Annual Evaluation Report for the Abandoned Mine Land Program
Administered by
New Mexico’s Energy Minerals and Natural Resources Department

For Evaluation Year 2016
July 1, 2015 to June 30, 2016
Denver Field Office
EXECUTIVE SUMMARY

This Annual Report has been prepared by the Office of Surface Mining Reclamation and Enforcement (OSMRE), Program Support Division (PSD) to provide a summary of New Mexico’s Abandoned Mine Reclamation Program (NMAMLP) for Evaluation Year 2016, which covers the period of July 1, 2015 through June 30, 2016. The following summary captures the highlights of this evaluation year. Specifically, this report identifies and highlights New Mexico’s program administration, noteworthy accomplishments, technical assistance provided by OSMRE, and New Mexico’s public participation and outreach efforts. Additionally, this report discusses the results of topic-specific evaluations performed in coordination with New Mexico’s staff. Details regarding the required AML Grant and Administrative Reviews along with information NMAMLP entered into the electronic Abandoned Mine Land Inventory System (e-AMLIS) for this evaluation year are also included in this report.

OSMRE utilized two basic methods of analysis when constructing this report. The first method includes various administrative reviews that enabled OSMRE staff to accomplish the valuable oversight components such as grants and e-AMLIS. The second method includes communication with the NMAMLP staff and field visits that are an essential element of the agencies oversight process. This element provides insight to the actual on-the-ground reclamation that NMAMLP reported for the current evaluation year. All calculations are entered into e-AMLIS by NMAMLP staff and are utilized in this report to depict the different categories of interest. These results can be found in Section VII of this report (Tables 1-7 and Tables1a through 5a).

Major accomplishments include Completion of 66 hazardous mine openings in the Cerrillos Hills. NMAMLP has taken on its first emergency project in decades. The emergency project will be a multi-phase project due to extensive subsidence and probability of expansion. The National Association of Abandoned Mine Lands was co-hosted by NMAMLP as well.
Figure 1: Current AML Project Status

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Cover Page Sugarite Gob Reclamation Project, in Colfax County, NM. “Branch packing”, a practice where many branches are laid in a gully either pointing upward or downward, was used to control eroding gullies and encourage vegetation development.
ACRONYMS

The following acronyms appear in this report:

AML  Abandoned Mine Lands
AMLIS Abandoned Mine Land Inventory System
BLM  Bureau of Land Management
EA   Environmental Assessment
FAM  Federal Assistance Manuel
FLIR Looking Infrared Radiometer
FONSI Finding of No Significant Impact
FTE  Full time equivalent
GCS  Geosynthetically Confined Soil
GIS  Geographic Information System
GPRA Government Performance and Results Act
GPS  Global Positioning System
MOA  Memo of Authority
NEPA National Environmental Protection Act
NMAMLP New Mexico Abandoned Mine Land Program
NOV  Notice of Violation
OSM  Office of Surface Mining Reclamation and Enforcement
OSMRE Office of Surface Mining Reclamation and Enforcement
PA   Programmatic Agreement
PUF  Polyurethane Foam
ROE  Right of Entry
SHPO State Historical Preservation Officer
SMCRA Surface Mining Control and Reclamation Act
SMCRA Surface Mining Control and Reclamation Act of 1977
TIPS Technology Innovation and Professional Services
UAS  Unmanned Aerial System
USFS United States Forest Service
WR   Western Region
XRF  X-ray Florescence
I. INTRODUCTION

