of all coal produced in Wyoming is mined in the Powder River Basin surrounding Gillette, Wyoming. Until 1954, underground mines in the state out produced the surface mines, but since then, surface coal mines have dominated the state's production. By the late 1970's, surface coal mining production in the Powder River Basin became a major contributor to the nation's total coal production. Coal-bearing formations underlie more than 40,000 square miles in Wyoming, equal to 41 percent of the total land area of the State. The coal mining industry currently employs approximately 5,345 people and also provides substantial income and secondary employment in the State. Approximately 97 percent of all coal produced in Wyoming is used for electrical generation facilities spread throughout 32 states.

Wyoming's annual production continues to increase, up 14 percent (53 mtpy) in the last year (see Table 1) and is up over 30 percent (104.5 mtpy) in this century alone.

The Wyoming Geological Survey estimates the quantity of Wyoming coal reserves available for surface mining is in excess of 26.3 billion tons; and an additional 38.3 billion tons of coal reserves are estimated to be recoverable by underground mining methods. The main coal seams mined, the Wasatch formation and underlying Fort Union formations can exceed 100 feet in thickness with 30 to 60 foot seams being common. In a few places 220 foot thick seams have been uncovered. Wyoming coal ranges from lignite to high volatile A bituminous in rank with the majority of the coal produced being sub-bituminous. Wyoming has the largest reserves of "compliance coal" in the nation; that is coal of such quality that utility companies can burn the coal in power plants without expensive scrubbers to remove the sulfur dioxide emissions.

Wyoming currently has thirty-five active coal mining operations permitted; thirty-one are surface mining operations, two are underground mining operations, one permit is for a dragline move from one mine site to another, and one in-situ operation. The dragline and in-situ operations are listed as "other facilities" in Table 2 of this report.

## **III. Overview of the Public Participation Opportunities in the Oversight Process and the State Program**

### **A. OSM Outreach Efforts**

The Casper Field Office has contacted special interest groups such as the Wyoming Outdoor Council, Powder River Resource Council and the Wyoming Mining Association during the evaluation period to obtain input and suggestions concerning oversight topics for evaluating the Wyoming Coal Regulatory Program. In a continuing effort to involve

the public and special interest groups, comments were solicited through direct mail, e-mails, and announcements in the Federal Register concerning proposed rule changes submitted by the Wyoming Department of Environmental Quality. Citizens and groups were given the opportunity for a hearing or meeting with OSM to discuss any concern or issues of interest to them. No one requested any hearings or meetings. However there were written comments concerning oversight topics and regarding proposed rule changes through out the evaluation year. Comments concerning oversight were incorporated in the oversight evaluation Performance Agreement and Comments on proposed rule changes were logged into the Administrative Record and addressed in the final decision published in the Federal Register.

#### **B. Wyoming LQD Outreach Efforts**

LQD has an advisory board (Land Quality Division Advisory Board) that provides recommendations to the Land Quality Division through a public forum. The Environmental Quality Council (EQC) rules on regulatory matters for all divisions within the Department (including LQD) and also serves as the administrative hearings board for all divisions (i.e., Land Quality, Air Quality and Water Quality Divisions) in the DEQ. Wyoming's outreach efforts include, but are not limited to LQD Advisory Board meetings, and Environmental Quality Council hearings, public notices, and public meetings. LQD has met on several occasions with the special interest groups (PRBRC, WOC, and WMA) to discuss their concerns. In addition, LQD has hosted several technical forums for the public addressing current issues.

LQD also includes its own public participation program during their permitting, bond release, and enforcement processes. During the permitting and bond release processes, notices are published in local newspapers and comments are solicited. Citizen complaints are investigated as part of the enforcement process. Previous oversight reviews have found that LQD is highly receptive to the concerns of the public, industry and citizen groups. DEQ also has an internet website at: <http://deq.state.wy.us/> with information for the public on permits, current rules, proposed rule changes and contact information.

CFO monitors DEQ's and LQD's hearings, meetings and outreach efforts and has found the State does an excellent job interacting with citizens and special interest groups.

