



BUDGET The United States
Department of the Interior
JUSTIFICATIONS

and Performance Information
Fiscal Year 2011

**OFFICE OF
SURFACE MINING
RECLAMATION AND
ENFORCEMENT**

NOTICE: These budget justifications are prepared for the Interior, Environment and Related Agencies Appropriations Subcommittees.

Approval for release of the justifications prior to their printing in the public record of the Subcommittee hearings may be obtained through the Office of Budget of the Department of the Interior.

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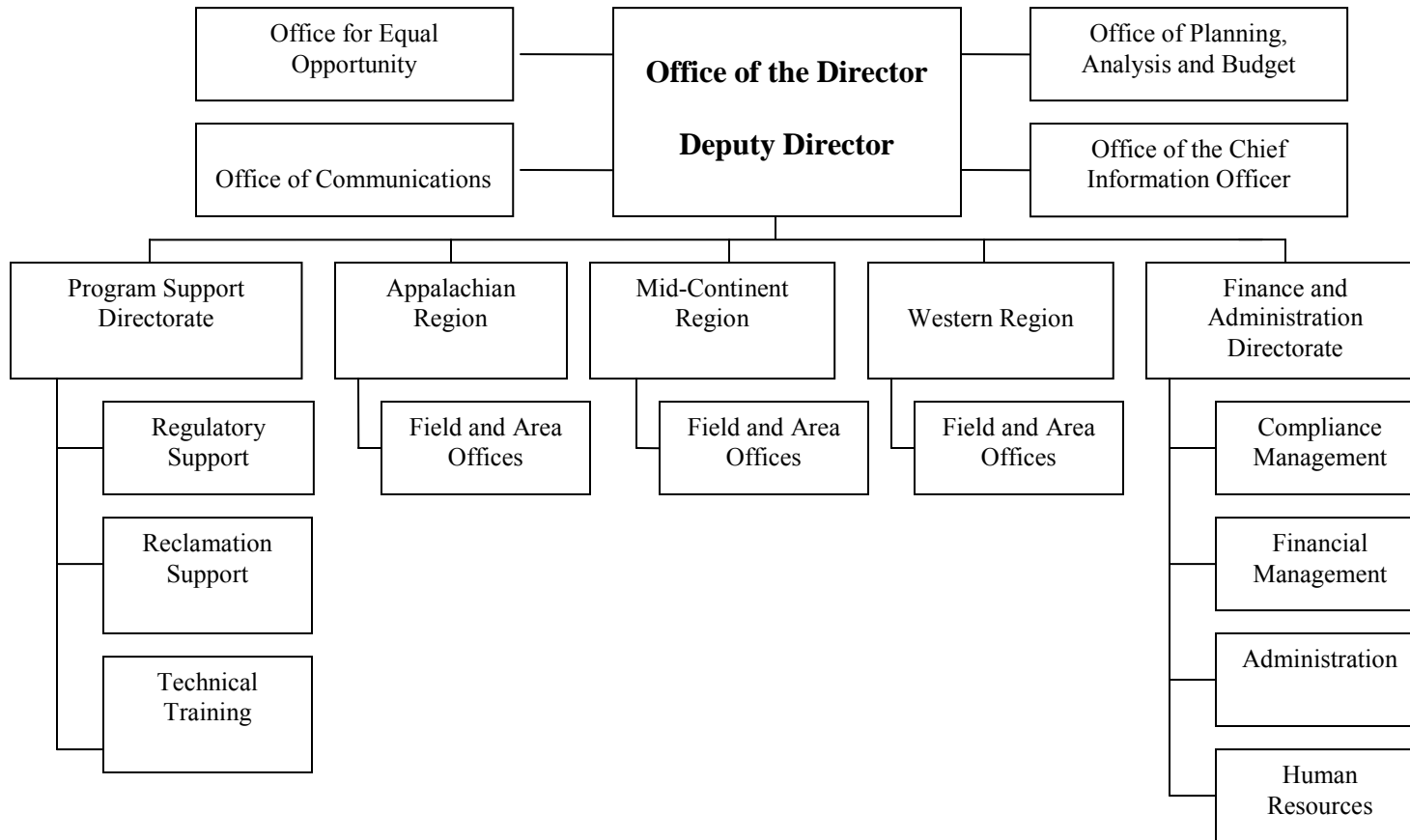
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Office of Surface Mining Reclamation and Enforcement



GENERAL STATEMENT

Overview

The Office of Surface Mining Reclamation and Enforcement's (OSM) mission is to carry out the requirements of the Surface Mining Control and Reclamation Act (SMCRA or the Act) in cooperation with the States and Tribes.

OSM's primary objectives are to:

- (1) ensure that coal mine surface activities are operated in a manner that protects citizens and the environment during mining,
 - (2) assure that the land is restored to beneficial use following mining, and
 - (3) mitigate the effects of past mining by aggressively pursuing reclamation of abandoned coal mines.
-

Over a billion tons of coal are produced each year in the United States, providing 50 percent of the Nation's electricity. Each ton of coal must be permitted and regulated under SMCRA.

The SMCRA contemplates both the Regulatory and Abandoned Mine Land (AML) programs being administered by States and Tribes through delegated authority from the Secretary. States and Tribes with this authority, known as primacy, regulate about 97 percent of the Nation's coal production and complete over 90 percent of the abandoned mine lands abatement work. Therefore, the major task of OSM is to help States and Tribes succeed by providing them the funding, oversight, regulatory and policy framework, assistance, training and technical tools to have stable regulatory and reclamation programs that are effective and of high quality.

OSM's activities and related budget support the Presidential and Secretarial initiatives for responsible production of coal through the protection, preservation, and restoration of mined lands; restoration of lands left unreclaimed; mitigation of climate change through reforestation of mined lands; and provision of opportunities for youth. Further details on OSM's contributions are provided below.

Responsible Production of Coal Title V (State and Tribal Regulatory Grants)

In order to strike the proper balance between environmental protection and the nation's energy needs, OSM strives to maintain a regulatory environment that is both stable and consistent with SMCRA, and is administered through state programs. That regulatory stability should enable all parties, including producers, regulators and citizens, to have a common understanding of applicable requirements and rights so that each can make informed decisions affecting their economic and personal interests with a minimum of controversy.

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It is important for the coal to be properly mined to reduce the harmful environmental impacts of coal mining and to see that land is reclaimed in accordance with land use plans established during the permitting process. On June 11, 2009, the U.S. Department of the Interior entered into a Memorandum of Understanding (MOU) with the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency to reduce the harmful environmental impacts of mountain-top mining in six states in central Appalachia. Through the MOU, the three agencies are working to strengthen oversight and regulation of this method of coal mining. As part of this collaborative effort, OSM published an Advanced Notice of Proposed Rulemaking to seek public input on revisions to current stream protection rules.

In addition, OSM is evaluating how to more effectively conduct oversight of state permitting, state enforcement, and regulatory activities under SMCRA. OSM has several short-term and long-term commitments under the Action Plan that accompanied the MOU. OSM will continue to move forward to fulfill these requirements and will be working with its State and Tribal partners. The MOU, including the associated Action Plan, and OSM's actions to date may be found on OSM's webpage at www.osmre.gov.

Of the almost 2,400 government employees directly involved on a daily basis in implementing the regulatory and restoration programs of the Act, less than 25 percent work for OSM. To assist primacy States with their regulatory programs, OSM provides grants up to 50 percent of their operating costs. In FY 2011, as part of the Presidential commitment to end subsidies to fossil-fuel industries, these Federal grants to States will decrease, with the expectation that States will recover more of their costs from the coal industry. OSM will encourage States to establish necessary fees with the intent of assuring continued regulatory funding.

State permitting actions and inspections of mine sites are among the most important ways to determine if the law is being properly implemented and to ensure a safe environment during mining. In FY 2009, States completed 48,525 partial and 30,228 complete inspections for a total of 78,753 inspections. OSM completed 1,071 partial and 627 complete inspections in Federal Programs and on Indian Lands. Nationwide, about 88 percent of the sites inspected did not have off-site impacts. (Off-site impacts are those that occurred off the permitted area that have the potential to harm the environment or the public.) Off-site impacts identified on active sites are addressed through the inspection and enforcement processes. Likewise, it is important that the land is properly reclaimed. Experts are needed to inspect and monitor work done to return the land to its intended post-mining use.

In addition, as authorized by the Energy Policy Act of 1992 and Section 710 (i) of SMCRA, OSM provides regulatory developmental grants to the Crow and Hopi Tribes and the Navajo Nation to assist them in developing regulations and programs for regulating surface coal mining and reclamation operations on Indian lands. The grant amounts are based on each Tribe's anticipated workload to develop Tribal regulations and policies, to assist OSM with surface coal mine inspections and enforcement, and to sponsor employment training and education concerning mining and mineral resources. These grants fund 100 percent of the Tribal regulatory developmental activities, and the costs of developing, administering, and enforcing an approved Tribal program. In FY 2011, OSM will continue to work with the Tribes to review applications for primacy as they are received.

**Restoration of Lands Left Unreclaimed
Title IV (Abandoned Mine Land Reclamation)**

The authority to collect and distribute the mine reclamation fee was revised by the Tax Relief and Health Care Act of 2006, which included the 2006 Amendments to SMCRA. These amendments extended the authority for fee collection on mined coal through September 30, 2021, and changed the way State and Tribal reclamation grants are to be funded, beginning in FY 2008. State and Tribal grants are funded by mandatory appropriations. The remaining activities funded under the discretionary appropriation include Federal Reclamation Programs, State and Federal Emergency Programs, and OSM operations. The new law also mandated new mandatory payments to States equivalent to their allocation under the AML Fund distribution formula, including repayment of their accumulated State-share balance of AML Funds.

In total, the SMCRA amendments provide dramatically increased funding to States and Tribes. In FY 2007, the total discretionary appropriation to States and Tribes was \$145.3 million. The change to mandatory funding in FY 2008 provided \$274.3 million in funding. The amounts distributed in FY 2009 - 2010 were \$298.1 million and \$232.4 million, respectively. The amount projected for FY 2011 is 164.1 million, which includes the elimination of funds to certified States and Tribes as noted below. Accomplishments for this program are reported as acres reclaimed under OSM's goal measure: "Number of Federal, private and tribal land and surface water acres reclaimed or mitigated from the effects of natural resource degradation from past mining."

OSM published a final rule on November 14, 2008, (73 FR 67576) implementing the AML program changes in the 2006 Amendments to SMCRA. This rule revises OSM's rules to be consistent with the 2006 Amendments to SMCRA. OSM is in the process of providing guidance to States for evaluating the rulemaking against their current programs and proposing changes to be no less stringent than the new Federal regulations, if needed.

The President's Budget framework for FY 2010 proposed the elimination of payments to States and Tribes that have certified completion of clean-up of abandoned coal mines in their State or on Tribal lands. The 2011 budget modifies the FY 2010 proposal to restructure the mandatory AML payments in order to target AML fees at the highest priority abandoned coal mine lands. (However, the mandatory distribution to the United Mine Workers of America health benefit plans is not proposed for this redirection.) The proposal will terminate payments to certified States and Tribes and require non-certified States to use their funding for high-priority coal sites. As a modification to the 2010 budget, this proposal will also set aside \$10 million for Federal reclamation projects, which would include high-priority coal issues that develop or are discovered after States or Tribes become certified. The Department will propose legislation to address these proposed changes.

Because the SMCRA Amendments dramatically increased State and Tribal funding, OSM has been phasing out Federal responsibility for AML emergency programs. OSM will transition this responsibility to the States and Tribes in FY 2010 using new funding and carryover balances to address immediate needs under emergency programs during this transition. OSM anticipates that this transition will be completed by 2011.

Youth in Natural Resources

Secretary Salazar has challenged Departmental programs to achieve the High Priority Performance Goal for youth employment, a year ahead of schedule, by the end of 2010. OSM is working to engage 150 individuals 25 and under, in 2010 and 2011 either through a temporary position with the bureau or a work experience in conjunction with a partnering organization. This is a 35 percent increase over our FY 2009 level. To achieve this goal, the bureau will seek ways to expand opportunities for youth engagement through ongoing activities and partnerships.

Currently, OSM has several opportunities for youth involvement in natural resources. OSM partners with AmeriCorps Volunteers in Service to America (VISTA) program to bring environmental and economic improvement to communities affected by coal-polluted watersheds. In FY 2009, there were 80 youth VISTA volunteers on two teams working with OSM, non-profit sponsors and individual watershed groups. Projects are undertaken to meet five core goals – 1) capacity building, 2) environmental monitoring, 3) outreach and education, 4) economic redevelopment and 5) professional development for the volunteer. The volunteer works directly with monitoring and sampling in the watershed. Volunteers help develop and coordinate efforts within the community and local monitoring teams to ensure continued maintenance of the watersheds' water quality after the VISTA position is gone. The primary focus of sampling the water is to inventory acid mine drainage issues and other relevant water quality effects within the watershed caused by point and non-point source pollution. OSM also supports VISTAs involved in its reforestation projects.

OSM welcomes youth through the Student Temporary Employment Program (STEP). This is a Federal program that offers part-time paid positions to students in high school, college, vocational school or graduate school in order to gain experience in new fields. In 2009, OSM employed 31 students in both the regional and national offices, including those under STEP and other similar hiring authorities. Examples of work performed by students are listed below:

- Seven students assisted the Appalachian Regional Offices by working with OSM's mine map repositories in Pittsburgh and Wilkes-Barre, PA. They provided support to individual staff and program activities to assist reducing the backlog of cataloguing and archiving abandoned underground mine maps collected throughout the Nation.
- One student in the Knoxville Field Office developed an annotated bibliography of literature on water quality downstream of surface coal mining, both during operations and after reclamation. This information fills knowledge gaps to improve understanding of the environmental effects of this type of mining.
- Fourteen students assisted in various financial and administrative duties during FY 2009. They helped with daily tasks such as clerical and administrative support, as well as capacity-building initiatives such as recruitment efforts and analysis of market data for e-filing coal companies.

Reforestation of Mined Lands to Mitigate Climate Change

The reforestation program applies good science to support forest reclamation. Forests are critical to the ecological health of the Earth. They are the major sequesters of carbon and producers of oxygen, they moderate temperatures, and provide many other environmental benefits. Deciduous forests contain far more biological diversity than conifer forests. The coal fields of the Eastern United States lie within the largest and oldest deciduous forests on Earth. Almost all of the land surface mined for coal within the Eastern United States and Pacific Northwest was forested until mined. While trees can grow very well on areas mined for coal, reclamation practiced over the past 30 years has emphasized creating smoothly graded slopes with heavy ground cover to protect against erosion. The few efforts at reestablishing trees have had little success. With the increases in surface coal mining, this has led to substantial forest fragmentation, loss of habitat for critical species (such as the Indiana Bat and Cerulean Warbler), and increased flooding due to higher peak runoff from reclaimed areas.

In 2004, OSM, in cooperation with several states and other partners, initiated the Appalachian Regional Reforestation Initiative (ARRI) to address the technical, legal, and cultural barriers to effective reforestation as a part of mined land reclamation. There are enormous environmental, cultural, and economic benefits to restoring trees to those areas that were forested before mining. These include: increased carbon sequestration, increased land values and economic productivity, reduction in peak storm flows that reduce flooding potential, restoration of habitat for threatened or endangered species, and improved water quality.

Through ARRI, OSM has worked with States and others to remove the barriers to effective reforestation of mined land. Currently, ARRI has fostered partnerships enlisting 226 individuals from 118 different organizations who share its objectives. These efforts have demonstrated that reforestation is a viable, economical, and beneficial choice for reclamation of mined lands. This has led to success in establishing forests on mined lands in recent years.

Budget Highlights

The FY 2011 Budget Request for OSM is \$146.1 million in current appropriations, a decrease of \$16.7 million from the FY 2010 enacted level. Changes are due to proposed program changes and management efficiencies. Reductions include:

- -\$10,991,000 for State and Tribal regulatory grants;
- -\$1,500,000 in State emergency grants;
- -\$2,000,000 in Federal emergency projects;
- -\$500,000 for Audit activities related to the export coal issue;
- -\$972,000 in Federal high-priority projects;
- -\$49,000 for Email efficiency savings;
- DOI-wide Changes (total of -\$721,000):
 - -\$418,000 for Travel;
 - -\$151,000 for Information Technology;
 - -\$119,000 for Strategic Sourcing; and
 - -\$33,000 for the DOI Working Capital Fund.

OSM will receive an estimated \$459.5 million in permanent appropriations to provide to the States and Tribes in support of the abandoned mine land program and to provide to the United Mine Workers of America (UMWA) for health benefits. Mandatory funding is further described under the “Permanent Appropriations” Tab. A summary table of the Budget is shown below. Increases and decreases are detailed by account, activity and sub-activity in the table contained in the “Budget-at-a-Glance” Tab.

Office of Surface Mining Reclamation and Enforcement

**Total FY 2011 Budget Request
(Dollars in thousands)**

Budget Authority	2009 Actual	2010 Enacted	2011 President's Budget Request	2011 Request Change from 2010
Regulation & Technology	120,381	127,280	115,785	-11,495
Abandoned Mine Reclamation Fund	44,446	35,588	30,350	-5,238
Total, Discretionary	164,827	162,868	146,135	-16,733
Payments (or Grants) to States in Lieu of Coal Fee Receipts (U.S. Treasury Funds)	208,041	227,171	85,400	-141,771
Federal High-Priority Projects	0	0	10,000	+10,000
Mandatory Grants to Non-Certified States (AML Funds)	90,031	141,914	164,100	+22,186
Funds Transferred to UMWA Health Benefit Plans	124,049	172,699	200,000	+27,301
Total, Mandatory	422,121	541,784	459,500	-82,284
Total, OSM	586,948	704,652	605,635	-99,017

The FY 2011 Budget Request provides \$60.3 million (41 percent) of OSM's discretionary funding to the States and Tribes for regulatory grants. OSM will use the balance of the budget to provide technical assistance to the States, conduct its oversight responsibilities, and carry out its fiscal responsibilities for collecting revenues and awarding grants. OSM implements these programs through three regional and 19 field and area offices.

Absorption of 2011 Fixed Costs Increases

To provide the maximum funding possible for priority needs, the FY 2011 President's Budget Request does not include an increase for anticipated increases in fixed costs in 2011. Programs will absorb these costs. Details on the estimates for FY 2011 fixed cost increases are included at the end of this section. Pay and benefits-related costs will be absorbed in programs proportional to the numbers of FTE employed. Rent increases will be absorbed by the programs occupying

rental space. The Department's Working Capital Fund costs will remain level with 2010. Needed cost increases will be fully offset by reductions to accounts with completed projects.

DOI-wide Management Savings

In 2009, the President established the SAVE (Securing Americans Value and Efficiency) Award program, to challenge Federal employees across the government to submit ideas for efficiencies and savings as part of the annual budget process. The goal of the SAVE Award program is to produce ideas that will yield savings and improve government operations. The Department of the Interior received thousands of submissions on a variety of topics during the SAVE Award process which are being reviewed by the bureaus. The FY 2011 budget assumes \$62 million in savings from implementing SAVE Award proposals in three areas: travel, information technology, and strategic sourcing, which are described below.

- **Travel Reduction** –The OSM is participating in a Department-wide effort to reduce travel and relocation expenditures through adoption of new technologies and efficiency improvements. Bureaus are implementing new teleconferencing, videoconferencing, shared Web sites, and other technologies that will enable real-time communications and shared access to documents that will enable meetings to be conducted remotely and electronically. The proposed reduction also includes a decrease in funding for permanent change of station expenses, in response to an Office of Inspector General finding that suggests a need for greater control over management of these costs. The overall travel reduction would decrease the Department's spending on travel and relocation to a level commensurate with actual 2008 travel and relocation expenditures. OSM's share of this reduction is \$0.418 million.
- **Information Technology (IT) Reduction** –OSM's Chief Information Officer has been working collaboratively with the other Interior CIOs on an approach to achieve improved effectiveness and efficiencies in information technology. The Department anticipates savings from the Department-wide implementation of a common e-mail system and the consolidation of servers, data centers, and help desks. Although this is a multi-year effort, it is feasible to expect \$20 million in savings in 2011, of which, OSM's share is \$0.151 million.

Secretary Salazar is committed to information technology reforms that will improve the effectiveness and efficiency of operations within the Department, including a common email system. Detailed planning information exists from earlier efforts to deploy a common email system that provides a foundation for an accelerated effort, beginning in the current fiscal year. The Department has conducted inventories and evaluations of servers, data centers, and help desks. All of the information indicates significant potential savings from the consolidation and reduction of this infrastructure. The Department will be working throughout FY 2010 to develop plans, begin deployments, and implement changes to realize savings in 2011.

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- Acquisition Reduction – OSM’s Division of Administration has been working collaboratively with other acquisition offices across the Department to prepare an Acquisition Improvement Plan. Although OMB’s proposed acquisition savings program allows agencies to redirect savings to other mission objectives, Interior is proposing a reduction of \$30 million in real savings to help offset other program priorities in the budget request, of which, OSM’s share is \$0.119 million. One option for achieving this savings is the expanded use of strategic sourcing.

Currently, strategic sourcing is used for enterprise acquisitions for software and hardware. Expansion of strategic sourcing to other types of acquisitions has the potential to achieve additional savings for the bureaus and offices in Interior. The Office of Acquisition and Property Management, working with a team of bureau representatives, has developed a set of options for strategic sourcing, including: telecommunications, relocations, copiers/printers, heavy equipment, recycled paper, shuttle services, furniture, wireless communications, and training. Currently, participation by the bureaus is optional.

The Department has a successful track record with strategic sourcing and plans to expand its use based on the advice and guidance from the Strategic Sourcing Executive Council. During 2010, DOI would develop its plans and begin to implement expanded strategic sourcing to realize the targeted savings in 2011. To achieve this level of savings, all of the bureaus would be required to participate. The leadership in the Department is committed to participation in this initiative. The savings realized from this initiative would be included in the Department’s Acquisition Improvement Plan.

Performance Summary

OSM strives to improve planning, eliminate duplicative processes, and involve stakeholders. OSM works with State and federal agencies, and Tribal governments; and is responsible for federal, tribal, and private lands, reclaiming and protecting diverse sites, and enhancing technology transfer among many constituents. Although a small bureau, OSM is well positioned to lead such efforts, particularly those related to implementing that part of a comprehensive energy strategy involving coal mining in an economically and environmentally viable manner.

OSM serves as a policy leader and coordinator with its partners in carrying out the responsibilities of SMCRA. OSM is an innovator in promoting the effective administration of the Surface Mining Program and maximizing land and water restoration with available funds.

In accordance with the Government Performance and Results Act of 1993 and with OMB policy and direction, the DOI Strategic Plan is currently undergoing the required triennial review and update. The Department is reviewing the organization and construct of the Strategic Plan in light of the Administration's priorities, goals, and objectives. Although the majority of end outcome goals and measures, intermediate measures, and other measures are expected to remain intact, the organizing principles for those goals and measures may change during this review. Therefore, this budget request does not directly reference the existing DOI Strategic Plan mission areas, but does continue to report on performance goals and accomplishments associated with the current slate of end outcome goals and related performance measures. That information may be found under the "Goal Performance Tables" Tab.

Additionally, this budget request describes its needs through strategic goals and associated performance measures through the traditional budget structure. OSM's Business Lines are:

Environmental Restoration,
Environmental Protection,
Technology Development and Transfer,
Financial Management, and
Executive Direction and Administration.

This budget has integrated OSM's performance goals and measures in support of its Business lines. The "Goal Performance Tables" Tab contains all OSM performance goals and targeted measures for FY 2009 – 2010 and Goals specific to each Business Line can be found at the end of each section.

Implementing the Surface Mining Control and Reclamation Act (SMCRA) – Effective Partnerships

In implementing its mission responsibilities, OSM works closely with the States and Tribes in administering their regulatory and reclamation programs. OSM also recognizes the importance of working with industry and coal field citizens in implementing SMCRA. This budget proposal supports using effective partnerships by communicating, consulting, and cooperating with these

constituent groups to achieve SMCRA's objectives.

OSM continues to emphasize the importance of protecting the environment during and after coal mining operations. OSM oversees SMCRA's implementation in 24 primacy States through an oversight process where OSM assists the States in the administration, implementation and maintenance of their approved regulatory programs. This process is undergoing evaluation and change as previously mentioned and detailed further in the Environmental Protection section of this document.

OSM, in cooperation with the 25 States and 3 Tribes that have reclamation programs, will continue to clean up land and waters degraded by past mining practices. The funding provided will assist in the removal of existing health and safety hazards and restoration of areas to productive use. Additionally, OSM has developed funding and operational mechanisms, such as Watershed Cooperative Agreements, to achieve additional reclamation at less cost in a cooperative manner.

OSM will continue its efforts to establish partnerships to improve and increase outreach efforts that allow full participation from its stakeholders in addressing common problems. These initiatives will assist OSM in forging a bond and partnership with its stakeholders that will endure.

To better serve its partners and the public, OSM continues to improve its abandoned mine site databases to include all eligible abandoned mine sites. OSM expanded its electronic permitting program to reduce paperwork and save time and money for both the States and industry. OSM's website contains comprehensive information on regulatory and reclamation matters.

As mining and engineering information technology continues to grow rapidly, OSM continues to lead by providing and enhancing the most up-to-date information, technical training, technical assistance, and technology transfer. These programs greatly help the States and Tribes operate their respective regulatory and reclamation programs in fulfilling SMCRA's requirements.

Data Validation and Verification

OSM is confident that the data presented in this justification are reliable for use as a decision-making tool and showing program performance over time. Data validation and verification is accomplished through a three prong approach using: 1) audits by external staff from the Office of the Inspector or the Administration's Program Assessment Rating Tool; 2) periodic reviews coordinated by OSM's Office of Planning, Analysis, and Budget; and 3) an annual self-assessment by program managers.

The annual self-assessment by program managers complies with the Department of the Interior's Data Validation and Verification Guidance. The assessment covers the major area of data validation and five areas within data verification. The five areas dealing with data verification are: standards and procedures; data entry and transfer; data security and integrity; data quality and limitations; and oversight and certification. This assessment will be valuable in testing for

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potential weaknesses or gaps, and will elevate data validation and verification systems to ensure an acceptable functional level.

OSM collects information through various information systems from multiple internal operations and from the 26 States and 4 Indian Tribes participating in OSM programs. Abandoned Mine Land Program information is collected through the Abandoned Mine Land Inventory System (AMLIS), an online inventory used by the State Reclamation Programs and maintained by OSM. In accordance with the requirements of SMCRA, AMLIS contains data for known Priority 1 and 2, pre-SMCRA coal reclamation problems. OSM recognizes that data must serve their intended purposes and stand up to independent, objective external inspection, as well as to internal control reviews and audits. Data collection methods are conducted in accordance with an agency policy directive developed in cooperation with the States.

Regulatory Program data collection methods are also conducted in accordance with an agency policy directive, which was developed in cooperation with the States. OSM automated the data collection forms contained in the directive to cut down on errors in the transfer of data from hard copy to electronic form. Certification of the data is also required at the field level where the data is collected. The data is now collected from OSM field offices through an internet-based system.

Customer service information for the Technology Development and Transfer programs are based on customer survey forms and class training records.

Appropriations Language

Regulation and Technology

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, [\$127,180,000]*\$115,684,000* to remain available until September 30, [2011]*2012: Provided*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

Abandoned Mine Reclamation Fund

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, [\$35,588,000] \$30,350,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts. *Provided further*, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

Interior Administrative Provisions

With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to the State and Tribal regulatory and reclamation programs.

Appropriations Language and Citations

Regulation and Technology

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, [\$127,180,000] \$115,684,000 to remain available until September 30, [2011]2012: *Provided*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

- 30 U.S.C. 1260, 1268 – These sections provide for the assessment and collection of penalties levied for violations of the Act, and for the denial of permits to those with unabated violations or unpaid penalties.

- 30 U.S.C. 1252, 1253, 1254, 1271, 1272, 1273, 1295, 1300, 1302 – These sections provide for aid to all primacy States for maintaining approved regulatory programs and evaluation of the States' performance in doing so; monitoring implementation of the grant programs; small operator assistance programs; and for regulatory programs in States without approved programs, on federal lands and on Indian lands; processing of permit applications and mine plans for federal lands operations; designating of lands unsuitable for surface mining through technical reviews; scientific/engineering support and technical training for States operating approved permanent programs and federally administered programs; initiation of technical studies; issuance of technical publications; approval of experimental practices to meet the needs of approved State programs and federally-administered programs; preparation of environmental assessments and impact statements for permits and other actions; and training of OSM staff and State staff to enable these agencies to more effectively carry out the provisions of the act.

- 30 U.S.C. 1257, as amended by Public Laws 101-508 and 102-486 - Provide for the regulatory authority to designate a qualified laboratory to obtain technical information and prepare technical findings required by the operator for the permit application, and for the regulatory authority to assume the cost for such services. Further, the Act provides for the Secretary to provide or assume the

cost of training for regulatory program compliance and permit application preparation for eligible small operators.

Abandoned Mine Reclamation Fund

1. For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, [\$35,588,000] \$30,350,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts:

- 30 U.S.C. 1231, 1232, 1233 and 1239 – Provides for the payment of fees and other monies into the Abandoned Mine Reclamation fund (Fund). The Fund consists of amounts deposited from time to time, derived from reclamation fees, donations, audit recoveries, interest charges, and administrative collection fees.

The funds collected are used for the reclamation and restoration of land and water resources adversely affected by past mining. SMCRA provides for the use of the monies for the purpose of protecting public health and facilities, safety, general welfare, and property from extreme danger and adverse effects of coal mining practices; restoration of land and water resources and the environment previously degraded by adverse effects of coal mining operations. It also provides that monies in the Abandoned Mine Reclamation Fund will be used to cover the administrative expenses of the Federal Government, accomplish abandoned mine reclamation and develop guidelines on the distribution of monies in the Fund.

- The Tax Relief and Health Care Act of 2006, which included the Surface Mining Control and Reclamation Act Amendments of 2006 (Public Law 109-432) extended the authority to collect the mine reclamation fee and revised the distribution of the fee.

2. Provided further, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training:

●30 U.S.C. 1231, 1232, 1233 and 1239 – Provides for the payment of fees and other monies into the Abandoned Mine Reclamation fund (Fund). The Fund consists of amounts deposited from time to time, derived from reclamation fees, donations, audit recoveries, interest charges, and administrative collection fees.

The funds collected are used for the reclamation and restoration of land and water resources adversely affected by past mining. SMCRA provides for the use of the monies for the purpose of protecting public health and facilities, safety, general welfare, and property from extreme danger and adverse effects of coal mining practices; restoration of land and water resources and the environment previously degraded by adverse effects of coal mining operations. It also provides that monies in the Abandoned Mine Reclamation Fund will be used to cover the administrative expenses of the Federal Government, accomplish abandoned mine reclamation and develop guidelines on the distribution of monies in the Fund.

Office of Surface Mining Reclamation and Enforcement

DEPARTMENT OF THE INTERIOR SUMMARY OF REQUIREMENTS (in thousands of dollars)

APPROPRIATION:	REGULATION AND TECHNOLOGY				ABANDONED MINE RECLAMATION FUND			
	FTE	\$\$	FTE	\$\$	FTE	\$\$	FTE	\$\$
FY 2010 ESTIMATE			341	127,280			184	35,588
DOI-wide CHANGES:								
Adjustment for Pay Raise - Jan 09								
Adjustment for Pay Raise - Jan 10								
Adjustment for Worker's Compensation								
Adjustment for Unemployment Compensation								
Adjustment for GSA space rent rate								
Adjustment for Other DOI-wide costs		-451				-195		
Adjustment for Working Capital Fund		-21				-12		
TOTAL Adjustment for DOI-wide Costs		-472				-249		
Program Changes				-11,023				-4,989
Total Requirements (2011 budget request)			341	115,785			174	30,350

Comparison by Business Lines	REGULATION AND TECHNOLOGY					ABANDONED MINE RECLAMATION FUND					TOTAL		Inc / Dec (-/+) From 2010	
	2009 Actual	2010 Enacted	DOI-wide Changes	Program Changes	2011 Budget Request	2009 Actual	2010 Enacted	DOI-wide Changes	Program Changes	2011 Budget Request	2010 Enacted	2011 Budget Request		
Environmental Restoration	384	260	0	0	260	25,623	16,364	-63	-4,472	11,829	16,624	12,089	-4,535	
	FTE	1	1	0	0	1	89	80	0	0	80	81	81	0
Environmental Protection	88,425	94,771	-101	-10,991	83,679	0	0	0	0	0	94,771	83,679	-11,092	
	FTE	185	187	0	0	187	0	0	0	0	187	187	0	
Technology Dev. & Transfer	15,386	15,663	-223	0	15,440	3,970	4,032	-80	0	3,952	19,695	19,392	-303	
	FTE	90	91	0	0	91	20	20	0	0	20	111	111	0
Financial Management	510	516	-2	0	514	6,836	6,961	-26	-500	6,435	7,477	6,949	-528	
	FTE	2	2	0	0	2	40	41	0	0	41	43	43	0
Executive Dir. & Admin.	15,676	16,070	-146	-32	15,892	8,017	8,231	-80	-17	8,134	24,301	24,026	-275	
	FTE	57	60	0	0	60	32	33	0	0	33	93	93	0
TOTAL	120,381	127,280	-472	-11,023	115,785	44,446	35,588	-249	-4,989	30,350	162,868	146,135	-16,733	
	FTE	335	341	0	0	341	181	174	0	0	174	515	515	0

Numbers may not add due to rounding.

Office of Surface Mining Reclamation and Enforcement

Justification of Fixed Costs and Related Changes

Regulation and Technology	2010 Budget	2010 Revised	2011 Fixed Costs and Related Changes
<u>Additional Operational Costs from 2010 and 2011 January Pay Raises</u>			
1. 2010 Pay Raise, 3 Quarters in 2009 Budget <i>Amount of pay raise absorbed</i>	+\$601	+\$589 [401]	NA NA
2. 2010 Pay Raise, 1 Quarter (Enacted 2.0%) <i>Amount of pay raise absorbed</i>	NA	NA	NA [+176]
3. 2011 Pay Raise (Assumed 1.4%) <i>Amount of pay raise absorbed</i>	NA	NA	NA [+370]
These adjustments are for an additional amount needed to fund estimated pay raises for federal employees.			
Line 1, 2010 is an update of 2010 budget estimates based upon an enacted 2.0%.			
Line 2 is the amount needed in 2011 to fund the enacted 2.0% January 2010 pay raise from October through December 2010.			
Line 3 is the amount needed in 2011 to fund the estimated 1.4% January 2011 pay raise from January through September 2011.			