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) created the Office of Surface Mining Reclamation and Enforcement (OSMRE) in the Department of the Interior. SMCRA provides authority to OSMRE to oversee the implementation of and provide federal funding for the state regulatory programs and abandoned mine land programs that have been approved by the Secretary of the Interior as meeting the minimum standards specified by SMCRA. Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or “the Act”), as amended, provides moneys to States and Tribes from the Abandoned Mine Reclamation Fund (the Fund) and the general Treasury of the United States. The Office of Surface Mining Reclamation and Enforcement (OSMRE) administers Title IV of SMCRA on behalf of the Secretary of the Interior. The primary purpose of Title IV is to pay the costs of mitigating the adverse effects of past coal mining, though it also allows AML Programs to address certain non-coal problems. On December 20, 2006, the President signed the Tax Relief and Health Care Act of 2006 (P.L. 109-432). That legislation included the Surface Mining Control and Reclamation Act Amendments of 2006 (the 2006 Act or the 2006 SMCRA amendments). The 2006 Act amended Title IV of SMCRA to make significant changes in the abandoned mine reclamation fee and the abandoned mine land (AML) program. OSMRE published final regulations implementing the 2006 Act in the November 14, 2008, Federal Register (73 FR 67576).

OSMRE awards grants to States and Tribes with moneys from the Fund and the general Treasury to pay for their administration costs and abandoned mine reclamation. SMCRA puts the highest priority on correcting the most serious AML problems that endanger public health, safety, and property. As amended, it also allows AML Programs to address certain lower priority coal problems if they are in conjunction with or adjacent to, higher priority problems. OSMRE, State, and Tribal AML Programs work together to achieve the goals of the national program. Additionally, OSMRE works cooperatively with the States and Tribes to evaluate their AML Programs.

The Secretary of the Interior approved New Mexico’s AML reclamation plan (the Plan) under Title IV of SMCRA. That approval allows the New Mexico Abandoned Mine Land Program (NMAMLP) to reclaim abandoned mines in the State for non-emergency AML projects. NMAMLP is part of the Energy Minerals and Natural Resources Department (EMNRD). It administers New Mexico’s AML Program under the State’s approved plan. The Program Support Division of OSMRE’s Western Region works with NMAMLP to fund and approve AML projects in New Mexico and to evaluate AML reclamation and other aspects of the Program.
Directive AML-22 generally describes how OSMRE evaluates State and Tribal AML reclamation programs. Directive AML-22 was revised on March 28, 2013. Those revisions incorporated changes required by the 2006 SMCRA amendments, made distinctions between certified and uncertified programs, identified core program data to be reported annually, updated outreach and public participation requirements, replaced terminology of “enhancement and performance reviews” with “topic-specific reviews,” and established the reporting cycle on the evaluation year (July 1 – June 30).

In addition to conducting oversight of approved state programs, OSMRE provides technical assistance, staff training, financial grants and assistance, as well as management assistance to each state program. This report contains summary information regarding New Mexico’s program and the effectiveness of the NMAML in meeting the applicable purposes of SMCRA as specified in Section 102. This report covers the Evaluation Year (EY) July 1, 2015 to June 30, 2016.

Detailed background information and a comprehensive report for the program element evaluated during the EY is available for review and copying at the OSMRE, Program Support Division, 1999 Broadway, Denver, CO 80202. To arrange an appointment time, contact OSMRE via telephone (303)293-5000.

The reports are also available at the OSMRE Oversight Documents website at [http://odocs.osmre.gov/](http://odocs.osmre.gov/). Adobe Acrobat Reader® is needed to view these documents. Acrobat Reader® is free and can be downloaded at [http://get.adobe.com/reader/](http://get.adobe.com/reader/). Follow these steps to gain access to the document of interest:

1. Select New Mexico from the drop down box labeled “State”. Also select 2016 as the “Evaluation Year”, and then click “Submit”. The search can be narrowed by choosing selections under the “Keyword” or “Category” headings.

2. The oversight documents and reports matching the selected state and evaluation year will appear at the bottom of the page.

3. Select “View” for the document that is of interest and the report will appear for viewing, saving, and/or printing.
II. NEW MEXICO’S ABANDONED MINE LAND PROGRAM

New Mexico's Abandoned Mine Land Program is responsible for reclamation of historical (pre-1977) mining-related disturbances. The Division also contains the Mining Act Reclamation Program, which permits hard rock mining operations; the Coal Mine Reclamation Program, which permits coal mining operations; and the Mine Registration and Reporting Program, which registers all active mines in the state.