#### **IV. Major Accomplishments/Issues/Innovations in the Wyoming Program**

The Wyoming Department of Environmental Quality (DEQ) has implemented an electronic initiative that will convert most Departmental business to an electronic format. As a division of DEQ, the Land Quality Division (LQD) has been involved with this program from it's inception. LQD has developed detailed business processes for all permitting processes, violation procedures, bond release, and records maintenance. Implementing the electronic processes for permitting is scheduled to begin in early 2008.

In addition to the electronic initiative, LQD continues to move toward a goal of developing a GIS database for all coal mines. This database will facilitate bond release

tracking and a streamlined inspection reporting process. Mobile computing, GPS units, and the GIS database will increase inspection effectiveness and improve efficiency.

The Land Quality Division (LQD) continues to diligently address outstanding program deficiencies. Two program amendments are in the early stages of the state's rulemaking process. One of these amendments is an extensive revision to the revegetation rules and addresses twelve program disapprovals, and the second rule amendment package addresses an additional five program disapprovals. In addition to OSM program requirements, there are two state initiative regulation revisions in process. A revision of the blasting rules is under state review, and revisions to the self-bonding rules have completed the state rulemaking process and are in OSM review.

## **V. Success in Achieving the Purposes of SMCRA as Determined by Measuring and Reporting End Results**

To further the concept of reporting end results, 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 of acres that have been mined and reclaimed and which meet the bond release requirements for the various phases of reclamation, and the effectiveness of customer service provided by the State. Individual topic reports are available in the Casper Field Office which provides additional details on how the following evaluations and measurements were conducted.

### **A. Off-Site Impacts**

Off-site impacts are defined as any impact resulting from surface coal mining and reclamation activities or operations that causes a negative effect on people, land, water, or structures outside the permit area. The impacts on resources must be substantiated as being related to a mining or reclamation activity, or operation, and must be outside the area authorized by the permit for conducting mining and reclamation activities and operations.

During the evaluation period, LQD conducted 142 complete inspections and 255 partial inspections resulting in seven Notices of Violation (NOVs); and no Cessation Orders (COs) (see Tables 9 & 10). CFO reviewed state inspection reports to determine if off-site impacts occurred. There was one off-site impact (see Table 4). In addition, CFO conducted three complete oversight inspections, five partial inspections, two bond release inspections, one citizen complaint and one site visit of coal mining operations in Wyoming.

### **B. Reclamation Success as Measured by Bond Release**

Wyoming LQD received 7 bond release applications and approved all of the applications during this evaluation period. There were a total of 3849 acres of Phase I bond release, 986 acres Phase II and 1533 acres of Phase III bond releases (Table 5) during this evaluation period.

Reclamation bonds have become more difficult to acquire for mining companies. This year there was an increase of bond release applications. Still, compared to the total acres in reclamation, this increase is very small compared to the total acres that potentially could receive bond release.

OSM evaluates the effectiveness of the Wyoming program based on the number of acres that meet bond release standards and have received bond release (Tables 5 and 6). The CFO believes this measure may not capture the total effectiveness of the Wyoming program due to the type of mining operations, the large size of western mining operations and company policies (not to apply for release until large management units are eligible for final bond release). The number of acres released from bond is relatively small in Wyoming when compared to those acres that have been graded, topsoiled and revegetated.

Currently in Wyoming a total of 399,686 acres are permitted with approximately 139,371 acres disturbed. Of these disturbed acres, 50,517 acres have received Phase I bond release, 17,924 acres Phase II bond release and 18,471 acres Phase III bond release.

The Wyoming coal regulatory program has an approved alternative bonding system, differing from Federal and other State coal regulatory programs. Wyoming's bonding system consists of an "area bond" and an "incremental bond." The area bond moves each year with the pit progression, which is adjusted through the submission and review of the permit annual report. The incremental bond covers the entire permit area.

There were no bond forfeitures during the past year. There have been only two bond forfeitures since the approval of the Wyoming program in 1981. Those two bond forfeitures were for two underground mines. None of the large surface coal mines have experienced any bond forfeitures.

During the evaluation year, contemporaneous reclamation was also evaluated. A detailed discussion of reclamation progress is included within the evaluation of contemporaneous reclamation (Part "VII. General Oversight Topic Reviews".)

