

necessary, by the staff of the Commissioner of the Department for Surface Mining Reclamation and Enforcement (DSMRE) and, if approved are then returned to the DAML, where a purchase requisition is prepared for the Director to review and sign. After they are signed, the plans are sent to the Division of Administrative Services, which reviews the purchase requisition for accuracy and form, and to insure that sufficient funds are available. The following revision is added to the first paragraph on page 12-6: "When an apparent low bidder is identified for any AML reclamation contract, the Division of Abandoned Lands forwards the low bidder's name, federal tax number, social security numbers and other information as required to the Ownership and Control Review section of the Division of Permits of the Kentucky Department of Surface Mining for an Applicant Violator System (AVS) check for permit eligibility, in accordance with 30 CFR 874.16. Before the contract is awarded to the apparent low bidder an AVS confirmation of permit eligibility will be received from the AVS check." Also on page 12-6, the fourth sentence of the first paragraph is revised by deleting the statement that the Commonwealth has the right to "waive all informalities and technicalities of a bid when, in their judgment, the best interest of the Commonwealth of Kentucky may be served." A sentence is then added immediately after the revised fourth sentence. The new sentence states that "[a]ll rejections of bids or waivers will be in accordance with requirements of Office of Management and Budget (OMB) Circular A-102, and applicable State or local law."

*Construction (pp. 12-7 and 12-8):* the subsections, "Monthly Reports for Office of Surface Mining", "Final Report for the Office of Surface Mining" and "Change Orders," have been deleted, as was the phrase, "and change orders," at the end of the first paragraph on page 12-7. The sentence "guidelines pertaining to change orders will be developed by the Division Director as needed" has been inserted as the last sentence of the "Project Inspection" subsection.

*AML Enhancement Rule (p.12-9):* the subsection "AML Enhancement Rule" has been added. In an effort to promote re-mining, Kentucky has incorporated OSM's AML Enhancement Rule at 30 CFR 874.17 by reference. The rule provides guidance and procedures for AML programs when considering an AML project as government-financed construction under 30 CFR part 707. This rule applies only if the level of

funding will be less than 50 percent of the total cost because of planned coal extraction. It will be implemented in conjunction with Kentucky's approved program regulation at 405 KAR 7:030(2)(1)(c).

*Reclamation Agreements (p. 12-10):* this new subsection has been added. It authorizes the DSMRE, through the DAML, to enter into Reclamation Agreements (Agreement) with private coal mining permittees for the reclamation of AML sites adjacent to or near active mining permits. The Agreements will be site-specific, and will allow for excess spoil removal from the permit area and placement of the spoil on the AML site. Guidelines for the Agreements are also provided for use by DAML when assessing the need for entering into an Agreement. These guidelines state that the proposed disposal must be AML eligible, must be inventoried by the State AML program and registered on the National Mine Land Inventory System, and must be of priority III or greater priority status. Other guidelines require the State AML program to develop a reclamation cost estimate, and state that the anticipated total cost to be borne by the company must represent a savings to the AML program. Finally, the area must be causing off-site environmental damage, but be an unlikely candidate for reclamation under the regular (*i.e.* AML funded) State AML program.

*Accounting Systems (p. 13-1):* this section has been revised to update organizational title and office changes.

*Maps of Eligible Lands and Waters (p. 15-1):* the first paragraph is reworded to better clarify AML eligibility by referencing "Section 404 'Eligible Lands and Water' and/or 402(g)(4) of Title IV of Public Law 95-87 and/or KRS 350.560".

*Problems Occurring on Abandoned Mine Land Sites (pp. 16-3, 16-5, 16-9 and 16-12):* on page 16-3, first paragraph (Environmental Damage), line 3, the phrase "including adverse impacts on endangered and threatened species" is added after the phrase "loss of fish and wildlife habitat." Also on page 16-3, in the paragraph entitled "Surface/Groundwater Contamination," the phrase "including adverse impacts on endangered and threatened species" is added after the phrase "aquatic vegetation." On page 16-5, at the end of the paragraph entitled "Erosion," the following sentence is added: "On-site erosion and sediment control techniques will be used wherever practicable and feasible to minimize erosion and retain sediment within the disturbed area or limit the volume of sediment leaving the project site." On

page 16-5, at the end of the paragraph entitled "Reduced Fish and Wildlife Habitat," the following sentence was added: "Unvegetated areas may also cause adverse impacts on endangered and threatened species." On pages 16-6 and 16-7, a new section, entitled "Abandoned Highwalls," was added. This section enumerates and discusses problems generally associated with abandoned highwalls on AML sites. These problems include, but are not limited to, threats to life, health and safety, reduced wildlife habitat, attractive nuisances for children or hikers, and adverse impact on aesthetic, historical, cultural, or recreational resources. The new section also discussed certain reclamation techniques to correct or abate these problems, including highwall reduction by bench reconstruction, re-establishment of wildlife routes by pulling down highwall sections, or screening or covering the highwall with appropriate plant species to enhance wildlife values and reduce aesthetic degradation. On page 16-9, in the paragraph entitled "Limitation of loss of habitat," the sentence has been changed by adding at the end the phrase "and runoff from burned areas may impede or prevent utilization of water resources by aquatic life." Also, a second sentence is added, which states that "[s]uch [forest] fires can have adverse impacts on endangered or threatened species." On page 16-12, at the end of the paragraph entitled "Limitation or loss of fish and wildlife habitat," the following sentence was added: "This [limitation or loss of fish and wildlife habitat] problem is especially serious for those endangered or threatened species, such as federally listed bats, which inhabit caves or mine shafts subject to subsidence."

*Relationship to Existing and Planned Land Use (pp. 17 B1, 17-6, and 17-7):* this section has been revised to recognize the presence of endangered or threatened species during reclamation and land use planning. A sentence has been added on page 17-6, stating that the Big South Fork National River and Recreation Area has been adversely affected by erosion, sedimentation and acid mine drainage from AML sites. On pages 17-6 and 17-7, it is noted that commercial forest land in the Eastern Kentucky Coalfield includes 670,000 acres of the Daniel Boone National Forest.

*Quantities of Land and Water Affected by A.M.L. (p. 18-1):* on page 18-1, at the end of the first paragraph, the following two sentences are being added: "Not all of the acres listed are priority I or II sites. The acreages represent an approximation of the total