	2010 Budget	2010 Revised	2011 Fixed Costs and Related Changes
<u>Other Fixed Cost Changes</u>			
One Less Pay Day <i>The number of paydays is constant in FY 2011.</i>	NA	-\$129	NA
Employer Share of Federal Health Benefit Plans <i>Amount of health benefits absorbed</i>	+\$49 [8]	+\$46 [11]	NA [+153]
The adjustment is for changes in the Federal government's share of the cost of health insurance coverage for Federal employees. For 2011, the increase is estimated at 7.0%. The estimated cost increase will be absorbed.			
Workers Compensation Payments <i>Amount of workers compensation absorbed</i>	+\$7	+\$7	NA [-43]
The adjustment is for actual charges through June 2009 in the cost of compensating injured employees and dependents of employees who suffer accidental deaths while on duty. Costs for 2011 will reimburse the Department of Labor, Federal Employees Compensation Fund, pursuant to 5 U.S.C. 8147(b) as amended by Public Law 94-273. The estimated cost increase will be absorbed.			
Unemployment Compensation Payments <i>Amount of unemployment compensation absorbed</i>	-\$2	-\$2	NA [-1]
The adjustment is for estimated changes in the costs of unemployment compensation claims to be paid to the Department of Labor, Unemployment Trust Fund, pursuant to Public Law 96-499. The estimated cost increase will be absorbed.			
Rental Payments <i>Amount of rental payments absorbed</i>	+\$123	\$123 [9]	NA [309]
The adjustment is for changes in the costs payable to General Services Administration and others resulting from changes in rates for office and non-office space as estimated by GSA, as well as the rental costs of other currently occupied space. These costs include building security; in the case of GSA space, these are paid to DHS. Costs of mandatory relocations, i.e., relocations in cases where due to external events there is no alternative but to vacate the currently occupied space, are also included. The estimated cost increase will be absorbed.			
Departmental Working Capital Fund <i>Amount of WCF payments absorbed</i>	\$1,858 [44]	\$1,858 [21]	[-\$22]

Office of Surface Mining Reclamation and Enforcement

	2010 Budget	2010 Revised	2011 Fixed Costs and Related Changes
<p>The Working Capital Fund budget for 2011 is being held level with 2010 Department-wide Reallocations among bureaus reflect shifts of funding within WCF projects.</p>			
<p>Related Changes – Internal Transfers and Other Changes</p>			
<p><u>Travel Savings</u> OSM will save \$281 by reducing travel and relocation expenditures through adoption of new technologies and efficiency improvements.</p>			
<p><u>Information Technology Savings</u> OSM will save \$98 through improved effectiveness and efficiencies in information technology.</p>			
<p><u>Acquisition Savings</u> OSM will save \$72 as a result of the expansion of strategic sourcing for enterprise acquisitions.</p>			

Office of Surface Mining Reclamation and Enforcement

Justification of Fixed Costs and Related Changes

Abandoned Mine Reclamation Fund	2010 Budget	2010 Revised	2011 Fixed Costs and Related Changes
<u>Additional Operational Costs from 2010 and 2011 January Pay Raises</u>			
1. 2010 Pay Raise, 3 Quarters in 2010 Budget	+\$326	+\$338	NA
<i>Amount of pay raise absorbed</i>	[97]	[231]	NA
2. 2010 Pay Raise, 1 Quarter (Enacted 2.0%)	NA	NA	[+\$94]
3. 2010 Pay Raise (Assumed 1.4%)	NA	NA	[+\$197]
<p>These adjustments are for an additional amount needed to fund estimated pay raises for federal employees.</p> <p>Line 1, 2010 is an update of 2010 budget estimates based upon an enacted 2.0%.</p> <p>Line 2 is the amount needed in 2011 to fund the enacted 2.0% January 2010 pay raise from October through December 2010.</p> <p>Line 3 is the amount needed in 2011 to fund the estimated 1.4% January 2011 pay raise from January through September 2011.</p>			

	2010 Budget	2010 Revised	2011 Fixed Costs and Related Changes
<u>Other Fixed Cost Changes</u>			
One Less Pay Day	NA	-\$74	NA
<i>The number of paydays is constant in FY 2011</i>			
Employer Share of Federal Health Benefit Plans	+\$27	+\$30	NA
<i>Amount of health benefits absorbed</i>	[10]	[7]	[81]
<p>The adjustment is for changes in the Federal government's share of the cost of health insurance coverage for Federal employees. For 2011, the increase is estimated at 7.0%. The estimated cost increase will be absorbed.</p>			
Workers Compensation Payments	+\$3	+\$3	NA
<i>Amount of workers compensation absorbed</i>			[-23]
<p>The adjustment is for actual charges through June 2009 in the cost of compensating injured employees and dependents of employees who suffer accidental deaths while on duty. Costs for 2011 will reimburse the Department of Labor, Federal Employees Compensation Fund, pursuant to 5 U.S.C. 8147(b) as amended by Public Law 94-273. The estimated cost increase will be absorbed.</p>			
Unemployment Compensation Payments	-\$1	-\$1	NA
<i>Amount of unemployment compensation absorbed</i>			[-1]
<p>The adjustment is for estimated changes in the costs of unemployment compensation claims to be paid to the Department of Labor, Unemployment Trust Fund, pursuant to Public Law 96-499. The estimated cost will be absorbed through increased efficiencies such as delayering organizations, re-examining position grades, management streamlining, and business process improvement. The estimated cost increase will be absorbed.</p>			
Rental Payments	+\$66	+\$66	NA
<i>Amount of rental payments absorbed</i>		[5]	[+167]
<p>Costs of mandatory relocations, i.e., relocations in cases where due to external events there is no alternative but to vacate the currently occupied space, are also included. The estimated cost increase will be absorbed.</p>			

Office of Surface Mining Reclamation and Enforcement

	2010 Budget	2010 Revised	2011 Fixed Costs and Related Changes
Departmental Working Capital Fund	\$1,000	\$1,000	[-\$11]
<i>Amount of WCF payments absorbed</i>	[24]	[12]	
The Working Capital Fund budget for 2011 is being held level with 2010 Department-wide Reallocations among bureaus reflect shifts of funding within WCF projects.			
Related Changes – Internal Transfers and Other Changes			
Travel Savings OSM will save \$137 by reducing travel and relocation expenditures through adoption of new technologies and efficiency improvements.			
Information Technology Savings OSM will save \$53 through improved effectiveness and efficiencies in information technology.			
Acquisition Savings OSM will save \$47 as a result of the expansion of strategic sourcing for enterprise acquisitions.			

Office of Surface Mining Reclamation and Enforcement

Goal Performance Table												
End Outcome Goal 1.1: Improve Health of Watersheds, Landscapes, and Marine Resources (see last page for the type codes and definitions)												
End Outcome Measure / Intermediate or PART Measure / PART Efficiency or other Outcome Measure	Type	2004 Actual	2005 Actual	2006 Actual	2007 Actual	2008 Actual	2009 Plan	2009 Actual	2010 Plan	2011 Plan	Change from 2010 Plan to 2011	Long-term target 2012
Number of Federal, private and tribal land and surface water acres reclaimed or mitigated from the effects of natural resource degradation from past mining. (Calculated equivalent acres) (SP) (PART)	F	6,965	6,533	6,983	6,658	9,909	6,900	5,838	7,700	11,000	3,300	11,600
Total Actual/Projected Costs (\$000)		\$199,723	\$185,336	\$199,515	\$206,985	\$183,813	\$213,726	\$180,325	\$262,700	\$279,900	\$17,200	\$356,500
Actual/Projected Cost per GPRA Acre (in dollars)		\$28,675	\$28,369	\$28,571	\$31,088	\$18,550	\$30,975	\$30,888	\$34,117	\$25,445	-\$8,672	\$30,733
Comments	Although the target was not met in FY 2009, there was a 12 percent increase in the number of problem sites reclaimed this year over last year. The target is higher in 2010, as states have been receiving substantial funding increases appropriate to reclaiming Priority 1 and 2 sites.											
Contributing Programs:	Projected costs are based on anticipated budget with long-term targets held constant for discretionary funding. FY 2010: Includes all discretionary funding under Resource Protection (\$35.5 million), and mandatory funding to non-certified States (\$227.2 million). FY 2011: Includes all discretionary funding under Resource Protection (\$30.4 million), and mandatory funding to non-certified States (\$249.5 million). FY 2012: Includes all discretionary funding under Resource Protection (\$30.4 million), and mandatory funding to non-certified States (\$326.1 million).											
Number of new active partnering and leveraging agreements and amendments to prior agreement. (BUR)	C	74	110	55	53	18	15	11	13	9	-4	9
Comments	Due to OSM no longer providing separate current year funding for clean stream projects related to the SMCRA Amendments of 2006 (P.L. 109-432), only watershed cooperative agreements have been counted since FY 2008. The measure description was modified to reflect reporting of current year agreements and related funding for this measure and the one below. Fewer projects were accomplished and anticipated in the future due to staffing priorities – some of the resources promoting this program were needed to support regulatory oversight activities.											

Office of Surface Mining Reclamation and Enforcement

Goal Performance Table												
End Outcome Goal 1.1: Improve Health of Watersheds, Landscapes, and Marine Resources (see last page for the type codes and definitions)												
End Outcome Measure / Intermediate or PART Measure / PART Efficiency or other Outcome Measure	Type	2004 Actual	2005 Actual	2006 Actual	2007 Actual	2008 Actual	2009 Plan	2009 Actual	2010 Plan	2011 Plan	Change from 2010 Plan to 2011	Long-term target 2012
The amount of increased funds derived from new active partnering and leveraging agreements and amendments. (BUR)	A	8,179,634	27,692,333	5,800,000	28,963,461	5,548,452	3,750,000	4,784,459	3,125,000	2,125,000	-1,000,000	2,125,000
Comments	On average, partners funded over 80% of the cost of Watershed Cooperative Agreement Program projects in FY2009. The decrease in the number of WCAP projects anticipated above directly impacts the decrease in this measure.											
Customer service rate in the quality of technical assistance. (Applies to both the Resource Protection and Resource Use Goals.) (BUR)	A	100%	99%	99.6%	99%	96%	95%	99%	95%	96%	1%	96%
Percent satisfaction with the scientific and technical products and assistance. (Applies to both the Resource Protection and Resource Use Goals.) (BUR)	A	97%	93%	89.3%	92%	92%	94%	100%	94%	96%	2%	97%
Customer effectiveness rate in the quality of technical training – NTTTP. (Applies to both the Resource Protection and Resource Use Goals.) (BUR)	A	97%	98%	97%	96%	96%	93%	95%	93%	93%	0%	93%

Office of Surface Mining Reclamation and Enforcement

Goal Performance Table												
End Outcome Goal 1.1: Improve Health of Watersheds, Landscapes, and Marine Resources (see last page for the type codes and definitions)												
End Outcome Measure / Intermediate or PART Measure / PART Efficiency or other Outcome Measure	Type	2004 Actual	2005 Actual	2006 Actual	2007 Actual	2008 Actual	2009 Plan	2009 Actual	2010 Plan	2011 Plan	Change from 2010 Plan to 2011	Long-term target 2012
Number of students trained – NTTP. (Applies to both the Resource Protection and Resource Use Goals.) (BUR)	A	916	957	1,446	1,746	1,426	1,200	1,053	1,000	950	-50	950
Comments	The FY 2011 target goal reflects that the cost for travel has increased and the resources to teach courses have decreased.											
Customer satisfaction rate for TIPS training. (Applies to both the Resource Protection and Resource Use Goals.) (BUR)	A	90%	91%	91%	90%	97%	90%	96%	93%	93%	0%	93%
Increase the number of permits reporting by e-filing. (BUR)	C	44%	58%	64%	69%	73%	75%	76%	80%	85%	+5%	90%
AML Fee Collection rate. (BUR)	A	99.9%	99.9%	99.9%	99.9%	99.9%	99%	99.8%	99%	99%	0%	99%
Provide appropriate grant funding within 60 days of a complete grant application for abandoned mine lands grants (PART-EFFICIENCY)	A E	UNK	UNK	100%	100%	100%	90%	100%	93%	96%	+3%	96%
Comments	This measure was established in FY 2007. OSM revised targets to reflect trend data.											

Office of Surface Mining Reclamation and Enforcement

Goal Performance Table												
End Outcome Goal 2.1: Manage or Influence Resource Use to Enhance Public Benefit, Responsible Development, and Economic Value (see last page for the type codes and definitions)												
End Outcome Measure / Intermediate or PART Measure / PART Efficiency or other Outcome Measure	Type	2004 Actual	2005 Actual	2006 Actual	2007 Actual	2008 Actual	2009 Plan	2009 Actual	2010 Plan	2011 Plan	Change from 2010 Plan to 2011	Long-term target 2012
Percent of active coal mining sites that are free of off-site impacts. (SP) (PART)	C	93% (6,364 of 6,872 sites)	89% (7,436 of 8,335 sites)	92% (7,454 of 8,142 sites)	90.2% (7,103 of 7,877 sites)	88% (6,864 of 7,784 sites)	93% (7,122 of 7,658 sites)	88% (6,879 of 7,845 sites)	88% (6,800 of 7,716 sites)	88% (6,789 of 7,672 sites)	0%	89% (6,752 of 7,627 sites)
Total Actual/Projected Costs (\$000)		\$105,813	\$118,487	\$113,684	\$99,689	\$111,388	\$120,169	\$108,119	\$110,000	\$110,000	\$0	\$110,000
Actual/Projected Cost per Inspectable Unit (in dollars)		\$15,398	\$14,216	\$13,963	\$12,656	\$14,310	\$15,692	\$13,792	\$14,256	\$14,338	-\$82	\$14,422
Comments	FY 2009 performance was below the target at 88 percent, and remained the same as last year. This measure covers the mining activities in states and on tribal lands. Of 31 units, 16 exceeded the target of 93 percent, while 15 were below target. A new goal of 88 percent was adopted for FY 2010 based on more detailed input on targets from OSM field staff. Costs are projected to remain constant in out-years.											
Percent of mined acreage reclaimed). (SP) (PART)	F	UNK	48% (1,535,201 of 3,225,161 acres)	48% (1,534,301 of 3,225,261 acres)	53.4% (1,928,521 of 3,609,121 acres)	83% (2,044,886 of 2,467,139 acres)	75% (1,578,233 of 2,105,752 acres)	89% (2,165,011 of 2,435,110 acres)	75% (1,578,233 of 2,105,752 acres)	75% (1,578,233 of 2,105,752 acres)	0%	75% (1,578,233 of 2,105,752 acres)
Total Actual/Projected Costs (\$000)		UNK	\$118,487	\$113,684	\$99,689	\$111,388	\$120,169	\$108,119	\$110,000	\$110,000	\$0	\$110,000
Actual/Projected Cost per Inspectable Unit (in dollars)		UNK	\$77	\$74	\$52	\$54	\$76	\$50	\$70	\$70	\$0	\$70
Comments	Upon completion of each phase of mining, the "mined" acreage must meet certain reclamation standards. Prior to 2007, reclaimed acreage under all phases was reported as one total. The FY 2009 actual of 89% exceeded the FY2009 target of 75%. The increase can be attributed to, in part, three years of experience with revised data on bonded and reclaimed acreage. The data is also reported electronically to allow for ready use as a management tool. For example, a state adopted the use of the performance measure to evaluate contemporaneous reclamation. A review of three active mines in that state was conducted to review the rate of mine reclamation compared to disturbance at the site. In one case, there was an indication that mining and reclamation was not occurring at similar rates (mining was increasing faster than reclamation). Subsequent review lead to submission of new reclamation plans to address the backlog of lands needing reclamation. This action resulted in increased acreage released from the bond, increasing the acreage reclaimed.											

Office of Surface Mining Reclamation and Enforcement

Goal Performance Table												
End Outcome Goal 2.1: Manage or Influence Resource Use to Enhance Public Benefit, Responsible Development, and Economic Value (see last page for the type codes and definitions)												
End Outcome Measure / Intermediate or PART Measure / PART Efficiency or other Outcome Measure	Type	2004 Actual	2005 Actual	2006 Actual	2007 Actual	2008 Actual	2009 Plan	2009 Actual	2010 Plan	2011 Plan	Change from 2010 Plan to 2011	Long-term target 2012
Number of acres where reclamation goals are achieved as evidenced by release from Phase III Performance Bonds. (PART)	C	49,054	53,353	49,796	51,105	48,828	50,000	38,312	45,000	45,000	0	45,000
Number of acres released from Phase I & II Performance Bonds. (PART)	C	90,040	88,869	89,894	110,198	89,047	80,000	93,875	80,000	80,000	0	80,000
Customer service rate in the quality of technical assistance. (Applies to both the Resource Protection and Resource Use Goals.) (BUR)	A	100%	99%	99.6%	99%	96%	95%	99%	95%	96%	1%	96%
Percent satisfaction with the scientific and technical products and assistance. (Applies to both the Resource Protection and Resource Use Goals.) (BUR)	A	97%	93%	89.3%	92%	92%	94%	100%	94%	96%	2%	97%
Customer effectiveness rate in the quality of technical training – NTTP. (Applies to both the Resource Protection and Resource Use Goals.) (BUR)	A	97%	98%	97%	96%	96%	93%	95%	93%	93%	0%	93%

Office of Surface Mining Reclamation and Enforcement

Goal Performance Table												
End Outcome Goal 2.1: Manage or Influence Resource Use to Enhance Public Benefit, Responsible Development, and Economic Value (see last page for the type codes and definitions)												
End Outcome Measure / Intermediate or PART Measure / PART Efficiency or other Outcome Measure	Type	2004 Actual	2005 Actual	2006 Actual	2007 Actual	2008 Actual	2009 Plan	2009 Actual	2010 Plan	2011 Plan	Change from 2010 Plan to 2011	Long-term target 2012
Number of students trained – NTTP. (Applies to both the Resource Protection and Resource Use Goals.) (BUR)	A	916	957	1,446	1,746	1,426	1,200	1,053	1,000	950	-50	950
Comments	The FY 2011 target goal reflects that the cost for travel has increased and the resources to teach courses have decreased.											
Customer satisfaction rate for TIPS training. (Applies to both the Resource Protection and Resource Use Goals.) (BUR)	A	90%	91%	91%	90%	97%	90%	96%	93%	93%	0%	93%
Customer satisfaction in the quality and timeliness of AVS provided services. (BUR)	A	98%	97%	97%	98%	98%	95%	98%	96%	96%	0%	96%
Provide appropriate grant funding within 60 days of a complete grant application for regulatory grants (PART-EFFICIENCY)	A E	UNK	UNK	100%	90%	100%	90%	100%	93%	96%	+3%	96%
Comments	This measure was established in FY 2007. OSM revised targets reflect trend data.											
Completion of the technical review of Federal/Indian Land permit actions within 90 days (PART-EFFICIENCY)	A E	UNK	UNK	96%	97%	90%	80%	87%	81%	81%	0%	81%
Comments	This measure was established in FY 2007. Measure will continue to be reviewed and targets adjusted.											

Office of Surface Mining Reclamation and Enforcement

Goal Performance Table												
End Outcome Goal 4.1: Improve Protection of Lives, Resources, and Property (see last page for the type codes and definitions)												
End Outcome Measure / Intermediate or PART Measure / PART Efficiency or other Outcome Measure	Type	2004 Actual	2005 Actual	2006 Actual	2007 Actual	2008 Actual	2009 Plan	2009 Actual	2010 Plan	2011 Plan	Change from 2010 Plan to 2011	Long-term target 2012
Number of people with reduced exposure potential to safety risks from abandoned mine lands. (PART)	F	160,257	2.244 million	393,728	270,102	255,640	160,000	272,143	160,000	160,000	0	160,000
Comments	This measure is a companion with the “AML acres reclaimed” performance measure (see Resource Protection “Federal, private, and tribal land and surface water acres reclaimed or mitigated from the effects of natural resource degradation from past mining”). The calculation of this measure correlates to the “AML acres reclaimed” performance measure by measuring the number of people on or near the abandoned mine land that has been reclaimed. The number allows for two options to count the number of people with reduced exposure to safety risks – (1) States can choose to enter data or (2) if a State does not enter data then a Census generated figure is used in the calculation. The FY 2009 actual of 272,143 is the number of people reported using census data and State-entered data in cases where additional people with reduced risk were reported. Therefore, the reported actual is higher than the target.											
Number of people directly affected (Emergencies abated). (PART)	A	11,400	8,975	32,601	43,580	68,764	8,300	82,339	16,700	16,700	0	16,700
Comments	The FY 2009 actual of 79,711 exceeded the target. Reasons cited include an increase in reported emergencies and abatement projects in suburban or more populated areas.											
Percentage of declared emergencies abated within six months. (PART-EFFICIENCY)	A E	98%	96%	97.8%	98.5%	99.7%	95%	99%	95%	95%	0%	95%
Comments	OSM exceeded the FY 2009 target despite witnessing an increase in emergency declarations due to weather and related issues. OSM was able to shift resources accordingly to the area of need and meet demand.											

Target Codes:	
SP = Key Strategic Plan measure	
PART = Program Assessment Rating Tool measures	
BUR = Bureau specific measures	
UNK = Prior year data unavailable	
Type Codes:	
C = Cumulative	F = Future
A = Annual	E = Efficiency

Key to Measure Types

The Goal Performance Table in this section includes a column called Type. Each measure in the Goal Performance Table has measure Type: A, C, E or F. Each classification reflects a different timeframe between when a result is realized, in terms of a changing target value, relative to when funds are budgeted.

A - Annual-result performance measures (“Annual” measures)

For these performance measures, the 2011 budget request reflects the resources that support the performance target for that year only. This is typical of any performance measure target for an operational effort that is repeated annually.

C - Cumulative-result performance measures (“Cumulative” measures)

For these performance measures, the 2011 budget request reflects only an annual increment of funding that is being used to maintain or reach the level of achievement reflected in the target. While these measures reflect the level of performance achieved over a number of years, the target value for a given fiscal year reflects the level of performance which is expected to be reached by the end of that fiscal year, and no further.

F - Future-result performance measures (“Future” measures)

For these performance measures, the 2011 budget request reflects an investment towards a result that may take multiple applications over time and/or contributions from other efforts to realize. “Future” performance measures are similar to “cumulative” performance measures in that the time to achieve results extends beyond a single budget year reflecting either a delayed effect or the contributions from multiple years. One of the characteristics that distinguish “cumulative” from “future” performance measures is whether or not the level of achievement can be reflected in a target value in the same year as the budget year with the funding effecting the achievement.

E - Efficiency performance measures (“Efficiency” measures)

For these performance measures, the 2011 budget request level reflects the improvements in program outcomes for a given level of resource use.

INTRODUCTION

The following tables provide a snapshot of the cost changes by appropriation, business line and activities within those business lines. Below is a brief description of each appropriation and summary of business line within each appropriation.

Regulation and Technology

This appropriation finances the regulatory functions of SMCRA as administered by the States and OSM. Federal activities related to the administration and monitoring of State regulatory programs and OSM’s technical training, assistance, and transfer activities related to environmental protection are also financed by this appropriation. The request is \$115,785,000 (including an estimated \$100,000 in civil penalty collections); a decrease of \$11,495,000 from the FY 2010 enacted level.

Abandoned Mine Land

This appropriation supports the discretionary reclamation program functions carried out by the States and OSM. The Fund is derived from a fee levied on coal production sales, use and transfers. The Fund also supports Federal activities related to the administration and monitoring of State programs, as well as OSM’s technical training, assistance, and transfer activities related to environmental restoration. The request is \$30,350,000; a decrease of \$5,238,000 from the FY 2010 enacted level.

**Summary of FY 2010 Enacted Level and FY 2011 Request
By Appropriation and Business Line**

(dollars in thousands)

Regulation and Technology	FY 2010 Enacted	FY 2011 Request	Change from 2010
Environmental Restoration	260	260	0
Environmental Protection	94,771	83,679	-11,092
Technology Development & Transfer	15,663	15,440	-223
Financial Management	516	514	-2
Executive Direction	16,070	15,892	-178
Total Appropriation	127,280	115,785	-11,495
Abandoned Mine Reclamation Fund	FY 2010 Enacted	FY 2011 Request	Change from 2010
Environmental Restoration	16,364	11,829	-4,535
Technology Development & Transfer	4,032	3,952	-80
Financial Management	6,961	6,435	-526
Executive Direction	8,231	8,134	-97
Total Appropriation	35,588	30,350	-5,238
Total Discretionary Appropriation	162,868	146,135	-16,733

Office of Surface Mining Reclamation and Enforcement

**Budget at a Glance
(Dollars in Thousands)**

	2011				
	2009 Actual	2010 Enacted	DOI-wide Changes	Program Changes	Request
Discretionary					
Appropriation: Regulation and Technology	120,381	127,280	-472	-11,023	115,785
Environmental Restoration	384	260	0	0	260
<i>Federal Program Operations</i>	384	260	0	0	260
Environmental Protection	88,425	94,771	-101	-10,991	83,679
<i>State and Tribal Funding</i>	65,536	71,314	0	-10,991	60,323
<i>State Program Evaluation</i>	8,387	8,630	-50	0	8,580
<i>Federal Programs</i>	5,845	5,981	-14	0	5,967
<i>Federal Lands</i>	1,521	1,540	0	0	1,540
<i>Indian Lands</i>	2,400	2,461	0	0	2,461
<i>Program Development and Maintenance</i>	4,736	4,845	-37	0	4,808
Technology, Development & Transfer	15,386	15,663	-223	0	15,440
<i>Technical Assistance</i>	10,918	11,069	-57	0	11,012
<i>Training</i>	2,686	2,753	-161	0	2,592
<i>Technology Transfer</i>	1,782	1,841	-5	0	1,836
Financial Management	510	516	-2	0	514
<i>Revenue Management</i>	415	418	-2	0	416
<i>Grants Financial Management</i>	95	98	0	0	98
Executive Direction and Administration	15,676	16,070	-146	-32	15,892
<i>Executive Direction</i>	2,605	2,682	-12	0	2,670
<i>Administrative Support</i>	4,341	4,450	-13	0	4,437
<i>General Services</i>	8,730	8,938	-121	-32	8,785
<i>Cost-cutting Proposal - Email Savings</i>	0	0	0	[-32]	0
Appropriation: Abandoned Mine Reclamation Fund	44,446	35,588	-249	-4,989	30,350
Environmental Restoration	25,623	16,364	-63	-4,472	11,829
<i>State and Tribal Funding - Emergency Grants</i>	6,333	1,500	0	-1,500	0
<i>State Program Evaluation</i>	2,641	2,710	-18	0	2,692
<i>Federal Reclamation Programs - Projects</i>	7,693	4,523	0	-2,972	1,551
<i>Emergency Projects</i>	[5,170]	[2,000]	0	[-2,000]	0
<i>High-Priority Projects</i>	[972]	[972]	0	[-972]	0
<i>Watershed Projects</i>	[1,551]	[1,551]	0	0	[1,551]
<i>Federal Reclamation Program - Operations</i>	5,755	4,364	-13	0	4,351
<i>Program Development and Maintenance</i>	3,201	3,267	-32	0	3,235
Technology, Development & Transfer	3,970	4,032	-80	0	3,952
<i>Technical Assistance</i>	1,599	1,632	-29	0	1,603
<i>Training</i>	844	861	-49	0	812
<i>Technology Transfer</i>	1,527	1,539	-2	0	1,537
Financial Management	6,836	6,961	-26	-500	6,435
<i>Fee Compliance</i>	6,744	6,866	-26	-500	6,340
<i>Eliminate Audit Activities - Export Coal Issue</i>	0	0	0	[-500]	[-500]
<i>Grants Financial Management</i>	92	95	0	0	95
Executive Direction and Administration	8,017	8,231	-80	-17	8,134
<i>Executive Direction</i>	1,385	1,428	-6	0	1,422
<i>Administrative Support</i>	2,283	2,342	-8	0	2,334
<i>General Services</i>	4,349	4,461	-66	-17	4,378
<i>Cost-cutting Proposal - Email Savings</i>	0	0	0	[-17]	0
Total, Discretionary Funding	164,827	162,868	-721	-16,012	146,135

Includes \$225,000 in actual civil penalty collections in FY 2009.

Budget at a Glance
(Dollars in Thousands)

	2009 Actual	2010 Enacted	2011		
			DOI-wide Changes	Program Changes	Request
Mandatory					
Payments to States and Tribes in Lieu of Coal Fee Receipts (Treasury Funds)	208,041	227,200	0	0	95,400
<i>Prior Balance Replacement Fund</i>	186,971	187,000	0	0	187,000
<i>Less Payments to Certified States and Tribes</i>					-101,600
<i>In Lieu Payments to Certified States and Tribes</i>	21,070	40,200	0	0	62,100
<i>Less Payments to Certified States and Tribes</i>					-62,100
<i>Federal High-Priority Projects</i>	0	0	0	0	10,000
Mandatory Grants to Non-Certified States (AML Funds)	90,031	141,914	0	0	164,100
<i>State & Tribal Share</i>	27,832	39,229	0	0	42,600
<i>Historic Coal Fund</i>	52,518	89,867	0	0	109,400
<i>Minimum Program</i>	9,681	12,818	0	0	12,100
United Mine Workers of America Health Benefit Plans (UMWA)	124,049	172,699	0	0	200,000
Payments to United Mine Workers of America Health Benefit Plans (AML Fund Interest)	61,224	108,809	0	0	128,056
Payments to United Mine Workers of America Health Benefit Plans (U.S. Treasury Funds)	62,825	63,890	0	0	71,944
Total, Mandatory Funding	422,121	541,813	0	0	459,500

FY 2010 and FY 2011 represent updated estimates.

ENVIRONMENTAL RESTORATION
(Dollars in Thousands)

		2009 Actual	2010 Enacted	2011			Change from 2010 (+/-)
				DOI-wide Changes (+/-)	Program Changes (+/-)	Budget Request	
Regulation & Technology *	\$\$\$	384	260	0	0	260	0
	FTE	1	1	0	0	1	0
Abandoned Mine Land	\$\$\$	25,623	16,364	-63	-4,472	11,829	-4,535
	FTE	89	80	0	0	80	0
TOTAL	\$\$\$	26,007	16,624	-63	-4,472	12,089	-4,535
	FTE	90	81	0	0	81	0

*FY 2009 includes actual civil penalty collections of \$225,000. FY 2010 and 2011 include estimated civil penalty collections of \$100,000 for each year.

Department-wide changes include reductions of \$37,000 for travel and \$26,000 for acquisition (strategic sourcing). In addition, fixed costs increases for 81 FTE are absorbed. See the discussion in the General Statement for details of these reductions and absorption of fixed costs.

In addition to the current appropriations above, OSM will receive an estimated \$459.5 million in permanent appropriations for prior balance replacement (Treasury funds), grants to States and Tribes (AML funds) and payments to the United Mine Workers of America retiree health benefit plans. See “Permanent Appropriations” Tab for discussion.

Summary of 2011 Program Changes

Request Component	(\$000)	FTE
State and Tribal Funding:		
Decrease in Emergency Funding	-1,500	0
Federal Reclamation Program Projects:		
Decrease in Federally-Managed Emergency Projects	-2,000	0
Decrease in Federal High-Priority Projects	-972	0
Total Program Changes	-4,472	0

Justification of Program Changes

State and Tribal Funding – Emergency Grants (-\$1,500,000): States that choose to operate programs to address emergency AML issues receive discretionary Federal grants. The mandatory funding that became available to States and Tribes in 2008 increased the resources available for these programs. The 2010 budget eliminated this grant funding, but Congress provided a small amount for the transition. This budget eliminates the remaining \$1.5 million for this program so that States and Tribes can fully assume this responsibility. OSM will work with States to ensure a smooth transition.

Federal Emergency Project Funding (-\$2,000,000): In States without emergency programs, OSM addresses issues federally. These States received increased mandatory funding that could be used to address emergency issues through their AML programs. In 2010, the budget eliminated this funding, but Congress included a small sum for the transition. Again, this budget eliminates funding for this program so that States and can fully assume this responsibility with their mandatory funding. OSM will continue to work with States to ensure a smooth transition.

For States without AML programs, OSM will address emergencies under its Federal High-Priority Project activity, which is proposed to be funded by mandatory funding in FY 2011.

Federal High Priority Project Funding (-\$972,000): The proposal to terminate payments to certified States and Tribes under the Permanent Appropriations has been modified to retain a limited amount of funding for Federal high priority coal projects, including those that develop or are discovered in certified States and Tribes. Therefore, discretionary funding for this program is eliminated from this activity.

**MISSION GOAL: TO PROVIDE A CLEANER AND SAFER ENVIRONMENT
FOR THE AMERICAN PEOPLE BY RECLAIMING AND RESTORING
LAND AND WATER DEGRADED BY PAST MINING**

As stewards of our nation's natural and cultural resources, the Department is entrusted with safeguarding these treasures for future generations. Environmental problems associated with abandoned mine sites, such as water pollution, open portals and pits, land stripped of natural vegetation, and refuse piles degrade our natural resources. Through the reclamation of these problems, our land and water resources are improved for beneficial uses, such as, agriculture, wildlife habitat or development. Mine site reclamation not only improves our environment, but also safeguards people and property and revitalizes communities by creating jobs.

The Environmental Restoration business line funds operations and projects for the abandoned mine land program (AML). The program addresses threats to public health, safety, and general welfare through the reclamation of environmental hazards caused by past mining practices. Through this business line OSM has historically provided emergency project funds to States and Tribes for administering their approved AML emergency programs. OSM also evaluates State and Tribal AML programs, abates high-priority coal mining-related hazards through the Federal Reclamation program (where OSM has reclamation responsibility), and fosters partnerships aimed at addressing acid mine drainage and other water pollution problems.

The total magnitude of the abandoned mine problem is difficult to assess, but OSM has developed a national inventory that contains information on over 19,000 problem areas associated with abandoned mine lands, mostly coal. A problem area is a geographical area, such as a watershed, that contains one or more problems. The more serious problem areas are classified as priority 1 (extreme danger to public health and safety), priority 2 (adverse affects to public health, safety, or environmental problems adjacent to this priority), or priority 3 (adverse effects to land, water and the environment). Since 1977, over 255,000 equivalent acres of priority 1 and 2 health and safety, and environmental-related coal problems have been reclaimed.

Mine site cleanups not only improve our environment, but also safeguard people and property. In addition, these communities are revitalized through the creation of jobs associated with reclamation projects.

The authority to collect the mine reclamation fee and distribution of the fee was revised by the Tax Relief and Health Care Act of 2006, which included the Surface Mining Control and Reclamation Act Amendments of 2006 (Public Law 109-432). This Act extended the authority for fee collection through September 30, 2021, and changed the way State and Tribal reclamation grants are to be funded, beginning in FY 2008. State and Tribal grants have moved to permanent appropriations. The remaining activities funded under the discretionary appropriation include Federal Reclamation Programs, State and Federal Emergency Programs, and OSM operations.

A reassessment of the Abandoned Mine Lands Grants Program was conducted in FY 2007 under the Program Assessment Rating Tool process. The reassessment concluded that the program meets its objectives of reclaiming and restoring land, and water degraded by coal mining activities conducted prior to 1977, and the program's performance measures address important

aspects of AML reclamation. OSM received a rating of “Moderately Effective” under the review.

**Operational Processes
(Program Activities):**

OSM will continue to support the Watershed Cooperative Agreement Program under the current appropriation requested. This program supports cooperative conservation in that it provides funding to local volunteer non-profit watershed organizations in their efforts to improve their local environment and has positive impacts on the local economic climate of nearby communities.

<p>ENVIRONMENTAL RESTORATION ENCOMPASSES</p> <p>State and Tribal Funding State Program Evaluation</p> <p>Federal Reclamation Program</p> <ul style="list-style-type: none">• <i>Program Operations</i>• <i>Watershed Cooperative Agreements</i>• <i>Outcrop and Underground Fire Control</i>• <i>Civil Penalty Reclamation</i>• <i>Bond Forfeiture Reclamation</i> <p>Program Development and Maintenance</p>
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Evaluation and oversight of the State and Tribal AML reclamation operations is coordinated by OSM through the State Program Evaluation program activity. This business line also funds the Program Development and Maintenance program activity, which provides policy direction and ensures State/Tribal programs are amended as needed.

The Environmental Restoration program activities improve natural resources and reduce the risk to public health, safety, and general welfare by correcting problems caused by past mining. OSM has identified success indicators to show incremental accomplishments for the mission goal. These goals and measures are identified at the end of this business line section.

Actions Required to Achieve Annual Goals: In FY 2011 and beyond, OSM will continue to encourage partnership participation by working with States and Tribes through their reclamation agencies, and through private and grass-roots associations. In addition, OSM will increase efforts to leverage funding from other government and non-government organizations to address abandoned mine sites. This emphasis on partnership and leveraging of resources supports cooperative conversation efforts.

Resources, Skills, and Technology Needed: OSM will continue to need a diverse and multidisciplinary cadre of individuals with scientific and engineering skills. These human resources establish reclamation project design and construction criteria either directly or in conjunction with contractors. Program analysts, grant specialists, and other support personnel are needed to implement the State/Tribal grants program and to conduct program evaluations. Computer systems personnel and contractors are needed to maintain the Abandoned Mine Land

Office of Surface Mining Reclamation and Enforcement

Inventory System. OSM maintains the system and network by which the States and Tribes manage their data.

The following section details, by program activity, the funding and FTE resources required to meet the annual performance measures. It also includes examples of the types of efforts used to evaluate programs, address emergency and high-priority issues and manage those projects, and provide reclamation support services to communities affected by coal mining issues.

Office of Surface Mining Reclamation and Enforcement

Table 1– Justification of Program and Performance, Environmental Restoration
 Summary Increases/Decreases for FY 2011
 (Dollars in Thousands)

Program Activity		Regulation & Technology			Abandoned Mine Lands			Total			Inc/Dec (+/-)	
		2009 Actual	2010 Enacted	2011 Request	2009 Actual	2010 Enacted	2011 Request	2009 Actual	2010 Enacted	2011 Request		
State and Tribal Funding - State Emergency Grants	\$\$\$	0	0	0	6,333	1,500	0	6,333	1,500	0	-1,500	
	FTE	0	0	0	0	0	0	0	0	0	0	
State Program Evaluation	\$\$\$	0	0	0	2,641	2,710	2,692	2,641	2,710	2,692	-18	
	FTE	0	0	0	23	23	23	23	23	23	0	
Federal Reclamation Program	Projects:	225*	100	100	2,523	2,523	1,551	2,748	2,623	1,651	-972	
	<i>High-Priority Watershed Cooperative Agreements</i>	\$\$\$			972	972	0					
	<i>Federally- Managed State and Federal Emergencies</i>	\$\$\$	0	0	0	5,170	2,000					0
	Operations	\$\$\$	159	160	160	5,755	4,364	4,351	5,914	4,524	4,511	-13
		FTE	1	1	1	44	35	35	45	36	36	0
	Program Dev/Maintenance	\$\$\$	0	0	0	3,201	3,267	3,235	3,201	3,267	3,235	-32
	FTE	0	0	0	22	22	22	22	22	22	0	
TOTAL	\$\$\$	384	260	260	25,623	16,364	11,829	26,007	16,624	12,089	-4,535	
	FTE	1	1	1	89	80	80	90	81	81	0	

* FY 2009 includes civil penalty collections of \$225,000. Fiscal Years 2010 and 2011 include estimated civil penalty collections of \$100,000 for each year.

Note: Federal FTE figures for the Federally-managed State Emergencies are reflected under the Federal Reclamation Programs – Operations.

2011 PROGRAM PERFORMANCE ESTIMATES

Abandoned Mine Land Fund

The Surface Mining Control and Reclamation Act (SMCRA) established the Abandoned Mine Reclamation Fund (AML Fund) to finance the restoration of land mined and abandoned prior to August 1977. Coal mining had disturbed more than one million acres of land, resulting in significant health and safety problems for coalfield citizens and the public in general. An adequate AML Fund is essential to ensure that these problems are abated by providing the financial resources for State, Tribal, and Federal reclamation efforts. Although substantial progress has been made, approximately \$3 billion of priority 1 and 2 problems that threaten public health and safety remain unreclaimed.