### **C. Customer Service**

The Wyoming Land Quality Division (LQD) demonstrates its "customer service" attributes in many aspects of their program, both through required regulatory program functions such as public notices, meetings and hearings as well as one-on-one interactions with the public, industry and other state and Federal agencies, going beyond the requirements of the Act or rules. LQD has been working with the Wyoming Mining Association to revise the revegetation standards as they apply to performance standards needed for final bond release.

The handling of the orange cloud (NOx gas) issue has demonstrated LQD's sensitivity to the safety of the citizens living adjacent to the coal mines when NOx gas is sometimes generated from blasting operations. LQD has visited with the citizen listening to the citizen's concerns and fears and have dealt with the mine operators to reduce the potential

for the generation of the toxic gas. Some of these situations are dealt without citizens having to file complaints, instead the State reacts and address the citizen's concerns. This topic is also addressed in Section VII, B –General Oversight Topics.

During this evaluation period, Wyoming received ten citizen complaints, which were addressed adequately and in a timely manner.

## **VI. OSM Assistance**

### **A. Office of Technology Transfer (OTT)**

Wyoming's Land Quality Division continues to participate in sharing their knowledge about technological advances. The Geospatial Technologies and Mobile Computing Applications for Bond Release topic at WRTT's Annual Meeting in Salt Lake City provided the Wyoming LQD an opportunity to showcase the state's achievements in these areas. The WRTT annual meeting also provided Wyoming an opportunity to present and share the WDEQ Information Technology Initiative, which will support enhanced "electronic business", and provide better coordination and data access across Wyoming DEQ divisions as well as provide business "transparency" for the public and regulated community through web-based applications.

A service manager visit was conducted with the Title IV and Title V Programs in Cheyenne to better understand the coal program needs and to identify opportunities where Technology Transfer can better partner with Wyoming personnel as we work to implement regulatory solutions. An outcome of the site visit included initial development of a Wyoming specific GIS manual and class to be held in conjunction with Wyoming's annual offsite meeting during FY08. The site visit concluded with a visit to the world's largest coal mine, where mobile computing applications were administered and observed. These tools allow for a better understand of on-the-ground challenges that inspectors face.

The Office of Technology Transfer is currently working with Wyoming personnel on the needed specifications for the acquisition of a downhole video camera. Wyoming's extensive coal reserves are co-mingled with gas deposits which are realizing significant development. It is hoped that the camera will be instrumental in evaluating the quality and source of collected field data.

The inter-relationship between coal and gas reserves in Wyoming has also caused hydrologic regulatory concerns, and the development of the Gillette Area Groundwater Monitoring Organization. Technology Transfer is a participating member of this organization in cooperation with Wyoming industry and regulatory personnel.

Due to environmental impact concerns with energy development in Wyoming, and specifically the Powder River Basin, Technology Transfer and the TIPS program are working toward the acquisition of satellite imagery of the entire Powder River Basin to assess and track associated environmental impacts.



Technology Transfer also facilitated a partnership between the AML program and the OSM Mine Map Repository. Although grant money is available through the Applied Science Program to acquire and scan abandoned underground mine maps, Technology Transfer coordinated the transfer of over 600 scanned and geo-referenced mine maps to the OSM Mine Map Repository, free of charge. This represents approximately a \$60,000 value.

OSM's Technical Librarian filled 4 reference requests and provided 57 journal article reprints to the Wyoming SRA staff members.

### **B. National Technologic Training Program**

Employees from the Wyoming Department of Environmental Quality are provided the opportunity to attend various technological training sessions throughout the fiscal year. Seven employees from the Title V Program and 2 employees from the Title IV (AML) Program took advantage of this opportunity during the evaluation period and attended various national training classes.

### **C. Cultural Resources**

The CFO continues to coordinate the National Historic Preservation Act, Section 106 cultural resource compliance for the State of Wyoming. The CFO cultural resource coordinator works closely with the OSM Archaeologist in WRCC, Wyoming Land Quality Division (LQD), Bureau of Land Management (BLM), Wyoming State Historic Preservation Office (SHPO), U. S. Forest Service (USFS) and the affected mining companies to process cultural resource clearances on new mining lands and previously permitted areas that have not been surveyed for cultural resources. In the past, this detailed involvement was necessary because the Wyoming DEQ does not have a qualified archaeologist on staff; and therefore, the SHPO would not accept cultural resource recommendations from LQD. The SHPO position with WY-DEQ may have softened somewhat and maybe willing to open discussions with WY-DEQ. There has been some discussion between the parties. OSM will assist in any way it can to bring both parties together to work out any differences.