To date, New Mexico's AML Program has addressed many long-abandoned mine sites. These sites contained hazardous mining features (open adits, shafts, pits and dilapidated structures) and exhibited serious erosion problems. Now many of these old mines have been safeguarded and revegetated.

The NMAMLP and certain other abandoned mine land programs throughout the nation were formed by the passage of the Surface Mining Control and Reclamation Act (SMCRA) on May 2, 1977. This law places a fee on active coal mines. These monies are placed in a fund called the Abandoned Mine Reclamation Fund. This fund is used to reclaim coal mines abandoned prior to the enactment of SMCRA. Under certain conditions, abandoned non-coal mines may also be reclaimed.

As abandoned mine sites around the state are inventoried, they are evaluated to determine if they qualify for AML funding. Federal policy requires that priority one and two projects be completed first. Priority three coal projects can be completed in conjunction with priority one and two projects or after all priority one and two projects have been completed.

The reclamation priorities are:

1. Protection of public health, safety, general welfare and property from extreme danger resulting from the adverse effects of past mineral mining practices.
2. Protection of public health, safety and general welfare from adverse effects of past mineral mining and processing practices, which do not constitute an extreme danger.
3. Restoration of eligible lands and waters and the environment previously degraded by adverse effects of past mineral mining and processing practices, including measures for the conservation and development for soil, water (excluding channelization), woodland, fish and wildlife, recreation resources, and agricultural productivity.

The NMAMLP was formed in 1981 after an agreement was signed between the State of New Mexico and the Department of Interior's Office of Surface Mining (OSM). Under SMCRA,
priority is to be given to reclamation of abandoned coal mines and affected lands and water. Non-coal reclamation projects can be funded on a case-by-case basis upon the request by the Governor of the State indicating that reclamation of the site is necessary for the protection of the public health, safety and general welfare from extreme danger.

To be eligible for SMCRA funding, sites must have been mined or affected by mining processes and abandoned or left in an inadequate reclamation status prior to August 3, 1977; or prior to August 28, 1974 for U.S. Forest Service administered lands; and prior to November 26, 1980 for U.S. Bureau of Land Management administered lands. A proposed SMCRA reclamation site cannot be within an area that has been designated for remedial action under the Uranium Mill Tailings Radiation Control Act (UMTRCA) or under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

III. PUBLIC PARTICIPATION AND OUTREACH EFFORTS

The New Mexico AML Program provides opportunities for public participation and interacts with the local associations, citizens, environmental organizations and other groups to determine areas of concern and receive suggestions relative to AML reclamation, and provide timely information about NMAML activities to interested groups.

The public can also access OSMRE annual reports and Performance Agreements (PA) via the internet at the OSMRE Oversight Documents website at http://odocs.osmre.gov/. Public meetings for all projects constructed in EY16 were held in previous years and no project public meetings were held this EY.

In EY 2016, Program staff developed and uploaded a story map journal on its website to highlight a selection of projects and initiatives that represent the diverse activities covered by the Program (go to http://www.nmmines.com, click on the link for the “Abandoned Mine Land Program,” and on that page click on the link on the upper right to “AML Program Story Map Journal”). The Story Map Journal is an Esri web application that allows the NMAML to create multimedia stories and narratives that combine text, maps, images, videos, and links to other source materials. The Program also continues to promote public awareness of abandoned mines and abandoned mine safety through the Story Map Journal and other portions of its website, and through its display at the State Fair in Albuquerque, held in September of each year. The State Fair exposes a few thousand visitors to the NMAML.
IV. MAJOR ACCOMPLISHMENTS AND INNOVATIONS

The New Mexico Mining and Minerals Division (MMD) estimates that more than 15,000 hazardous mine openings remain un-reclaimed throughout New Mexico, although a comprehensive state-wide inventory has never been done except at historic coal mines and to some extent at historic uranium mines. Most of the funding for the Program comes through grants from OSMRE. Grant money has also been made available to the Program through the Bureau of Land Management (BLM).