The AML Fund receives revenues through the collection of coal production fees. OSM's authority to collect the fee was extended through September 30, 2021, by the Surface Mining Control and Reclamation Act Amendments of 2006. The fee structure was also modified by the Act. From FY 2008 through FY 2012, the fee rate is 31.5 cents/ton of surface-mined coal; 13.5 cents/ton of coal mined underground; and 9 cents/ton of lignite; or ten percent of the value of the coal at the mine, if that is less. Fees are paid by operators of active mines. Payment of required fees is ensured by the fee compliance activities of the Financial Management business line.

The SMCRA Amendments of 2006 also provide for the mandatory distribution of fees collected to States and Tribes with approved AML programs. Details on the mandatory distribution are contained under the Permanent Appropriations section of this budget request.

The FY 2011 budget, from the AML Fund for Environmental Restoration, will cover discretionary spending for the following activities listed below and presented in detail in this section.

- State Program Evaluation,
- Federal Reclamation Program Operations,
- Watershed cooperative agreements administered by OSM, and
- Program Development and Maintenance.

Funding appropriated from the AML fund will also cover federal expenses requested and outlined in subsequent business line chapters to cover technical assistance and training, financial management, and executive direction. High-priority coal projects under the Federal Reclamation Program in States and Tribes without approved AML programs are proposed to be covered by Permanent Appropriations.

1. State and Tribal Funding

As discussed above, the distribution of funding to States and Tribes for reclamation changed in FY 2008. The 2006 SMCRA Amendments transferred grants for AML programs to mandatory funding, but left the emergency programs discretionary. The increase in mandatory funding available to the States and Tribes allows them to also assume the responsibility for emergency issues, thereby allowing OSM to phase out Federal responsibility for emergency programs in those States with an AML program. In FY 2010, available funding from carryover supported by enacted funding will be used to cover immediate needs through this transition. Therefore, OSM's FY 2011 budget eliminates new funding for State Emergency Grants and Federal Emergency Projects. A description of the FY 2009- 2010 program and accomplishments are included below for information.

State Emergency Program Grants

Under provisions of SMCRA, each State AML Reclamation Program may request authority from OSM to administer an AML Emergency Response Program within its borders. Emergencies are AML problems that occur suddenly and present a high probability of substantial physical harm to the health, safety, or general welfare of people, and have to be addressed immediately. Funding for State emergency program operations and emergency abatement projects originates in the Federal Share portion of the AML allocation and is provided to States from the AML Fund. The following fifteen States operate their own emergency programs: Alabama, Alaska, Arkansas, Illinois, Indiana, Iowa, Kansas, Missouri, Montana, North Dakota, Ohio, Oklahoma, Texas, Virginia, and West Virginia.

As discussed above, OSM's FY 2010 budget eliminated new funding for State Emergency Grants because these States received dramatic increases in mandatory funding through the SMCRA Amendments of 2006. The FY 2010 enacted levels provided limited new funding to achieve a transition during that year. The FY 2011 budget eliminates all funding for this purpose.

2. State Program Evaluation

SMCRA requires OSM to monitor the progress and quality of each State and Tribal program to ensure that their reclamation programs function effectively. This program area is an integral part of the State and Tribal funding. Evaluation of State and Tribal reclamation programs ensure efficient and effective use of program dollars for the intended purpose.

OSM analyzes documents submitted by States and Tribes (e.g. grant applications, amendments, reports), and conducts on-site evaluations of selected reclamation projects. OSM also provides the States and Tribes with expert technical assistance on reclamation projects. OSM, States, and Tribes hold conferences and forums to discuss reclamation issues, technology, and solutions to reclamation problems.

OSM, in consultation with States and Tribes, developed a review system that provides for enhancement and performance evaluation of programs, rather than oversight. This system,

which is based on principles of excellence, recognizes that evaluation involves an ongoing relationship between OSM and the State or Tribal agencies. OSM is responsible for assisting in program enhancement while monitoring compliance with SMCRA. OSM's oversight policy is being reviewed for regulatory programs and future changes to the reclamation program oversight may also be made. In the meantime, the current process is outlined below.

The current evaluation system does not require that each program be reviewed each year in each of the six areas covered under the principles of excellence. Instead, the system allows each State or Tribe to develop, with the appropriate Field Office, an agreement which addresses the areas to be reviewed and establishes applicable performance measures. Since much of the enhancement and performance evaluation is trend analysis and because the interaction between the programs and OSM is continual, the programmatic agreements can be for periods longer than one year. However, OSM reviews them each year to determine the progress being made.

These agreements first address the overriding goal of the AML program, which is successful reclamation. They recognize that if the State or Tribe is permanently reclaiming abandoned mine sites by abating hazards, reducing or mitigating adverse effects of past mining, and restoring adversely affected lands and water to beneficial use, then it is conducting an overall successful program.

OSM encourages States and Tribes to maintain ongoing programs for post-project monitoring to assure that completed reclamation projects receive adequate maintenance until reclaimed lands are stable, and to ensure the effectiveness of reclamation designs. OSM evaluations of post-construction monitoring ensure implementation of these types of State monitoring plans.

3. Federal Reclamation Program

In States without AML or emergency programs, OSM addresses environmental hazards on a priority basis. Funding of \$4.5 million is provided for operations associated with this work. An additional \$1.5 million is provided for Watershed Cooperative Agreement Projects.

This program activity also funds OSM's administration of projects funded by federal civil penalties collected from operators and projects funded from bonds forfeited by operators of federally permitted sites.

a. Federal Emergency Projects

OSM manages emergency abatement projects in States and on Tribal lands where the State or Tribe has no approved regulatory program and is therefore ineligible for an AML program (California, Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, and Washington) and where the State or Tribe has determined it does not want to have an emergency reclamation program (Colorado, Kentucky, Louisiana, Maryland, Mississippi, New Mexico, Pennsylvania, Tennessee, Utah, and Wyoming). Many coal-producing States, including two with high numbers of emergencies, Pennsylvania and Kentucky, do not have an approved emergency program.

Emergency work provides immediate relief from abandoned mine hazards that threaten public health and safety on federal and Indian lands in States without an emergency program. Emergencies are generally the result of two different types of events. The most common emergencies are subsidence events, the caving in of old underground mines. Subsidence can impact man-made structures on the surface and may be life threatening when they occur in populated areas, such as in schools, parks, playgrounds, and residential areas. These types of emergencies are most common in the Midwestern States and Anthracite regions of northeastern Pennsylvania.

The second type of emergency event is landslides. These are usually the result of unstable mine spoil placed on steep hillsides. This occurs generally in the steep slope areas of Appalachia, and especially in eastern Kentucky and southern West Virginia. Landslides can impact homes and other man-made structures and may block streams, which, in turn, can cause flooding either above or below the blocked stream. Because of the large quantities of earth moved, landslides are generally more costly to abate than other AML problem types.

When notified of a possible emergency situation, OSM personnel will visit the site, usually within 48 hours or less and perform a technical investigation. Should OSM determine that an emergency exists, OSM conducts remedial action as quickly as possible to abate the emergency situation. This may not fully abate the problem, but addresses the emergency situation. The State or Tribal AML program will complete the reclamation after the emergency has been addressed.

During FY 2009, the Appalachian Region declared 184 emergencies. Most of the emergencies occurred in Pennsylvania and Kentucky requiring \$8.8 million. Kentucky had 80 declared emergency projects that included: 13 subsidence events, 1 portal opening, abating 5 mine drainage problems, 12 refuse fire abatements, 11 highwalls, 1 clogged stream channel, 1 impoundment, 1 shaft, and stabilizing 35 landslides. In Pennsylvania, OSM declared 103 emergencies comprised of: 3 hazardous gas problems, 84 subsidence problems, 3 portals, 1 vertical opening, 8 mine drainage problems, and 4 refuse fires. In addition, one project related to a shaft was declared in Michigan.

During FY 2009, the Western Region declared 6 emergencies. The emergencies included three subsidence openings and 2 mine fires in Colorado; and one mine shaft opened next to a trail in a county park in Washington. The Western Region spent \$166,400 on emergencies in FY 2009.

As previously discussed, OSM's FY 2011 request eliminates funding for federally-administered emergency programs because of the increase in mandatory funds provided by the SMCRA Amendments of 2006. In FY 2010, OSM will use available carryover funds and enacted new funding to support immediate needs while States and Tribes prepare to take responsibility for emergency issues. OSM will work with the States and Tribes to put processes in place to allow for a smooth transition.

b. Program Operations

OSM performs the work related to emergency reclamation occurrences on federal and Tribal lands and in States without an emergency program. When a potential emergency is discovered, OSM begins with the initial investigation on the site in order to make two threshold determinations: (1) does an emergency condition exist? and (2) is the condition related to abandoned coal mining? Time is of the essence; in some instances, abatement activities begin within hours of OSM's initial investigation.

Once the determination is made that the site is eligible for funding as an emergency project, the Federal Reclamation Program staff obtains approval for project funding and develops the abatement plan. This includes:

- Compliance with the National Environmental Policy Act (NEPA) and the Historic Preservation Act;
- Obtaining the right of entry for access;
- Developing engineering plans and specifications needed for abatement;
- Preparing and mailing bid packages to potential construction contractors;
- Conducting pre-bid and pre-construction conferences;
- Awarding contracts;
- Coordinating, managing and inspecting all aspects of the ongoing construction; and
- Reviewing, approving and paying invoices.

c. Federal High-Priority Projects

OSM manages projects in States and on Tribal lands where the State/Tribe is ineligible for an AML program. OSM reviews priority coal projects on its Abandoned Mine Land Inventory System (AMLIS) and selects projects for funding at the beginning of the year after review of the nature of the problem and site specific information. Those determined to be most critical are addressed first, however, a site in close proximity to one selected may be done concurrently for cost savings.

During FY 2009, \$207,295 was expended on two projects. In the Appalachian Region, \$182,295 was expended to correct highwall problems on a large abandoned strip mine area in Georgia. In the Western Region, \$25,000 was expended on site mapping for a project in Washington. The design and construction of this project will be completed in FY 2010 for \$375,000 and will seal 2 open mine shafts and 4 adits. FY 2010 plans will provide \$675,000 in funding to continue reclamation activities for the two projects started in FY 2009.

In FY 2011, funding for this activity is proposed to come from permanent appropriations as discussed above.

d. Watershed Cooperative Agreement Projects

Environmental problems associated with abandoned mine sites, such as acid mine drainage, degrade our natural resources. The reclamation of these problems, our land and water resources are improved for beneficial uses, such as wildlife habitat and recreational areas.

Acid mine drainage (AMD) is the number one water pollutant in the coalfields of the Appalachian area causing major environmental and public health problems. AMD problems are occurring in other regions as well. OSM's effort to control and eliminate AMD in streams and rivers supports the Department's commitment to clean water and strengthening local communities. Because of the extent and high reclamation cost of the pollution, this problem cannot be eliminated by any single government agency or group.

The FY 2011 budget request includes \$1.55 million for Watershed Cooperative Agreements, and \$0.15 million for program management, maintenance and assistance in this area. A companion project, the Acid Drainage Technology Initiative (ADTI), is also funded at almost \$0.2 million under the Technology Development and Transfer business line. See that business line section for further details on ADTI efforts.

The Watershed Cooperative Agreement Program was implemented by OSM in FY 1999. The purpose of the Watershed Cooperative Agreement Program is to make funds available directly to not-for-profit organizations, especially small local watershed organizations, to undertake local projects to clean streams affected by acid mining drainage (AMD). Applicants normally receive up to \$100,000 for each reclamation project, primarily for project construction; however, administrative costs associated with completion of the project may be allowed. Applicants are required to have other partners contributing either funding or in-kind services.

OSM participation with other funding sources has increased local volunteer grassroots level of interest and involvement in local watershed protection and remediation projects. These projects are designed to improve adverse water quality impacts from past mining activity.

Following are three examples of projects funded under the Watershed Cooperative Agreement Program (WCAP):

Wingfield Pines Watershed Cooperative Agreement Project, Allegheny County, Pennsylvania.

In the Summer of 2009, the Allegheny Land Trust completed a \$750,000 acid mine drainage remediation project within 80 acres of land it owns adjacent to Chartiers Creek, an important recreational stream and watershed within 15 miles of Pittsburgh Pennsylvania. OSM contributed \$100,000 of that funding in a WCAP grant. This abandoned mine discharge, with an average flow of 1,500 gallons per minute, and a dissolved iron concentration of 12 milligrams per liter (mg/l) of water, had deposited 43 tons of iron oxide per year into the creek since mining ceased in 1940. This pollution severely degraded several miles of Chartiers Creek. In a funding partnership with the Pennsylvania Department of Environmental Protection and OSM, the Allegheny Land Trust, with the consulting help of Hedin Environmental, constructed an aerobic wetlands treatment system with a unique wheel design of treatment and settling ponds, one discharging cleaner water into the next. At the end of the wetland system, the water has a

dissolved iron concentration of .2mg/l. The project also was designed for recovery of the iron oxide for commercial applications such as paint pigment. The Allegheny Land Trust has plans to operate the system for educational purposes, and will install an interpretative trail around the site. The successful completion of this project is one important step in a comprehensive plan to restore Chartiers Creek.

Chub Run Watershed Cooperative Agreement Project, Garrett County, Maryland.

The Chub Run AMD Remediation Project involved the construction of a Successive Alkalinity Producing System (SAPS). The remediation system is intended to treat a source of AMD from a pre-law coal refuse site with an approximate flow of 20gpm, a pH of 5.5, and an iron concentration of 10mg/l. Chub Run is a tributary of Mill Run, a designated trout stream that flows into the Youghiogheny River at Friendsville, Maryland. The total project cost was \$82,868 of which OSM funded \$34,200 or 41% of the total project budget. Partners in the project included the Canaan Valley Institute, The Maryland Bureau of Mines, Garrett County Community Action, Trout Unlimited, the property owner, The Youghiogheny River Watershed Association and others.

The Westercamp II AML/AMD Project site, Mahaska County, Iowa.

This site consisted of approximately 40 acres of highly eroded soils and vertical openings. Reclamation plans for this project required over \$1.0 million in funding, \$100,000 of that was provided in a Watershed Cooperative Agreement Program grant. The erosion gullies, subsided areas, vertical openings, an active polluted creek, and acidic spoil materials were contributing to the degradation of nearby Muchakinock Creek. The acidic water and sediment were carried downstream during rain events, killing vegetation and damaging downstream habitat in Muchakinock Creek. Pathfinders RC&D acquired a \$100,000 WCAP grant to assist in the cleanup of this project. The Mahaska Soil and Water Conservation District contributed \$167,000; the Iowa Department of Natural Resources' Water Quality Bureau entered as a partner by gathering water quality data showing the effects on the AMD site on the watershed; and the Iowa Department of Agriculture, Division of Soil Conservation/AML Program, administered the construction activities and ensured that all work met specific reclamation guidelines and best management practices. The reclamation activities began in early March 2009. The site was completely reclaimed, eliminating all the acid water sources, and seeded in the fall 2009.

e. Outcrop and Underground Fire Control Projects

Pursuant to Public Law 83-738, as amended by Public Law 102-486 (Energy Policy Act of 1992), project funds are provided to control or extinguish outcrop and underground fires. Funds for this purpose are provided by the Regulation and Technology appropriation to control or extinguish coal fires. OSM costs of administering these projects are included in the AML budget request. These projects are not eligible for funding under the AML program because they are coal deposits that have never been mined. Coal outcrops are ignited by forest/brush fires, lightning, and campfires and occur mostly in the western States. The purpose of these projects is to prevent injury and loss of life, protect public health, conserve natural resources and protect public and private property. This program was originally authorized under the former Bureau of Mines and subsequently transferred to OSM.

Funds of \$40,000 were provided to North Dakota in FY 2009, to partner with the U.S. Forest Service in the suppression of 15 coal outcrop fires located on both private and Forest lands. Outcrop fires are considered to be wildfires, uncontrolled and presenting potential threats to property and human safety. At least 35 more outcrop fires have been identified and are being monitored.

f. Civil Penalty Reclamation Projects

Federal civil penalties collected under Section 518 of SMCRA are authorized for reclaiming lands mined and abandoned after passage of SMRCA on August 3, 1977. These funds are derived from monetary civil penalties from OSM-issued citations nationwide. The funds are also available for reclamation of bond forfeiture sites. These funds are divided among projects proposed by both State and Federal regulatory authorities and used for project costs only.

Since the major coal producing States administer their own programs, civil penalty revenues available to OSM have decreased to levels that are not sufficient for all emergency post act reclamation needs. As a result, limited projects were undertaken or completed during FY 2009. Examples of assistance provided with these funds in 2009 include:

OSM provided \$60,000 of Federal Civil Penalty Funding to assist Iowa in the reclamation of the Edwards/American Coal Company Wash Plant #1 AML/AMD site. This 37-acre site was a combined AML/AMD site (Edwards) and a bond forfeiture site (American Coal Company Wash Plant #1) that are immediately adjacent to each other. Seventeen acres were AML lands and 20 acres were bond forfeiture lands. The Edwards site was strip-mined prior to 1977 and left in an unreclaimed condition. Most of the original strip mine was affected by the American Wash Plant. The project site contained spoil piles, a priority two highwall, three acid mine drainage creating hazardous water bodies, building remnants, trash and concrete. The site contributed to off-site damage through the sediment delivery of contaminated soil, as well as causing acid mine drainage concerns downstream through drainage into the Des Moines River. To optimize reclamation costs, the two sites were combined with a total estimated reclamation cost of \$405,118.00. During the reclamation activities, each of the acidic ponds were treated and drained, all buildings and concrete material were removed and or buried, and the site was contoured with lime incorporated in the spoil/soil material at a depth of 12 inches. A cover crop was planted, followed by a permanent seeding. All work was completed in September 2009.

OSM provided the Oklahoma Department of Mines \$25,000 of Federal Civil Penalty Funds to assist in the reclamation of the 690 acre K&R Coal Company permit #4148. A total of \$237,000 was awarded to the State from the Bankruptcy Court in 1999, and approximately 85 acres of the site was partially reclaimed in April 2008, fully expending the bankruptcy funds. Following completion of the 85 acres, 16 additional acres needed to be graded, top-soiled, and re-vegetated. The State used the \$25,000 in civil penalty funds to backfill and grade the 16 acres, redistribute topsoil, and establish vegetation. Reclamation with the Federal Civil Penalty funds was completed in April 2009.

g. Bond Forfeitures

These funds are receipts from forfeited performance bonds and can only be used to reclaim lands where the bond was forfeited where OSM was the regulatory authority. States have their own programs. Forfeited funds are site-specific and cannot be used to reclaim other sites or for other purposes. Surplus amounts must be returned to the operator. Using the forfeited funds, OSM issues and administers contracts for reclamation in accordance with the mining plan developed during the permit process. OSM is mandated under SMCRA to reclaim sites that have been abandoned and forfeited in Federal program States. Bond forfeiture is an important component of OSM's mission to restore lands abused by mining.

In FY 2010, the OSM program in Tennessee anticipates reclaiming 36.9 acres associated with surface underground mining from previously forfeited performance bonds at cost of \$125,400. OSM also expects to perform maintenance work on approximately 150 acres from the balance of funds available from 11 previously forfeited sites at cost of \$103,589. In both instances, the reclamation will consist of highwall eliminations, backfill and grading, establishing drainage control, revegetation, tree planting and reconstruction of a passive treatment system. The specific site costs will vary depending on the type and extent of work performed. OSM does not anticipate any performance bond forfeitures in FY 2010. OSM does expect to complete reclamation on the balance of the forfeiture permits with the unobligated balances from FY 2010, and estimates at least 10 sites will have unobligated balances that will remain on the FY 2011 bond forfeiture list.

4. Program Development and Maintenance

This program activity provides \$3.2 million in funding for reclamation program management and programmatic guidance to States and Tribes. The Program Development and Maintenance activity is an integral part of the State and Tribal funding program. OSM has an ongoing process of reviewing existing policies in the Environmental Restoration business line. Whenever necessary, policies are revised to meet the existing need of the programs and to keep abreast of changes to the law.

OSM, in consultation with the States and Tribes, developed an oversight review system that provides for enhancement and performance evaluation of reclamation programs. OSM also assists States and Tribes to build on successes by providing ongoing technical assistance, by continually enhancing the primacy grants process, by ensuring National Environmental Policy Act compliance, and by conducting program-focused enhancement and performance evaluation. OSM encourages States to assume responsibility for their reclamation and emergency abatement programs, and supports implementation of their AML programs through technical and program assistance as needed.

OSM emphasizes State/Tribal and federal partnerships in the AML program. OSM works directly with the States and Tribes, through State and Tribal associations and with other federal agencies, to coordinate and enhance reclamation. Such relationships foster coordination essential to land reclamation. New policy and changes to existing policy are circulated to the States and Tribes for input prior to being finalized enabling OSM to make programmatic

decisions in a collegial manner. Examples of activities are: (1) working with States/Tribes to develop improved strategic plan measurements for the AML program; (2) holding meetings/workshops with the State/Tribal grantees to provide training for new employees to keep them abreast of policies and procedures and to solicit their input on issues in the grants program; and (3) working with the National Association of Abandoned Mine Land Programs (NAAML) to decide winners of the annual AML Reclamation Awards.

OSM received one State Reclamation Plan amendment in FY 2009. This level may increase as States review regulation changes identified under the rulemaking section below.

a. AML Inventory

OSM manages the National Abandoned Mine Land Inventory System (AMLIS), which serves as a planning and evaluation tool for the States, Tribes, and OSM. The States and Tribes use the inventory to assist them in planning to make funding decisions and to report program accomplishments. OSM uses AMLIS to record and report AML Program accomplishments under GPR. States, Tribes, and OSM have access to electronically enter and modify information in AMLIS.

In accordance with the requirements of SMCRA, AMLIS contains data for known eligible Priority 1 and 2, pre-SMCRA coal reclamation problems. Each problem is classified as unfunded, funded (in progress) or completed. The AMLIS also contains information regarding funded and completed Priority 3 coal and post-SMCRA coal problems, as well as information on completed non-coal problems. Coal projects selected for funding by States or Tribes are contained in AMLIS prior to funding, except for those emergency sites that may be entered after completion due to the immediate need for reclamation.

A WEB based version of AMLIS was deployed in FY 2003 and is currently being enhanced to, among other things, implement requirements of the SMCRA Amendments of 2006. Enhancements will be completed and implemented in the summer of 2010. It enables the public to readily access this information via OSM's website at <http://www.osmre.gov/aml/AMLIS/AMLIS.shtm>. They can search for information about individual Problem Areas or query the Inventory. The results of a query can be shown in preformatted reports, or on a map, and can be downloaded in various formats.

b. Grants Management

OSM supports and participates in the Administration's E-Government initiative, Health and Human Services' government-wide electronic grants announcement and application system (Grants.gov), and the Department of the Interior's grants simplification efforts based on Public Law 106-107. OSM is now using DOI's Financial and Business Management System (FBMS) financial assistance module for internal processing of all grant and cooperative agreement obligation and deobligation transactions. Recipients have been provided training, and will receive further training and assistance in using the system to file their applications and reports. OSM has included training on Grants.gov in its recipient training programs.

OSM has a decentralized grants management organization, with a small policy staff at headquarters. The day-to-day grants and program management is performed in regional/field offices. Accounting and reporting occurs under the Financial Management business line activity. OSM and the State/Tribal grantees cooperate to maximize the use of available funding and operate an effective program. Grantees provide input by participation on joint teams and by reviewing and commenting on changes in the program. In addition, OSM periodically holds meetings/workshops with the State/Tribal grantees to provide training for grantees and to keep them abreast of policies and procedures. This cooperative working relationship contributes to streamlined application and awards processes, faster obligation of federal funds, innovative program monitoring, and less paperwork-intensive reporting and close-out of grants.

c. Rulemaking

OSM assists States with development, administration, implementation, and maintenance of their approved AML programs. Decisions affecting State programs are Federal rulemaking actions. OSM evaluates State-initiated program changes (statutory, regulatory, or changes in the program's provisions, scope, or objectives), as well as OSM required modifications that are a result of legal interpretations or changes to SMCRA and Federal regulations. In its evaluation, OSM solicits public comments through proposed rules published in the Federal Register, holds public meetings, maintains the administrative record, approves or does not approve proposed State program amendments, and publishes the decisions as final rules in the Federal Register.

OSM published a final rule on November 14, 2008, (73 FR 67576) implementing the AML program changes in the SMCRA Amendments of 2006. This rule revises OSM's rules to be consistent with the Tax Relief and Health Care Act of 2006 (P.L. 109-432). States may need to amend their AML programs as a result of the changes to SMCRA and OSM's final rule. In FY 2009, OSM notified the States and Tribes under 30 CFR Part 884 that they should review their programs and determine what changes may be needed. OSM will work with the States and Tribes to develop appropriate changes, then review the State and Tribal submissions and take action to approve or disapprove the proposed change.

2010 PLANNED PROGRAM PERFORMANCE

In 2010, the planned activities in the Environmental Restoration program activity include:

- Through grants provided to States and Tribes, 7,700 equivalent acres of abandoned coal mine sites will be reclaimed. This includes completion of several projects started in States and on Indian Lands in earlier years.
- Work with the States and Tribes to initiate AML program changes and incorporate the program provisions from the 2006 amendments to SMCRA.
- Continue partnerships with watershed groups and related reclamation by awarding approximately 13 watershed cooperative agreements.
- Continue to use funds from civil penalty projects to reclaim eligible sites.
- Continue partnerships supporting youth with other organizations such as VISTA and watershed interns.
- Achieve performance targets as shown on the goal performance table at the end of this section.

2009 PROGRAM ACCOMPLISHMENTS

In 2009, the major accomplishments in the Environmental Restoration program activity include:

- OSM awarded 11 watershed cooperative agreements in 4 States (PA, OH, WV, and IA), totaling \$880,000.
- Provided opportunities to 80 VISTA (Volunteers in Service to America) and 20 watershed interns.
- Declared 190 emergencies under the Federal Emergency Program.
- Provided grants to States and Tribes, both mandatory funding and emergency funding.
- Achieved performance as shown on the goal performance table at the end of this section.

ENVIRONMENTAL RESTORATION

Program Performance Overview												
End Outcome Goal 1.1: Resource Protection – Improve Health of Watersheds, Landscapes, and Marine Resources												
End Outcome Measure / Intermediate or PART Measure / PART Efficiency or other Outcome Measure	Type	2004 Actual	2005 Actual	2006 Actual	2007 Actual	2008 Actual	2009 Plan	2009 Actual	2010 Plan	2011 Plan	Change from 2010 Plan to 2011	Long-term target 2012
Number of Federal, private and tribal land and surface water acres reclaimed or mitigated from the effects of natural resource degradation from past mining. (Calculated equivalent acres) (SP) (PART)	F	6,965	6,533	6,983	6,658	9,909	6,900	5,838	7,700	11,000	3,300	11,600
Total Actual/Projected Costs (\$000)		\$199,723	\$185,336	\$199,515	\$206,985	\$183,813	\$213,726	\$180,325	\$262,700	\$279,900	\$17,200	\$356,500
Actual/Projected Cost per GPRA Acre (in dollars)		\$28,675	\$28,369	\$28,571	\$31,088	\$18,550	\$30,975	\$30,888	\$34,117	\$25,445	-\$8,672	\$30,733
Comments	Although the target was not met in FY 2009, there was a 12 percent increase in the number of problem sites reclaimed this year over last year. The target is higher in 2010, as states have been receiving substantial funding increases appropriate to reclaiming Priority 1 and 2 sites.											
Contributing Programs:	Projected costs are based on anticipated budget with long-term targets held constant for discretionary funding. FY 2010: Includes all discretionary funding under Resource Protection (\$35.5 million), and mandatory funding to non-certified States (\$227.2 million). FY 2011: Includes all discretionary funding under Resource Protection (\$30.4 million), and mandatory funding to non-certified States (\$249.5 million). FY 2012: Includes all discretionary funding under Resource Protection (\$30.4 million), and mandatory funding to non-certified States (\$326.1 million).											
Number of new active partnering and leveraging agreements and amendments to prior agreement. (BUR)	C	74	110	55	53	18	15	11	13	9	-4	9

Office of Surface Mining Reclamation and Enforcement

Program Performance Overview												
End Outcome Goal 1.1: Resource Protection – Improve Health of Watersheds, Landscapes, and Marine Resources												
End Outcome Measure / Intermediate or PART Measure / PART Efficiency or other Outcome Measure	Type	2004 Actual	2005 Actual	2006 Actual	2007 Actual	2008 Actual	2009 Plan	2009 Actual	2010 Plan	2011 Plan	Change from 2010 Plan to 2011	Long-term target 2012
Comments	Due to OSM no longer providing separate current year funding for clean stream projects related to the SMCRA Amendments of 2006 (P.L. 109-432), only watershed cooperative agreements have been counted since FY 2008. The measure description was modified to reflect reporting of current year agreements and related funding for this measure and the one below. Fewer projects were accomplished and anticipated in the future due to staffing priorities – some of the resources promoting this program were needed to support regulatory oversight activities.											
The amount of increased funds derived from new active partnering and leveraging agreements and amendments. (BUR)	A	8,179,634	27,692,333	5,800,000	28,963,461	5,548,452	3,750,000	4,784,459	3,125,000	2,125,000	-1,000,000	2,125,000
Comments	On average, partners funded over 80% of the cost of Watershed Cooperative Agreement Program projects in FY2009. The decrease in the number of WCAP projects anticipated above directly impacts the decrease in this measure.											
Provide appropriate grant funding within 60 days of a complete grant application for abandoned mine lands grants (PART-EFFICIENCY)	A E	UNK	UNK	100%	100%	100%	90%	100%	93%	96%	+3%	96%
Comments	This measure was established in FY 2007. OSM revised targets to reflect trend data.											

Office of Surface Mining Reclamation and Enforcement

Program Performance Overview												
End Outcome Goal 4.1: Serving Communities – Improve Protection of Lives, Resources, and Property												
End Outcome Measure / Intermediate or PART Measure / PART Efficiency or other Outcome Measure	Type	2004 Actual	2005 Actual	2006 Actual	2007 Actual	2008 Actual	2009 Plan	2009 Actual	2010 Plan	2011 Plan	Change from 2010 Plan to 2011	Long-term target 2012
Number of people with reduced exposure potential to safety risks from abandoned mine lands. (PART)	F	160,257	2.244 million	393,728	270,102	255,640	160,000	272,143	160,000	160,000	0	160,000
Comments	This measure is a companion with the “AML acres reclaimed” performance measure (see Resource Protection “Federal, private, and tribal land and surface water acres reclaimed or mitigated from the effects of natural resource degradation from past mining”). The calculation of this measure correlates to the “AML acres reclaimed” performance measure by measuring the number of people on or near the abandoned mine land that has been reclaimed. The number allows for two options to count the number of people with reduced exposure to safety risks – (1) States can choose to enter data or (2) if a State does not enter data then a Census generated figure is used in the calculation. The FY 2009 actual of 272,143 is the number of people reported using census data and State-entered data in cases where additional people with reduced risk were reported. Therefore, the reported actual is higher than the target.											
Number of people directly affected (Emergencies abated). (PART)	A	11,400	8,975	32,601	43,580	68,764	8,300	82,339	16,700	16,700	0	16,700
Comments	The FY 2009 actual of 79,711 exceeded the target. Reasons cited include an increase in reported emergencies and abatement projects in suburban or more populated areas.											
Percentage of declared emergencies abated within six months. (PART-EFFICIENCY)	A E	98%	96%	97.8%	98.5%	99.7%	95%	99%	95%	95%	0%	95%
Comments	OSM exceeded the FY 2009 target despite witnessing an increase in emergency declarations due to weather and related issues. OSM was able to shift resources accordingly to the area of need and meet demand.											
Target Codes: SP = Key Strategic Plan measure; PART = Program Assessment Rating Tool measure; BUR = Bureau specific measure; UNK = Prior year data unavailable; Type Codes: C=Cumulative; A=Annual; F=Future; E= Efficiency												

ENVIRONMENTAL PROTECTION
(Dollars in Thousands)

		2009 Actual	2010 Enacted	2011			Change from 2010 (+/-)
				DOI-wide Changes (+/-)	Program Changes (+/-)	Budget Request	
Regulation & Technology	\$\$\$	88,425	88,425	-101	-10,991	83,679	-11,092
	FTE	185	187	0	0	187	0
Abandoned Mine Land	\$\$\$	0	0	0	0	0	0
	FTE	0	0	0	0	0	0
TOTAL	\$\$\$	88,425	88,425	-101	-10,991	83,679	-11,092
	FTE	185	187	0	0	187	0

Department-wide Changes include reductions of \$ 73,000 for travel and \$28,000 for acquisition (strategic sourcing). In addition, fixed costs increases for 187 FTE are absorbed. See the discussion in the General Statement for details of these reductions and absorption of fixed costs.

Summary of 2011 Program Changes

Request Component	(\$000)	FTE
<u>State and Tribal Funding</u>		
• Decrease in State and Tribal Funding	-10,991	
Total Program Changes	-10,991	0

Justification of 2011 Program Changes

State and Tribal Funding (-\$10,991,000): The Federal government currently provides funding to regulate the coal industry. In order to reduce the level of Federal funding required to regulate, and to an extent subsidize, the coal industry, OSM is encouraging States to increase cost recovery fees. States without cost recovery fees are encouraged to authorize them. Accordingly, Federal grants to State regulatory programs will decrease by \$11 million. Because the decreased Federal funding will be offset by the user fees, there will be no reduction in regulatory performance.

The OSM is consulting the States to determine the appropriate allocation of the available funding for regulatory activities. OSM will continue to work with the States to assure that the allocation of regulatory funding ensures that the States are capable of fulfilling regulatory program requirements.

**MISSION GOAL: TO PROTECT PEOPLE AND THE ENVIRONMENT
DURING CURRENT MINING OPERATIONS AND TO ENSURE THAT THE LAND
IS RESTORED TO BENEFICIAL USE AFTER MINING HAS CEASED.**

The Environmental Protection business line provides resources to administer a regulatory program over coal mine operations in 24 primacy States, in federal program States, and on federal and Indian lands. The program addresses the protection of public health, safety, and general welfare from the adverse affects of current mining, and restoration of land at the conclusion of mining. Current coal mining operations include over 4.4 million acres in 26 States and on the lands of four Indian Tribes. During active mining, the potential risk from safety and environmental hazards exists within the permitted site. However, because of required SMCRA precautions, long-term effects are minimized. If these safeguards are not taken during and after current mining, the nation could face reclamation costs that far exceed the \$8.9 billion cost of addressing existing priority 1, 2, and 3 AML problems.

OSM administers federal programs in Washington and Tennessee. OSM also administers the Indian Lands Program for mining on Navajo Nation, Hopi, Ute Mountain Ute Tribe, and Crow Tribal lands. States assist OSM through cooperative agreements to regulate mining on federal lands. OSM supports State regulatory programs with grants and technical assistance.

The regulatory grants, state evaluation, and Federal programs have been reviewed under the Program Assessment Rating Tool process and all programs were determined to be “Effective.” OSM will continue to work with the States and Tribes to obtain more detailed data to represent the performance measures established, and will continue to review baseline data and target for all performance measures.

***ENVIRONMENTAL PROTECTION
ENCOMPASSES:***

State and Tribal Funding

- *State Grants*
- *State Regulatory Activities*
- *Cooperative Agreement Funding*
- *Tribal Regulatory Development Grants*

Federal Program

Federal Lands Program

Indian Lands Program

State Program Evaluation

Program Development and Maintenance

Operational Processes (Program Activities): Program activities within this business line ensure the environment is protected during surface coal mining operations and that coal operators adequately reclaim disturbed land after mining is completed.

This business line also provides for OSM’s costs to ensure that States’ programs are current with all federal regulatory requirements. The State and Tribal funding program activity includes grants to States and Tribes to regulate coal operations on lands

within their borders. For States with cooperative agreements, this activity also includes grants to regulate coal operations on federal lands.

Finally, this activity includes grants to Tribes to develop regulatory programs and to assist OSM in the regulation of surface coal mining and reclamation operations on Indian lands. The State Program Evaluation activity funds OSM's oversight of State programs. The Federal Program activity funds OSM activities to ensure SMCRA compliance for non-primacy States (States with a federally-administered regulatory program). The Federal Lands Program activity funds OSM's activities in preparing Mining Plan Decision Documents for leased federal coal as well as any regulatory activities on federal lands not covered by a cooperative agreement. The Indian Lands Program activity funds OSM's regulatory responsibilities on Indian Lands.

OSM's Environmental Protection mission goal promotes responsible mineral extraction and addresses the protection of public health, safety, and general welfare from the adverse affects of current surface coal mining and reclamation operations since the enactment of SMCRA in 1977. The performance measures for this goal are the protection of the environment and public from off-site impacts resulting from surface coal mining operations and successful reclamation on lands affected by surface coal mining operations. This goal is accomplished through the cooperative efforts of the OSM and State and Tribal regulatory offices. The following measures are used by OSM as indicators of annual performance.

Off-site impacts, are negative effects resulting from surface coal mining activities such as, blasting or water runoff that affect people, land, water, or structures outside the permitted area of mining operations. The severity of the impacts is rated as minor, moderate, or major. Due to the nature of mining, it is inevitable that some impacts will occur.

