

How the Program Affects the Landowner

There are several important points for landowners to know about the AML Reclamation Program:

✓ For land to be eligible for reclamation, the following conditions must be met:

- The land must have been mined before August 3, 1977.
- The land was left either unreclaimed or inadequately reclaimed.
- There is no continuing responsibility for reclamation by the coal operator and no bond money is available from the state or federal government to accomplish the reclamation.
- The land is in a condition which endangers the health or safety of the public, or the quality of the environment, or prevents or damages the beneficial use of the land or water resources.

✓ If a landowner obtained title to a mine property prior to May 3, 1977, and did not benefit financially from the coal mining, the Conservation Commission will pay 100 percent of the cost of reclamation. Landowners who obtained a mine property after May 3, 1977, may have to share in the cost of reclamation. On mine sites

purchased after May 3, 1977, the Commission will conduct an appraisal. The property is appraised at the prereclamation value and at its postreclamation value. If there is a significant increase in value after reclamation, the Commission can collect the difference from the landowner. However, if the reclamation work primarily benefits the health or safety of the public, the Commission can waive this requirement.

✓ The Conservation Commission does not restrict the landowner's use of the reclaimed site after construction is completed with one exception. Livestock grazing may be limited or prohibited on the site for a minimum of two years following planting of permanent vegetation. This will ensure that an adequate vegetative cover is established. When feasible, the Commission will plant the landowner's choice of vegetation on the site. However, the final decision will be based on soil tests and soil conditions existing after construction activities have been completed.



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Oklahoma's Abandoned Mine Land Reclamation Program



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How the Program Began

On August 3, 1977, Congress passed the Surface Mining Control and Reclamation Act (P.L. 95-87). This federal legislation established a nationwide system for controlling the surface effects of active coal mining and for correcting the damages mining has done in the past. As part of the Act, reclamation fees (taxes) were levied at the rate of \$0.35 per ton on surface-mined coal, \$0.15 per ton on underground coal mining, and \$0.10 per ton on lignite coal mining operations. By law the states and tribes are to receive at least one-half of the fees collected in their respective state or tribe. The United States Department of the Interior, Office of Surface Mining is the federal agency responsible for allocating the reclamation fees in the Abandoned Mine Land (AML) Trust Fund.

According to the Surface Mining Control and Reclamation Act, the tax on active coal mining that funds the AML Program was to end in 1992. However, in 1992 the fee was further extended to 2004.

The Oklahoma Conservation Commission is responsible for reclaiming abandoned mine land in Oklahoma through the AML Reclamation Program. Over 32,000 acres of surface coal mines and another 40,000 acres of underground coal mines exist in a 16-county area of eastern Oklahoma. Much of this abandoned mine land presents public

health, safety, and environmental problems. Hazards range from dangerous highwalls and hazardous water bodies to open mine shafts, acid mine drainage, and dilapidated mine structures. Numerous deaths and injuries have been and continue to be associated with these problem areas. The primary purpose of the AML Reclamation Program is to protect the public from mine-related hazards.

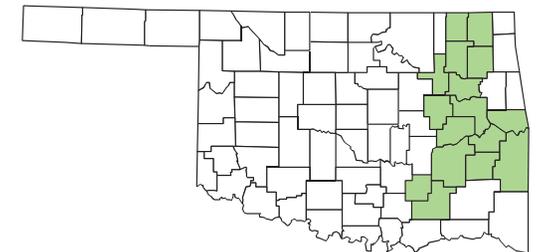
How the Program Works

The Conservation Commission made an inventory of all abandoned coal mine lands in the state. Sites were evaluated based on the danger to the public's health and safety. It is the Conservation Commission's responsibility, in accordance with the Surface Mining Control and Reclamation Act, to first reclaim those sites that are the most dangerous. Sites for future reclamation are selected annually by the Conservation Commission from the inventory and from sites identified by local conservation districts and the public. On-site visits are then made to determine priority. Over \$90 million of high priority sites have yet to be reclaimed in Oklahoma.

Once the sites have been selected, the State Reclamation Committee, made up of 16 agencies and organizations, reviews the proposed sites. When a site is approved by the committee, a representative of the Conservation Commission or the local conservation district meets with the

landowners. The Conservation Commission obtains a written right-of-entry to enter the property to conduct the necessary engineering. Most projects are engineered by private firms contracted through the Conservation Commission. When the conceptual design is completed, the landowner is given an opportunity to review the design. Once the landowner and the Conservation Commission agree on the design, the landowner then signs a right-of-entry to permit the reclamation work. The Conservation Commission provides an inspector to oversee construction activities on a daily basis.

Counties in AML Area



Atoka	Muskogee
Coal	Nowata
Craig	Okmulgee
Haskell	Pittsburg
Latimer	Rogers
LeFlore	Sequoyah
Mayes	Tulsa
McIntosh	Wagoner