In EY 2016, the NMAMLP completed five abandoned mine safeguarding and reclamation projects. One small construction project repaired and hardened a vandalized bat gate and repaired a sinkhole at a polyurethane foam (PUF) plug in a stope opening in the Florida Mountains outside of Deming. Another small project was the final phase of a multi-year project to study, design, construct and monitor measures to address storm water issues exacerbated by historic coal mining in the small unincorporated community of Madrid, south of Santa Fe. In this project, a low, dry stacked rock wall was raised at the top of a reclaimed gob pile. The raising of the wall serves to prevent overtopping of the wall by storm flows from the hillside above and to divert flows into rock drainage channels on the gob pile flanks, rather than over the face of reclaimed gob pile.

In the Cerrillos Hills south of Santa Fe, the NMAMLP completed a project to safeguard 66 hazardous mine openings using PUF plugs, steel picket fences, steel bat gates and cupolas, and steel mesh closures, and backfilling. Final construction cost for this project was about $407,000, primarily funded by grant money received from BLM.

As one project in a continuing multi-phase approach to safeguarding mines in Cookes Peak area northeast of Deming, a project to safeguard four mine openings was completed in December 2015. The project included bat-compatible closures, with final construction costs of $59,000, also primarily using grant funding from BLM.

In August 2015, a subsidence hole opened in the back yard of a residence in the unincorporated community of Allison, just west of Gallup. Initially the hole measured about forty feet long by twenty feet wide by at least twenty feet deep. On an emergency basis, the Program hired a geotechnical consultant to determine the reasons for the subsidence, who verified that it was caused by collapse of underground coal mine workings about 100 feet below the surface, and to make recommendations for the initial response. Masking the ultimate cause of the subsidence, however, was the presence of at least 60 feet of alluvium above the old mine workings. By February 2016, the subsidence hole had grown to about 90 feet long and 40 feet wide and, again under an emergency contract, was backfilled with concrete rubble, the lowest cost, coarse
granular fill available in the area, and the area graded to approximate original contour. Final construction cost was $146,000. Since February, additional smaller subsidence holes and tension cracks have opened in the area and the Program is working to develop both a second emergency project to address the immediate hazards and an a more permanent and comprehensive project to address the mine subsidence. This project is the first coal emergency project in New Mexico since at least 1991.

The NMAMLp continues to work on other BLM-funded projects, including two significant uranium mine cleanup and safeguarding projects on BLM land near Grants. The NMAMLp completed its Grants Uranium Phase III project to consolidate uranium mine waste rock in the Poison Canyon area northwest of Grants into an onsite repository in December, 2015. Numerous mine exploratory boreholes were also plugged. The repository was capped with onsite soils, graded, seeded, and mulched. The final construction cost was $766,000.

The Spencer Uranium Mine near Grants was also reclaimed (using BLM grant funds), with work substantially complete in December, 2015. The main shaft for the mine had captured storm flows on the alluvial fan on which it was constructed, forming a large arroyo that was progressively headcutting upstream as well as collapsing the shaft’s concrete collar and undermining the headframe. To permanently seal the shaft after removal of the steel headframe, a four-foot thick reinforced concrete plug was placed over a polyurethane foam base six and a half foot thick. The foam sealed the voids in the upper portion of the shaft with lightweight material and created a base for the heavier concrete plug placed over it. Onsite uranium mine waste was placed into an onsite waste repository largely created in the cavity formed by the headcutting arroyo in order to minimize excavation. To recreate the original alluvial fan, the site was carefully graded and several rock sills placed across the disturbed area for grade control. Final construction costs were $563,000. The designer, Oxbow Ecological Engineering, and constructor, Duran Bokich Enterprises, will be awarded an MMD Excellence in Reclamation award for their work on this project.

The NMAMLp continues to obtain clearances for, develop, and design abandoned mine safeguarding and reclamation projects throughout the state, including Cookes Peak, Madrid, Bingham, and Vermeajo Park Ranch.