During this reporting period, cultural resource clearances were requested from the Wyoming State Historic Preservation Officer (SHPO) for 11 proposed actions, including data recovery reports, eligibility determinations and potential affects for projects in Wyoming, and five Memorandums of Agreement were prepared. The workload for EY2007 continues to increase over the previous year.

## **VII. General Oversight Topic Reviews**

### **A. State Program Amendments**

Wyoming's Coal Regulatory Program contains several unresolved program issues as identified in OSM's letters issued pursuant to 30 CFR 732.17 and subsequent required program amendments and disapprovals identified under 30 CFR 950.

During this evaluation period, the CFO met with LQD on several occasions to jointly review the status of these unresolved issues and discuss a schedule for their resolution and submission to OSM for formal review and approval. As a result of this review it was determined that in response to legal challenges and Federal rule changes, several of the proposed program changes were no longer necessary or need not be addressed until OSM has made a final determination of the Federal requirements.

There are currently 35 outstanding program amendment issues (issues that have been identified by OSM as deficiencies in the Wyoming program) and 7 issues that need further action to finalize their status. Considering that Wyoming started with approximately 130 identified deficiencies since 1983, it appears that a good deal of progress has been made in reducing this list. However, since 1999, Wyoming has gotten bogged down by its own process and has had a great deal of difficulty submitting amendment packages to OSM for formal review. Part of the dysfunction in Wyoming's amendment process is the lack of cooperation the DEQ receives from the Environmental Quality Council (EQC). All program amendments must pass through the EQC which is appointed by the Governor. Many of these EQC members represent industry and do not agree with these program amendments, thereby causing the amendment submission to be returned to DEQ for re-submittal. This process becomes a "catch-22" and the amendment process becomes drawn out for years. After our joint review during this evaluation period, LQD broke the outstanding issues out into several packages and committed to a schedule for submittal to OSM for formal review. The first of these packages is expected by late summer 2007 and the rest to follow as soon as they can be processed through Wyoming's internal process.

### **B. Blasting/NOx Gas**

In follow up to the "orange cloud", NOx gas issue that arose in 1999, the CFO has completed its evaluation of the status of this issue in the Powder River Basin Coal Field. The evaluation indicated that the mining companies and WYDEQ have been monitoring issues relating to the coal mines, but the companies have a policy (not in LQD permit) of noting on the blasting log if a yellow cloud (NOx) was observed during the blast, as well as, implementing internal controls to protect its employees and the public from any negative impacts from blasting with established procedures to protect local residence, employees, and train crews from the possible affects of NOx during blasting. These procedures are quite extensive.

The WYDEQ feels that these measures meet and exceed the requirements contained in

the approved permit and regulations. Still, as a general rule, these procedures are exercised on a voluntary basis and are not part of the approved permit; therefore, there is no power of enforcement by the Regulatory Authority.

### **C. Inspection and Enforcement**

The LQD continues to conduct frequent and thorough inspections. LQD conducted 142 complete inspections and 255 partial inspections during the evaluation period.

LQD performed more than the minimum required inspections for the Wyoming Program. All LQD performance standards were reviewed and documented during complete inspections and the reports contain a discussion of the current mine status.

The Casper Field Office conducted a total of eleven inspections. Three inspections were complete oversight inspections, and eight were partial oversight inspections. Two of the partial oversight inspections related to bond release applications, one was as a citizen complaint and one was a site visit.

LQD maintains an inspectable units list and an inspection database sufficient to meet its program requirements. LQD has made this database available to the CFO.

LQD issued 7 Notices of Violation. One of those NOV's included a Cessation order. No pattern of violation exists or show cause hearings / alternative enforcement action (bond forfeiture) were initiated during this evaluation period.

The CFO did not issue any Ten-Day-Notices (TDNs) during this review period.