Acres released from Phase I, II, or III Bond Release. This performance measure is the number of acres of land that are reclaimed every year by active coal mine operators, and is dependent on the operator to file an application for the release. This is documented and measured through a series of bond releases. The bonds are required to assure that funds are available for reclamation in case the operator fails to reclaim the mined land. Phase III bond release shows the number of acres that have been fully reclaimed from current mining operations, and have met the performance standards.

Percent of mined acreage reclaimed is currently represented as a ratio of the cumulative number of acres reclaimed and the cumulative number of mined acres.

Actions Required to Achieve Annual Goals: OSM continues its outreach to interested parties to address concerns related to mountaintop removal operations, acid mine drainage, and slurry and other impoundments, to evaluate its rules, to advance re-mining efforts, and to ensure that contemporaneous reclamation is occurring. OSM will continue to practice cooperative conversation through working in partnership with States and Tribes to carry out the mission of the SMCRA. The shift in OSM's role from direct enforcement to oversight has refocused actions on mission accomplishment while fostering better working relationships with States.

Resources, Skills, and Technology Needed: Program analysts, reclamation specialists, grant specialists, and various support personnel are needed to implement the State regulatory program and to conduct program evaluations. OSM and the primacy States also will continue to need a diverse and multidisciplinary cadre of personnel skilled in scientific and engineering areas to review mine permits, determine whether performance bond coverage and amounts are sufficient

Office of Surface Mining Reclamation and Enforcement

to ensure reclamation, conduct mine site inspections, and implement enforcement actions when necessary. Computer systems personnel are needed to help maintain various data systems, such as the National Inspection and Enforcement Tracking System that contains data from OSM's oversight and regulatory program inspections.

For FY 2011, the President's Budget requests \$60.3 million to fund 24 State regulatory programs up to the maximum 50 percent federal match level and a potential Tribal regulatory program at 100 percent. Additionally, this amount will provide funding for up to 14 federal lands cooperative agreements with States and full funding of two or three Tribal regulatory program development grants.

The FY 2011 budget request includes \$8.6 million to continue its State program oversight activities and \$6.0 million to fund regulatory programs in non-primacy States such as Tennessee and Washington. Also included in the FY 2011 budget request is \$1.5 million for OSM to regulate federal lands, \$2.5 million for regulatory programs on Indian Lands, and \$4.8 million for program development and maintenance to ensure that regulatory standards adequately reflect changes in technologies and program needs.

The following section details, by program activity, the funding and FTE resources required to meet the annual performance measures. It also includes examples of cooperative work between OSM, States, and Tribes to regulate coal-mining activities that will continue in FY 2011 and support this budget request.

Office of Surface Mining Reclamation and Enforcement

**Table 2 – Justification of Program and Performance
Environmental Protection**

Summary Increases/Decreases for FY 2011
(Dollars in Thousands)

Program Activity		Regulation & Technology			Abandoned Mine Lands			Total			Inc/Dec (+/-)
		2009 Actual	2010 Enacted	2011 Request	2009 Actual	2010 Enacted	2011 Request	2009 Actual	2010 Enacted	2011 Request	
State and Tribal Funding	\$\$\$	65,536	71,314	60,323	0	0	0	65,536	71,314	60,323	-10,991
	FTE	0	0	0				0	0	0	0
State Program Evaluation	\$\$\$	8,387	8,630	8,580	0	0	0	8,387	8,630	8,580	-50
	FTE	80	80	80				80	80	80	0
Federal Programs	\$\$\$	5,845	5,981	5,967	0	0	0	5,845	5,981	5,967	-14
	FTE	43	45	45				43	45	45	0
Federal Lands	\$\$\$	1,521	1,540	1,540	0	0	0	1,521	1,540	1,540	0
	FTE	6	6	6				6	6	6	0
Indian Lands	\$\$\$	2,400	2,461	2,461	0	0	0	2,400	2,461	2,461	0
	FTE	20	20	20				20	20	20	0
Program Dev/Maintenance	\$\$\$	4,736	4,845	4,808	0	0	0	4,736	4,845	4,808	-37
	FTE	36	36	36				36	36	36	0
TOTAL	\$\$\$	88,425	94,771	83,679	0	0	0	88,425	94,771	83,679	-11,092
	FTE	185	187	187				185	187	187	0

2011 PROGRAM PERFORMANCE ESTIMATES

1. State and Tribal Funding

The \$60.323 million requested for FY 2010 for State and Tribal Funding recognizes the need for a change in supporting the regulatory programs with cost recovery from the coal mining industry. This activity promotes responsible coal extraction using technology to minimize the impact of operations on people, structures, and the environment.

a. State Grants

The principal means of providing environmental protection within the framework of SMCRA is through "primacy" States that receive federal grant funding. Primacy States have the most direct and critical responsibilities for conducting regulatory operations to minimize the impact of coal extraction operations on people and the environment. The States have the unique capabilities and knowledge to regulate the lands within their borders. Providing up to a 50-percent match of federal funds to primacy States in the form of Administration and Enforcement Grants results in the highest benefit and the lowest cost to the Federal Government. If a State were to relinquish primacy, OSM would have to hire sufficient numbers and types of federal employees to implement the program. The cost to the Federal Government would be significantly higher.

b. State Regulatory Activities

Activities of State regulatory authorities include: permit review and issuance, with reliance on the Applicant Violator System (AVS) to ensure that permits will not be issued to operators with outstanding violations; inspection and enforcement; designation of lands unsuitable for mining; and ensuring timely reclamation after mining. In addition, individual States may conduct special activities to address specific needs. These activities may include upgrading permitting programs, computerizing systems to improve review of pending permits, and drafting regulations that respond to changes in federal rules.

All active and inactive sites, facilities, and areas that support coal mining and reclamation within a State are inspected by the State regulatory authority for compliance with all program requirements. SMCRA requires all active inspectable units under the permanent program to have four complete and eight partial inspections per year. Four complete inspections are required annually for all inactive units.

c. Cooperative Agreement Funding

Cooperative agreements with OSM allow States to review permit applications and issue permits, and conduct the required inspections of regulated facilities on federal lands. Cooperative agreements provide for uniform enforcement of State program requirements at all facilities within the State and reduce both direct federal program costs and federal staff requirements. SMCRA section 705 (c) sets the amount that a State may receive through a cooperative agreement at up to 100 percent of the amount that the Federal Government would have to spend to do the same work. The regulations further state that no grant may exceed the actual costs to the State for this activity.

Currently, the following 14 States have entered into cooperative agreements with OSM to administer most surface coal mining requirements on federal lands: Alabama, Colorado, Illinois, Indiana, Kentucky, Montana, New Mexico, North Dakota, Ohio, Oklahoma, Utah, Virginia, West Virginia, and Wyoming.

d. Tribal Regulatory Development and Regulatory Program Grants

As allowed by the Energy Policy Act of 1992 and Section 710 (i) of SMCRA, OSM provides grants to the Crow and Hopi Tribes and the Navajo Nation to assist them in developing regulations and programs for regulating surface coal mining and reclamation operations on Indian lands. The grant amounts are based on each Tribe's anticipated workload to develop a Tribal program (including Tribal laws, regulations and policies), to assist OSM with surface coal mine inspections and enforcement (including permitting activities, mine plan review and bond release), and to sponsor employment training and education concerning mining and mineral resources. These grants fund 100 percent of the Tribal primacy development activities.

The Surface Mining Control and Reclamation Act Amendments of 2006 provides for Indian Tribes to apply for, and obtain approval of, a tribal program regulating in whole, or in part, surface coal mining and reclamation operations on reservation land under the jurisdiction of the Indian tribe. The legislation also provides for 100 percent funding of the costs of developing, administering, and enforcing an approved tribal program. Discussions on the submission of applications for tribal primacy began in FY 2007. Applications for tribal primacy could be submitted by tribes during the 2010 budget and continue in 2011-2012.

2. State Program Evaluation

State Program Evaluation activities ensure the efficient operation of State regulatory programs.

a. Oversight Strategy

OSM oversight of State programs focuses on the evaluation of the success of State regulatory programs in meeting environmental protection goals, achieving reclamation, and providing customer service. That approach allows OSM and the States to concentrate their resources on those program elements that present the best opportunity for environmental improvement and the best means of preventing adverse impacts on society and the environment. OSM Field Offices and the States are encouraged to reach consensus on oversight topics to be evaluated and how the evaluations are conducted. The policy and procedures that govern oversight are contained in OSM's Directive REG-8, Oversight of State Regulatory Programs.

While this oversight policy fosters a cooperative effort with the States to achieve SMCRA's goals, coal field citizens and environmental organizations, particularly in central Appalachia, have voiced concern that the policy is not sufficiently comprehensive, that it is too deferential to the States, and that it fails to strike the proper balance between coal production and environmental protection. On June 11, 2009, the U.S. Department of the Interior entered into a Memorandum of Understanding (MOU) with the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency to reduce the harmful environmental impacts of mountain-top mining in six states in central Appalachia. Even though the MOU applies only to the six States in central Appalachia, any changes to our oversight policy would apply nationwide. Therefore, OSM used this opportunity to take a comprehensive look at all oversight policies and procedures.

With those concerns in mind, an OSM oversight evaluation team, which included executive leadership and senior management, took a comprehensive look at OSM's current oversight requirements and policy, the way they are being implemented, and the results that have been achieved.

The OSM oversight evaluation team thoroughly reviewed the statutory and regulatory requirements for oversight and the policy guidance and procedures for conducting oversight, which are principally embodied in Directive REG-8. During this review, numerous opportunities for improving oversight effectiveness were identified. On November 18, 2009, OSM announced steps it will take to more effectively conduct oversight of state permitting, state enforcement, and regulatory activities under SMCRA.

OSM plans to revise its oversight policies and procedures to emphasize problem identification, resolution, and prevention. We intend to ensure that our core responsibilities, such as inspection and enforcement, are not secondary to other program areas. We intend to retain those elements of the oversight process that have proven effective and to change those elements that can be improved.

OSM plans to implement changes in the oversight process that include:

- increasing the number of oversight inspections;
- implementing policies to promote increased consistency in inspections;
- clarifying our authority and responsibility to conduct reviews of state permitting procedures and state-issued permits;
- intensifying our oversight activities when necessary and establishing action plans to resolve issues;
- seeking greater public involvement in the oversight process;
- improving the quality and availability of data and information; and
- examining our data collection requirements and performance measures to ensure that we are collecting and reporting appropriate and accurate data to Congress, the public, the media, and other stakeholders.

Therefore, OSM will be focusing its efforts on this activity and changes will occur during FY 2010 – 2011 as this program activity is evaluated.

b. OSM-State Performance Agreements

OSM's oversight directive outlines the performance agreement as a framework for OSM and the State to agree on a plan to conduct oversight activities. Joint efforts to prepare workable performance agreements also maintain and improve the relationship between OSM and the State, fostering shared responsibilities and a more open discussion of difficult issues.

Inspections are planned and conducted to collect data relative to the oversight directive and the annual evaluation report. Many reviews are designed to investigate previously identified areas of concern. Inspections often are the means to collect the data. As identified above, this program process will be undergoing changes in FY 2010 – 2011.

c. Public Participation

Central to identifying potential needs and oversight topics are the views of the public. Periodic meetings are held by OSM Field Offices to identify public concerns regarding coal mining regulatory programs. Changes in processes may occur in the upcoming fiscal years as OSM's regulatory activities are evaluated.

d. Oversight Inspections

SMCRA requires the Secretary to conduct mine inspections to evaluate the administration of State programs. Inspections are conducted on a range of sites - from those actively producing coal to forfeited bond sites awaiting reclamation. OSM's policy gives its regional and field managers discretion and flexibility to be proactive and to prioritize and selectively target their inspections to focus on those topics and activities that present the best opportunity for environmental improvement or the best means of evaluating the impact of program implementation on society and the environment. For example, inspections may focus on high-priority problems such as acid mine drainage, impoundments and other problem areas, as well as

current coal mining operations and abandoned mine sites awaiting reclamation. This policy allows for the most effective use of available resources.

Consistent with the intent of SMCRA that States take the lead in regulating coal mining, States performed 78,753 inspections in 2009. OSM conducted 1,469 oversight inspections in primacy States during that year. See Table 3.

The projected FY 2010 and 2011 oversight inspection workload is expected to increase as OSM's enhanced oversight activities described above are implemented. The actual number will be adjusted depending on the program areas, the presence or absence of problems, input from the public, and the terms of the performance agreements in each State.

In addition, the Applicant Violator System (AVS) Office continues to promote the use of alternative enforcement to compel compliance with SMCRA through outreach and marketing efforts. As part of this effort, the AVS Office provides training, investigative services and identifies sites with outstanding violations for regulatory authorities to consider pursuing alternative enforcement when primary enforcement is not enough. These activities will continue through FY 2011.

e. Ten Day Notices

The primary emphasis of oversight inspections is to identify issues and resolve them before they become problems and to evaluate whether environmental protection and reclamation goals are being achieved. When a federal inspection reveals violations of State programs (other than imminent danger of significant environmental harm or danger to the public, both of which require immediate issuance of a cessation order) and the State does not take prompt action, a Ten-Day Notice (TDN) is issued to the State. All such notices require written responses from the State regarding the actions taken to resolve the alleged violations, or a statement of good cause for not taking such action. A federal review, which may include a field inspection, is conducted following a TDN when the State does not act or show good cause for not doing so. If the review or inspection shows that a violation exists, and the State fails to take appropriate action, a federal enforcement action may be taken.

The inspection component also includes the process for addressing citizen requests for a federal inspection. Citizen requests received by OSM in primacy States are referred directly to the State regulatory authority using the TDN process, unless there is evidence that imminent danger of significant environmental harm or immediate danger to the public exists. In such cases, OSM will immediately conduct a Federal inspection. The State official and citizen requestor are notified prior to the inspection and given the opportunity to accompany the inspector when a federal inspection is conducted.

Table 3 provides FY 2009 data on the number of state inspections and OSM oversight inspections conducted in primacy states. State data is for the time period of July 1, 2008, through June 30, 2009.

Table 3 – FY 2009 Primacy State and OSM Inspections				
	STATE			OSM TOTAL
	PARTIAL	COMPLETE	TOTAL	
Alabama	396	2,680	3,076	23
Alaska	70	27	97	6
Arkansas	76	33	109	2
Colorado	238	155	393	10
Illinois	717	380	1,097	97
Indiana	865	665	1,530	64
Iowa	0	4	4	0
Kansas	78	39	117	2
Kentucky	14,531	7,350	21,881	346
Louisiana	16	8	24	4
Maryland	468	279	747	26
Mississippi	9	4	13	2
Missouri	70	60	130	8
Montana	83	77	160	4
New Mexico	88	36	124	3
North Dakota	532	127	659	6
Ohio	2,279	1,156	3,435	218
Oklahoma	346	213	559	1
Pennsylvania	10,288	6,397	16,685	288
Texas	267	133	400	1
Utah	200	117	317	3
Virginia	2,782	1,828	4,610	76
West Virginia	13,881	8,321	22,202	269
Wyoming	245	139	384	10
Total	48,525	30,228	78,753	1,469

3. Federal Programs

Federal Programs regulate coal mining in States without approved regulatory programs. These Programs promote responsible coal extraction using technology to minimize the impact of operations on people, structures, and the environment.

The permit review process in federally administered programs consists of review of the permit application package for administrative completeness and technical adequacy, preparation of findings and supporting documentation, and conducting an environmental analysis. Review

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timeframes vary depending on the complexity of a permit application, the size of the mine, and the response times of applicants submitting additional information required to process the permit application.

Tennessee is the largest Federal program in terms of the number of permits. The two mines in the state of Washington are not currently producing coal, although they may resume production in the future. Programs also are in place for Arizona, California, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, and South Dakota. The following bullets highlight key characteristics of two of the largest Federal programs, Tennessee and Washington:

- Tennessee: There are 21 active coal producing sites, 22 active non-producing sites, (tipples, preparation plants, etc.), 126 mine sites that are inactive, (either in temporary cessation or undergoing reclamation activities), and 182 abandoned sites in Tennessee. Coal production has stabilized in recent years at approximately 3 million tons annually. OSM has discussed with the State the possible return of the primacy program on numerous occasions over the years, but little interest is shown in assuming the program.
- Washington: There are two surface coal mines regulated under the Washington Federal Program. The Centralia Mine produced coal for the adjacent Centralia Power Plant beginning in 1971 until November 2006 when the parent company, Trans Alta Corporation halted mining because of high costs to recover the remaining coal. The company has secured a long-term contract for coal from Wyoming. OSM is working with the company to revise reclamation plans and schedules so that all reclamation will be accomplished as soon as possible.

The Pacific Coast Coal Company’s mine near the City of Black Diamond covers 480 acres. From 1986 through 1999, production reached 300,000 tons per year. The mine is in temporary cessation and has not mined coal for ten years. OSM’s order for PCC to begin reclamation January 4, 2010, was upheld by the Office of Hearings and Appeals in a decision issued October 29, 2009.

Table 4 provides inspection and enforcement data for Federal program States during FY 2009.

Table 4 – FY 2009 Federal Program States Inspection / Violation Data					
STATE	INSPECTIONS			NOV'S	FTA CO'S
	COMPLETE	PARTIAL	TOTAL	VIOLATIONS	VIOLATIONS
Tennessee	552	1,004	1,556	69	0
Washington	8	20	28	4	0
TOTALS	560	1,024	1,584	73	0

4. Federal Lands Program

OSM regulates activities on Federal lands in States without cooperative agreements, implements cooperative agreements with primacy States to regulate coal mining on Federal lands within their borders, prepares mining plan decision documents under the Mineral Leasing Act, and processes valid existing rights claims that involve certain Federal Lands with the \$1.5 million requested for this activity. As part of this program activity, OSM consults and coordinates with State Historic Preservation Offices, the U.S. Fish and Wildlife Service (FWS), Bureau of Land Management (BLM), U.S. Forest Service (USFS), National Park Service (NPS), the Environmental Protection Agency (EPA) and the Army Corp of Engineers (COE). Processing of mining plan decision documents constitutes the largest part of the workload under this program activity.

Table 5 provides projected mining plan decision document workload data.

Table 5 – Mining Plan Decision Document Workload on Leased Federal Coal, by Fiscal Year		
Mining Plans and Modifications to Existing Mining Plans		
Activity	FY 2009 Actual	FY 2010 Projected
In progress prior FY	7	6
Anticipated current FY	5	18
Total FY Workload	12	24
Completed in FY	6	16
Balance, end of FY	6	8

Under this program activity, OSM also provides support to BLM and USFS in leasing activities that involve Federal coal resources. OSM’s participation in NEPA compliance analyses prepared at the leasing stage ensures the consideration of OSM permitting or mine plan approval concerns. This cooperative effort saves mining companies valuable time in the leasing and mine plan approval process; it also may result in improved resource recovery. In addition, satisfactory evaluation of the environmental impacts of coal mining in the proposed lease area at the time of leasing can reduce the likelihood of the need for a subsequent Environmental Assessment (EA) or Environmental Impact Statement (EIS) for mining plan approval under SMCRA.

5. Indian Lands Program

OSM is responsible for coal mining and reclamation activities on Indian lands. The Indian lands program includes permit application review, determination of performance bond amounts, inspection and enforcement, bond release, and maintaining a staff to coordinate with the individual Tribes and other Federal agencies, as necessary. The proposed budget provides \$2.4 million to fund the activities to promote responsible mineral extraction on Indian lands to meet the Nation’s energy needs.

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The Crow, Hopi and Ute Mountain Ute Tribes, and the Navajo Nation have coal-mining activities on their lands. The McKinley Mine and the Navajo Mine are large surface mines on lands within the Navajo Nation. The Black Mesa Complex, which includes the Black Mesa and Kayenta mining operations, involves Navajo coal beneath Navajo surface, and coal jointly owned by the Navajo Nation and the Hopi Tribe – most of which is beneath Navajo surface and some of which is beneath Hopi surface. Two surface mines in Montana mine coal owned by the Crow Tribe, one of which operates within the boundaries of the Crow Reservation. At a mine in New Mexico, the only involvement of Indian lands is where a haul road crossed the Ute Mountain Ute Reservation. The haul road is now reclaimed and is currently under the period of extended responsibility for successful revegetation. The Crow, Northern Cheyenne and Hopi Tribes, and the Navajo Nation are evaluating coal properties for future development. The Indian lands mines are among the largest in the United States, with a total of about 101,500 acres regulated by OSM.

OSM coordinates closely with Indian Tribes through the regulatory process. The Federal trust responsibility is a legal obligation under which the United States has charged itself with moral obligations of the highest responsibility and trust toward Indian Tribes. OSM ensures that the lands and trust resources of Federally-recognized Tribes and their members are identified, conserved, and protected. In fulfilling these responsibilities, OSM operates within a government-to-government relationship with Indian Tribes. To aid in meeting trust responsibilities, OSM, BIA, BLM and MMS sponsor a continuing Indian Trust Responsibilities and Federal Obligations training program.

Table 6 – FY 2009 Indian Lands Inspection Data				
TRIBE	INSPECTIONS			NOV'S
	COMPLETE	PARTIAL	TOTAL	VIOLATIONS
Crow Tribe	5	8	13	0
Hopi Tribe	2	1	3	0
Navajo Nation	56	31	87	91
Ute Tribe	4	7	11	0
TOTALS	67	47	114	91

Table 7 – Permit and Permit Revision Workload where OSM is the Regulatory Authority, by Fiscal Year				
Activity	Federal Programs		Indian Lands	
	FY 2009 Actual	FY 2010 Projected	FY 2009 Actual	FY 2010 Projected
In progress previous FY	74	69	52	47
Anticipated current FY	165	120	74	65
Total FY workload	239	189	126	112
Completed in FY	170	140	79	60
Balance, end of FY	69	49	47	52

6. Program Development and Maintenance

Work elements under this program are primarily related to policy actions, such as rulemaking, grants management and special studies that support the other program activities in the environmental protection business line.

a. Rulemaking

OSM issues Federal rules and prepares the associated information collection clearance packages. Functions under this program activity include rule development and preparation of environmental assessments, environmental impact statements, records of compliance, and economic analyses for all rules prepared by OSM. OSM also maintains the administrative record for rules and coordinates rule publication with the Office of the Federal Register.

OSM Rulemaking Initiatives: Before developing a formal proposed rule, OSM involves interested parties. Stakeholder participation results in improved regulatory proposals. On June 11, 2009, the U.S. Department of the Interior entered into a Memorandum of Understanding (MOU) with the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency to reduce the harmful environmental impacts of mountain-top mining in six states in central Appalachia. As part of this collaborative effort, OSM published an Advanced Notice of Proposed Rulemaking to seek public input on revisions to current stream protection rules. OSM is committed to evaluating its Stream Protection Rules and proposing changes as necessary. OSM will also review several other topics for potential rulemaking such as temporary cessation, bond release incentives, and contemporaneous reclamation/annual monitoring reports during FY 2010 and 2011.

Rulemaking Associated with State Programs: OSM assists States with development, administration, implementation, and maintenance of their approved regulatory programs. Decisions affecting State programs are Federal rulemaking actions. OSM evaluates State-initiated program changes (statutory, regulatory, or changes in the program’s provisions, scope, or objectives), as well as OSM required modifications that are a result of legal interpretations or changes to SMCRA and Federal Regulations. In its evaluation, OSM solicits public comments through proposed rules published in the Federal Register, holds public meetings, maintains the administrative record, approves or does not approve proposed State program amendments, and publishes the decisions as final rules in the Federal Register. During FY 2009, OSM completed activity on 18 State programs amendments as shown in Table 8.

States may be required to amend their programs as a result of changes to SMCRA and Federal regulations. Under the authority of section 521(b) of SMCRA, OSM recommends withdrawal, in whole or in part, of an approved State program if it finds--after conducting hearings, establishing remedial actions, monitoring compliance, evaluating performance, and implementing the rulemakings associated with such withdrawal--that a State is failing to enforce its approved program. Under section 521(b), OSM also responds to third-party requests to evaluate a State’s program.

When a State program amendment is required, OSM notifies the State of the required change and reviews the State submission and either approves or disapproves the proposed change. This activity represents a significant workload for OSM staff.

During FY 2009, the State Program Amendment activity was identified as follows:

Table 8 – FY 2009 State Program Amendment Activity				
<i>Number of Amendments</i>				
Amendment Type	Pending Oct. 1, 2008	Received FY 2009	Completed FY 2009	Pending Sept. 30, 2009
Pre-Submission Assistance	3	2	4	1
Formal	13	14	14	13
Total	16	16	18	14

b. Grants Management

OSM supports and participates in the Administration's E-Government initiative, and Health and Human Services' government-wide electronic grants application system (Grants.gov), and the Department of the Interior's (DOI) grants simplification efforts based on Public Law 106-107. OSM is currently using DOI's Financial and Business Management System (FBMS) financial assistance module for internal processing of all grant and cooperative agreement transactions. Recipients have been provided training in Grants.gov and FBMS, and will receive further training and assistance in using the system to expedite their applications and reports. OSM and the State/Tribal grantees cooperate to maximize the use of available funding and operate an effective program. This cooperative working relationship contributes to a streamlined application and awards process, faster obligation of Federal funds, innovative program monitoring, less paperwork, and intensive reporting and close-out of grants.

c. Special Projects

OSM special projects include interpretation of SMCRA, reports to Congress, legislative analyses, and assistance in response to litigation. OSM also conducts studies and analyses in response to Departmental initiatives and coordinates with other DOI bureaus and Federal agencies, including the Fish and Wildlife Service (Endangered Species Act), Advisory Council on Historic Preservation (National Historic Preservation Act), EPA (Clean Water Act, Resource Conservation and Recovery Act, and others), Army Corps of Engineers (Section 404 permits), and Mine Safety and Health Administration, and the Small Business Administration (Small Business Regulatory Enforcement Fairness Act) all of whose activities can affect the surface coal mining regulatory program.

2010 PLANNED PROGRAM PERFORMANCE

In 2010, the planned activities in the Environmental Protection program activity include:

- Increase the number of OSM field inspections nation-wide as part of enhanced enforcement oversight.
- Continue to assist Tribes in development of Tribal programs and review and make timely decisions on Tribal program submissions.
- Review State compliance with national priority topic review requirements, such as approximate original contour and bonding calculations.
- Achieve the performance measures as shown on the next page.

2009 PROGRAM PERFORMANCE ACCOMPLISHMENTS

In 2009, the major accomplishments in the Environmental Protection program activity included:

- States performed 30,228 complete mine inspections and 48,525 partial inspections to ensure coal mines are operated safely and in accordance with environmental laws.
- Formed new partnerships among community groups, both state and federal agencies and industry; spreading commitment and adding new sources of support, enabling an expanded agenda for community improvement.
- Developed action plans to implement the MOU.
- Achieved performance for measures identified on next page.

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ENVIRONMENTAL PROTECTION

Program Performance Overview												
End Outcome Goal 2.1: Resource Use – Manage or Influence Resource Use to Enhance Public Benefit, Responsible Development, and Economic Value												
End Outcome Measure / Intermediate or PART Measure / PART Efficiency or other Outcome Measure	Type	2004 Actual	2005 Actual	2006 Actual	2007 Actual	2008 Actual	2009 Plan	2009 Actual	2010 Plan	2011 Plan	Change from 2010 Plan to 2011	Long-term target 2012
Percent of active coal mining sites that are free of off-site impacts. (SP) (PART)	C	93% (6,364 of 6,872 sites)	89% (7,436 of 8,335 sites)	92% (7,454 of 8,142 sites)	90.2% (7,103 of 7,877 sites)	88% (6,864 of 7,784 sites)	93% (7,122 of 7,658 sites)	88% (6,879 of 7,845 sites)	88% (6,800 of 7,716 sites)	88% (6,789 of 7,672 sites)	0%	89% (6,752 of 7,627 sites)
Total Actual/Projected Costs (\$000)		\$105,813	\$118,487	\$113,684	\$99,689	\$111,388	\$120,169	\$108,119	\$110,000	\$110,000	\$0	\$110,000
Actual/Projected Cost per Inspectable Unit (in dollars)		\$15,398	\$14,216	\$13,963	\$12,656	\$14,310	\$15,692	\$13,792	\$14,256	\$14,338	-\$82	\$14,422
Comments	FY 2009 performance was below the target at 88 percent, and remained the same as last year. This measure covers the mining activities in states and on tribal lands. Of 31 units, 16 exceeded the target of 93 percent, while 15 were below target. A new goal of 88 percent was adopted for FY 2010 based on more detailed input on targets from OSM field staff. Costs are projected to remain constant in out-years.											
Percent of mined acreage reclaimed). (SP) (PART)	F	UNK	48% (1,535,201 of 3,225,161 acres)	48% (1,534,301 of 3,225,261 acres)	53.4% (1,928,521 of 3,609,121 acres)	83% (2,044,886 of 2,467,139 acres)	75% (1,578,233 of 2,105,752 acres)	89% (2,165,011 of 2,435,110 acres)	75% (1,578,233 of 2,105,752 acres)	75% (1,578,233 of 2,105,752 acres)	0%	75% (1,578,233 of 2,105,752 acres)
Total Actual/Projected Costs (\$000)		UNK	\$118,487	\$113,684	\$99,689	\$111,388	\$120,169	\$108,119	\$110,000	\$110,000	\$0	\$110,000
Actual/Projected Cost per Inspectable Unit (in dollars)		UNK	\$77	\$74	\$52	\$54	\$76	\$50	\$70	\$70	\$0	\$70
Comments	Upon completion of each phase of mining, the “mined” acreage must meet certain reclamation standards. Prior to 2007, reclaimed acreage under all phases was reported as one total. The FY 2009 actual of 89% exceeded the FY2009 target of 75%. The increase can be attributed to, in part, three years of experience with revised data on bonded and reclaimed acreage. The data is also reported electronically to allow for ready use as a management tool. For example, a state adopted the use of the performance measure to evaluate contemporaneous reclamation. A review of three active mines in that state was conducted to review the rate of mine reclamation compared to disturbance at the site. In one case, there was an indication that mining and reclamation was not occurring at similar rates (mining was increasing faster than reclamation). Subsequent review lead to submission of new reclamation plans to address the backlog of lands needing reclamation. This action resulted in increased acreage released from the bond, increasing the acreage reclaimed.											

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Program Performance Overview												
End Outcome Goal 2.1: Resource Use – Manage or Influence Resource Use to Enhance Public Benefit, Responsible Development, and Economic Value												
End Outcome Measure / Intermediate or PART Measure / PART Efficiency or other Outcome Measure	Type	2004 Actual	2005 Actual	2006 Actual	2007 Actual	2008 Actual	2009 Plan	2009 Actual	2010 Plan	2011 Plan	Change from 2010 Plan to 2011	Long-term target 2012
Number of acres where reclamation goals are achieved as evidenced by release from Phase III Performance Bonds. (PART)	C	49,054	53,353	49,796	51,105	48,828	50,000	38,312	45,000	45,000	0	45,000
Number of acres released from Phase I & II Performance Bonds. (PART)	C	90,040	88,869	89,894	110,198	89,047	80,000	93,875	80,000	80,000	0	80,000
Provide appropriate grant funding within 60 days of a complete grant application for regulatory grants (PART-EFFICIENCY)	A E	UNK	UNK	100%	90%	100%	90%	100%	93%	96%	+3%	96%
Comments	This measure was established in FY 2007. OSM revised targets reflect trend data.											
Completion of the technical review of Federal/Indian Land permit actions within 90 days (PART-EFFICIENCY)	A E	UNK	UNK	96%	97%	90%	80%	87%	81%	81%	0%	81%
Comments	This measure was established in FY 2007. Measure will continue to be reviewed and targets adjusted.											
Target Codes: SP = Key Strategic Plan measure; PART = Program Assessment Rating Tool measure; BUR = Bureau specific measure; UNK = Prior year data unavailable; Type Codes: C=Cumulative; A=Annual; F=Future; E= Efficiency												

TECHNOLOGY DEVELOPMENT AND TRANSFER

(Dollars in Thousands)

		2009 Actual	2010 Enacted	2011			Change from 2010 (+/-)
				DOI-wide Changes (+/-)	Program Changes (+/-)	Budget Request	
Regulation & Technology	\$\$\$	15,386	15,663	-223	0	15,440	-223
	FTE	90	91	0	0	91	0
Abandoned Mine Land	\$\$\$	3,970	4,032	-80	0	3,952	-80
	FTE	20	20	0	0	20	0
TOTAL	\$\$\$	19,356	19,695	-303	0	19,392	-303
	FTE	110	111	0	0	111	0

Department-wide Changes include reductions of \$ 258,000 for travel and \$45,000 for acquisition (strategic sourcing). In addition, fixed costs increases for 111 FTE are absorbed. See the discussion in the General Statement for details of these reductions and absorption of fixed costs.

Overview

The Technology Development and Transfer (TDT) business line (program activity) provides resources for technical assistance, training, technology development and technology transfer program sub-activities. This program activity supports and enhances the technical skills that States and Tribes need to operate their regulatory and reclamation programs in order to effectively implement SMCRA. Adjustments may be necessary during FY 2010 and 2011 in order to focus resources on regulatory program activities as OSM completes evaluations on regulatory activities and rulemakings, and related implementation plans under the June 2009 MOU.

Through support of OSM's restoration and protection goals, TDT funds implement effective partnerships with OSM's stakeholders. TDT is a nation-wide program that provides resources to States and Tribes that meet their specific technical and training needs in carrying out the requirements of the SMCRA.

In 2010 and 2011, OSM will continue to promote, to the extent possible, the use of Technical Innovation and Professional Services (TIPS) in technical decision-making processes related to SMCRA; address the remediation of acid mine drainage through participation in the Acid Drainage Technology Initiative; finalize changes and provide training and technical assistance to meet identified needs of States and Tribes. Also, OSM's technology transfer program will

continue its support for electronic permitting and mobile computing efforts, by sponsoring interactive technical forums and related workshops. In addition, OSM will continue to provide regional technical service, libraries, and more efficient access to COALEX (a computer-assisted library search service).

Operational Process (Program Activities): The Technology Development and Transfer program activities enhance the technical skills that States and Tribes need to operate their regulatory and reclamation programs in order to more effectively implement SMCRA. These program activities are an integral part of accomplishing Environmental Restoration and Environmental Protection to achieve OSM's goals and outcomes.

OSM provides technical training to OSM staff, and States and Tribes on a variety of topics. New technologies, changes in regulations, and staff turnover necessitate the need for continued technical training. To solve problems related to the environmental effects of coal mining, OSM provides multidisciplinary technical assistance and works with industry, States, Tribes and the public on technical issues arising from new regulations. Other technical assistance efforts include the TIPS, the Applicant Violator System (AVS), and Electronic Permitting (EP). OSM also established an intergovernmental team, the National Technology Transfer Team (NTTT) to provide direction, communication and coordination of efforts related to technology transfer and development. This team is a permanent entity and will continue throughout FY 2010 and FY 2011. Technology transfer is a major part of OSM's cooperative effort with States and Tribes.

***TECHNOLOGY DEVELOPMENT & TRANSFER
ENCOMPASSES:***

Technology Development

Technology Transfer

Technical Training

Technical Innovation and Professional Services (TIPS)

Applicant Violator System (AVS)

The outcome of TDT program performance is ultimately measured by the success of the Surface Mining program in carrying out the environmental restoration and protection missions. In addition, performance for the business line is measured through the number of staff technically trained (including knowledge and skills taught and applied), the utilization of automated technologies (such as TIPS), and the quality and timeliness of technical assistance provided by OSM, determined via evaluations and customer service surveys.

Actions Required to Achieve Annual Goals: In FY 2011, OSM plans continued improvements in this business line. As responses are received from the customer surveys, the activities within the business lines will be evaluated to identify any needed improvements or changes. Also, the National Technical Training Program (NTTP), TIPS, the National Mine Map Repository (NMMR), and AVS will increase access to users by continuing to provide material via the

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Internet and supporting the Administration's E-Government initiative. In addition, the NTTT will continue to work with the Regional Technology Transfer Teams to provide direction, communication, and coordination efforts related to technical issues and studies.

Resources, Skills, and Technology Needed: An ongoing goal for FY 2011 is to continue ensuring States, Tribes, and OSM have the best available technical data and information needed to make good science-based decisions regarding mining plans, reclamation project design, permit reviews, and acid mine drainage remediation and prevention. To successfully implement the surface mining regulatory and reclamation programs, OSM, as well as the States and Tribes, must maintain multi-disciplinary staffs that are fully competent in addressing a wide variety of technical issues that impact these programs.

The total FY 2010 request for this business line is \$19.4 million. The request includes \$12.6 million for Technical Assistance (including the Applicant Violator System support); \$3.4 million for Technical Training; and \$3.4 million for Technology Transfer efforts to meet the annual goals set forth above.

Included in the FY 2011 request for the Technology Transfer program activity is almost \$200,000 for the Acid Drainage Technology Initiative (ADTI), an ongoing effort of OSM, State and other Federal agencies, academia, and industry. The objectives of the ADTI are to compile, assess, and document the "best-science" technology solutions to acid mine drainage (AMD) reclamation problems as well as to refine the most effective methods for accurate AMD prediction.

The following section details, by program activity, the funding and FTE resources required to meet our customer satisfaction performance measures. It also includes examples of the types of technical training, assistance efforts, and transfer provided by this business line.