Another major accomplishment for the NMAMLp was hosting (in partnership with the Navajo Abandoned Mine Land Program the National Association of Abandoned Mine Land Programs (NAAMLp)) the 2015 NAAMLp conference in Santa Fe. Staff from both programs worked to prepare and host over 350 people from around the nation and a few attendees from Great Britain.
The NMAMLP continues to experiment with the use of drones for 3D terrain modeling and to monitor reclamation sites for vegetative cover and erosion. It is also beginning to conduct field data collection using tablets and Esri’s Collector app.

V. OVERSIGHT TOPIC REVIEW

Oversight topic reviews can be located and reviewed at OSMRE’s website as listed at the Introduction (page 3) of this report. Individual reports prepared by OSMRE are part of the oversight process of each state and contain findings and details regarding the evaluation of specific elements of the state program. This EY, OSMRE evaluated the following topic review - Principle of Excellence: 1. The State’s on-the-ground reclamation is successful. Performance Measure: (a) Is reclamation successful on a long-term basis?

A. Background:
The Team selected this topic for a cyclical review in 2016 because reclamation success is an overriding goal of the NMAMLP. By successfully reclaiming historic mine hazards, NMAMLP achieves the primary goal of Title IV of the Surface Mining Control and Reclamation Act (SMCRA): abating hazards to public health and safety. Generally, reclamation project goals should reflect the need to reclaim abandoned mine lands and abate their attendant hazards and improve overall site conditions while complying with applicable laws and regulations. Performance measure 1(b) requires OSMRE to determine if completed reclamation is successful on a long-term basis. For purposes of this topic evaluation, we defined “long term” to be any project that was completed before 2010. Our evaluation included the Sugarite Gob Reclamation Project, completed in 1986-2010, with an additional phase in 2011 (not part of this evaluation) and the Yankee-Vukanich Project, completed in 2005.

B. Review Scope and Methodology:
OSMRE reviewed the following information to identify project goals: Grant applications; NEPA documentation; plans and specifications; closeout reports; and other file documents. The Team compared NMAMLP’s project goals to their completed on-the-ground reclamation. These goals include (1) the successful abatement of hazards to the public’s health and safety and/or the environment, and (2) improving the condition of abandoned mine lands compared to their condition prior to reclamation (e.g. restoring, creating, or preserving wildlife habitat). We based our determination of long-term reclamation success on two factors. First, we determined if the measures New Mexico used for hazard abatement were intact and functional. Second, we determined if the State’s reclamation continued to improve restored areas over their previously-abandoned condition. For this evaluation, the main criterion for success was public health and safety. If we observed problems at the projects we visited, we determined if the problem; (1) had been described in the project specifications, (2) occurred since New Mexico completed reclamation, (3) was hazardous or not, and/or (4) needed maintenance.
C. Findings:

Sugarite Gob Reclamation Project, 1986-2010 (Phases 1-6): This project is located in the Sugarite State Park six miles northeast of Raton in Colfax County, NM. The focus of all phases of this project was to provide reclamation to better control erosion and sedimentation at gob (coal mine waste) piles in the park. Over the years, the NMAMLP has utilized straw bale terraces, coir roll terraces, sediment barrier dams, coir bag gully packing, and hydro-seeding application on many of the gob piles. In addition, seedlings have been planted on the gob piles, incorporating planting amendments and seedling protection tubes to give the seedlings a higher rate of establishment and success.

During our site visit, the Team hiked through gob piles A7, A2N, and A2S. Initial reclamation for A2N and A2S began in 1989. Many innovative strategies were incorporated into the State’s reclamation approach. “Branch packing”, a practice where many branches are laid in a gully either pointing upward or downward, was used to control eroding gullies and encourage vegetation development in these fragile areas. Coconut husk fiber (coir) rolls were also utilized to control erosion. Gypsum, lime and compost were incorporated, in most places by hand, into the gob on all slopes flatter than 1.5:1 as soil amendments, which were instrumental in establishing vegetation. Additionally, coir sacks filled with gypsum, lime, and compost were placed in steep, narrow gullies on some of the gob piles to assist in establishment of vegetation in those gullies. Although there are still some small bare spots on A2N and A2S, we are confident that erosion is being controlled, and vegetative cover will continue to develop, even in the harsh gob.