During this evaluation it was discovered that WYDEQ was not requiring mine operators to properly design and construct their primary roads with respect to drainage systems. While the designs did show road side ditches and culverts, OSM/CFO could not find a supporting demonstration for the design of those items. The DEQ regulations at Chapter 4, Section (j) (vii) (I) requires the drainage system to be designed to pass the peak runoff from a 10 year, 6 hour precipitation event, or greater event as specified by the Administrator. This is being addressed as a programmatic issue as it impacts all mining operations in Wyoming.

### **D. Contemporaneous Reclamation**

While contemporaneous reclamation is not reflected by bond release data as depicted in Table 5, it is the intent of SMCRA to assure that adequate procedures are undertaken to reclaim surface areas as contemporaneously as possible on the ground. Table 5 provides an overall perspective of the relationship between disturbance and reclamation.

The intent of contemporaneous reclamation is to provide a balance between disturbance and reclamation, an overall picture of the success of that reclamation and whether it is keeping step with the mining progression in the State. Information provided to complete Table 5 in the annual report summarizes mining and reclamation activity and should be

considered a source for this measurement.

For EY07, no evaluation of this topic was completed as no useable data was collected, preventing the CFO from completing this review. However, based on observations made during oversight inspections, there appears to be no change in contemporaneous reclamation since the EY 06 report.

The CFO will collect and evaluate the information necessary for EY07 and EY08 reports during the next evaluation period, to be included in the EY08 report.

## APPENDIX A

### Tabular Summaries of Data Pertaining to Mining, Reclamation and Program Administration

These tables represent data pertinent to mining operations, State and Federal regulatory activities within Wyoming. They also summarize funds provided by OSM to the State and Wyoming staffing. Unless otherwise specified, the reporting period for the data contained in all tables is the 2007 evaluation year (July 1, 2006– June 30, 2007). Additional data used by OSM in its evaluation of Wyoming's performance is available for review in the evaluation files maintained by the Casper Field Office.

**NOTE 1:** When OSM's Directive REG-8, Oversight of State Programs, was revised in December 2006, the reporting period for coal production on Table 1 was changed from a calendar year basis to an evaluation year basis. The change was effective for the 2007 evaluation year. In addition to coal production figures for the current year, Table 1 also contains the coal production figures from annual evaluation reports for the two most recent prior years. Therefore, for the 2007 annual evaluation report, coal production figures are provided for 2005, 2006 and 2007. In order to ensure that coal production for these three years are directly comparable, the calendar year production figures from the 2005 and 2006 annual evaluation reports were recalculated on an evaluation year basis (July 1 – June 30). This should be noted when attempting to compare coal production figures from annual evaluation reports originating both before and after the December 2006 revision to the reporting period.

**NOTE 2:** The reader should note that the EY 2006 total acres bonded in Table 5 (364,302) does not match the acres provided in the EY 2006 Annual Report. This error is less than 3% of the total bonded acreage (which is fairly small and was compounded over a multi-year period). It appears that the error was due to accounting inaccuracies caused by WY LQD and OSM staff re-assignments over the past few years. Several different people were involved in querying the WY LQD data base and the information collected could not be gathered in a direct way, which appears to have lead to some minor errors. The Casper Field Office (CFO) has planned to meet with WY LQD in EY 2008 in order to develop a more accurate way of capturing and reporting data in the future. The CFO has confirmed with WY LQD and agrees with LQD that the EY 2007 total acres bonded (399,687) is an accurate figure.

Wyoming  
EY 2007, ending June 30, 2007

TABLE 1			
Coal Produced for Sale, Transfer, or Use (Millions of Short Tons)			
Period	Surface Mines	Underground Mines	Total
Coal production <sup>A</sup> for entire State:			
Evaluation Year			
EY 2005	402.805	0.104	402.909
EY 2006	421.525	0.282	421.807
EY 2007	444.245	1.125	445.370
<p><sup>A</sup> Coal production as reported in this table is the gross tonnage which includes coal that is sold, used, or transferred as reported to OSM by each mining company on form OSM-1 line 8(a). Gross tonnage does not provide for a moisture reduction. OSM verifies tonnage reported through routine auditing of mining companies. This production may vary from that reported by States or other sources due to varying methods of determining and reporting coal production. <b>Provide production information for the latest three full evaluation years to include the last full evaluation year for which data is available.</b></p>			