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**Table 9 – Justification of Program and Performance
Technology Development and Transfer**
Summary Increases/Decreases for FY 2011
(Dollars in Thousands)

Program Activity		Regulation & Technology			Abandoned Mine Lands			Total			Inc/Dec (+/-)
		2009 Actual	2010 Enacted	2011 Request	2009 Actual	2010 Enacted	2011 Request	2009 Actual	2010 Enacted	2011 Request	
Technical Assistance	\$\$\$	10,918	11,069	11,012	1,599	1,632	1,603	12,517	12,701	12,615	-86
	FTE	48	49	49	10	10	10	58	59	59	0
Technical Training	\$\$\$	2,686	2,753	2,592	844	861	812	3,530	3,614	3,404	-210
	FTE	22	22	22	6	6	6	28	28	28	0
Technology Transfer	\$\$\$	1,782	1,841	1,836	1,527	1,539	1,537	3,309	3,380	3,373	-7
	FTE	20	20	20	4	4	4	24	24	24	0
TOTAL	\$\$\$	15,386	15,663	15,440	3,970	4,032	3,952	19,356	19,695	19,392	-303
	FTE	90	91	91	20	20	20	110	111	111	0

2011 PROGRAM PERFORMANCE ESTIMATES

The following program activities support OSM's goal to strengthen the capabilities of the States, Tribes, and OSM staff to implement SMCRA effectively through quality technical and scientific information, expertise, and training. Skill and knowledge enhancement is critical to the continued success of the Surface Mining program. In addition, OSM will provide opportunities to students and interns, either directly or through cooperative agreements with others, under various activities described in this section in support of the Secretarial Initiative.

OSM's stakeholders (States, Tribes, public and industry) continue to express support for Technology Development and Transfer efforts and encourage OSM to provide the types of technical support needed to effectively and efficiently meet SMCRA, the National Environmental Policy Act, and other environmental and safety laws. Cost-effective compliance will help industry remain competitive with other energy sources. Helping the States, Tribes and industry achieve up-front compliance will reduce the need for additional regulatory resources. The TDT program area described in the following pages represents those activities where OSM staff provide direct technical support and ongoing efforts in other business lines. Many activities not yet conducted in FY 2010 will identify the needs for activities in FY 2011. In addition, adjustments in activities may be necessary during FY 2010 and 2011 in order to focus resources on regulatory program activities as OSM completes evaluations on regulatory activities and rulemakings, and related implementation plans under the June 2009 MOU. Therefore, the discussions are representative of the types of activities that will be conducted in the future.

1. Technical Assistance

This program activity provides assistance to State regulatory and reclamation staff, and to OSM staff that review and monitor State programs, develop rules or policy, litigate SMCRA challenges or enforcement actions, or maintain other technical support infrastructure such as TIPS, AVS, and technical training programs. Technical activities such as permit review, citizen complaint evaluation, and cumulative hydrologic impact assessment take place where OSM is the regulatory authority.

Technical assistance is provided for AML project design and monitoring where OSM is responsible for AML emergency and priority projects. These types of endeavors are integral parts of the Environmental Protection and Restoration business lines and are not included in the TDT program activity.

Customer surveys are used to document the responsiveness of OSM's technical assistance to its customers in a timely and professional manner. By meeting the technical assistance needs, OSM can help effectively achieve OSM's Environmental Restoration and Environmental Protection mission goals.

a. Technical Policy Assistance

OSM specialists provide technical assistance to State and OSM regulatory and reclamation policy staff. The areas of assistance include rulemaking; citizen complaint investigations

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regarding offsite impacts relating to mining; guideline development; State program amendments; State mining permit evaluation; AML problem evaluation; blasting policy; prime farmland reclamation; soil substitution, coal combustion by-product placement; reclamation bonding sufficiency and bond release; threatened and endangered species; land unsuitability determinations; participation as technical experts on interagency committees; Acid mine drainage (AMD) prevention and remediation; Acid and Toxic Forming materials handling; stream and underground mine flooding; mountaintop mining and valley fills; permit findings; remining; impoundment stability; subsidence caused by underground mining; and assistance in fostering tribal primacy by helping tribes develop technical capabilities.

Examples of activities for FY 2010-2011 include:

Underground Mine Mapping: OSM and the States have continued to inventory AML features over the past years using the best available information and technologies for assessing risks associated with AML. The inventory includes information about the location, size and type of AML feature and the priority for reclamation under the SMCRA AML program. Detailed mine maps are necessary in order to adequately evaluate the threat posed by these mines to the public, infrastructure and the environment. OSM will continue to work with the States in setting priorities for mapping activities in FY 2010 and 2011.

Blasting: In FY 2009 OSM began development of a national certified blaster tracking system in coordination with the Interstate Mining Compact Commission. The tracking system was developed as a prototype during 2009 in coordination with the Interstate Mining Compact Commission states and the initial version was finalized in early 2010 to provide the status of certified individuals authorized to handle and detonate explosives on coal mines. The tracking system will help States and OSM regulatory authorities internally track certified blasters, facilitate reciprocity of certifications between States and OSM, and address blasters who have performance issues. OSM also developed a national blaster certification question pool in 2009 as a resource to develop certification tests. This question pool is intended to be dynamic through 2011 and beyond as additional questions are developed so that certification tests are regularly changed.

Designating Areas Unsuitable for Surface Coal Mining: Section 522 of SMCRA establishes a process by which the public may petition the regulatory authority to limit or prohibit all or certain types of surface coal mining operations on non-Federal lands to protect certain features or environmental values. OSM receives and processes these petitions for all lands for which it is the regulatory authority. The decision-making process includes preparation of an environmental impact statement and a takings implication assessment.

OSM also is responsible for making valid existing rights (VER) determinations under section 522 (e) for all Federal lands and all lands for which OSM is the regulatory authority. Section 522 (e) prohibits or limits surface coal mining operating within certain areas, subject to valid existing rights.

Both unsuitability determinations and VER determinations require substantial technical and programmatic resources. They also involve litigation support if a takings claim is subsequently filed against the Federal Government.

Acid Mine Drainage: Surface and underground coal mining activities expose iron sulfide minerals in rock to weathering. The interaction of these rocks/minerals with air and water can result in AMD, which is the number one water quality problem in Appalachia and to a lesser, but still serious, extent in other coal and hard rock mining regions. OSM technical staff resources are focused on advancing and applying the best science to remediate AMD from abandoned pre-SMCRA mines and to prevent active mines from contributing additional new sources of AMD. OSM, in cooperation with the U.S. Geological Survey, is enhancing AMDTreat, the AMD treatment cost modeling program. The enhancement will bring improved modeling of alkaline waters and more accurate estimation of sludge volumes, a significant cost component of AMD abatement.

During FY 2010 and FY 2011, OSM will continue to participate in the Acid Drainage Technology Initiative (ADTI), a collaborative effort among federal agencies, industry, the States, academia, and the National Mine Land Reclamation Center to promote communication and technology enhancement in the field of AMD. One current project is a comprehensive review of passive treatment technology literature for coal mine drainage. Passive treatment now includes a collection of anaerobic, aerobic, microbiological and limestone based techniques. These technologies have been applied to hundreds of coal mine discharges with a wide range of chemical composition and flow, sometimes with mixed results. The goal of the review is to provide a current analysis of coal mine drainage design criteria and expected performance.

b. Site-Specific Technical Assistance

OSM specialists assist in the technical aspects of compliance monitoring (including inspection and enforcement assistance), experimental practice reviews, reclamation cost estimate calculation, bond release application reviews, bond approval reviews, bond forfeiture reclamation designs, land unsuitability determinations, surveying, revegetation, geologic sampling, AML designs, subsidence and AMD abatement, and any technical assistance on citizen complaints and ten-day notices. Following are two examples of the types of assistance provided to States and Tribes.

Coal Slurry Impoundment Study. Engineers and geologists from the OSM and West Virginia Department of Environmental Protection are jointly conducting an evaluation of coal slurry impoundments at high risk for basin breakthrough into adjacent underground mine workings. Coal slurry is the viscous residue from the coal cleaning process that is generally disposed of in impoundments. These impoundments hold billions of gallons of slurry; one studied impoundment has an estimated 6.8 billion gallon storage capacity. The team conducted geotechnical investigations of 15 high-risk impoundments to determine if an adequate barrier exists between the impoundment and adjacent or underlying mine voids. In the steep slope terrain prevalent in West Virginia, constructing and maintaining safe stable impoundments is made more complicated by the potential for underground mines to be proximate to the impoundment. An inadequate barrier between the mine voids can lead to slurry break through

and catastrophic failure of the impoundment. Failure poses the risk of loss of human life and environmental devastation. The investigation results are expected in 2010.

Bond Approval and Administration: To ensure that bonds are sufficient to reclaim forfeited sites on lands OSM has or shares regulatory authority responsibilities, OSM calculates bond amounts using engineering and science-based reclamation cost estimates. OSM announced in 2010 that bonding would be a national oversight topic. OSM engineers will assist field staff conduct independent cost estimates to determine if states with full-cost bonding are establishing adequate bond amounts to ensure fulfillment of the reclamation plan. States with alternative bonding systems will be evaluated to see if the bonding funds were adequate to complete reclamation plans at bond forfeiture sites.

c. National Mine Map Repository (NMMR)

OSM maintains the NMMR authorized under the former Bureau of Mines and subsequently transferred to OSM in the mid-1980's. This repository, located in OSM's Appalachian Regional Office in Pittsburgh, Pennsylvania, with a satellite repository for Anthracite coal mines of eastern Pennsylvania in Wilkes-Barre, Pennsylvania, maintains the only national inventory of maps of more than 300,000 abandoned coal and non-coal underground mines throughout the United States. These maps, and the associated information, are used to fulfill customer requests for unique information that can range from rare maps for small uncommon projects to a national collection for assisting in large interstate projects that depend on knowing the location of abandoned underground mine workings to minimize the possibility of damage to existing and developing homes, business, and infrastructure. OSM customers include State regulatory and reclamation staff, local government agencies, developers, engineering and mining companies, architects, universities, law firms, environmental consultants, pollution control boards, realtors, law-enforcement agencies, historical societies, and homeowners. Some of the costs for this program are paid out of offsetting receipts from the sale of maps.

NMMR staff are involved in several important initiatives to improve mine map acquisition, archiving, and availability. These initiatives include OSM and the State-sponsored regional workshops focusing on digital imaging, processing and the presentation of map images. In addition, the NMMR map index, improved in 2009, is now searchable by the public on the Internet. The increased awareness of the value of historical mine maps has resulted in a large influx of new maps to the NMMR collection from public and private sources.

d. Permitting

Coal Mine GIS: No national geospatial database for coal mining permit boundaries and related data currently exists. OSM's TIPS program has developed a prototype interactive web-enabled geospatial database called GeoMine. This concept project will assist OSM and its SMCRA partners to understand potential uses and the value of having critical yet easily accessible geospatial information available, such as underground coal mine works, locations and boundaries of coal producing mines and sources; mine operator and operating status; coal slurry impoundments; acres of reclaimed land, etc. Plans for this project will be considered over the coming years, but are not currently in place; they require many resources not currently available.

Tennessee Electronic Permitting: The Knoxville Field Office (KFO) serves as a leader in promoting new technology in implementing SMCRA by creating the first federal electronic permitting process. The Electronic Permit Application Control Solution (EPACS) encompasses all of the permitting aspects of the Tennessee SMCRA application. EPACS consists of two major components, the client tool that allows the applicant to electronically prepare and transmit the application; and the internal tracking tool that allows management and staff to track and review the application. During FY 2010, the KFO completed several items to facilitate the release of EPACS. KFO distributed the client software application to the Tennessee coal mine industry during an industry meeting. Training on the EPACS client tool was performed throughout FY 2010 with a commitment for further training and troubleshooting throughout FY 2010. Future efforts will center on developing software tools to enhance review and facilitate submission of application material. KFO presented EPACS at the Interstate Mining Compact Commission (IMCC) Benchmarking Workshop on E-Permitting and Mobile Computing meeting that was held early in FY 2010.

e. Technical Innovation and Professional Services (TIPS)

The goal of TIPS is to provide State, Tribal, and OSM personnel with a comprehensive set of analytical tools to aid in technical decision-making processes related to the SMCRA. The services provided are centered around off-the-shelf scientific and engineering computer hardware and software supported by OSM in partnership with the states and tribes. This technical assistance has grown from a few applications available on a single specially designed shared workstation, to a suite of software on each user's desktop computer.

TIPS is a national program that continues to research emerging technologies and their application to SMCRA. One method is by acquiring limited quantities of technological tools such as GPS-based mobile computing devices, placing them into the states, tribes, and OSM offices for testing, and supporting the use of those that are successful through information and training throughout the country. With TIPS support, additional offices may elect to choose these new technologies, at their own cost, to achieve their program goals. TIPS refers to this strategy as "seeding technology" where planting a few seeds of technological resources may lead to an increase in effective solutions relative to SMCRA issues.

Currently, TIPS assistance consists of providing commercial software applications to state, tribal, and OSM offices at considerable cost savings by sharing the commercial licenses for the software via the Internet and OSM Wide Area Network. The 30 commercially available software applications cover a wide range of regulatory and AML subjects. The customer base covers over 100 state, tribal and OSM office locations throughout the country. In support of these software applications and technology tools, TIPS also provides customized training in their SMCRA application. Both instructor-led classroom training and online classes have been developed by TIPS experts nationwide to provide the training needed for tribal, state, and OSM personnel to effectively use these tools in everyday SMCRA reclamation and enforcement.

Examples of OSM TIPS related initiatives include:

CAD: During FY2009, TIPS completed the update of five CAD (Computer Aided Design) courses to accommodate release changes to software. The CAD team, responsible for course instruction, development and tools, evaluated and prepared the latest software distribution for release and continued to evaluate Autodesk's Civil 3D software. FY2010 activities include: development and instruction of two onsite classes, continued development of two new courses, development of one online course, instruction of one pilot course, distribution of 2010 software, and the update of one existing course incorporating a new software release.

Hydrology Success Team: In addition to its standard suite of software training courses available through TIPS, the Team, sponsored training workshops in 2009 for specialized software including The Geochemist's Workbench (GWB), Watershed Modeling System (WMS), and Groundwater Modeling System (GMS). GWB software is a set of interactive software modules for solving problems in aqueous geochemistry, particularly those encountered in environmental protection and mine reclamation. WMS is graphical modeling software for watershed hydrology and hydraulics. GMS software can be successfully employed to create a realistic model of the ground-water systems within mine areas to allow the user to gainfully characterize the potential effects of the mining activities upon those systems. Similar workshops are planned for 2010 and 2011.

National Coal Mining Geospatial Committee: Under the TIPS Program, OSM created the National Coal Mining Geospatial Committee (NCMGC) in late FY 2005 to promote the use of geospatial technology in implementing SMCRA. Committee members represent the geospatial technology interests of the States, tribes, and OSM offices, and include representation from the Interstate Mining Compact Commission, National Association of Abandoned Mine Lands Programs, and the Western Interstate Energy Board.

In FY 2010, the NCMGC will hold an annual planning meeting; continue support to the OSM Management Geospatial Strategic Planning Initiative that is proposing approval of a draft bureau-wide geospatial plan; financially support the work of the Coal Mining Spatial Data Standards ASTM Task Group as it continues its work to establish spatial data standards for selected coal mining features to be shared among SMCRA business partners; provide advanced geospatial training of selected SMCRA Geospatial Data Stewards; and conduct outreach to encourage participation in the use of geospatial technology among SMCRA organizations.

Remote Sensing Program: During FY 2008, TIPS continued to acquire and use high resolution satellite imagery to support on-the-ground SMCRA activities. Remote sensing project activities included a pilot project to determine the best methods for acquisition and delivery of image data, products and services for OSM's regulatory program. Examples of projects underway include: determining which remote image data products and services support virtual inspection; evaluating the feasibility of using high resolution remote sensing technology to develop a habitat assessment protocol for the endangered Indiana bat; using high resolution satellite imagery for quantifying percent of vegetative cover on reclaimed surface mines as a source to estimate successful vegetation cover for bond release requirements. In addition, OSM staff used high resolution satellite imagery along with other geospatial tools to assist in the inventory of

abandoned mine land (AML) sites and identification of areas where there is potential for re-mining over a pilot study area in Virginia. The use of remotely sensed imagery to support on-the-ground SMCRA activities will continue in FY 2010 and 2011.

Mobile Computing Program: OSM TIPS continues to provide support to state programs newly-adopting e-permitting and mobile inspection technologies. During FY 2009, OSM conducted mobile computing and on-site mobile (ArcPad and TerraSync) computing on-the-job training nationwide. Five Trimble ProXRT units, along with Omnistar subscription were purchased to provide sub-decimeter accuracy GPS data for SMCRA customers. A number of additional GPS/mobile computing equipments were purchased and distributed to appropriate states and OSM offices for training and on-going/future technical support. For FY2010 and 2011, TIPS mobile computing activities will provide: Mobile computing related trainings and workshops, GPS processing software through Internet check-out; new technology, including GPS equipment, ruggedized field computers, and field GIS software; and high-accuracy GPS for GIS data collection systems on a check-out basis nationwide.

f. Reclamation Support Activities

Enhanced Contemporaneous Reclamation Evaluation: At mines where OSM has regulatory authority, Inspectors from OSM with assistance from technical specialists, are using GPS units to locate on-site boundaries and input data in the field, as the areas are being reclaimed. The field data (slopes, topsoil depths, etc) are subsequently downloaded into a GIS under development for each mine.

g. Applicant/Violator System (AVS)

The AVS is a National information database OSM maintains to support many types of research and program efforts, but primarily it supports permit eligibility determinations under section 510(c) of SMCRA. As part of the permit review process, State and Federal regulatory authorities use the information contained in the AVS to evaluate an applicant's mining and violation history in order to determine the applicant's eligibility to engage in surface coal mining operations.

During fiscal year 2009, the AVS Office processed 3,496 requests for data evaluations from State and Federal regulatory authorities and state abandoned mine land program officials to assist the regulators with spotting permit eligibility problems. OSM also collected or settled payments of Federal civil penalties and reclamation fees in the amount of \$1,778,137 from entities trying to remedy violation information contained in the AVS. These activities will continue through FY 2010.

In addition to its primary mission, the AVS Office completed several major accomplishments. The AVS Office continues to implement system improvements based on user feedback, and OSM will continue to work with system users to identify and implement improvements during FY 2010.

Also, AVS Office staff worked in conjunction with OSM field offices in review of state regulations to determine which states are applying its ownership and control; transfer, assignment or sale of permit rights regulations in a manner that is no less effective than the revised Federal regulations which have been in effect since January 2, 2008. AVS liaisons were assigned as a point of contact to provide support to each Region by identifying the parts, sections, and provisions affected by the sometimes overlapping changes adopted in the rule. The liaisons also provided interpretation of the intent of provisions and their effects on other regulations.

AVS Office staff provides services to customers, including the coal industry, citizens groups, and other Federal agencies. Some of the services provided include: technical assistance in interpreting data retrieved from the AVS; updating information in the AVS for coal companies that mine in more than one State; providing system training to users; providing investigative assistance to regulatory authorities on complex ownership and control issues.

Customer surveys are used to document the responsiveness of AVS services provided to its customers and OSM received a customer satisfaction rating of 98% during FY 2009, or three percent over its goal of 95% for that year.

2. Technical Training

Technical Training provides OSM, State, and Tribal staff the necessary knowledge and skills to implement the Surface Mining program. This activity supports the Department's Resource Use and Resource Protection goals.

a. National Technical Training Program

OSM established the National Technical Training Program in 1985, recognizing the need for an ongoing educational program to increase the technical competence and professionalism of Federal, State, and Tribal personnel. The program delivers training related to permit approval, bond release, reclamation, and enforcement. The training received serves to update technical expertise and fosters consistent application of standards. Training is provided in each of the disciplines involved in implementation of SMCRA, which include engineering, hydrology, blasting, agronomy, and botany. The program also ensures training is available to enable OSM and State staff to maintain the ability to gather and present information as an expert with the most recent data available. In addition, periodic training is needed to disseminate the latest technological and the other changes in regulatory and associated reclamation activities.

All aspects of the program from identification of needs through course development and presentation are cooperative efforts of State, Tribal, and OSM offices. Of the 28 State and Tribal programs, 21 have fewer than 50 employees and another 4 have fewer than 100 employees. There is an economy of scale achieved by the pooling of State and Federal resources that allows instruction in a wide variety of subjects each year for all State, Tribal, and OSM programs.

Partnering for Results: The National Technical Training Program helps OSM, State, and Tribal personnel contribute to meeting our joint GPRC goals of providing on-the-ground protection during active mining and re-mediation of abandoned mines by enhancing the technical skills of staff and increasing their knowledge of technical subjects related to mining. The most important indicator of this performance is how effective students and their managers believe training courses are in contributing to on-the-job performance. Following are a few comments received on student evaluations from employees and supervisors.

- ✓ Course very informative and in-depth. This course will surely help me on my next AML Project. *AML Reclamation Projects (student)*
- ✓ Very helpful to work with other AML staff from various states to learn new techniques and ideas. *AML Design Workshops: Dangerous Openings (student)*
- ✓ After attending NTTP training, a Supervisor made the following comment about his employee. "He has applied some of what he has learned to his duties as Clean Streams Coordinator for this office." *Applied Engineering Principles (Supervisor)*
- ✓ As situations are encountered, employees have a knowledge base from which to draw to help proceed in the appropriate manner. *Enforcement Procedures (Supervisor)*

Meeting Office Specific Needs of Mining and Reclamation Staff through Special Sessions:

In addition to regularly scheduled FY 2009 courses, NTTP offered a number of special courses including an AML Reclamation Projects course for the state of Montana, and sessions of the Erosion and Sediment Control course, the Excess Spoil Handling and Disposal in Steep-Slope Topography, and the Effective Writing course for the Commonwealth of Kentucky.

In FY 2010, we will hold several special sessions at the request of states including sessions of the Coalfield Communications course for Alaska and for Kentucky, and a Principles of Inspection and an Expert Witness class for West Virginia.

New Course Offerings: Under development is an intensive new course on Field Investigations for field staff with less than a year's experience with SMCRA programs. The course will provide participants with a comprehensive historical perspective on how SMCRA came about and how it is implemented through primacy programs. In addition to historical aspects of SMCRA, students will learn inspection essentials including the fundamentals of soil and water testing, engineering design, blasting, grading, communications and conflict resolutions, erosion and sediment control, mine plan review, legal basics, enforcement procedures, and AML project management basics. This is a two week course and about half the time will be spent on mine sites learning basic inspection and investigation skills. The dry run for the course will be held in February 2010 with the pilot scheduled for September 2010.

In FY 2009, the course development team completed most of their work on the new course Acid-Forming Materials: Soils and Overburden. The dry run for this class will be held in February 2010 and the pilot will be held in June 2010. In addition, revisions were made to several classes including: the AML Reclamation Projects course to include changes due to the reauthorization of

Public Law 95-87 including the historical overview for the course and discussions on how the AML fee is collected and allocated, and the Bonding: Legal and Administrative Aspects course to incorporate regulatory changes.

Revisions are planned for 2010 for several courses: Surface and Groundwater Hydrology, Permitting Hydrology, and NEPA Procedures. Major revisions will be made to the Bonding Workshop: Cost Estimation including revising problems and drawings to incorporate new standard reference materials for cost construction.

Benchmarking, Forums and Workshops: Some training needs are best met in benchmarking (best practice) meetings, forums, and workshops where there are free-flowing discussions of unresolved issues, best practices, and exchanges that promote transfer of new technologies and development of shared solutions. Building on the success of the previous benchmarking sessions and forums, at the beginning of FY 2010 a highly successful workshop on electronic permitting systems and mobile computing technologies was held that featured presentations by three states (Virginia, West Virginia and Kentucky) and the Office of Surface Mining, each of whom have robust E-permitting programs. The workshop featured a general overview of these four programs and a series of presentations on mobile computing technologies that have proven effective in the field with much information sharing among participants.

Plans for FY 2010 and 2011: NTTP received approximately 2,000 requests for spaces in FY 2010, and anticipates it will receive another 200 requests for special sessions during the year. The NTTP Steering Committee, made up of OSM and State Managers, will determine how additional new sessions will be added to the 50 existing regular classes already scheduled. In addition to these classes, NTTP staff will work with the IMCC on benchmarking workshops and coordinate with OSM regional offices on various topics like reforestation and geomorphology.

Annual Program Planning to Identify Training Needs: Each Spring OSM conducts a Training Needs Survey for the following fiscal year to determine the training needs of the 1,800 State and Tribal regulatory and reclamation staff, as well as the 530 OSM regulatory and reclamation staff. NTTP analyzes the annual survey results to determine if there is sufficient interest to justify a course, and if so, how many sessions of the course are needed. Students are assigned to classes that are closest to their office to minimize travel costs and to provide students with field experience most similar to their geographic working conditions. The number of requests for courses usually exceeds the number of spaces available by 30-50 percent, so students who are not assigned to classes are put on a waiting list. Those on the waiting list are notified 30 days prior to class if space becomes available.

To address changing on-the-ground needs, NTTP staff continues to work with offices to meet subject specific needs that arise subsequent to the Needs Survey. To assure that students are receiving the latest technical and programmatic information, NTTP will review courses based on student, supervisor, and instructor feedback, and revise or add courses accordingly.

Additional Outreach for Program Strategic Planning: To assure that NTTP is meeting customer needs with quality instruction we will conduct outreach with both regulatory and reclamation program heads for the purpose of succession planning to determine how their

staffing needs for training will change over the next five years. In addition, we will conduct outreach with instructors for both the NTTP and TIPS program (which teaches highly technical software applications) to determine if we will have sufficient high quality instructors available to meet program needs. We will use the results of this outreach to make plans for the program for the next five years.

b. TIPS Software Application Training

Every year the TIPS training program educates hundreds of students in the use of software in SCMRA-based mining and reclamation applications. Training in the use of advanced analytical software and the newest technology tools, along with access to those tools ensures that SMCRA responsibilities are completed using the best off-the-shelf technology available.

TIPS is assisting state and tribal agencies as Abandoned Mine Land Reauthorization and Tribal Primacy initiatives are implemented, and new employees are hired. The TIPS Training program delivers on-site classes at the request of customers, in addition to delivering 23 regularly scheduled classes and additional advanced specialized training classes. TIPS is also sponsoring advanced training opportunities which provide specialized skills for customers, TIPS instructors, and OSM employees. New courses are being developed and existing courses are being updated due to software changes or improvements identified, in order to provide students the latest advances in geospatial technologies, engineering applications, hydrology, mobile computing and emerging technologies. The TIPS Training program provides Professional Development Hours (PDH) to students who attend TIPS engineering courses, certified by the Illinois Society of Professional Engineers. PDH's can be used by students to meet their educational requirements for re-certification purposes.

c. Regional/Site Specific Training

OSM has regional training centers, which offer classes on customer requested topics and provide facilities for the national training program to minimize expenses. OSM regions also conduct courses and workshops to address specific State or Tribal needs. Examples of recent training include:

Indiana Surface Water Sampling Workshop, Jasonville, IN: In December 2009, a hydrologist and a natural resource specialist provided an informal, onsite training class on field water sampling to Indiana. OSM instructors provided both classroom and hands-on field activities. This class was a "just-in-time" effort to assist in water quality inventory planned over the winter and spring of 2009-2010. The class was attended by 24 participants.

Midwestern Acid Mine Drainage (AMD) Workshop Evansville, IN: In April of 2010, the fourth in a series of regional workshops on improved technologies of reducing AMD will be held. The workshop will have an emphasis on the use of bioreactors in the treatment of AMD, and will cover topics ranging from the evolution, construction, and modeling of bioreactors to other AMD remediation technologies. Speakers will be representing a wide range of organizations and programs that are actively involved in AMD remediation and research in the Mid-Continent Region. The workshop will include field excursions to several of Indiana's AMD-affected sites.

These sites will be in varying stages of reclamation and will demonstrate practical applications of bioreactors and other AMD remediation techniques.

3. Technology Transfer

Technology Transfer is an integral component of OSM's Restoration and Protection business lines providing national support to State and Tribal programs. Technology Transfer is accomplished through a variety of activities. State technical representatives meet frequently with OSM regional staff to share resources whenever practicable to resolve regional technical issues. OSM sponsors or participates in interactive technical forums, computer applications workshops, and technical seminars to address mining and reclamation environmental issues. OSM partners with the States, Tribes and industry to develop technology transfer priorities.

The OSM national and regional technology transfer teams evaluate initiatives to encourage networking and information sharing that will result in program improvement or enhancement. OSM's Technology Transfer activities bring a new approach to nationwide cooperation and customer service. They encourage the timely and efficient use of our natural resources while protecting the environment.

a. Technology Development

One of OSM's most important missions is to advance and transfer technologies that will improve the effectiveness and efficiency of the science of mine land reclamation. Advancement of this technology will result in better mining and reclamation practices, thus being conducive to better environmental protection and less off-site impacts. The Applied Science program specifically addresses the needs of individual State programs as well as national interests. OSM is in the sixth year of its Applied Science program. The program funds technical studies that will result in better mining and reclamation practices, thus providing better environmental protection and less off-site impacts. The Applied Science program specifically addresses the needs of individual State programs as well as national interests. OSM funded 8 Applied Science projects during FY 2009. This was accomplished through the solicitation and review process. The projects, sponsors, and funding are provided at the end of this document. Applied Science funding priorities for FY 2010 include: remote sensing for forest recovery, advances in passive treatment of AMD at remote locations, impacts of TDS on aquatic communities, and methods to prevent growth and establishment of cheatgrass on mines. Topics for FY 2011 will be determined in late 2010, after completion of the FY 2010 process.

Examples of Applied Science Projects completed include:

Improving Passive Mine Water Treatment Through Better Understanding of Biogeochemistry and Mineralogy. According to OSM's mine water drainage inventory, 60% of all regulated mine water drainage is being treated for manganese. In Pennsylvania alone, the long-term water liability on these sites is about \$240 million. Findings from this project will improve the performance of these passive mine water treatment facilities. The success of the systems has been variable due to a poor understanding of the biogeochemistry and mineralogy associated with manganese oxidation. This study discovered the specific microbes (fungi) that are the most

important biocatalysts responsible for breaking down the manganese during treatment. These findings will make possible better design and use of improved organic amendments of both new and existing treatment systems that will maximize the performance of manganese beds, result in significant cost savings and improved stream health.

Inter-laboratory Evaluation of Draft Kinetic Test: Procedure for Prediction of Coal Mine Drainage Quality. This project resulted in an EPA-approved standardized kinetic test method that will better predict the water quality that could elude from a mine site after reclamation. Rock strata may contain acidic or alkaline forming materials that, if not properly identified and handled during reclamation, will leach acid and metals-in-solution off site. The advantage of this test is that, unlike other tests that have been used to predict mine water quality in the past, this kinetic test uses carbon dioxide to better mimic natural leaching conditions. The standardization of the Kinetic test method makes possible better identification of the acid/alkaline materials in rock overburden and more consistent reporting that is easier to understand. As a result, the state regulatory authorities can make more accurate prediction of the acid-forming potential of rock overburden leading to better permitting decisions.

b. Technology Transfer and Publications

As previously mentioned, Technology Transfer is accomplished through a variety of activities including publication of proceedings, handbooks, and other materials, maintenance of the OSM technical library and various information websites. Examples of activities include:

Reforestation Initiative: OSM continues its effort to encourage reforestation practices to increase the amount of mined land reclaimed as forest. This effort has resulted in technical and policy symposia, a reforestation website, presentations at professional meetings, published bulletins by the 20-member Science Team (made up of university researchers) on state-of-the-art reforestation practices. OSM is expanding its efforts nation-wide by participating in Arbor Day events across the nation to promote reforestation. In FY 2009, the Appalachian Regional Reforestation Initiative's (ARRI) partners sponsored 19 Appalachian Region Arbor Day tree planting events in which hundreds of volunteers planted thousands of trees on reclaimed mine land. The volunteers learned about planting trees using the Forestry Reclamation Approach and the positive environmental and economic impacts of forests in their state.

Management of Reclaimed Prime Farmlands: OSM participates on an independent team that includes representatives from a State Regulatory Agency, another Federal agency, academia, experienced farm managers and coal mine operators to advance the technology for restoring prime farmland to pre-mining levels of productivity. This team published a handbook in FY 2009 to provide guidance for farmers as they assume control over crop capable mine soils after bond release. The handbook identifies differences between reclaimed cropland and natural cropland and describes the land and crop management practices that are effective for maximum crop production on these reclaimed croplands. The handbook is currently available on Federal and State websites.

Reports, Forums and Workshop Proceedings: OSM publishes and co-sponsors the publication of proceedings from numerous forums and workshops and various topical reports. These

publications are distributed to interested parties at technology transfer events, upon request, and at various websites maintained by OSM. The agency publishes proceedings, reports and notices in paper copy, on CD, and over the Internet to reach the widest audience possible.

OSM Technical Library: OSM maintains a national agency technical library in the Denver, CO office which provides access to technical, scientific, and legal information for the bureau, as well as the States, Tribes, industry, citizen groups, and the public through a variety of services: reference assistance, technical research, document delivery, and the dissemination of critical current awareness information. The library generally fields between 200 and 300 requests for reference and research assistance each year. In addition, it will fill approximately 300-400 article requests in FY 2010. The library also shares its collection and borrows needed materials through interlibrary loans with libraries around the world. In order to provide worldwide access to the specialized information resources in the collection, the library maintains a web-accessible bibliographic catalog of materials, as well as hosting technical documents and OSM Federal Register notices. This allows those materials to be made directly available online to interested persons.

c. Educational Outreach

To make the public and students aware of OSM's responsibilities and its environmental stewardship mission, OSM staff provide educational outreach to science teachers associations, science classes, educational fairs, Earth Day events, career days, foreign visitors, grassroots organizations, and professional associations and societies. Additional outreach is provided through publications and distribution of forum proceedings. Outreach efforts expanded in FY 2009 with OSM's participation in local activities supporting such events as American Chemistry Week, National Engineers Week, high school career days, and several primary grade school presentations that present age-appropriate information about environmental stewardship. OSM staff also take advantage of events not specific to mining such as "the Taste of Colorado" which drew tens of thousands of visitors and was a great stage to showcase to the public OSM's duties and responsibilities. Outreach opportunities and events are expected to continue to expand.

2010 PLANNED PROGRAM PERFORMANCE

In 2010, planned activities for Technology Development and Transfer include:

- Two Appalachia Region initiatives are partnering with several non-profits to host the international American Society of Mining and Reclamation conference to be held in Pittsburgh, PA on June 5-11, 2010. This event is expected to be the largest mining reclamation conference in the U.S. and draw 500 people from across the country.
- A national technical forum will be held August 30 – September 3, 2010 in Charleston, West Virginia, on Protecting Threatened Bats at Coal Mines. The forum will assess the impact to all hibernating bat species in the eastern half of the U.S. of the recent outbreak and spread of a fungus, the White Nose Syndrome. This forum is necessary to inform affected states and agencies of the efforts necessary to protect many species of bats.
- OSM will continue to develop the pilot project with the National Geospatial Intelligence Agency to receive satellite and aerial data for SMCRA applications.
- OSM will achieve the goals for performance measures identified under this business line.

2009 PROGRAM ACCOMPLISHMENTS

In 2009, the major accomplishments in Technology Development and Transfer include:

- The Appalachian Regional Reforestation Initiative's 2009 Mined Land Reforestation Conference was held in Prestonsburg, KY, on August 4-6. Over 200 people from industry, environmental groups, and government attended the conference, which included presentations on implementing the Forestry Reclamation Approach.
- A national forum was held on April 28-30, 2009 in Bristol, VA, on Geomorphic Reclamation and Natural Stream Design. Representatives from OSM, States, Tribes, industry, and academia exchanged technical innovations in the areas of geomorphic reclamation and natural stream design, shared successes and failures, and discussed implementation of geomorphic landscape and stream reconstruction on mined lands.
- NTTP conducted 56 training sessions and educated 1,053 students from OSM (171) States (846) and Tribes (36).
- TIPS educated 500 students from State, Tribal and OSM offices in 40 instructor-led classes, and 41 students took online training classes in TIPS software.
- OSM supported 8 Applied Science projects that addressed our major environmental issues as identified on the next page.