From the top of Gob Pile A2N, we could see across the valley at the reclamation of gob piles A1, A3, A4, A5, and A8. From this distance, the reclamation looked successful, and the hillside was well vegetated. If you did not have a trained eye, you would likely not know that historic mining had occurred there. As a result of the reclamation of gob piles through the years with the Sugarite Project, the health of the stream at the foot of the gob piles has improved. There are no longer coal fragments in the creek, and the fish are reportedly coming back. It is clear that the strategies and innovative approaches that the State used to establish vegetation and control erosion at the Sugarite Project is successful.

Yankee Vukanich Reclamation Project: This project site consists of eight coal gob sites totaling 2.9 acres of gob. Prior to reclamation, the gob piles were steep and actively eroding. The State’s objective was to establish vegetation on the gob piles in order to reduce erosion and subsequent turbidity and sedimentation in downstream watercourses. Additionally, NMAMLP restored meanders and the dynamic stability to reaches of a stream that had been straightened and
degraded by the adverse effects of historic mining. After use, temporary access construction roads were graded and ripped, and diversion ditches and berms were utilized during construction to protect the project footprint from additional erosion and damage.

This project also used innovative strategies for erosion control. The project included earthmoving to reshape mine waste piles, including the salvaging and temporary stockpiling of topsoil and subsoil. Two adits, located near a private residence, were backfilled. The reconstruction of the stream at the Yankee-Vukonich project is impressive. The State developed a plan after conferring with the landowner, and the resulting stream blends beautifully into the landscape and is currently proving itself functional. However, we saw bare slopes on south-facing Gob Pile A on County Road A-26.

D. Conclusions and Recommended Corrective Actions:
OSMRE concludes that the NMAMLPI is successful with abatement of hazards, thereby protecting public health and safety and/or the environment, and improving the condition of abandoned mine lands compared to their condition prior to reclamation.

OSMRE found no issues with the reclamation at the Sugarite Gob Reclamation site. We did note issues at the Yankee-Vukonich Reclamation site. The State communicated that they had previously performed maintenance on the bare area of Gob Pile G. However, OSMRE feels that this bare area of Gob Pile A requires additional attention to establish vegetation and prevent further erosion of the pile and degradation of the area downslope that could potentially affect downstream watercourses.

VI. OSMRE ASSISTANCE

The NMAMLPI checked out a TIPS FLIR video camera for on-going monitoring of bat activity at selected bat-compatible structures. Staff created a short video presentation of bat monitoring at an AML project site using TIPS-provided Camtasia Studio (video production software), which was displayed on the NMAMLPI’s Story Map Journal. OSMRE Denver, Appalachian, and Alton staff as well as members of the SMCRA Remote Sensing Team were helpful in providing advice to New Mexico’s Title IV and V programs regarding future acquisition of their own small unmanned aircraft system (sUAS) and possible software for data processing. Esri Collector apps (mobile field data collector) have been configured for use by Program staff to collect construction reconnaissance and oversight information and is beginning to field test the devices. Two of New Mexico’s Title IV and V program staff have been active in teaching and developing OSMRE classes (TIPS ArcGIS and NTTP Historical and Archeological Resources). This collaboration provided both teaching skills to staff and an exchange of technical skills between OSMRE and State programs.
VII: SUMMARY OF CORE DATA TO CHARACTERIZE THE AML PROGRAM

The following Tables present summary data pertinent to abandoned mine land activities under the New Mexico AML program. Unless otherwise specified, the reporting period for the data contained in the tables is EY 2016. Other data and information used by OSMRE in its evaluation of New Mexico’s performance are available for review in the evaluation file maintained by OSMRE. Because of the enormous variations from state to state and the differences between state programs, the summary data should not be used to compare one state to another.

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Table 2 - New Mexico Accomplishments in Eliminating Health and Safety Hazards Related to Past Mining Priority 1 and 2 Hazards As of June 30, 2016

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### Table 3 - New Mexico Accomplishments in Eliminating Environmental Problems Related to Past Mining Priority 3 and SMCRA section 403(b) Hazards As of June 30, 2016

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