Wyoming  
EY 2007, ending June 30, 2007

**TABLE 2**

**Inspectable Units  
As of June 30, 2007**

Coal mines and related facilities	Number and Status of Permits								Nbr. of Insp. Units <sup>A</sup>	Permitted Acreage <sup>B</sup> (100's of acres)				
	Active or temporarily inactive		Inactive Phase II bond release		Abandoned		Totals			Federal Lands		State/Private Lands		All Lands
	IP	PP	IP	PP	IP	PP	IP	PP		IP	PP	IP	PP	Total
<b>LANDS FOR WHICH THE STATE IS THE REGULATORY AUTHORITY</b>														
Surface mines	0	31	1	0	0	0	1	31	32	0.0	1,034.9	0.0	2,833.7	3,868.6
Underground mines	0	2	0	0	0	0	0	2	2	0.0	33.3	0.0	73.7	107.0
Other facilities	0	2	0	0	0	0	0	2	2	0.0	0.0	0.0	21.3	21.3
<b>Total</b>	<b>0</b>	<b>35</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>35</b>	<b>36</b>	<b>0.0</b>	<b>1,068.2</b>	<b>0.0</b>	<b>2,928.7</b>	<b>3,996.9</b>

Total number of permits: 36

Average number of permits per inspectable unit (excluding exploration sites): 1.00

Average number of acres per inspectable unit (excluding exploration sites): 11,102.3

Number of exploration permits on State and private lands: 0 On Federal lands<sup>C</sup>: 9

Number of exploration notices on State and private lands: 0 On Federal lands<sup>C</sup>: 0

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

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

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

<sup>C</sup> Includes only exploration activities regulated by the State pursuant to a cooperative agreement with OSM or by OSM pursuant to a Federal lands program. Excludes exploration regulated by the Bureau of Land Management.

Wyoming  
EY 2007, ending June 30, 2007

**TABLE 3**

**State Permitting Activity  
As of June 30, 2007**

Type of Application	Surface mines			Underground mines			Other facilities			Totals		
	App. Rec.	Issued	Acres	App. Rec.	Issued	Acres <sup>A</sup>	App. Rec.	Issued	Acres	App. Rec.	Issued	Acres
New Permits	0	0	0	0	0	0	0	0	0	0	0	0
Renewals	0	3		0	0		0	0		0	3	
Transfers, sales, and assignments of permit rights	3	0		0	0		0	0		3	0	
Small operator assistance	0	0		0	0		0	0		0	0	
Exploration permits										0	0	
Exploration notices <sup>B</sup>											0	
Revisions (exclusive of incidental boundary revisions)		79			0			0			79	
Revisions (adding acreage but are not incidental boundary revisions)	4	6	36,764	0	0	0	0	0	0	4	6	36,764
Incidental boundary revisions	5	5	188	0	0	0	0	0	0	5	5	188
<b>Totals</b>	<b>12</b>	<b>93</b>	<b>36,952</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12</b>	<b>93</b>	<b>36,952</b>

OPTIONAL - Number of midterm permit reviews completed that are not reported as revisions: 0

<sup>A</sup> Includes only the number of acres of proposed surface disturbance.

<sup>B</sup> State approval not required. Involves removal of less than 250 tons of coal and does not affect lands designated unsuitable for mining.



TABLE 4

OFF-SITE IMPACTS (excluding bond forfeiture sites)

RESOURCES AFFECTED DEGREE OF IMPACT	People			Land			Water			Structures		
	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major
Blasting	0	0	0	0	0	0	0	0	0	0	0	0
Land Stability	0	0	0	0	0	0	0	0	0	0	0	0
Hydrology	0	0	0	0	0	0	0	0	0	0	0	0
Encroachment	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	1	0	0	0	0	0	0	0	0	0	0
Total	0	1	0	0	0	0	0	0	0	0	0	0