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2009 APPLIED SCIENCE PROJECTS FUNDED

Project Title/Contractor	Purpose/Funding
Investigation of Advanced Electronic Detonator Application in Surface Coal Mine Blasting - Dr. Braden Lusk	This project seeks to determine and analyze the performance of commercially available programmable electronic detonators against conventional delay systems at the same location in a surface coal mine. \$200,000
Developing a Geochemical add-in Module for AMD Treat to Compute Caustic Quantity to Achieve Target pH and Corresponding Effluent Quality and Sludge Volume - Dr. Charles Cravotta	This project seeks to improve the capability of AMD Treat to estimate the quantity and cost of caustic chemicals to attain a target pH, the dissolved metals remaining in treated effluent, and the corresponding volume of sludge produced. \$131,325
Improving Passive Mine Drainage Treatment for Manganese Removal – Phase II - Dr. William Burgos	The purpose of this proposal is to develop simple modifications for Mn(II)-removal systems to promote fungal activity for maximum Mn(II) oxidation. \$200,000
Developing WEPP-Mine: A Management Tool for Western Alkaline Surface Coal Mines - Dr. Joan Wu	This project seeks to develop a practical computer simulation tool for evaluating site-specific sediment control and reclamation plans for National Pollutant Discharge Elimination System (NPDES) Western Alkaline Coal Mining Subcategory by EPA. The developed tool will allow regulatory authorities, coal mine operators, and others to simulate watershed discharge and sediment yield for pre- and post-disturbance, reclamation areas, and other modeling needs, as required by OSM, EPA, and state regulations. \$200,000
Development of a Modified Forest Reclamation Approach to Establish Coniferous Forest Plantations in the Pacific Northwest - Dr. Darlene Zabowski	The project will test a modified version of the Forest Reclamation Approach (FRA) for reforestation on mined land in the Pacific Northwest. \$184,233
CO2 Flux Field Delineation for Construction on Reclaimed Mine Land - Dr. Kwame Awuah-Offei	This project will provide an efficient, fast and economic means to delineate the anthropogenic CO2 flux and quantify the risk of elevated CO2 concentrations in homes constructed on reclaimed mine land. The project will result in a protocol for conducting CO2 flux surveys on reclaimed mine land and subsequent application to estimate the risk of high CO2 concentrations in homes built on reclaimed mine land. \$93,414
Integrating the Forestry Reclamation Approach for Mine Reclamation of American Chestnut and Oaks in the Mid-Continent Region - Dr. Phillip Pope	This project seeks to (1) evaluate influence of loosely dumped soil replacement in association with the Forest Reclamation Approach on selected chemical and physical properties of the rooting media, and surface soil erosion, (2) determine the effects of varying soil replacement techniques on survival, growth, rooting strategies, and nutrient uptake of planted seedlings, (3) explore physiological and nutritional mechanisms that explain improved performance under imposed treatments, (4) determine suitability of American chestnut and selected oak species for reforestation of reclaimed mine sites in the Midwestern Coal Region, and (5) assess feasibility of using hand planting for mine reclamation in this region. \$168,854
Assessing nonnative invasive vegetation at reclaimed surface mine sites of the Southern Cumberland Plateau and Mountain Region - Dr. Yong Wang	This project seeks to assess invasive plants at reclaimed mines in the southern Cumberland Plateau Mountain Region. It will develop models for predicting the potential of invasion by nonnative species using a geographic information system, remote sensed data, and site-specific features. \$166,940

TECHNOLOGY DEVELOPMENT AND TRANSFER

Performance supports Strategic Plan and PART measures displayed under “Goal Performance Table” Tab (see Resource Use and Resource Protection) in this document. Below represents bureau level measures for this business line.

Program Performance Overview

End Outcome Measure / Intermediate or PART Measure / PART Efficiency or other Outcome Measure	Type	2004 Actual	2005 Actual	2006 Actual	2007 Actual	2008 Actual	2009 Plan	2009 Actual	2010 Plan	2011 Plan	Change from 2010 Plan to 2011	Long-term target 2012
Customer service rate in the quality of technical assistance. (Applies to both the Resource Protection and Resource Use Goals.) (BUR)	A	100%	99%	99.6%	99%	96%	95%	99%	95%	96%	1%	96%
Percent satisfaction with the scientific and technical products and assistance. (Applies to both the Resource Protection and Resource Use Goals.) (BUR)	A	97%	93%	89.3%	92%	92%	94%	100%	94%	96%	2%	97%
Customer effectiveness rate in the quality of technical training – NTTP. (Applies to both the Resource Protection and Resource Use Goals.) (BUR)	A	97%	98%	97%	96%	96%	93%	95%	93%	93%	0%	93%
Number of students trained – NTTP. (Applies to both the Resource Protection and Resource Use Goals.) (BUR)	A	916	957	1,446	1,746	1,426	1,200	1,053	1,000	950	-50	950
Comments	The FY 2011 target goal reflects that the cost for travel has increased and the resources to teach courses have decreased.											

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Performance supports Strategic Plan and PART measures displayed under “Goal Performance Table” Tab (see Resource Use and Resource Protection) in this document. Below represents bureau level measures for this business line.

Program Performance Overview

End Outcome Measure / Intermediate or PART Measure / PART Efficiency or other Outcome Measure	Type	2004 Actual	2005 Actual	2006 Actual	2007 Actual	2008 Actual	2009 Plan	2009 Actual	2010 Plan	2011 Plan	Change from 2010 Plan to 2011	Long-term target 2012
Customer satisfaction rate for TIPS training. (Applies to both the Resource Protection and Resource Use Goals.) (BUR)	A	90%	91%	91%	90%	97%	90%	96%	93%	93%	0%	93%
Customer satisfaction in the quality and timeliness of AVS provided services. (BUR)	A	98%	97%	97%	98%	98%	95%	98%	96%	96%	0%	96%

Target Codes: BUR = Bureau specific measure

Type Codes: A=Annual

FINANCIAL MANAGEMENT
(Dollars in Thousands)

		2009 Actual	2010 Enacted	2011			Change from 2010 (+/-)
				DOI-wide Changes (+/-)	Program Changes (+/-)	Budget Request	
Regulation & Technology	\$\$\$	510	516	-2	0	514	-2
	FTE	2	2	0	0	2	0
Abandoned Mine Land	\$\$\$	6,836	6,961	-26	-500	6,435	-526
	FTE	40	41	0	0	41	0
TOTAL	\$\$\$	7,346	7,477	-28	-500	6,949	-528
	FTE	42	43	0	0	43	0

Department-wide Changes include reductions of \$22,000 for travel and \$6,000 for acquisition (strategic sourcing). In addition, fixed costs increases for 43 FTE are absorbed. See the discussion in the General Statement for details of these reductions and absorption of fixed costs.

Summary of 2011 Program Changes

Request Component	(\$000)	FTE
Fee Compliance		
Eliminate Funding for Audit Activities Related to Coal Export Issue	-\$500	0
Total Program Changes	-\$500	0

Justification of 2011 Program Changes

Audit Activities Related to Coal Export Issue (-\$500,000): In FY 2009, OSM requested and received a \$500,000 increase in its budget to maintain audits of coal operators during its support of the Department of Justice litigation on the constitutionality of assessing abandoned coal mine reclamation fees on coal sold for export. The funding was to enable OSM to maintain current performance levels while it resolved \$140 million in fee refund claims. The funding level was requested for a two-year period. After eight years of litigation, the case that had been decided against the Government was won by the Government through appeal. However, due to additional filing by the plaintiffs, litigation is still pending. Funding provided in FY 2009 and FY 2010 will remain available as carryover funds for this purpose in the event the final decision is unfavorable to OSM. Therefore, the funding is no longer needed in FY 2011.

Overview

This business line provides resources for the Financial Management program activity. OSM carries out its financial management program responsibilities through three activities: fee compliance, revenue management, and grants management.

- Fee compliance covers the collection, accounting, audit and investment of abandoned mine reclamation fees, assistance to operators on compliance matters, and regulatory and policy development on fee compliance issues.
- Grants management includes accounting for and reporting on grants awarded to State and Tribes for AML and regulatory purposes.
- Revenue management involves the accounting and collection of revenue other than reclamation fees, such as civil penalties assessed under Federal citations for mining violations and Federal performance bonds forfeited by coal mine permittees.

Financial Management operations are an integral part of OSM’s Environmental Restoration and Environmental Protection mission goal areas. State and Tribal grant funding (reclamation and regulatory) disbursement for the administration of regulatory activities and reclamation clean up projects is managed through this program activity. OSM, States, and Tribes fund reclamation project work through the fees collected from current mine operators after they are appropriated by Congress annually. These projects clean up environmental hazards resulting from past mining operations that degrade land and water resources. The regulatory grants fund the administration of State regulatory programs that protect people and the environment from adverse affects associated with current mining and ensure the land is restored at the conclusion of mining.

Operational Processes (Program Activities):

As previously discussed, OSM carries out its program financial management responsibilities through three activities: fee compliance, revenue management, and grants management. This business line does not include administrative accounting or reporting for appropriated funds.

The outcome of OSM’s Financial Management program performance is mostly measured by the success of the Surface Mining Program in carrying out the two major missions of the organization -- Environmental Restoration and Environmental Protection. The Financial Management business line is an integral part and supports accomplishment of both missions. In addition, OSM identified workload indicators for this business line as measures of the efficiency and effectiveness of financial

<p style="text-align: center;">Fee Compliance</p> <ul style="list-style-type: none">• <i>Company Reporting</i>• <i>Collection</i>• <i>Accounting</i>• <i>Audits</i>• <i>Investment of AML Fees</i>• <i>Compliance Assistance to Operators</i>• <i>Development of Regulatory and Policy Issues</i> <p style="text-align: center;">Grants Management</p> <ul style="list-style-type: none">• <i>Accounting and Reporting</i> <p style="text-align: center;">Revenue Management</p> <ul style="list-style-type: none">• <i>Accounting and collection of revenue other than AML fees (e.g. civil penalties and Federal performance bonds)</i>
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management operations. These measures or indicators include: the Office of Inspector General financial statement audit opinion for fee compliance, revenue management, grants financial services; and the fee collection rate for operators reporting coal tonnage.

Actions Required to Achieve Annual Goals: OSM will use technology and customer service initiatives to increase compliance and improve processing of collections. This includes using the Internet to ease the coal companies' reporting burden, receive quarterly coal production reports, provide information to companies, and allow companies to make payments on-line. OSM will continue to use new and streamlined collection services as they become available and will work with customers and stakeholders to ensure fair and consistent policies.

In FY 2010 and 2011, OSM will continue to pursue opportunities to participate in e-government projects, such as the Single Source Coal Reporting project, a component of the Small Business Administration's Business Gateway initiative. OSM will also enhance and maintain its Coal Fee Collection Management System (CFCMS), which consolidated three outdated subsidiary systems into one contemporary system. CFCMS supports the continued success of the fee compliance program.

In accordance with guidelines established by the Chief Financial Officer's Council, OSM converted to a new grant disbursement system in FY 2007 with the implementation of the new Departmental core accounting system. OSM will continue to ensure a smooth transition to the new system through cooperative training with Treasury and customer service. OSM has over 236 grants and cooperative agreements with the States and Tribes, accounting for over \$350 million.

Resources, Skills, and Technology Needed: To support program activities and to ensure that operators continue to support the surface mining program by paying appropriate fees, OSM plans to maintain a highly trained cadre of fee compliance auditors, program accountants, and financial systems personnel. Training will continue so that financial management personnel maintain a high level of skill and technical expertise. OSM will also continue to use contractors to handle billing, data entry and appropriate collection functions, and redesign the principal systems that support the Fee Compliance Program.

The following section details, by program activity, the funding and FTE resources required to meet the performance measures.

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**Table 10 – Justification of Program and Performance
Financial Management**
Summary Increases/Decreases for FY 2011
(Dollars in Thousands)

Program Activity		Regulation & Technology			Abandoned Mine Lands			Total			Inc/ Dec (+/-)
		2009 Actual	2010 Enacted	2011 Request	2009 Actual	2010 Enacted	2011 Request	2009 Actual	2010 Enacted	2011 Request	
Fee Compliance	\$\$\$	0	0	0	6,744	6,866	6,340	6,744	6,866	6,340	-526
	FTE	0	0	0	39	40	40	39	40	40	0
Revenue Management	\$\$\$	415	418	416	0	0	0	415	418	416	-2
	FTE	1	1	1	0	0	0	1	1	1	0
Grants Financial Management	\$\$\$	95	98	98	92	95	95	187	193	193	0
	FTE	1	1	1	1	1	1	2	2	2	0
TOTAL	\$\$\$	510	516	514	6,836	6,961	6,435	7,346	7,477	6,949	-528
	FTE	2	2	2	40	41	41	42	43	43	0

2011 Program Performance Estimates

1. Fee Compliance

The fee compliance activity provides funding used by OSM, States and Tribes to restore land and water degraded by past mining practices to beneficial uses. The fee is collected from active coal operators based upon tons of coal produced and sold. The use of this money funds the accomplishment of the Department's Resource Protection goal.

OSM's Fee Compliance Program carries out SMCRA's requirements to ensure coal operators accurately report tonnage and pay reclamation fees. The program goal is to maximize compliance by fairly and consistently applying policy and collection procedures at a reasonable cost. In FY 2009, the program achieved a 99.83 percent collection rate resulting in \$272.3 million in total collections. Collections declined from FY 2008 due to the decrease in coal production in the last two quarters of FY 2009. The program achieved a 99.98 percent compliance rate for operators filing their tonnage reports after working closely with the industry. OSM also increased the percentage of permits that filed OSM-1 Reports electronically, from 73.0 percent in FY 2008 to 76 percent in FY 2009. OSM's goal is to increase the percent of permits that file electronically, to provide better service to coal companies and to realize the benefits of E-government. We expect similar increases in filings in FY 2010 and beyond to meet our target goal of 80 percent in FY 2010 and 85 percent in FY 2011. In terms of efficiency, the total direct program cost was less than two percent of the amount collected.

The Fee Compliance Program is comprised of two highly integrated components, -- collections and audits -- that work hand-in-hand to maximize compliance, minimize the burden on industry, and ensure the efficient use of resources. For example, key initiatives that these components will pursue in FY 2011 include:

- Enhancing and maintaining the new Coal Fee Collection Management System (CFCMS). Enhancements to the system will help OSM further automate and streamline processes.
- Continuing the coordination and enhancement of the consolidated coal data reporting system (Single Source Coal Reporting System). This project is being coordinated with the Internal Revenue Service and the Small business Administration to streamline the reporting of information by coal companies.
- Expanding coal companies' use of electronic tonnage reporting and fee payment systems, and executing more transaction types through these systems. These mechanisms offer efficiencies for both the industry and OSM.
- Increasing the use of automation in conducting fee compliance audits to further improve efficiency.

Details on these and other services the collection and audit components provide are described in the following sections.

a. AML Fee Collection

The collection component assures that the AML Fee payment requirements of SMCRA are consistently and fairly applied across the country, creating a level playing field for all coal companies. In FY 2009 OSM collected 99.83 percent of the AML Fees due during the year. Total AML Fee collections were \$272.3 million.

To assist in managing AML Fee collections, OSM utilizes the Coal Fee Collection Management System (CFCMS). This computerized system provides subsidiary accounts receivable and management information needed to manage the fee compliance program. CFCMS is integrated with the Applicant Violator System to track new permits from initial permitting through fee reporting. AML fee payments are tracked by permit number of producing coal companies each quarter. In addition, the system issues quarterly OSM-1 coal reclamation fee reports for industry coal sale reporting and fee computation. The package includes all data available on potentially producing permits to simplify the reporting requirements by industry. The forms are pre-printed and mailed to the companies to facilitate tonnage reporting and fee payment. Beginning in 2001, companies could elect to report over the Internet, using the E-filing system described below.

OSM-1 Reports covering over 2,700 permits are processed each quarter. OSM has developed an internet-based system to allow coal companies to file their quarterly coal production reports electronically. Companies report that the system saves them time and money. This is evidenced by the fact that over 470 companies voluntarily use the E-filing system. The companies use the system to report on over 2,100 permits and 96% of the coal tonnage produced in the country. The system helps streamline the reporting process, makes it easier for companies to report on time, reduces errors, and makes it easier to follow-up with companies that have not reported. The system also allows companies to make payment online, using the Treasury Department's Pay.Gov payment method. This feature saves companies time and wire transfer costs, while providing OSM with faster information about collections for investment purposes. Over 40 percent of reclamation fees were paid electronically using Pay.Gov, in the third quarter of 2009. During FY 2010 and 2011, OSM will continue promoting the use of E-filing and online payment by companies.

OSM implemented the second phase of the Coal Fee Collection Management System (CFCMS) in 2009. The system replaces the Fee Billing and Collection System (FEEBACS), the last and largest of OSM's three outdated legacy systems. Cutover to the new system is effective in FY 2010 and OSM plans to decommission the old FEEBACS system in FY 2010. The Coal Fee Collection Management System will assure the ongoing support for the Fee Compliance Program and reduce costs by:

- 1) Averting a system failure and avoiding the costs required to fix such a failure.
- 2) Consolidating OSM's program collection systems into one contemporary system, and
- 3) Reengineering and streamlining business processes.

OSM will continue to enhance the CFCMS system during FY 2010 to squeeze more efficiencies out of its processes and maximize the return on this investment.

OSM will also enhance the E-filing/Single Source Coal Reporting System to expand the types of transactions that can be accomplished through the system. For example, in conjunction with changes incorporated into the new CFCMS system, OSM will bill companies for low dollar amounts through the e-filing system as well as post credits for overpayments on the E-filing system. We will also begin planning for providing more payment options through the E-filing system. These changes are expected to provide further efficiencies while increasing the appeal of E-filing.

b. AML Fee Audit

SMCRA requires OSM to conduct audits to ensure full compliance with the law's reclamation fee requirements, so funds are available for State, Tribal, and Federal reclamation efforts. To meet that mandate, the compliance program is designed to promote timely and accurate reporting of coal tonnage and to ensure correct fee payments. In addition to conducting a comprehensive audit program, this includes providing the information and assistance operators need to comply, and taking enforcement action when non-compliance occurs.

The audit staff is strategically stationed in locations which minimize travel costs to coal company's recordkeeping locations. To ensure quality, audits are performed in accordance with Government Auditing Standards issued by the Comptroller General of the United States. The continuing professional education and training of OSM's auditing staff is emphasized in accordance with those standards.

By structuring the audit program so that all companies have the potential to be audited, an effective deterrent to noncompliance is always present. To support the program goal of maximizing compliance, OSM auditors will conduct more than 150 audits and compliance checks in FY 2011. Beyond the deterrent effect, this provides an opportunity to directly assist industry on accounting and reporting matters. For example, when instances of non-compliance are identified, the auditors explain each issue and how similar occurrences can be avoided in the future.

Auditors also provide several other services necessary to achieve a high level of compliance. The following are a few examples of the work planned for FY 2011.

- *Increasing audit automation:* By applying computer techniques to the data gathering, analysis, and reporting function, the audit staff has been able to maintain a high compliance level despite limited resources. To further improve efficiency, OSM will continue to work with coal companies to increase the use of electronic transaction files in the audit process.
- *Examining all permit transactions recorded by regulatory authorities:* The audit staff will need to review more than 1,500 newly issued coal mining permits and transactions (transfers and amendments), which can affect the parties responsible for paying fees. In

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FY 2009, the staff handled 1,550 permit transactions. By continuing these efforts, the program provides greater assurance that all producing permits are identified in a timely manner, and operators are informed of their reporting and payment responsibilities.

- *Developing necessary revisions to the fee requirements and process:* The auditors have the most direct contact with operators and the subject-matter expertise to identify, develop, test, and implement any needed changes. This is part of an ongoing effort to ensure fairness and a level playing field among all operators in paying fees.
- *Promoting E-government:* This work will cover promoting electronic tonnage reporting and fee payment by demonstrating the systems for companies during audits and notifying the collection staff of those interested in enrolling.
- *Coordinating work with the Internal Revenue Service:* OSM will continue working with the IRS to ensure that the fee compliance and coal excise tax compliance programs function together more efficiently. SMCRA requires OSM to forward audit results to the IRS and both agencies coordinate issues affecting the industry.

Overall, there also will be a continued emphasis on upfront compliance and customer service in FY 2011 and beyond.

Table 11 – Actual and Estimated Deposits to the AML Fund
AML Production Fees
(Production in millions of tons)
(Dollars in Millions)

	2009 “Actuals”	2009 Projections <i>(as submitted in FY 2008)</i>		2010 Projections		2011 Projections		2012 Projections	
		DOE	OSM	DOE	OSM	DOE	OSM	DOE	OSM
Production *									
Underground	326	348	353	366	359	370	372	376	369
Surface	705	715	692	734	709	734	720	735	726
Lignite	75	90	82	77	79	82	87	85	96
AML Fees **	\$ 272.8	\$ 274.0		\$ 279.5		\$ 285.3		\$ 287.6	

**DOE Production is based on the Department of Energy (DOE) Table 121 “Annual Energy Outlook 2009, Reference Case Forecast”. OSM tonnage uses the last reported production (Fiscal Year 2009) and then increases or decreases based on the percentage increase or decrease in DOE production for each coal type. The OSM projections are usually lower because AML fees are assessed on the tonnage sold, used, or transferred while the DOE figures are based on the tonnage produced.*

***AML Fees are calculated based on the OSM tonnage estimates multiplied by the applicable fee rate: \$0.135, \$0.315, and \$0.9 for underground, surface, and lignite, respectively, through 2012. The rates will decrease to 28 cents, 12 cents and 8 cents, starting in 2013. This calculation is then adjusted for moisture content, reduced coal prices and fees, administrative fees and uncollectible fee estimates. The Authority to collect AML fees was extended through 2021 under the Tax Relief and Health Care Act of 2006.*

Office of Surface Mining Reclamation and Enforcement

**Table 12 – Summary Status of Abandoned Mine Reclamation Fund
(Dollars in thousands)**

Fiscal Year	Receipts and Interest Income			Appropriations			Transfer To UMWA Health & Retirement Funds	Cumulative	Cumulative Unappropriated AML Fund Balance
	Amount	Interest Earned	Cumulative	Amount Appropriated from AML Fund /1	footnote	Appropriations from Other Sources /2			
1978	105,444		105,444	36,647				36,647	68,797
1979	184,433		289,877	61,451				98,098	191,779
1980	199,000		488,877	94,843				192,941	295,936
1981	192,657		681,534	82,485				275,426	406,108
1982	222,644		904,178	115,333				390,759	513,419
1983	197,196		1,101,374	213,079				603,838	497,536
1984	216,554		1,317,928	271,228				875,066	442,862
1985	226,426		1,544,354	296,941				1,172,007	372,347
1986	219,162		1,763,516	197,277				1,369,284	394,232
1987	215,304		1,978,820	203,720				1,573,004	405,816
1988	229,890		2,208,710	199,380	/1	7,000		1,772,384	436,326
1989	235,493		2,444,203	193,160				1,965,544	478,659
1990	243,519		2,687,722	192,772				2,158,316	529,406
1991	243,761		2,931,483	198,955				2,357,271	574,212
1992	241,954	39,328	3,212,765	187,803				2,545,074	667,691
1993	238,153	30,633	3,481,551	187,930				2,733,004	748,547
1994	244,296	40,090	3,765,937	190,107	/2	7,200		2,923,111	842,826
1995	255,416	61,730	4,083,083	182,386				3,105,497	977,586
1996	256,451	69,383	4,408,917	173,887			47,184	3,326,568	1,082,349
1997	266,783	81,006	4,756,706	177,085			31,374	3,535,027	1,221,679
1998	273,039	67,031	5,096,776	177,624	/3	3,163	32,562	3,745,213	1,351,563
1999	276,674	82,831	5,456,281	185,392			81,766	4,012,371	1,443,910
2000	274,297	94,370	5,824,948	195,873	/4		108,959	/4 4,317,203	1,507,745
2001	284,044	103,496	6,212,488	215,038	/5		182,018	/5 4,714,259	1,498,229
2002	287,066	43,278	6,542,832	203,455	/6		90,179	/6 5,007,893	1,534,939
2003	282,555	23,620	6,849,007	190,499	/7		89,858	/7 5,288,250	1,560,757
2004	287,023	45,694	7,181,724	190,591			14,966	5,493,807	1,687,917
2005	293,604	75,017	7,550,345	188,205			66,533	5,748,545	1,801,800
2006	302,992	95,687	7,949,024	185,248			59,004	5,992,797	1,956,227
2007	304,880	105,818	8,359,722	185,393			114,329	6,292,519	2,067,203
2008	286,272	83,764	8,729,758	139,334	/8		100,394	6,532,247	2,197,511
2009	272,764	55,465	9,057,987	142,977	/9		61,224	6,736,448	2,321,539
2010	279,477	58,375	9,395,839	177,502	/10		63,890	6,977,840	2,417,999
2011	285,302	71,943	9,753,084	198,500			71,943	7,248,283	2,504,801

/1 Total does not include \$7M transferred into the fund by supplemental authority, which does not affect the Unappropriated Balance.

/2 Total includes \$7.2 M transferred into the fund by supplemental authority, which does not affect the Unappropriated Balance.

/3 Total does not include 3.2M transferred into the fund by supplemental authority, which does not affect the Unappropriated Balance.

/4 Total includes one-time \$68M emergency appropriation, as well as the annual appropriation of \$41m.

/5 Total includes annual amount of \$102.9M, as well as \$81.6M of the one-time \$96.7M mandated under PL 106-291.

/6 Total includes annual amount of \$113.6M, less \$23.4M returned by UMWACBF trustees mandated under PL 106-291.

/7 Total includes annual amount of \$56M as well as \$33.8M mandated under PL108-7.

/8 Total includes annual amount of \$52M as well as \$87.4M mandated under PL 109-432.

/9 Total includes annual amount of \$52M as well as \$90M mandated under PL 109-432.

/10 Total includes annual amount of \$36M as well as \$141M mandated under PL 109-432.

Notes: FY 2010 figures are estimates except for appropriations and transfers.

FY 2011 figures are estimates

2. Grant Financial Management

This activity accounts for and disburses reclamation and regulatory grants to States and Tribes under OSM's Environmental Restoration and Environmental Protection business lines. The grants financial management activity includes the disbursement, accounting, reporting and recovery of grant funds. It also includes the computer systems used to support these functions.

As a result of amendments to SMCRA enacted at the beginning of FY 2007, most AML grant activity is now mandatory and no longer part of OSM's discretionary budget. Starting in FY 2008 the grant distribution was calculated based on the new amendments to SMCRA as a result of Public Law 109-432. During the first four years, mandatory distributions are gradually phased in and given to the states.

Along with the mandatory distributions given to the states, treasury funds are also distributed to the states as part of the grant distribution.

In FY 2007, OSM completed its deployment process to convert its accounting systems to the Department's Financial and Business Management System (FBMS). In FY 2010, FBMS will convert from the EGrants Plus grants management system to PRISM to facilitate all functions related to the administration of financial assistance programs. This conversion will allow for a real time interface to occur with grant awards. PRISM also enhances reporting and monitoring functions. Starting in FY2011 PRISM will be the new system of record for all administrative functions related to financial assistance programs. As new bureaus convert to FBMS in the coming years, OSM will continue to go through enhancement deployments.

The table on the following page details the AML Unappropriated Balance as of September 30, 2009, by a description of its allocation.

Office of Surface Mining Reclamation and Enforcement

Office Of Surface Mining
 AML Unappropriated Balance
 September 30, 2009
 Prepared by the Division of Financial Management

Total Funds to be Allocated: **\$2,321,535,588.57**

Description of Allocation	Balance as of 10/01/08 1/	LESS: 2009 Appropriation	LESS: 2009 Treasury Funds	LESS: 2009 5/ UMWBF Transfer	Post Appr. & Trans. Balance	Investment Int. 10/01/08-9/30/09	Collections for 10/01/08-9/30/09	Balance As Of 9/30/09
RAMP Allocation 6/	\$11,310,775.53			(\$5,759,210.36)	\$5,551,565.17			\$5,551,565.17
Federal Expense 2/ 6/	\$410,913,854.37	(\$62,627,325.00)			\$348,286,529.37		\$54,567,404.44	\$402,853,933.81
Historical Coal 3/	\$406,447,906.96	(\$52,517,590.00)	\$208,040,927.00		\$561,971,243.96		\$81,851,106.67	\$643,822,350.63
Investment Interest	\$142,924,246.03	\$0.00		(\$55,464,746.34)	\$87,459,499.69	\$55,464,746.34	\$0.00	\$142,924,246.03
					\$1,003,268,838.19		\$136,418,511.11	\$1,195,152,095.64
Total Fed Share 1/ and 4/	\$971,596,782.89	(\$115,144,915.00)	\$208,040,927.00	(\$61,223,956.70)	\$1,003,268,838.19	\$55,464,746.34	\$136,418,511.11	\$1,195,152,095.64
Total State Share	\$1,225,911,437.68	(\$27,832,472.00)	(\$208,040,927.00)	\$0.00	\$990,038,038.68	\$0.00	\$136,345,454.25	\$1,126,383,492.93
Total	\$2,197,508,220.57	(\$142,977,387.00)	\$0.00	(\$61,223,956.70)	\$1,993,306,876.87	\$55,464,746.34	\$272,763,965.36	\$2,321,535,588.57

- 1/ With Public Law 106-291, Congress authorized a transfer to the United Mine Workers Combined Benefit Fund using interest earned in FY 1992-1995. \$78,976,478.05 (net of \$173,996.17, a Congressionally reduced appropriation, subsequently restored) was transferred under this law, \$23,427,452.36 (net) was returned to OSM in 2002, leaving a remaining balance in this pool of \$41,133,755.64. Due to a downturn in interest rates, this pool is now depleted
- 2/ The Federal Expense Distribution was calculated using 2005 distribution levels
- 3/ The Historical Coal Distribution was calculated using 2005 distribution levels
- 4/ This amount includes interest income received of \$39,328,466.11 prior to 10/01/92. Per Congressional appropriation language, OSM used \$7,000,000 of that leaving remaining interest earned of \$32,328,486.11.
- 5/ \$59,003,832.73 is the amount transferred at the beginning of FY 2006 to the United Mine Workers Benefit Fund for estimated expenses in FY 2006 and for adjustments to actual expenditures in FY 1996 through FY 2005, inclusive
- 6/ Public Law 109-54 provided for a one time transfer of the RAMP balance g(2) as of September 30 to the Federal Expense account g(3). The balance at September 30, 2005 was \$382,139,602.22.

3. Revenue Management

The Revenue Management activity involves managing a variety of non-fee revenues and receivables that come from the agency's operations. These include the following:

- Federal civil penalties issued for mining violations. The total outstanding balance of open civil penalty cases was \$724,858 at the end of FY 2009, including interest and late charges. New civil penalties recorded in FY 2009 totaled \$779,877, a six-fold increase from FY 2008.
- Bond forfeitures by federally permitted mining companies.
- Fees for mine permit reviews and blaster certification training.

The bonds and penalties assessed ensure responsible management practices in the extraction of coal resources. Levy of penalties and fees help to ensure operators' compliance with coal mining regulations and ensure the land is restored to beneficial use at the conclusion of mining operations.

Civil penalty collections are used to reclaim post-SMCRA mine sites. To maximize the collection rate on civil penalties, OSM uses all of the debt collection tools available. These tools include demand letters, personal contact with the debtor, use of payment plans, referral to private collection agencies through Department of Treasury, litigation through the Solicitor's Office, and referral to the Department of Treasury for payment offset. Additionally, delinquent civil penalties are reported to the Applicant Violator System so that violators and debtors do not obtain permits to mine coal until the outstanding debt and violations have been resolved. These are the same tools used in the AML Fee collection program. However, because the majority of the companies that incur AML Fees are viable, the collection rate for AML Fees is higher than the collection rate for civil penalties.

During 2010-2011 OSM will continue to refer civil penalty debt that is more than 180 days delinquent to the Department of Treasury for collection, in accordance with the Debt Collection Improvement Act of 1996. OSM has a memorandum of understanding with the Department of Treasury whereby they will provide collection services on debts over 180 days delinquent. During FY 2009, OSM referred 100 percent of qualifying civil penalty debts to Treasury.

2010 PLANNED PROGRAM PERFORMANCE ACTIVITIES

OSM will maintain a high rate of fee compliance. To help ensure that results continue to be achieved efficiently, OSM will:

Complete the conversion to PRISM from EGrants Plus which contains a real time interface between PRISM and FBMS to allow better efficiency between the two systems.

Enhance the Coal Fee Collection Management System to continue to create operational efficiencies.

Promote increased use of E-Filing by coal companies to file their coal reclamation fee reports electronically.

Promote increased use of the Pay.Gov payment system by coal companies to enable OSM to automatically process coal reclamation fee payments.

OSM will achieve the performance measures and targets for measures identified under this business line.

2009 PROGRAM PERFORMANCE ACCOMPLISHMENTS

In 2009, the major accomplishments in the Financial Management program activity include:

Collected \$272.3 million in coal reclamation fees resulting in a collection rate of 99.8 percent.

Completed the development of the Coal Fee Collection Management System which replaces three outdated collection systems with one contemporary system.

Increased the enrollment in E-filing so that 76% of the active reporting permits are now reported electronically through OSM's internet-based coal reclamation fee reporting system.

Increased the use of the Treasury's Pay.Gov system so that over 40% of coal reclamation fees were paid electronically through this efficient method.

Achieved performance targets for measures identified on next page.

FINANCIAL MANAGEMENT

Program performance under this business line supports Strategic Plan and PART measures displayed under Resource Protection section of the “Goal Performance Table” Tab in this document. Below represents bureau level measures for this business line.

Program Performance Overview

End Outcome Measure / Intermediate or PART Measure / PART Efficiency or other Outcome Measure	Type	2004 Actual	2005 Actual	2006 Actual	2007 Actual	2008 Actual	2009 Plan	2009 Actual	2010 Plan	2011 Plan	Change from 2010 Plan to 2011	Long-term target 2012
Increase the number of permits reporting by e-filing. (BUR)	C	44%	58%	64%	69%	73%	75%	76%	80%	85%	+5%	90%
AML Fee Collection rate. (BUR)	A	99.9%	99.9%	99.9%	99.9%	99.9%	99%	99.8%	99%	99%	0%	99%

Target Codes: BUR = Bureau specific measure
 Type Codes: C=Cumulative; A=Annual

EXECUTIVE DIRECTION
(Dollars in Thousands)

		2009 Actual	2010 Enacted	2011			Change from 2010 (+/-)
				DOI-wide Changes (+/-)	Program Changes (+/-)	Budget Request	
Regulation & Technology	\$\$\$	15,676	16,070	-146	-32	15,892	-178
	FTE	57	60	0	0	60	0
Abandoned Mine Land	\$\$\$	8,017	8,231	-80	-17	8,134	-97
	FTE	32	33	0	0	33	0
TOTAL	\$\$\$	23,693	24,301	-226	-49	24,026	-275
	FTE	89	93	0	0	93	

Department-wide Changes include reductions of \$ 28,000 for travel, \$14,000 for acquisition (strategic sourcing), \$151,000 for information technology, and an offset of \$33,000 in contributions to DOI's working capital fund. In addition, fixed costs increases for 93 FTE are absorbed. See the discussion in the General Statement for details of these reductions and absorption of fixed costs.

Summary of 2011 Program Changes

Request Component	(\$000)	FTE
<ul style="list-style-type: none"> Efficiencies/Email Savings 	-\$49	
Total Program Changes	-\$49	0

Justification of 2011 Program Changes

Efficiencies/Email Savings (-\$49,000): OSM has established the Microsoft family of products as its core information technology foundation. This foundation allows OSM to leverage the economies of scale savings offered by the Department's enterprise agreement with Microsoft, aligns OSM with the DOI's Technical Reference Model, and supports OSM's business and technical initiatives for Expanded Electronic Government. The Microsoft's Premier Services contract provides OSM's OCIO staff access to subject matter expertise spanning the core Microsoft technology components supporting OSM's business systems, including Microsoft Exchange. With the migration of the Exchange server over to the DOI server, OSM will reduce the hours for assistance under its Microsoft Premier Services contract, thereby, resulting in a savings of approximately \$49,000.

Overview

The Executive Direction business line provides administrative support to the other four business lines. Executive Direction program performance is an integral part of the Environmental Restoration, Environmental Protection, Technology Development and Transfer, and Financial Management business lines. The business line functions are carried out at OSM's headquarters location in Washington, D.C. This business line includes the Director's and staff offices, information technology, administration, human resources, and internal financial management for the organization. Executive Direction provides internal executive direction and administrative support to programs, regions, and field offices through the development and coordination of agency policy, budget, plans and other guidance documents. Also, Executive Direction coordinates the implementation of Departmental and Administration initiatives in the bureau.

The performance outcomes for Executive Direction are accomplished through the efficient and effective operations of the two major agency business lines (i.e., environmental restoration and environmental protection) and two support programs (technology development and transfer and financial management). Through providing administrative support functions for these programs Executive Direction supports the Department of the Interior goals and measures in the new strategic plan.

Operational Processes (Program Activities): The funding request for this business line is to support activities of Executive Direction, Administrative Support and General Services. Executive Direction provides executive leadership and policy direction for the Bureau, which includes the immediate office of the Director. Administrative Support provides all of the support services for day-to-day operations, such as information technology, human resources, procurement, and finance and accounting. General Services funds bureau-wide fixed costs such as office space, telephones, US postage, unemployment compensation etc., and Department-wide fixed costs assessed to OSM.

EXECUTIVE DIRECTION AND ADMINISTRATION ENCOMPASSES:

- Director's and Staff Offices
- Administrative support for day to day operations
 - Human Resources
 - Administration
 - Finance and Accounting
- Information Technology
- General Services (Office space, telephones, postage, unemployment and workers compensation, working capital fund, and other fixed costs)

The Offices in the Executive Direction business line performance is an integral component of OSM's Environmental Restoration and Environmental Protection mission goal areas; and the technology development and transfer and finance support functions. Through accomplishment of OSM's two mission goals the business line supports the Departmental Resource Protection, Resource Use and Serving Communities goal areas.

The outcome of program performance will be measured by the success of the Surface Mining

program in carrying out the environmental restoration and protection missions. Also, performance will be measured through OSM's contribution to the accomplishment of the Departmental initiatives and high priority goals.

Actions Required to Achieve Annual Goals: OSM will continue to review its programs for management efficiencies and savings.

Resources, Skills, and Technology Needed: OSM and the States and Tribes will continue to need a diverse and multi-disciplinary cadre of personnel to accomplish the mission and goals of SMCRA. In addition, these personnel will guide OSM through technical and policy decisions to ensure that coal-mining activities, including post-mining reclamation, are carried out in such a manner that the safety and health of coalfield citizens is protected and the environment is not degraded.

2011 Budget Request: The request is for \$24.0 million for Executive Direction and Administrative activities. Of this total, \$4.1 million will be used to provide executive direction and effective policy guidance for the overall program and liaison efforts with States, Tribes, coalfield citizens, Congress, and other Federal agencies. Administrative support and services for OSM will require \$6.8 million and basic bureau-wide fixed overhead costs in general services will cost \$13.2 million.

Program/Project Support of Bureau, Department, and Government-wide Costs (Section 405 Compliance)

As previously mentioned, the Executive Direction activity provides executive direction and leadership, and policy and program management guidance for all areas of responsibility for OSM. It includes the Director's Office staff and all Staff Offices located in Washington, D. C. The Administration activity includes all the administrative functions necessary to support program activities. It includes four organization areas: Administration, Human Resources, Administrative Financial Management, and Information Technology. The General Services activity includes essential fixed costs to support OSM's program missions such as rent, telecommunications, the DOI working capital fund, and service contracts. OSM does not compute separate overhead charges, deductions, reserves or holdbacks to fund these activities; rather, they are identified as a business line within the budget presentation. Further information on specific elements of each activity can be found in the Executive Direction and Administration program justification.

Within the Executive Direction and Administration business line, OSM includes external administrative costs to include amounts paid to the Department to support Departmental or Government-wide costs. Itemized lists of the budget for activities included in the DOI Working Capital Fund that are centrally billed, fee for service and directly billed are included in the Budget Exhibits.

OSM also has support functions at the regional and field offices that ensure various activities are integrated so the mission is accomplished. The majority of these costs are comprised of the salary and benefits for field office directors, regional directors and their administrative staff. These costs are not identified under Executive Direction and Administration, rather they are included in the program funding requested. OSM provides allocations to its regions based on the overall program activities and does not identify separate funding for support functions. If the Subcommittee is interested in quantifying costs at a regional level, OSM can work with the Subcommittee to provide this information.

Activity Based Costing allows OSM to internally track indirect costs associated with various organizational units and program activities. This is important to determine the full cost of program activities for evaluation purposes. One way in which some indirect costs are associated with program activities is based on FTE consumption. This method is based on the assumption that labor hours correlate to the consumption of these costs using a ratio of FTE per each program activity to total OSM FTEs. Data using this method is made available to managers for program evaluation; however, OSM does not request funding at this level of detail.

Office of Surface Mining Reclamation and Enforcement

Table 13 – Justification of Program and Performance

Executive Direction
 Summary Increases/Decreases for FY 2011
 (Dollars in Thousands)

Program Activity		Regulation & Technology			Abandoned Mine Lands			Total			Inc/Dec (+/-)
		2009 Actual	2010 Enacted	2011 Request	2009 Actual	2010 Enacted	2011 Request	2009 Actual	2010 Enacted	2011 Request	
Executive Direction	\$\$\$	2,605	2,682	2,670	1,385	1,428	1,422	3,990	4,110	4,092	-18
	FTE	23	25	25	13	14	14	36	39	39	0
Administrative Support	\$\$\$	4,341	4,450	4,437	2,283	2,342	2,334	6,624	6,792	6,771	-21
	FTE	34	35	35	19	19	19	53	54	54	0
General Services	\$\$\$	8,730	8,938	8,785	4,349	4,461	4,378	13,079	13,399	13,163	-236
	FTE	0	0	0	0	0	0	0	0	0	0
TOTAL	\$\$\$	15,676	16,070	15,892	8,017	8,231	8,134	23,693	24,301	24,026	-275
	FTE	57	60	60	32	33	33	89	93	93	0

2011 PROGRAM PERFORMANCE ESTIMATES

1. Executive Direction

This activity provides executive direction and leadership, and policy and program management guidance for all areas of responsibility for OSM. The Executive Direction activity includes the salaries and operating expenses for the Office of the Director and four immediate staff offices, which include Equal Opportunity; Communications; Planning, Analysis and Budget; and Chief Information Officer.

a. Office of the Director

The Director is OSM's Chief Executive. The Director provides the leadership and direction of OSM activities within the limits delegated under SMCRA. The Director's primary objectives are to aggressively pursue the reclamation of abandoned mine lands (AML) and to prevent environmental problems in the coalfields by working through the State agencies. OSM makes every effort to obtain full public involvement in the design and development of agency policy. An extensive outreach approach stimulated a more cohesive partnership that has led to better understanding and cooperation among OSM's stakeholders.

In FY 2011, OSM will continue outreach efforts which promote public participation in policy making. The arena for such participation includes public meetings on proposed rulemaking and conferences, which promote discussion and exchange of information on the current state of the coal industry and OSM's evolving role. OSM will continue to take positive steps to contact States, Tribes, citizens, and industry and encourage their participation.

In addition to guiding policy decisions, the Director provides direct supervision to the following staff offices: Office of Equal Opportunity, Office of Communication, Office of Planning, Analysis and Budget and the Office of the Chief Information Officer.

b. Office for Equal Opportunity (EO)

This Office is responsible for promoting equal employment opportunities for all OSM employees. The staff advises and assists the OSM Director in carrying out the Bureau's responsibilities relative to Titles VI and VII of the Civil Rights Act of 1964, as amended; the Age Discrimination in Employment Act of 1967; the Rehabilitation Act of 1973; as well as Executive Orders, regulatory guidelines, and other nondiscrimination laws within the Federal Government. The Office:

- Provides leadership, direction, and policy guidance for EEO Program development.
- Provides for the prompt, fair and impartial processing of complaints of discrimination;
- Provides technical assistance and advice to employees and managers on all EO issues;
- Communicates the bureau's equal employment opportunity policy and program and its employment needs to all sources of job candidates without regard to race, color, religion, sex, national origin, age or handicap;

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- Ensures that a reasonable accommodation program is in place and is implemented in a fair and timely manner;
- Ensures that an alternative dispute resolution program is available for both the pre-complaint process and the formal complaint process;
- Develops, monitors and evaluates EEOC MD-715 Affirmative Employment Program Plans to promote equal employment opportunities;
- Conducts studies on systemic employment problems, assesses the effect of policies and practices on equal employment, identifies employment barriers, recommends solutions and develops written guidance for management; and
- Maintains a Civil Rights Compliance program for federally assisted and conducted programs.

In addition, the office is responsible for Special Emphasis programs and assists the bureau in creating a model equal employment program which ensures that all OSM employees and applicants for employment have equal access. It is responsible for implementing initiatives in response to Presidential Executive Orders, which provides for agencies to work more closely with Historically Black Colleges and Universities, Hispanic Serving Institutions and Tribal Colleges and Universities in an effort to enhance opportunities for minority serving institutions to participate and benefit from programs related to surface coal mining and reclamation activities.

c. Office of Communications (OC)

This Office plans, coordinates, produces, and distributes the following under the direction of the Director:

- Publications
- Audiovisuals
- Fact sheets
- Reports
- Photos
- Exhibits
- News releases

These items contain information about OSM programs, policies, and Congressional activities, the public, the coal industry, citizen groups, and the media. OC responds to requests for information from the news media and the public. OC also maintains a Correspondence Tracking System to manage official correspondence. The Office provides direction for internal communications and functions as the principal point of contact for arranging media interviews and briefings with key officials.

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d. Office of Planning, Analysis and Budget (OPAB)

This Office is responsible for nationwide planning and analysis, and budgetary functions for OSM, including the integration of organizational performance measures into the budget process. The major functions of the Office include:

- Develops and maintains OSM's strategic plan in coordination with Departmental and OSM management;
- Performs trend analyses and modeling to identify changing national and regional needs; and analyzes policy proposals for new initiatives and modifications to existing programs; and
- Carries out the formulation, presentation, execution, and analysis of OSM's budget; providing policy, central coordination, uniform budget procedures and controls; and manages OSM's interface with OMB and Congressional committees on appropriations and other budget-related matters.

In addition, the Office coordinates internal control and other program assessment reviews, in accordance with Executive Orders and Departmental initiatives; and monitors implementation of recommendations from evaluations and reports conducted internally and externally.

e. Office of the Chief Information Officer (OCIO)

The Office of the Chief Information Officer provides advice and assistance to the Deputy Director and other senior OSM officers to ensure that information technology is acquired and information resources are managed for the bureau in a manner that is consistent with the requirements of the Information Technology Management Reform Act of 1996, the Government Information Security Reform Act of 2000, and Chapter 35 of Title 44 USC and industry best practices.

This Office is responsible for OSM's information technology (IT) management. Major functions include:

- Provides advice and assistance to management and employees on IT policy, applicable laws, regulations, and directives;
- Establishes a management framework for and coordinates OSM's nationwide IT capital planning and investment control activities, including approval of IT expenditures within OSM; and
- Develops and implements IT strategic planning to ensure that all of OSM's electronic information systems are administered and developed in accordance with policies, long-range systems and strategic planning.

In addition, the Office manages other aspects of OSM information flow to the public indicative of government transparency, accuracy, and responsiveness, such as Freedom of Information Act requests, records management, and Privacy Act Programs. Enterprise architecture, IT security, asset management, telecommunications, project management and IT career and skills management are also coordinated through the OCIO.

2. Administrative Support

This program includes the administrative functions necessary to support the program activities of OSM. The specific functions are included in four organizational areas: Administration, Human Resources, Administrative Financial Management, and Information Technology.

This function is responsible for managing OSM's financial and administrative activities. It has primary responsibility for implementing the requirements covering the following five Presidential Management Agenda scorecards: improved financial management, competitive sourcing, management of human capital, transportation and energy management, and real property. In addition, it is responsible for reporting output costs as part of OSM's Activity Based Costing initiative. This is also a requirement under the budget and performance integration scorecard. This subactivity provides the policy and direction for information technology (IT) program planning, investment, and portfolio management, information technology security, and enterprise architecture.

a. Administration

The Division of Administration is responsible for development of the Bureau-wide administrative policy and procedures. The Division also implements the following support activities.

- acquisition
- property management
- vehicle fleet management
- space management
- emergency coordination
- employee safety
- employee occupational health
- physical security
- printing, and publications FAIR Act Inventory

The Division of Administration also provides administrative support to headquarters offices. These support activities include office moves, provision of general supplies, and services, property management, mailroom functions, and security and safety management. The Division also manages the bureau-wide fixed cost accounts in General Services (GS).

The Division of Administration is responsible for providing guidance to ensure OSM meets its competitive sourcing goals. OSM developed and completed a competitive sourcing plan that identified the functions and activities to be studied throughout OSM. Studies were completed where appropriate. OSM does not plan to conduct any future competitive sourcing studies due to the small number of FTE identified as being commercial in nature and appropriate for study. The Division of Administration maintains a presence on the Departmental Center for

Competitive Sourcing Excellence working group as an active member to ensure OSM needs and requirements are met. Annually, the Division of Administration provides guidance in the completion of the FAIR Act Inventory to identify all functions throughout OSM and their designation as either inherently governmental or commercial in nature. OSM coordinates its competitive sourcing and strategic human capital planning to ensure, where possible, they support achievement of OSM goals.

The Division of Administration is responsible for providing advice on all matters pertaining to OSM's Emergency Management Program. The Division of Administration provides direction, coordination, and implementation of all aspects of the emergency management program, including, but not limited to: internal policy development; program guidance and direction as it relates to emergency response/continuity of operations/recovery planning, readiness, and, security; coordination of OSM's response/recovery role to declared emergencies and/or disasters on a government-wide basis.

b. Human Resources (HR)

The Division of Human Resources develops and implements policies, standards and systems for the effective use of human resources to accomplish the overall mission of OSM. Specifically, the human resources program provides managers and employees advice and technical assistance on the full range of human resources programs in accordance with OSM, DOI, OPM and other federal policies and guidelines. The division provides processing and record keeping on recruitment, staffing and hiring; conducts position classification and organizational analysis; administers pay and compensation programs for general schedule and senior executive service positions; advises and processes employee and retirement benefits; oversees performance management, awards and recognition programs; manages ethics and financial disclosure holdings programs; implements the personnel security (HSPD-12) process for both federal and contractor staff; provides mandatory employee development and training assistance; and provides guidance on employee relations and workplace issues including disciplinary actions. The staff has increased the use of automated systems such as SMART and its updated version of XI QuickHire, the Federal Personnel and Payroll System (FPPS), Employee Express, DOI Learning Management System (LMS), Personnel Investigative Processing System (PIPS), and the e-QUIP web site linking employees to security forms needed for background investigations. These improvements provide direct on-line personnel history files, human resources information and services directly to the manager, employee and applicant. The Division of Human Resources continually expands its technical systems, updates its internal website, and streamlines its personnel processes in order to effectively provide the most current information to OSM staff.

Special ongoing initiatives this office is working on under the Departmental Human Resource Plan, are highlighted below:

- Recruitment: Human Resources, in conjunction and cooperation with OSM's Office of Equal Opportunity, continues to expand recruitment of the number of women, minorities, and persons with disabilities identified in under- represented occupations. OSM established a team to promote workforce diversity by partnering with Historically Black

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Colleges and Universities, and Hispanic Serving Institutions to promote OSM as an employer of choice to attract applicants to increase our workforce diversity.

- Strategic Management of Human Capital: OSM's workforce plan identified skills and competencies needed for the OSM transition to technical transfer direction. The workforce plan outlines recruitment efforts that are focused on the anticipated retirement loss of human capital, putting employees closer to the customers, competitive sourcing impacts, and a general review of how we are organized and the proper use of both human and fiscal resources. To promote retention in positions where skill gaps have been identified, OSM utilizes several programs including, student loan repayments, relocation allowances, and retention incentives. In addition, OSM uses honorary, non-monetary, and monetary awards to reward employees based on their contributions to the work of the organization.
- Work Force Planning: OSM continues to implement its workforce plan. The Plan links to individual hiring decisions made during the course of the year, thus empowering managers to focus on developing competencies and skills needed to accomplish OSM mission goals. In addition, OSM established a Leadership, Education and Development (LEAD) Program to enhance career advancement within the Bureau. Four OSM employees participated in and completed the program during FY 2008; three of those employees received promotions to managerial positions. Five employees began the program in FY 2009 and will complete their studies in FY 2010.
- Automated On-line Recruitment: This system provides a larger more diverse applicant pool that can be screened and provided to management more efficiently. OSM upgraded to the new QuickHire XI version to ensure that our customers have the best access possible to this data and that our recruitment program is at its highest efficiency.

c. Administrative Financial Management

The Financial Management activity funded in this business line provides OSM's program offices with accounting and financial services for operational funds to implement SMCRA. OSM also bills, collects and accounts for funds derived from program activities reflected in other business lines. These services include paying bills, accounting for receipts and expenditures, issuing financial and management reports, assuring that expenditures are within the allocations, collecting administrative debts, and maintaining the computer systems that support these functions.

OSM implemented the property module of the Departmental-wide Financial and Business Management System (FBMS) in FY 2009. OSM is one of two bureaus that implemented the acquisition module of FBMS in November, 2007. The core financial module was implemented in November, 2006. The grants module was implemented in April 2005. The FBMS system is a major enterprise management initiative that will integrate financial management, acquisition, property management, grants administration and other subsidiary systems. It will revamp administrative processes throughout the Department of the Interior.

Additional modules of the FBMS system will be implemented through FY 2012. As a result of the conversions from the current administrative accounting systems to FBMS, OSM's legacy systems will be replaced by FY 2012 for E-Budget and MAPS.

A major percentage of the Administrative Financial Management resources have been and will continue to be devoted to the successful implementation of the FBMS system while maintaining the high quality and timeliness of on-going administrative financial business.

OMB's recent revision to Circular A-123 imposes significant new requirements on the documentation, assessment, and testing of internal controls over financial reporting of existing legacy systems. The FY 2011 budget continues to fund resources to implement the A-123 program. FBMS implementation will also require that all OSM financial processes be re-documented and re-tested because these processes have been drastically changed.

d. Information Technology (IT)

OSM is heavily automated and dependent upon information technology to provide efficient and accurate Management Information to assist OSM's program managers in accomplishing the agency's mission.

OSM utilizes Active Directory, the DOI standard directory system environment for Microsoft. Active Directory plays a vital role in the OSM network migration, and provides the mechanism for centrally managing software deployment and network maintenance and IT Security. The Active Directory initiative continues to allow OCIO to reduce costs, improve IT security, reduce administrative overhead and improve system-wide configurations.

OCIO is also responsible for the administration of the agency's Information Technology (IT) Security Plan ensuring the safety of OSM's IT information and computer technology hardware and software resources. Employee compliance is monitored with OSM's information technology security training program. The annual security improvements and mandated training program raises the level of IT security awareness among all OSM employees, and enhances OSM's ability to monitor and verify compliance with the DOI IT Security Plan. Effective in FY2010 the Federal Information Systems Security Awareness (FISSA) Training has been restructured to include Privacy, Records Management and Rules of Behavior. Also, bureaus and offices are required to provide specialized or role-based security training (RBST) to employees having significant IT security responsibilities. DOI defines "significant IT security responsibility" as any employee or contractor job role or function that includes: (1) elevated or advanced rights, beyond a general user, to any DOI IT system or (2) IT security program management, oversight, policy, compliance or implementation responsibilities.

OCIO also coordinates through a bureau-wide enterprise service OSM's virus filtering and continuous traffic monitoring systems. These systems significantly enhance efforts to manage security for both new and existing systems by ensuring timely installation of software patches and fixes while strengthening incident handling responses.

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OSM continues to advance in its Capital Planning and Investment Control (CPIC) process maturity. The bureau has been assessed through Stage 3 maturity, and has moved onto Stage 4 maturity, developing artifacts of leadership maturity expressed in the Government Accountability Office's (GAO) Information Technology Investment Maturity (ITIM) Model.

OSM continues to participate in the following management programs and initiatives: E-Gov Scorecard, Federal Enterprise Architecture in support of the Department, and the Government Paperwork Elimination Act. OSM continues collaboration with the Small Business Administration (SBA) in representing the Department as one of the 22 partner agencies participating in the Business Gateway E-Government Initiative. In FY 2009, new goals were added to the OCIO's E-Government scorecard reporting requirements to reflect OMB's and the Department's priorities. OCIO continues to provide responsive and compliant FOIA program support, maintain Privacy Act Program awareness and loss-mitigation strategy, and continue modernization of the OSM Records Management Program. OCIO will continue to evaluate its programs to meet the challenges of these evolving requirements, operate and maintain intranet connectivity, develop Departmental IT strategic plans, implement IT policy, and coordinate compilation of the IT budget.

In Fiscal Years 2009- 2010, OSM undertook a cost savings effort of migrating the management of the bureau email system to DOI OCIO Enterprise Infrastructure Division (EID) management. Prior to this service being moved a benefit Cost Analysis was performed showing the operational savings based on cost figures provided by the EID. Accordingly, the OSM IT budget was adjusted to reflect this amount. Additionally, OSM was interested in the centralization and consolidation of the more than 100 servers used by the Bureau and reducing that number significantly to an estimated 30 +/- shared servers. The EID cost analyses also showed costs for migration and consolidation of OSM servers would provide savings to offset anticipated future operational increases. OSM has been requested to ensure the effective and cost efficient operation of its IT consolidation efforts, and to do so in order to meet targeted budget reductions in these areas through expected increases in those efficiencies in out years. A reduction in IT budget is anticipated for the year in the amount of \$200,000, and all infrastructure areas will be affected to ensure this target is met for FY 2011.

3. General Services

This is a funding activity, which includes essential fixed costs to support OSM's program missions. No personnel or operational activities are funded by this component. The costs below are estimates based on FY 2009 actual obligations.

<i>Line Item</i>	<i>FY 2010 Estimate</i>	<i>FY 2011 Estimate</i>	<i>Estimated Change</i>
Rent and utilities	6,871,196	6,871,196	0
Telecommunications	350,000	350,000	0
Postage	50,000	50,000	0
DOI Working Capital Fund	2,947,400	2,914,400	-33,000
DOI Program Requirements	100,000	100,000	0
Unemployment Compensation	3,600	3,600	0
Worker's Compensation	365,000	365,000	0
Bureau-wide Printing/Supplies	400,000	400,000	0
Service Contracts	480,804	480,804	0
GSA Work Authorizations	100,000	100,000	0
Operational Support Contracts (including support contracts such as quickhire, quicktime, software licenses, and direct billing items)	1,731,000	1,528,000	-203,000
<i>Total</i>	<i>13,399,000</i>	<i>13,163,000</i>	<i>-236,000</i>

2010 PLANNED PROGRAM PERFORMANCE

Plans include:

- Financial Management –e-Grants plus will be replaced by PRISM in FBMS for Financial Assistance transactions.
- Equal Opportunity – focus on developing training methodologies to adapt to the various generations emerging in the workforce.
- Human Capital – implement action plan for actions developed from the recent Human Capital Survey.
- Budget and Performance Integration – Continue to refine activity based costing methods in conjunction with the Department’s review and integration with FBMS.
- Capital Planning and Investment Capital (CPIC) – Conduct required evaluations for all IT programs and major investments.

2009 PROGRAM PERFORMANCE ACCOMPLISHMENTS

In 2009, the major accomplishments in the Executive Direction program activity include:

- Information Technology – Completed Certification and Accreditation (C&A) on 100% of our Headquarters and Regional enclaves and our six major IT investments.
- Financial Management – Implemented the property module of the FBMS system. (2) Supported the Department’s audit opinion on its 2008 and 2009 financial statements.
- Budget/Performance – Integrated budget and performance measures continue to be reported in the budget justification.
- Human Resources – Continued work to refine workforce plans which outline future human resource strategies.
- Capital Planning and Investment Capital (CPIC) – Completed required evaluations for all IT programs and major investments.

EXECUTIVE DIRECTION PERFORMANCE OVERVIEW

The business line provides administrative support to the other four business lines. Executive Direction program performance is an integral part of the Environmental Restoration, Environmental Protection, Technology Development and Transfer, and Financial Management business lines. Please see performance information at the end of each of these business line chapters.

PERMANENT APPROPRIATIONS

**ALLOCATIONS TO STATES AND TRIBES
PAYMENTS TO UNITED MINE WORKERS OF AMERICA**

The permanent appropriations administered by OSM provide for reclamation grants to States and Tribes and payments to three health benefit plans under the United Mine Workers of America (UMWA). The revenues for these payments are derived from the AML Fund and U.S. Treasury Fund. OSM will distribute these funds in accordance with the Surface Mining Control and Reclamation Act Amendments of 2006 outlined in Public Law 109-432, and OSM's implementing regulations published on November 14, 2008 (73 FR 67576).

Legislative Proposal

In order to focus AML payments on the highest priority coal issues, the 2011 budget proposes to terminate mandatory payments to States and Tribes that are certified as having completed their reclamation programs. Because these payments can be used for any purpose approved by the State legislatures or Tribal councils, they are not being used to reclaim priority coal problems. Similarly, the proposal will require that payments to noncertified States are only used for high-priority coal problems. In order to address coal issues that develop or are discovered after certification, this proposal will allocate \$10 million annually to the Federal High Priority Program. This program addresses priority 1 and 2 coal problems on a priority basis, in States without AML programs, which would include certified States and Tribes.

Note: The figures presented in this section for FY 2010 are distributions based on annual reclamation fees collected in FY 2009. A chart detailing funding for FY 2009-2011 and the allocation of certified and non-certified States and Tribes is provided at the end of this section. The figures are shown for the FY 2011 estimates under both the current law and proposed changes instead of changes from the actual funding for FY 2010.

**Table 14 – Permanent Appropriation Estimates
(Dollars in Millions)**

Permanent Appropriation	FY 2009 Actuals	FY 2010 Enacted	FY 2011 Estimates		Change from 2011 Current to Proposed
			Current	Proposed	
Payment (or Grants) to States in Lieu of Coal Fee Receipts (U.S. Treasury Funds)	208.1	227.2	249.1	95.4	-153.7
• Prior Balance Payments	187.0	187.0	187.0	85.4	-101.6
<i>Grants to non-certified States</i>	<i>[85.4]</i>	<i>[85.4]</i>	<i>[85.4]</i>	<i>[85.4]</i>	<i>[0.0]</i>
<i>Grants to certified States and Tribes</i>	<i>[101.6]</i>	<i>[101.6]</i>	<i>[101.6]</i>	<i>[0.0]</i>	<i>[-101.6]</i>
• In Lieu Payments to Certified States	21.1	40.2	62.1	0.0	-62.1
• Federal High-Priority Projects	0.0	0.0	0.0	10.0	10.0
Mandatory Grants to Non-certified States (AML Funds)	90.0	141.9	164.1	164.1	0.0
• State and Tribal Share	27.8	39.2	42.6	42.6	0.0
• Historic Coal Fund	52.5	89.9	109.4	109.4	0.0
• Minimum Program Fund	9.7	12.8	12.1	12.1	0.0
Subtotal- Payments to States and Tribes	298.1	369.1	413.2	259.5	-153.7
Payments to United Mine Workers of America Health Benefit Funds (AML Interest)	61.2	63.9	71.9	71.9	0.0
Payments to United Mine Workers of America Health Benefit Funds (Treasury Funds)	62.8	108.8	128.1	128.1	0.0
Subtotal- Payments to UMWA	124.0	172.7	200.0	200.0	0.0
Total Permanent Appropriation	422.1	541.8	613.2	459.5	-153.7

GOAL: TO DISTRIBUTE FUNDS TO STATES AND TRIBES AND PAYMENTS TO THE UNITED MINE WORKERS OF AMERICA CONSISTENT WITH THE SURFACE MINING CONTROL AND RECLAMATION ACT AMENDMENTS OF 2006

The authority to collect the mine reclamation fee and distribution of the fee was revised by the Tax Relief and Health Care Act of 2006, which included the Surface Mining Control and Reclamation Act Amendments of 2006 (Public Law 109-432). This Act changed the distribution of funding to State and Tribes beginning in FY 2008. OSM published regulations implementing the Act (November 14, 2008, 73 FR 67576) which became effective on January 13, 2009.

For 2011, State and Tribal grants and payments for health plans under the United Mine Workers of America will continue to be from permanent appropriations. Revenue sources, distribution and payments are described below. As previously mentioned, The Department will propose legislation to address these changes so that funding provided is focused on completing coal problems and providing cost savings to the taxpayers. Therefore, provisions outlined below that provide funding to those States and Tribes that have certified completion of abandoned coal problems will change under the proposal.

The mandatory annual distribution based on current law for fiscal year 2011 from the AML fund includes the following components as provided for in Section 402 (g) of SMCRA and 30 CFR 872 of the implement regulations:

- State share allocation for uncertified States (50% of reclamation fees for coal produced during the preceding fiscal year), reduced to 75% by the phase-in.
- Historic coal allocation for uncertified States (30% of reclamation fees for coal produced during fiscal year 2009), reduced to 75% by the phase-in.
- The amount reallocated to the historic coal funding for uncertified States from the State/tribal share allocation for certified States and Tribes from fee collections in fiscal year 2009, reduced to 75% by the phase-in.
- The amount needed from the Secretary's discretionary share to implement the minimum program grant guarantee under section 402(g)(8) of SMCRA of no less than \$3,000,000 for each uncertified State, reduced to 75% by the phase-in.

The mandatory annual distribution for fiscal year 2011 from unappropriated funds in the U.S. Treasury includes the following components:

- An amount equal to one-seventh of the unappropriated balance of all State and Tribal share allocations made on coal produced before October 1, 2007, for both uncertified and certified States and Tribes. (Section 411(h)(1); 30 CFR 872.29-31)

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- An amount equal to the State or Tribal share allocation for certified States and Tribes for fee collections for coal produced in fiscal year 2009, reduced to 50% by the phase-in. (Section 411(h)(2); 30 CFR 872.32-34)

The total amount transferred from the Treasury is subject to a \$490 million annual cap on all Treasury payments to states, tribes, and the three UMWA retiree benefit plans under this legislation.

In addition, payments to three United Mine Workers of America retiree benefit plans are required under Sections 402 (h) and (i) of SMCRA:

- Requires annual transfer of all estimated AML Fund interest earnings for each fiscal year to the three UMWA retiree benefit plans (the Combined Benefit Fund, the 1992 Plan, and the 1993 Plan), to the extent payments from premiums and other sources do not meet those plans' expenditure needs, subject to certain limitations.
- Additional transfers to the CBF began in FY 2007, while transfers to the 1992 and 1993 plans began in FY 2008. Transfers to the 1992 and 1993 plans will be phased in, with transfers in FY 2008-2010 limited to 25%, 50%, and 75%, respectively, of the amounts that would otherwise be transferred.
- The three UMWA plans are also entitled to payments from unappropriated amounts in the Treasury, subject to the overall \$490 million cap on all annual transfers from the Treasury under this legislation; i.e., all transfers to States and Tribes in lieu of state and tribal share allocations and all transfers to the three UMWA plans.
- In general, the three UMWA plans must exhaust all available revenue sources more or less in the following order:
 - Premiums paid by operators and other UMWA revenues (although the legislation also phases out premiums for unassigned beneficiaries).
 - Payments from other federal agencies for benefit purposes, e.g., for the Medicare prescription drug program.
 - Estimated interest to be earned by the AML Fund during the fiscal year in question.
 - Unappropriated balance of the RAMP allocation.
 - Transfers from unappropriated funds in the U.S. Treasury, subject to the \$490 million cap on annual transfers to both the UMWA plans and States and Tribes.
 - Reserve fund created from existing stranded interest earned by the AML Fund.

Distribution of Funds to States and Tribes

OSM will award grants to States and Tribes from mandatory fund distributions from the AML Fund and the Treasury General Fund. States and Tribes use the funds to address hazards and problems such as underground fires, subsidence, landslides, open shafts, unstable or burning refuse piles, acid mine drainage, and dangerous, unstable highwalls.

Generally, States must have an approved SMCRA regulatory (Title V) program and a reclamation (Title IV) program before to be eligible to receive reclamation funding. Three Tribes (Crow, Hopi, and Navajo) are eligible for funding through the AML program, and each has an approved reclamation program. In FY 2008, Tennessee also became eligible for AML program funding although it does not have an approved regulatory program. Twenty-five States and three Tribes received reclamation funding in FY 2010.

Calculation of Allocation to States and Tribes

Each permanent appropriation has a respective account in the United States Treasury. The FY 2010 payments were based on revenues from collection of AML fees for coal produced in FY 2009 and prior year actual fees collected on coal produced as of October 1, 2007. A phased-in approach to payment is used as defined in the law and implementing regulations.

Abandoned Mine Land Funds

Funds are derived from collection of AML fees. Section 402(a) of SMCRA establishes a per tonnage fee for mined coal. The fee structure allows for fee collection of: 31.5 cents/ton of surface mined coal; 13.5 cents/ton of coal mined underground; and 9 cents/ton of lignite; or ten percent of the value of the coal at the mine, whichever is less. Fees are paid by operators of active mines. OSM is responsible for the collection of all AML fees from coal operators. See discussion under Financial Management for details on this federal program activity.

Most expenditures from AML fee collections are for mandatory spending for distribution to States and Indian Tribes. After the phase-in period in fiscal years 2008-2011, approximately 83 percent of the fees collected will be distributed to States and Tribes that have remaining coal problems to be addressed (uncertified States and Tribes), including minimum program States. The remaining funds collected will be available for discretionary appropriations as discussed under "Environmental Restoration."

The amount estimated in FY 2011 for this allocation is \$164.1 million, subject to actual fee collections in FY 2009.

Treasury Funds

Treasury funds will also be used for the mandatory distribution to States and Tribes. The FY 2010 Budget proposes to provide funds only to those States with remaining abandoned coal mine

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problems (uncertified States) as previously discussed. There are two items funded from the U.S. Treasury:

Prior Balance Replacement Fund: The 2006 Amendments authorize U.S. Treasury Funds to be used to pay all States and Tribes, certified and uncertified, an amount equivalent to one-seventh of their unappropriated State and Tribal share balances in the AML Fund from coal produced prior to October 1, 2007. In FY 2011, non-certified States (those States with remaining coal problems) will receive an estimated \$85.4 million in grants under the current law. The FY 2011 budget proposes to eliminate all funding to certified States and Tribes.

Certified in Lieu Fund: The 2006 Amendments also authorize U.S. Treasury Funds to be used to pay certified States and Tribes an amount equal to 50 percent of the fees collected in FY 2009, reduced to 50% by the phase-in required by the law. The FY 2011 budget proposes to eliminate these payments because they are not being used to reclaim abandoned coal mine lands and propose legislation to establish a fund to address any new coal problems within certified States and Tribes that may occur as well as to fund remaining Federal high priority projects. It is estimated an appropriation of \$10 million will be needed for this portion of the proposal.

United Mine Workers of America Payments

AML fees collected are placed in the Abandoned Mine Reclamation Fund. Interest accrues on the collected fees and becomes part of the AML Fund. The interest earned is available for transfer to the United Mine Workers of America Plans in order to help finance health benefits for unassigned beneficiaries.

The estimate for FY 2011 for these payments is \$200.0 million.

Table 15: Mandatory Funding for States and Tribes, FY 2009-2011
(\$ rounded in millions)

State/Tribe	2009 Actuals	2010 Actuals	Hypothetical Distribution For FY 2011	
			Current	Proposed
Alabama	5.5	7.0	7.6	7.6
Alaska	1.7	2.4	2.4	2.4
Arkansas	1.6	2.3	2.3	2.3
Colorado	6.5	7.4	7.9	7.9
Illinois	11.4	16.1	18.5	18.5
Indiana	10.5	13.0	13.9	13.9
Iowa	1.7	2.4	2.5	2.5
Kansas	1.7	2.4	2.5	2.5
Kentucky	31.2	37.6	40.4	40.4
Maryland	2.1	2.6	2.7	2.7
Mississippi	0.2	0.2	0.3	0.3
Missouri	1.8	2.5	2.5	2.5
New Mexico	3.8	4.5	4.6	4.6
North Dakota	2.9	3.4	3.6	3.6
Ohio	8.4	11.6	13.0	13.0
Oklahoma	1.8	2.5	2.5	2.5
Pennsylvania	30.0	43.8	51.0	51.0
Tennessee	1.9	2.6	2.6	2.6
Utah	3.6	4.2	4.5	4.5
Virginia	7.0	8.7	9.4	9.4
West Virginia	39.9	49.9	54.8	54.8
Sub-total for non-certified States	175.2	227.1	249.5	249.5
Louisiana	0.3	0.3	0.3	0
Montana	9.5	10.7	12.3	0
Texas	3.8	4.2	4.6	0
Wyoming	100.8	117.4	136.1	0
Crow	1.6	1.8	2.1	0
Hopi	1.0	1.1	1.0	0
Navajo Nation	5.9	6.5	7.3	0
Sub-total for certified States and Tribes	122.9	142.0	163.7	0
Federal High-Priority Projects	0.0	0.0	0.0	10.0
Total for All States/Tribes	298.1	369.1	413.2	259.5
Source of Mandatory Funding:				
• AML Fund	90.0	141.9	164.1	164.1
• Treasury	208.1	227.2	249.1	95.4

Non-certified States are those that have remaining coal problems to address.

Certified States and Tribes have certified that there are no remaining coal problems.