Total number of inspectable units (excluding bond forfeiture sites): 36

Inspectable units free of off-site impacts: 35

Inspectable units with off-site impacts: 1

OFF-SITE IMPACTS ON BOND FORFEITURE SITES

RESOURCES AFFECTED DEGREE OF IMPACT	People			Land			Water			Structures		
	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major
Blasting	0	0	0	0	0	0	0	0	0	0	0	0
Land Stability	0	0	0	0	0	0	0	0	0	0	0	0
Hydrology	0	0	0	0	0	0	0	0	0	0	0	0
Encroachment	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0

Total number of inspectable units (only bond forfeiture sites): 0

Inspectable units free of off-site impacts: 0

Inspectable units with off-site impacts: 0

Wyoming  
EY 2007, ending June 30, 2007

**TABLE 5**

**Annual State Mining and Reclamation Results**

Bond release phase	Applicable performance standard	During this Evaluation Year		
		Total acreage released	Acreage also released under Phase I	Acreage also released under Phase II
A	B	C	D	E
Phase I	- Approximate original contour restored - Topsoil or approved alternative replaced	3,849		
Phase II	- Surface stability - Establishment of vegetation	986	0	
Phase III	- Post-mining land use/productivity restored - Successful permanent vegetation - Groundwater recharge, quality and quantity restored - Surface water quality and quantity restored	1,567	0	0
<b>Bonded Acreage <sup>A</sup></b>		<b>Acres during this evaluation year</b>		
Total number of new acres bonded during this evaluation year		36,952		
Number of acres bonded during this evaluation year that are considered re-mining, if available		0		
Number of acres where bond was forfeited during this evaluation year		0		
<b>Bonded Acreage Status</b>		<b>Cumulative Acres</b>		
Total number of acres bonded as of the end of last review period (June 30, 2006) <sup>B</sup>		364,302		
Total number of acres bonded as of the end of this review period (June 30, 2007) <sup>B</sup>		399,687		
Sum of acres bonded that are between Phase I bond release and Phase II bond release as of June 30, 2007 <sup>B</sup>		0		
Sum of acres bonded that are between Phase II bond release and Phase III bond release as of June 30, 2007 <sup>B</sup>		0		
<b>Disturbed Acreage</b>		<b>Acres</b>		
Number of Acres Disturbed during this evaluation year		3,352		
Number of Acres Disturbed at the end of the evaluation year (cumulative)		139,371		
<sup>A</sup> Bonded acreage is considered to approximate and represent the number of acres disturbed by surface coal mining and reclamation operations. <sup>B</sup> Bonded acres in this category are those that have not received a Phase III or other final bond release (State maintains jurisdiction).				

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

**TABLE 6**

**State Bond Forfeiture Activity**  
(Permanent Program Permits)

Bond Forfeiture Reclamation Activity by SRA	Number of Sites	Dollars	Acres
Sites with bonds forfeited and collected that were unreclaimed as of June 30, 2006 (end of previous evaluation year) <sup>A</sup>	0		0
Sites with bonds forfeited and collected during Evaluation Year 2007 (current evaluation year)	0	\$ 0	0
Sites with bonds forfeited and collected that were re-permitted during Evaluation Year 2007 (current evaluation year)	0		0
Sites with bonds forfeited and collected that were reclaimed during Evaluation Year 2007 (current evaluation year)	0		0
Sites with bonds forfeited and collected that were unreclaimed as of June 30, 2007 (end of current evaluation year) <sup>A</sup>	0		0
Sites with bonds forfeited but uncollected as of June 30, 2007 (end of current evaluation year)	0		0
<b>Surety/Other Reclamation (In Lieu of Forfeiture)</b>			
Sites being reclaimed by surety/other party as of June 30, 2006 (end of previous evaluation year) <sup>B</sup>	0		0
Sites where surety/other party agreed to do reclamation during Evaluation Year 2007 (current evaluation year)	0		0
Sites being reclaimed by surety/other party that were re-permitted during Evaluation Year 2007 (current evaluation year)	0		0
Sites with reclamation completed by surety/other party during Evaluation Year 2007 (current evaluation year) <sup>C</sup>	0		0
Sites being reclaimed by surety/other party as of June 30, 2007 (current evaluation year) <sup>B</sup>	0		0

<sup>A</sup> Includes data only for those forfeiture sites not fully reclaimed as of this date