Reference: P.L. 109-432, SMCRA Amendments Act of 2006

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Exhibit A

WORKING CAPITAL FUND REVENUE - Centralized Billing

FY 2011 President's Budget

OFFICE OF SURFACE MINING AND RECLAMATION

(\$ in thousands)

Activity/Office	2009 Actual	2010 Pres Budget	2010 Estimate	2011 Estimate
Other OS Activities				
Invasive Species Council	24.3	25.2	25.2	25.2
Invasive Species Coordinator	4.0	4.3	4.3	4.3
Secretary's Immediate Office	28.3	29.5	29.5	29.5
Document Management Unit	0.0		0.0	0.0
Office of the Executive Secretariat	0.0		0.0	0.0
Secretary's Immediate Office				
Departmental News and Information	6.2	6.4	6.4	6.4
Office of Communications	6.2	6.4	6.4	6.4
Departmental Museum	0.0		14.5	14.5
Secretary's Immediate Office	0.0		14.5	14.5
Conservation and Educational Partnerships	2.0	2.1	2.1	2.1
Policy, Management and Budget	2.0	2.1	2.1	2.1
FedCenter	2.7	2.7	2.7	2.7
Office of Environmental Policy and Compliance	2.7	2.7	2.7	2.7
Office of Policy Analysis				
CPIC	1.0	1.2	1.2	1.2
Office of Budget	1.0	1.2	1.2	1.2
Activity Based Costing/Management	8.2	8.0	8.0	8.0
Travel Management Center	1.8	2.2	2.2	2.2
e-Gov Travel	30.8	9.3	9.3	9.3
Office of Financial Management	40.8	19.5	19.5	19.5
Space Management Initiative	2.5	2.6	2.6	2.6
Renewable Energy Certificates	1.5	0.0	0.0	0.0
Office of Property and Acquisition Management	4.0	2.6	2.6	2.6
SBA Certifications	0.1	0.1	0.1	0.1
Small and Disadvantaged Business Utilization	0.1	0.1	0.1	0.1
Planning and Performance Management	9.2	9.8	9.8	9.8
Office of Planning and Performance Management	9.2	9.8	9.8	9.8
Alternative Dispute Resolution Training	0.8	0.4	0.4	0.4
Collaborative Action and Dispute Resolution	0.8	0.4	0.4	0.4
Center for Organizational Analysis	6.1	5.3	0.0	0.0
Center for Organizational Analysis	6.1	5.3	0.0	0.0
DOI Access (HSPD-12)	5.7	4.8	4.8	4.8
Department-wide OWCP Coordination	2.4	2.9	2.9	2.9
Accountability Team	3.5	3.9	3.9	3.9
Labor Relations Tracking System	0.0		0.2	0.2
DOI LEARN	5.3	2.5	6.9	13.0

Office of Surface Mining Reclamation and Enforcement

**WORKING CAPITAL FUND REVENUE - Centralized Billing
 FY 2011 President's Budget
 OFFICE OF SURFACE MINING AND RECLAMATION
 (\$ in thousands)**

Activity/Office	2009 Actual	2010 Pres Budget	2010 Estimate	2011 Estimate
OPM Federal Employment Services	4.9	3.8	3.8	3.8
Office of Human Resources	21.8	17.9	22.5	28.7
DOI Executive Forums	0.0		0.9	0.9
Financial Management Training	0.0		33.9	33.9
SESCDP & Other Leadership Programs	0.0		1.5	1.5
Online Learning	0.0		4.1	4.1
Learning and Performance Center Management	0.0		5.3	5.3
Albuquerque Learning & Performance Center	0.0		3.3	3.3
Denver Learning & Performance Center	0.0		6.9	6.9
Washington Learning & Performance Center	0.0		26.2	26.2
DOI University	0.0		82.2	82.2
EEO Complaints Tracking System	0.2	0.0	0.3	0.3
Special Emphasis Program	0.4	0.4	0.4	0.4
Accessible Technology Center	2.4	2.5	2.5	2.5
Office of Civil Rights	3.1	2.9	3.1	3.1
Occupational Health and Safety	7.2	11.6	11.8	12.0
Health and Safety Training Initiatives	1.6	1.6	1.4	1.1
Safety Management Information System	5.0	0.0	0.0	0.0
Office of Occupational Health and Safety	13.8	13.1	13.1	13.1
Security (Classified Information Facility)	2.7	3.5	3.5	3.5
Law Enforcement Coordination and Training	4.6	6.8	6.8	6.8
Security (MIB/SIB Complex)	0.0		496.0	496.0
Victim Witness	0.0		0.0	1.3
Office of Law Enforcement and Security	7.2	10.3	506.3	507.6
Interior Operations Center (Watch Office)	12.5	15.1	15.1	15.7
Emergency Preparedness	4.6	5.4	5.4	6.0
Emergency Response	6.1	6.8	6.8	8.6
Office of Emergency Management	23.2	27.3	27.3	30.4
Enterprise Services Network	369.5	263.3	263.3	289.0
Web & Internal/External Comm	4.7	3.5	3.5	3.5
Enterprise Architecture	30.4	27.9	27.9	29.4
FOIA Tracking & Reporting System	7.8	11.2	11.2	12.8
Threat Management	0.0	9.9	9.9	9.9
IT Security	16.7	17.1	17.1	19.3
Capital Planning	18.6	14.2	14.2	14.2
Privacy (Information Management Support)	1.7	1.8	1.8	5.0
Data Resource Management Program	1.5	1.5	1.5	0.0
IT Security Certification & Accreditation	88.5	88.5	88.5	88.5
Electronic Records Management	10.3	10.5	10.5	10.5
Active Directory	9.9	10.0	10.0	13.7
Enterprise Resource Management	2.8	3.3	3.3	3.3

Office of Surface Mining Reclamation and Enforcement

**WORKING CAPITAL FUND REVENUE - Centralized Billing
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 (\$ in thousands)**

Activity/Office	2009 Actual	2010 Pres Budget	2010 Estimate	2011 Estimate
e-Authentication	2.1	2.2	2.2	0.0
IOS Collaboration	0.0	6.4	6.4	6.4
Networx	17.6	18.9	18.9	0.0
Trusted Internet Connection	5.7	15.5	15.5	0.0
Data-at-Rest	3.0	0.3	0.3	0.3
Logging Extracts	1.1	2.4	2.4	2.4
OCIO Project Management Office	1.7	6.8	6.8	6.8
IT Asset Management	0.0	1.2	2.3	2.3
Continuous Monitoring	0.0	1.2	0.0	0.0
Two-Factor Authentication	4.0	0.5	0.5	0.0
Active Directory Optimization	6.0	5.3	5.3	0.0
Office of the Chief Information Officer	603.5	523.2	523.2	517.1
NBC Appraisal Services Directorate				
Contingency Reserve	1.2	1.2	1.2	1.2
CFO Financial Statement Audit	268.8	275.4	275.4	275.4
Enterprise Geospatial Information Management	13.3	20.9	20.9	20.9
Department-wide Activities	283.3	297.5	297.5	297.5
e-Government Initiatives (WCF Contributions Only)	35.6	34.7	34.7	34.7
Office of Planning and Performance Management	35.6	34.7	34.7	34.7
Ethics	2.0	4.7	4.7	4.7
ALLEX Database	0.2	0.2	0.2	0.2
FOIA Appeals	6.4	5.8	5.8	5.8
Office of the Solicitor	8.6	10.7	10.7	10.7
Subtotal Other OS Activities	1,101.4	1,017.0	1,609.3	1,613.8

Office of Surface Mining Reclamation and Enforcement

**WORKING CAPITAL FUND REVENUE - Centralized Billing
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 (\$ in thousands)**

Activity/Office	2009 Actual	2010 Pres Budget	2010 Estimate	2011 Estimate
National Business Center				
NBC 106 Mainframe Replacement	7.0	0.0	0.0	0.0
NBC IT Security Improvement Plan	7.6	10.7	10.7	10.7
Information Mgmt. - FOIA and Records Management	2.7	2.7	2.7	2.7
Safety Management Information System	0.0	12.3	12.3	12.3
Labor Relations Tracking System	0.0	0.4	0.0	0.0
EEO Complaints Tracking System	0.0	0.3	0.0	0.0
Telecommunication Services	158.0	163.6	162.8	163.4
Integrated Digital Voice Communications System	106.8	109.5	108.9	109.3
Desktop Services	0.0	9.3	9.2	9.3
Audio Visual Services	29.0	26.5	26.4	26.5
SIB Cabling	41.9	4.7	4.7	4.7
Voice/data Switching	37.3	37.3	37.1	37.3
NBC Information Technology Directorate	390.4	377.3	374.7	376.1
FPPS/Employee Express - O&M	119.1	123.7	122.2	124.6
HR LoB W-2 Surcharge	7.5	5.1	5.1	5.1
DOI Executive Forums	0.9	0.9	0.0	0.0
Financial Management Training	33.2	33.9	0.0	0.0
Learning and Performance Center Management	5.4	5.3	0.0	0.0
SESCDP & Other Leadership Programs	1.6	1.5	0.0	0.0
DOI LEARN	0.0	4.3	0.0	0.0
Albuquerque Learning & Performance Center	4.6	3.3	0.0	0.0
Denver Learning & Performance Center	10.3	6.9	0.0	0.0
Online Learning	4.2	4.2	0.0	0.0
Washington Learning & Performance Center	25.3	26.2	0.0	0.0
NBC Human Resources Directorate	212.1	215.4	127.3	129.6
Interior Complex Management & Services	67.6	92.4	91.9	77.9
Family Support Room	2.4	2.5	2.4	2.5
Property Accountability Services	0.0	44.9	52.3	52.5
Vehicle Fleet	2.8	2.9	3.0	3.0
Moving Services	14.7	15.2	19.7	19.7
Shipping and Receiving	33.8	34.8	27.0	27.1
Safety and Environmental Services	0.0	39.8	39.6	39.8
Space Management	22.6	23.0	22.9	23.0
Security (MIB Complex)	475.6	496.0	0.0	0.0
Federal Executive Board	2.2	2.2	2.2	2.2
Health Unit	22.6	23.6	23.4	23.5
Passport & Visa Services	4.5	4.6	5.4	5.5
Mail and Messenger Services	51.0	55.7	55.4	55.6
Blue Pages	20.7	20.7	0.0	-0.0
Mail Policy	2.8	2.8	2.8	2.8
Special Events Services	2.9	3.0	3.0	3.0

Office of Surface Mining Reclamation and Enforcement

**WORKING CAPITAL FUND REVENUE - Centralized Billing
 FY 2011 President's Budget
 OFFICE OF SURFACE MINING AND RECLAMATION
 (\$ in thousands)**

Activity/Office	2009 Actual	2010 Pres Budget	2010 Estimate	2011 Estimate
Cultural Resources & Events Management	3.0	2.9	2.9	2.4
Partnership Schools & Commemorative Programs	3.9	3.9	3.9	3.9
Departmental Museum	12.4	14.5	0.0	0.0
Departmental Library	29.2	30.2	30.1	31.2
NBC Administrative Operations Directorate	774.5	915.6	387.8	375.6
FBMS Hosting	252.0	252.0	252.0	252.0
FBMS Master Data Management	0.0	1.6	1.6	1.6
Transportation Services (Household Goods)	5.8	6.0	5.0	5.0
Financial Systems (including Hyperion)	19.8	19.9	19.8	19.9
IDEAS	34.5	34.8	34.6	34.8
NBC FBMS Conversion	0.0	6.8	6.8	6.8
NBC Financial Management Directorate	312.1	321.1	319.8	320.0
Aviation Management	80.0	101.0	100.4	99.3
NBC Aviation Management Directorate	80.0	101.0	100.4	99.3
Subtotal National Business Center	1,769.0	1,930.4	1,310.0	1,300.7
TOTAL	2,870.4	2,947.4	2,919.3	2,914.5

Office of Surface Mining Reclamation and Enforcement

**WORKING CAPITAL FUND REVENUE - Direct Billing
 FY 2011 President's Budget
 OFFICE OF SURFACE MINING AND RECLAMATION
 (\$ in thousands)**

Activity/Office	2009 Actual ¹	2010 PY Collections	2010 Estimate	2011 Estimate
Other OS Activities				
Secretary's Immediate Office				
Office of the Executive Secretariat				
Secretary's Immediate Office				
Policy, Management, and Budget				
Office of Environmental Policy and Compliance				
Office of Policy Analysis				
Single Audit Clearinghouse	1.5	0.3	0.7	0.7
Office of Financial Management	1.5	0.3	0.7	0.7
FBMS Change Orders	10.8	14.3	25.0	25.0
Financial and Business Management System	10.8	14.3	25.0	25.0
Federal Assistance Award Data System	0.8		0.8	0.8
Office of Acquisition and Property Management	0.8		0.8	0.8
Office of Wildland Fire Coordination				
Office of Planning and Performance Management				
Office of Collaborative Action and Dispute Resolution				
Center for Competition Efficiency and Analysis				
DOI LEARN	0.0		0.0	0.0
DOI Access (HSPD-12)	39.7		20.7	33.8
Labor and Employee Relations	0.8		0.8	0.8
Office of Human Resources	40.4		21.5	34.5
On-Line Learning	0.0		5.7	6.8
Washington Leadership & Performance Center	0.0		2.0	2.1
DOI University	0.0		7.7	8.9
EEO Training	1.5		0.8	0.8
EEO Investigations	1.5		1.5	1.5
Office of Civil Rights	3.0		2.3	2.3
Office of Occupational Health and Safety				
Office of Law Enforcement and Security				
Oracle Licenses and Support	19.0	9.5	11.6	14.0
Microsoft Enterprise Licenses	203.0		202.0	202.0
Anti-Virus Software Licenses	4.2	12.2	19.7	23.6
Enterprise Services Network	189.7		207.8	210.0
Federal Relay Service	0.0		1.0	1.0
IOS Collaboration	0.0		150.0	156.0
EID Rack Space	0.0		4.0	4.2
Office of the Chief Information Officer	415.9	21.7	596.1	610.8
Live e-Mail Capture (Cobell Litigation)	7.6	45.0	0.0	0.0
Message Journaling (Cobell Litigation)	0.0	3.0	0.0	0.0
Tape Search Request (Cobell Litigation)	0.0	1.1	0.0	0.0

¹ 2009 actual column reflects collections from 2009 and any prior years.

Office of Surface Mining Reclamation and Enforcement

WORKING CAPITAL FUND REVENUE - Direct Billing

FY 2011 President's Budget

OFFICE OF SURFACE MINING AND RECLAMATION

(\$ in thousands)

Activity/Office	2009 Actual ¹	2010 PY Collections	2010 Estimate	2011 Estimate
IT Security Audit (Cobell Litigation)	0.0	0.4	0.0	0.0
Legacy Tape Storage (3-year Live Capture - Cobell Litigation)	0.3	0.7	0.0	0.0
Zantaz Audit Center Licenses (Cobell Litigation)	0.0	0.4	0.0	0.0
Zantaz Exchange Servers (Cobell Litigation)	0.0	0.1	0.0	0.0
Zantaz Professional Services (Cobell Litigation)	0.0	1.3	0.0	0.0
e-Mail Archiving (Cobell Litigation)	81.0	73.3	94.0	113.0
Central Services	88.8	125.2	94.0	113.0
FY 2004 CFO Audit	0.0	7.9	0.0	0.0
FY 2010 CFO Audit	0.0		0.0	0.0
FY 2011 CFO Audit	0.0		0.0	122.0
Central Services	0.0	7.9	0.0	122.0
Federal FSA Program	7.1	11.1	15.8	17.0
ESRI Enterprise Licenses	0.0		155.0	155.0
Central Services	7.1	11.1	170.8	172.0
Central Services				
Central Services				
Subtotal Other OS Activities	568.3	180.6	918.8	1,090.0

¹ 2009 actual column reflects collections from 2009 and any prior years.

Office of Surface Mining Reclamation and Enforcement

WORKING CAPITAL FUND REVENUE - Direct Billing

FY 2011 President's Budget

OFFICE OF SURFACE MINING AND RECLAMATION

(\$ in thousands)

Activity/Office	2009 Actual ¹	2010 PY Collections	2010 Estimate	2011 Estimate
National Business Center				
NBC Acquisitions Services Directorate				
Creative Communications	61.6		63.7	64.5
Facilities Reimbursable Services	24.3		10.0	10.1
NBC Administrative Operations Directorate	85.9		73.7	74.6
NBC Appraisal Services Directorate				
NBC Aviation Management Directorate				
NBC Financial Management Directorate				
Client Liaison and Product Development Division	1.5		1.2	1.2
Personnel & Payroll Systems Division	22.3		0.0	0.0
HR Management Systems Division	48.9		10.2	6.7
Quicktime Services	0.0		23.0	23.6
NBC Human Resources Directorate	72.7		34.3	31.5
Customer Support Services Division	9.9		10.3	11.2
NBC Information Technology Directorate	9.9		10.3	11.2
Washington Leadership & Performance Center				
Denver Learning & Performance Center	8.2		0.0	0.0
On-Line Learning	6.3		0.0	0.0
NBC Human Resources Directorate	7.3		0.0	0.0
NBC Human Resources Directorate	21.8		0.0	0.0
NBC Office of the Director				
Subtotal National Business Center	190.3		118.3	117.3
TOTAL	758.6	180.6	1,037.1	1,207.3

¹ 2009 actual column reflects collections from 2009 and any prior years.

Exhibit B
2011 Mandatory Budget Proposal

	Description
Treasury Funds Prior balance funds Certified in lieu funds	Propose legislation to eliminate AML mandatory payments from the Office of Surface Mining to “certified” States and Tribes that have completed their cleanup of abandoned coal mines. This proposal has been modified to retain a limited amount of funding for remaining Federal high priority coal projects, as well as those newly identified problems arising in certified States and Tribes. Funds to certified States and Tribes are projected at \$163.7 million for four States—Louisiana, Montana, Texas, Wyoming—and three Tribes—Crow, Hopi and Navajo Nation. An amount of \$10.0 million will be retained to cover any new problems identified and remaining Federal high priority projects. The Surface Mining Control and Reclamation Act Amendments of 2006 (P.L. 109-432) revised Title IV of SMCRA to make significant changes to the reclamation fee and the AML program, including mandatory payments to States and Tribes. Mandatory funding is provided both to those States that are “non-certified” (i.e., have remaining coal problems) and those who have certified that their coal problems have been completed (certified States and Tribes).
Treasury Funds Federal High-Priority Projects	

Exhibit C
MAX Tables/Budget Schedules

Department of the Interior
Office of Surface Mining Reclamation and Enforcement
Regulation and Technology
Program and Financing
(dollars in millions)

14-1801-0-1-302	2009 Actual	2010 Estimate	2011 Estimate
<u>Obligations by program activity:</u>			
00.02 Environmental Protection	87	95	84
00.03 Technology Development & Transfer	15	15	15
00.04 Financial Management	1	1	1
00.05 Executive Direction & Administration	15	16	16
09.01 Reimbursable Program			
10.00 Total Obligations	118	127	116
<u>Budgetary resources available for obligation</u>			
21.40 Unobligated balance available, start of year: Uninvested balance	4	8	8
22.00 New budget authority (gross)	120	127	116
22.10 Resources available from recoveries of prior year obligations	3		
23.90 Total budgetary resources available for obligation	127	135	124
23.95 New obligations	-118	-127	-116
23.98 Unobligated balance expiring or withdrawn			
24.40 Unobligated balance carried forward, end of year	8	8	8
<u>New budget authority (gross), detail</u>			
Current:			
40.00 Appropriation (general fund)	120	127	116
43.00 Appropriation (total discretionary)	120	127	116

Office of Surface Mining Reclamation and Enforcement

14-1801-0-1-302	2009 Actual	2010 Estimate	2011 Estimate
<u>Change in unpaid obligations</u>			
72.40 Unpaid obligations; start of year: obligated balance, start of year	41	46	50
73.10 Total new obligations	118	127	116
73.20 Total outlays (gross)	-109	-123	-137
73.40 Adjustments in expired accounts (net)	-1		
73.45 Recoveries of prior year obligations	-3		
74.40 Unpaid obligations, end of year: Obligated balance, end of year	46	50	29
<u>Outlays (gross), detail</u>			
86.90 Outlays from new discretionary authority	73	86	79
86.93 Outlays from discretionary balances	36	37	58
87.00 Total outlays (gross)	109	123	137
<u>Net budget authority and outlays</u>			
89.00 Budget authority	120	127	116
90.00 Outlays	109	123	137
95.02 Unpaid obligation, end of year	46		

Office of Surface Mining Reclamation and Enforcement

Department of the Interior
Office of Surface Mining Reclamation and Enforcement
Abandoned Mine Reclamation Fund
 Program and Financing
 (dollars in millions)

14-5015-0-1-302	2009 Actual	2010 Estimate	2011 Estimate
<u>Obligations by program activity:</u>			
00.01 Environmental Restoration	20	17	12
00.02 Technology Development & Transfer	4	4	4
00.03 Financial Management	7	7	6
00.04 Executive Direction & Administration	8	8	8
00.05 AML Funded Grants to States	113	147	163
00.06 UMWA and other benefits	62	64	72
0901 Reimbursable Program			
09.99 Total Reimbursable Program			
10.00 Total Obligations	214	247	265
<u>Budgetary resources available for obligation</u>			
21.40 Unobligated balance available, start of year:	35	39	49
22.00 New budget authority (gross)	195	247	265
22.10 Resources available from recoveries	23	10	10
23.90 Total budgetary resources available for obligation	253	296	324
23.95 Total new obligations	-214	-247	-265
24.40 Unobligated balance available, end of year	39	49	59
<u>New budget authority (gross), detail</u>			
Discretionary:			
40.20 Appropriation (special fund, definite)	53	36	30
40.36 Unobligated balance permanently reduced	-9		
43.00 Appropriation (total discretionary)	44	36	30
58.00 Spending authority from offsetting collections:			
Offsetting collections (cash)	1		
58.10 Spending authority from offsetting collections: Change in uncollected customer payments from Federal sources (unexpired)	-1		
Mandatory:			
60.20 Appropriation (AML & RAMP transfers to UMWA) [15-5015-0-999-N-0502-01]	151	64	72
60.20 Appropriation (AML & RAMP transfers to UMWA) [15-5015-0-999-N-0503-01]		147	163

Office of Surface Mining Reclamation and Enforcement

14-5015-0-1-302	2009 Actual	2010 Estimate	2011 Estimate
62.50 Appropriation (AML & RAMP transfers to UMWA)	151	211	235
70.00 Total new budget authority (gross)	195	247	265
<u>Change in unpaid obligations</u>			
Unpaid obligations, start of year:			
72.40 Obligated balance, start of year	206	182	178
73.10 Total new obligations	214	247	265
73.20 Total outlays (gross)	-216	-241	-237
73.45 Recoveries of prior year obligations	-23	-10	-10
74.00 Change in uncollected customer payments from Federal sources (unexpired)	1		
74.40 Obligated balance end of year	182	178	196
<u>Outlays (gross), detail</u>			
86.90 Outlays from new discretionary authority	28	31	26
86.93 Outlays from discretionary balances	72	70	35
86.97 Outlays from new mandatory authority	76	105	117
86.98 Outlays from mandatory balances	40	35	59
87.00 Total outlays	216	241	237
<u>Offsets: Against gross budget authority and outlays:</u>			
<u>Offsetting collections (cash) from:</u>			
88.40 Offsetting collections (cash) from: Non-Federal Sources	1		
88.95 Offsets: Against gross budget authority only: Change in uncollected customer payments from Federal sources (unexpired)	-1		
<u>Net budget authority and outlays</u>			
89.00 Budget authority	195	247	265
90.00 Outlays	215	241	237
92.01 Total investments, start of year: par value	2,430	2,532	2,630
92.02 Total investments, end of year: par value	2,532	2,630	2,824
95.02 Unpaid obligation, end of year	182		

Office of Surface Mining Reclamation and Enforcement

Department of the Interior
Office of Surface Mining Reclamation and Enforcement
Abandoned Mine Reclamation Fund
Program and Financing
(dollars in millions)

14-1803-0	2009 Actual	2010 Estimate	2011 Estimate
<u>Obligations by program activity:</u>			
00.01 Payments in lieu of pre-FY 2008 balances (uncertified and certified States and Tribes)	85	85	85
00.02 Prior Balance Payments to Certified States and Tribes	102	102	102
00.03 In Lieu Payments to Certified States and Tribes	22	40	62
10.00 Total new obligations (object class 41.0)	209	227	249
<u>Budgetary resources available for obligation</u>			
21.40 Unobligated balance carried forward, start of year		2	2
22.00 New budget authority (gross)	208	227	249
22.10 Resources Available from recoveries of prior year obligations	3		
23.90 Total budgetary resources available for obligation	211	229	251
23.95 Total new obligations	-209	-227	-249
24.40 Unobligated balance carried forward, end of year	2	2	2
<u>New budget authority (gross), detail</u>			
Mandatory:			
60.00 Appropriation	208	227	249
62.50 Appropriation (total mandatory)	208	227	249
<u>Change in obligated balances:</u>			
72.40 Obligated balance, start of year	171	303	228
73.10 Total new obligations	209	227	249
73.20 Total outlays (gross)	-74	-302	-261
73.45 Recoveries of prior year obligations	-3		
74.40 Obligated balance end of year	303	228	216
<u>Outlays (gross), detail</u>			
86.97 Outlays from new mandatory balances	15	128	144
86.98 Outlays from mandatory balances	59	174	117
87.00 Total Outlays (gross)	74	302	261
<u>Net budget authority and outlays</u>			
89.00 Budget authority	208	227	249
90.00 Outlays	74	302	261
95.02 Unpaid obligation, end of year	302		

Office of Surface Mining Reclamation and Enforcement

**Department of the Interior
Office of Surface Mining Reclamation and Enforcement
Abandoned Mine Reclamation Fund
Program and Financing
(dollars in millions)**

14-1803-4	2009 Actual	2010 Estimate	2011 Estimate
<u>Obligations by program activity:</u>			
00.02 Prior Balance Payments to Certified States and Tribes	--	--	-102
00.03 In Lieu Payments to Certified States and Tribes			-62
00.04 Federal Programs			10
10.00 Total new obligations (object class 41.0)	--	--	-154
<u>Budgetary resources available for obligation</u>			
22.00 New budget authority (gross)	--	--	-154
22.10 Resources available from recoveries of prior year obligations			1
23.90 Total budget resources available for obligation			-153
23.95 Total new obligations	--	--	-154
24.40 Unobligated balance available, end of year	--	--	1
<u>New budget authority (gross), detail</u>			
Mandatory:			
60.00 Appropriation	--	--	-154
62.50 Appropriation (total mandatory)			-154
<u>Change in obligated balances</u>			
72.40 Obligated balance, start of year			
73.10 Change in obligated balances: Total new obligations	--	--	-154
73.20 Total outlays (gross)	--	--	115
73.45 Recoveries of prior year obligations	--	--	-1
74.40 Obligated balance end of year	--	--	-40
<u>Outlays (gross), detail</u>			
86.97 Outlays from new mandatory authority	--	--	-115
<u>Net budget authority and outlays</u>			
89.00 Budget authority	--	--	-154
90.00 Outlays	--	--	-115

Office of Surface Mining Reclamation and Enforcement

Department of the Interior
Office of Surface Mining Reclamation and Enforcement
Abandoned Mine Reclamation Fund
 Program and Financing
 (dollars in millions)

14-1804-0	2009 Actual	2010 Estimate	2011 Estimate
<u>Obligations by program activity:</u>			
00.01 Environmental Restoration	63	109	128
10.00 Total new obligations (object class 41.0)	63	109	128
<u>Budgetary resources available for obligation</u>			
22.00 New budget authority (gross)	63	109	128
23.95 Total new obligations	-63	-109	-128
<u>New budget authority (gross), detail</u>			
Mandatory:			
60.00 Appropriation	63	109	128
73.10 Change in obligated balances:			
Total new obligations	63	109	128
73.20 Total outlays (gross)	-63	-109	-128
<u>Outlays (gross), detail</u>			
86.97 Outlays from new mandatory authority	63	109	128
<u>Net budget authority and outlays</u>			
89.00 Budget authority	63	109	128
90.00 Outlays	63	109	128

Office of Surface Mining Reclamation and Enforcement

Department of the Interior
Office of Surface Mining Reclamation and Enforcement
Regulation and Technology
 Program and Financing
 (dollars in millions)

Object Class	FY 2010 Estimate		DOI-wide Changes		Program Changes		FY 2011 Request	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
11 Personnel Compensation								
11.1 Full-time Permanent	341	33					341	33
11.X All other salaries								
Total Personnel Compensation	341	33	0	0	0	0	341	33
Other Object Classes								
12.1 Personnel Benefits		7						7
21.0 Travel and transportation of persons		2						2
23.1 Rental Payments to GSA		4						4
23.2 Rental Payments to Others		1						1
25.2 Other Services		6						6
26.0 Supplies and materials		2						2
31.0 Equipment		1						1
41.0 Grants, subsidies and contributions		71						60
99.0 Subtotal, obligations, Direct obligations		127						116
Reimbursable obligations								
11.1 Personnel compensation: Full-time permanent								
99.0 Subtotal, obligations, Reimbursable								
99.5 Below reporting threshold								
99.9 Total requirements	341	127	0	0	0	0	341	116

Office of Surface Mining Reclamation and Enforcement

Summary of Requirements by Object Class
Abandoned Mine Reclamation Fund
 Program and Financing
 (dollars in millions)

Object Class	FY 2010 Estimate		DOI-wide Changes		Program Changes		FY 2011 Request	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
11 Personnel Compensation								
11.1 Full-Time Permanent	174	17					174	17
Total Personnel Compensation	174	17					174	17
<u>Other Objects</u>								
12.1 Personnel Benefits		3						3
21.0 Travel and trans of persons		1						1
23.1 Rental Payments to GSA		2						2
23.3 Communications, utilities and misc.		1						1
25.2 Other Services		15						5
31.0 Equipment		1						1
41.0 Grants, subsidies and Contributions		204						235
99.9 Below reporting threshold		3						
Total Requirements	174	247	0	0	0	0	174	265

Office of Surface Mining Reclamation and Enforcement

Department of the Interior
Office of Surface Mining Reclamation and Enforcement
Regulation and Technology
 Object Classification
 (dollars in millions)

14-1801-0-1-302	FY 2009 Actual	FY 2010 Estimate	FY 2011 Estimate
Direct Obligations:			
Personnel Compensation:			
1111 Full-time permanent	30	33	33
1113 Positions other than full-time permanent	*	*	*
1115 Other Personnel Compensation	*	*	*
1119 Total Personnel Compensation	30	33	33
1121 Personnel Benefits	7	7	7
1130 Benefits for former Personnel	*	*	*
1210 Travel and Transportation of Persons	2	2	2
1220 Transportation of Things	*	*	*
1231 Rental Payments to GSA	4	4	4
1232 Rental Payments to Others	1	1	1
1233 Communications, Utilities and Misc. Charges	*	*	*
1240 Printing and Reproduction	*	*	*
1251 Advisory and assistance services	*	*	*
1252 Other Services	7	6	6
1257 Operation and maintenance of equipment	*	*	*
1260 Supplies and Materials	1	2	2
1310 Equipment	1	1	1
1410 Grants, Subsidies and Contributions	65	71	60
1420 Insurance Claims	*	*	*
1430 Interest and Dividends	*	*	*
<i>9900 Subtotal, Direct Obligations</i>	<i>118</i>	<i>127</i>	<i>116</i>
Reimbursable Obligations:			
2111 Full-time permanent (Reimbursable)	*	*	*
2252 Other Services	*	*	*
9995 Below reporting threshold			
9999 Total Obligations	118	127	116

Office of Surface Mining Reclamation and Enforcement

**Department of the Interior
Office of Surface Mining Reclamation and Enforcement
Abandoned Mine Reclamation Fund**

Object Classification
(dollars in millions)

14-5015-0-1-302	FY 2009 Actual	FY 2010 Estimate	FY 2011 Estimate
Direct Obligations:			
<u>Personnel Compensation:</u>			
1111 Full-time permanent	16	17	17
1113 Positions other than full-time permanent	*	*	*
1115 Other Personnel Compensation	*	*	*
1119 Total Personnel Compensation	16	17	17
1121 Personnel Benefits	4	3	3
1210 Travel and Transportation of Persons	1	1	1
1231 Rental Payments to GSA	2	2	2
1232 Rental Payments to Others	*	*	*
1233 Communications, Utilities and Misc. Charges	1	1	1
1252 Other Services	74	15	5
1260 Supplies and Materials	*	*	*
1310 Equipment	1	1	1
1410 Grants, Subsidies and Contributions	113	204	235
Reimbursable obligations:			
2252 Other services	*	*	*
9995 Below reporting threshold	2	3	*
9999 Total Obligations	214	247	265

Office of Surface Mining Reclamation and Enforcement

**Department of the Interior
Office of Surface Mining Reclamation and Enforcement
Abandoned Mine Reclamation Fund**

Object Classification
(dollars in millions)

14-1803-0	FY 2009 Actual	FY 2010 Estimate	FY2011 Estimate
Direct Obligations:			
14.10 Direct obligations: Grants, Subsidies and Contributions	209	227	249

Office of Surface Mining Reclamation and Enforcement

**Department of the Interior
Office of Surface Mining Reclamation and Enforcement
Abandoned Mine Reclamation Fund**

Object Classification
(dollars in millions)

14-1803-4	FY 2009 Actual	FY 2010 Estimate	FY2011 Estimate
Direct Obligations:			
14.10 Direct obligations: Grants, subsidies and contributions	--	--	-154

Office of Surface Mining Reclamation and Enforcement

**Department of the Interior
Office of Surface Mining Reclamation and Enforcement
Abandoned Mine Reclamation Fund**

Object Classification
(dollars in millions)

14-1804-0	FY 2009 Actual	FY 2010 Estimate	FY2011 Estimate
Direct Obligations:			
12.52 Direct obligations: Other services	63	109	128

Budget Exhibit D

**DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement
Employee Count by Grade**

	FY 2009 Actual	FY 2010 Estimate	FY 2011 Estimate
Executive Level	1	1	1
SES.....	6	6	6
subtotal.....	7	7	7
GS/GM-15.....	27	27	27
GS/GM-14.....	59	59	57
GS/GM-13.....	140	140	136
GS-12.....	158	158	154
GS-11.....	28	28	28
GS-10.....	0	0	0
GS-9.....	31	31	31
GS-8.....	9	9	9
GS-7.....	27	27	27
GS-6.....	15	15	15
GS-5.....	12	12	12
GS-4.....	12	12	12
GS-3.....	3	3	3
GS-2.....	3	3	3
subtotal.....	524	524	514
Other Pay Schedule Systems.....			
Total employment (actual/projected) at end of fiscal year.....	531	531	521

Note: This is employee count projected at the end of each fiscal year and not FTE levels.

Office of Surface Mining Reclamation and Enforcement

AML Reclamation Accomplishments Historical Data Through September 30, 2009 Priority 1, 2, and 3 Problems					
Problem Type	Units	Number of Units	GPRA Acres	Cost of Completed Reclamation	Remaining Reclamation Costs
Bench	Acres	656	656	2,870,656	12,925,003
Clogged Streams	Miles	447	2,235	47,930,018	74,866,842
Clogged Stream Lands	Acres	19,127	19,127	190,859,877	204,377,789
Dangerous Highwalls	Feet	2,698,157	38,545	337,797,477	743,105,248
Dangerous Impoundments	Count	939	4,695	35,104,550	29,598,927
Industrial/Residential Waste (Priority 1 & 2)	Acres	269	269	1,500,627	787,791
Dangerous Piles & Embankments	Acres	12,121	12,121	223,220,429	282,363,142
Dangerous Slides	Acres	3,393	3,393	151,706,032	95,053,328
Equipment/Facilities	Count	697	70	6,331,222	5,168,523
Gases: Hazardous Explosive	Count	37	37	510,919	2,374,002
Gobs (Coal waste piles)	Acres	6,509	6,509	80,580,809	63,398,196
Highwalls	Feet	187,928	2,685	14,389,357	1,257,183,719
Hazardous Equipment & Facilities	Count	4,637	464	26,517,669	25,995,364
Haul Road	Acres	557	557	4,329,101	4,389,936
Hazardous Water Body	Count	1,502	7,510	36,984,118	58,711,911
Industrial/Residential Waste (Priority 3)	Acres	768	768	5,446,782	10,925,474
Mine Opening	Count	600	60	1,950,255	9,051,929
Other	-----	108,251,652	108,251,652	7,818,724	24,842,540
Polluted Water: Agricultural & Industrial	Count	437	2,158	41,780,512	115,301,337
Polluted Water: Human Consumption	Count	33,625	168,125	177,233,493	3,767,527,427
Portals	Count	10,017	1,002	45,045,107	32,944,305
Pits	Acres	2,428	2,428	14,990,875	39,515,262
Subsidence	Acres	6,481	6,481	277,159,529	594,858,054
Spoil Area	Acres	81,467	81,467	69,970,556	299,218,098
Surface Burning	Acres	1,430	1,430	45,569,974	24,788,885
Slurry	Acres	2,462	2,462	25,767,219	6,374,497
Slump	Acres	325	325	1,636,691	99,875,172
Underground Mine Fire	Acres	1,636	1,636	91,095,448	845,417,066
Vertical Opening	Count	138,133	13,813	31,223,429	35,289,808
Water Problems	Gal/Min	9,122,435	9,122,435	12,634,200	142,524,310
Total		120,590,872	117,755,115	2,009,955,655	8,908,753,885
* Not converted to GPRA acres.					
Note: GPRA Acres are non-acre measures (feet of highwalls or number of portals that are converted by formula to acres. GPRA acres are used to measure program performance). Includes Acid Mine Drainage, Coal Interim Site Funding, Coal Insolvent Surety Site Funding, and Pre-SMCRA Coal State/Tribe Programs,					
Source: Abandoned Mine Land Inventory System (AMLIS).					

Office of Surface Mining Reclamation and Enforcement

By State and Tribe Funding Data						
FY 2009 Obligations for Grants, Cooperative Agreements and Federal Project Spending						
(DOLLARS IN THOUSANDS)						
STATE/TRIBE	Environmental Restoration			Environmental Protection(Regulatory)		TOTAL
	AML Funding	Federal Reclamation		Grants/Agreements		
	Emergency	High Priority	Emergency	Non-Federal	Federal	
	Projects	Projects	Projects	Lands	Lands	
Alabama	400			1,307	20	1,727
Alaska				240		240
Arkansas	15			146		161
California						
Colorado			94	620	1,713	2,427
Georgia		161				161
Illinois	1,055			2,739	156	3,950
Indiana	339			1,890		2,229
Iowa	70			75		145
Kansas	612			112		724
Kentucky			6,016	9,355	1,087	16,458
Louisiana				166		166
Maryland				715		715
Michigan			3			3
Mississippi				130		130
Missouri	50			234		284
Montana	125			155	1,202	1,482
New Mexico				329	521	850
North Dakota	100			404	315	819
Ohio	3,050			2,970		6,020
Oklahoma	285			1,078	156	1,519
Oregon						
Pennsylvania			2,788	12,685		15,473
Rhode Island						
South Dakota						
Tennessee						
Texas				1,748		1,748
Utah				275	1,762	2,037
Virginia	1,200			3,913		5,113
Washington		25	79			104
West Virginia	4,775			11,924		16,699
Wyoming				446	1,843	2,289
Crow					145	145
Hopi					299	299
Navajo					909	909
N. Cheyenne						
Total	12,076	186	8,980	53,656	10,128	85,026