<sup>B</sup> Includes all sites where surety or other party has agreed to complete reclamation and site is not fully reclaimed as of this date

<sup>C</sup> This number also is reported in Table 5 as Phase III bond release has been granted on these sites

Wyoming  
EY 2007, ending June 30, 2007

<b>TABLE 7</b>	
<b>State Staffing</b> (Full-time equivalents at end of evaluation year)	
Function	EY 2007
Regulatory Program	
Permit Review	12.11
Inspection	10.18
Other (administrative, fiscal, personnel, etc.)	7.41
Regulatory Program Total	29.70
AML Program Total	13.90
<b>Total</b>	<b>43.60</b>

Wyoming  
EY 2007, ending June 30, 2007

<b>TABLE 8</b>		
<b>Funds Granted To Wyoming BY OSM</b> (During the Current Evaluation Year) <b>(Actual Dollars, Rounded to the Nearest Dollar)</b>		
Type of Funding	Federal Funds Awarded During Current Evaluation Year	Federal Funding as a Percentage of Total Program Costs
Regulatory Funding		
Administration and Enforcement Grant	\$ 2,064,742	88.00 %
Other Regulatory Funding, if applicable	\$ 0	0.00 %
<b>Subtotal</b>	<b>\$ 2,064,742</b>	
Small Operator Assistance Program	\$ 0	100 %
Abandoned Mine Land Reclamation Funding <sup>A</sup>	\$ 37,363,882	100 %
<b>Totals</b>	<b>\$ 39,428,624</b>	
<sup>A</sup> Includes funding for AML Grants, the Clean Streams Initiative and the Watershed Cooperative Agreement Program.		

Wyoming  
EY 2007, ending June 30, 2007

<b>TABLE 9</b>		
<b>State Inspection Activity During Current Evaluation Year</b>		
<b>Inspectable Unit Status</b>	<b>Number of Inspections Conducted</b>	
	<b>Complete</b>	<b>Partial</b>
Active <sup>A</sup>	87	185
Inactive <sup>A</sup>	55	70
Abandoned <sup>A</sup>	0	0
<b>Total</b>	142	255
<b>Exploration</b>	0	0
<sup>A</sup> Use terms as defined by the approved State program.		

Wyoming  
EY 2007, ending June 30, 2007

**TABLE 10**

**State Enforcement Activity  
During Current Evaluation Year**

Type of Enforcement Action	Number of Actions <sup>A</sup>	Number of Violations <sup>A</sup>
Notice of Violation	7	7
Failure-to-Abate Cessation Order	0	0
Imminent Harm Cessation Order	0	0
<sup>A</sup> Do not include those violations that were vacated.		

Wyoming  
EY 2007, ending June 30, 2007

<b>TABLE 11</b>		
<b>Lands Unsuitable Activity</b>		
<b>During Current Evaluation Year</b>		
	Number	Acreage
Number Petitions Received	0	
Number Petitions Accepted	0	
Number Petitions Rejected	0	
Number Decisions Declaring Lands Unsuitable	0	0
Number Decisions Denying Lands Unsuitable	0	0



Wyoming  
EY 2007, ending June 30, 2007

<b>TABLE 12 Optional</b>	
<b>Post Mining Land Use Acreage (after Phase III bond release)</b>	
<b>Land Use</b>	<b>Acreage Released during this Evaluation Year</b>
Cropland	0
Pasture/Hayland	0
Grazing Land	1,533
Forest	0
Residential	0
Fish & Wildlife Habitat	0
Developed Water Resources	0
Public Utilities	0
Industrial/Commercial	34
Recreation	0
Other (please specify):	0
Other (please specify):	0
Other (please specify):	0
Other (please specify):	0
Other (please specify):	0
Other (please specify):	0
Other (please specify):	0
Other (please specify):	0
Other (please specify):	0
<b>Total</b>	<b>1,567</b>

## **APPENDIX B**

### **State Comments on the Report**

Most of the State's comments were editorial in nature and have been incorporated into the final version of this report. However, Section VII, D, Contemporaneous Reclamation was revised to delete language and reference to a reclamation summary table, due to the inability to obtain accurate data for this section of the report.