



# **BUDGET** The United States Department of the Interior **JUSTIFICATIONS**

and Performance Information  
Fiscal Year 2023

## **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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**Executive Summary**

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# EXECUTIVE SUMMARY

## Overview

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

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OSMRE'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) ensure 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 mine lands.
- 

OSMRE's FY 2023 budget supports the environmentally responsible development of energy by providing for the oversight of responsible coal production through the protection, preservation, and restoration of mined lands and the restoration of mined lands left unreclaimed from past mining operations. The budget contributes to the Department's priorities of investing in environmental innovation; economic revitalization of coal communities; strengthening government-to-government relationships with Tribal nations; making investments to restore public lands and waters and increase reforestation and carbon sequestration; supporting local, State, private, and Tribal restoration efforts; and centering equity and environmental justice.

OSMRE has statutory responsibility for administering programs to control the environmental impacts of surface coal mining operations pursuant to Title V of SMCRA, as well as for administering the program for the restoration of abandoned and unreclaimed mined areas, pursuant to Title IV of the Act. OSMRE authorizes States and Tribes, upon approval of their regulatory and reclamation programs, to perform these responsibilities subject to OSMRE oversight. With this authority, primacy States directly regulate about 98 percent of the permitted sites in the Nation. OSMRE oversees the State and Tribal programs and provides training, technical assistance, support, and tools to help ensure effective, consistent, and high quality regulatory and reclamation programs across the Nation.

Every coal mine operation in the United States must be permitted and regulated under the provisions of SMCRA. As of the time this document is being published, there are 5,360 permits on active and inactive coal mining sites covering 3.63 million acres nationwide. These sites all require regulatory activity for permit approvals, monitoring, inspection, enforcement, and bond release approval.

## **Environmental Restoration**

### **Title IV (Abandoned Mine Land Reclamation)**

SMCRA requires that all operators of coal mining operations pay an Abandoned Mine Land (AML) Reclamation fee, based on tons of coal produced, into the Abandoned Mine Reclamation Fund in order to hold producers and users of coal responsible for reclaiming lands mined for coal and left abandoned prior to August 3, 1977. OSMRE collects the AML fee and then annually distributes the fee receipts to States and Tribes for reclamation activities based on a statutorily prescribed formula.

The Tax Relief and Health Care Act of 2006 (Public Law 109-432), which included amendments to SMCRA (2006 Amendments), extended the fee authorization through September 30, 2021, made reclamation grants from the AML fund mandatory, and created new mandatory and unrestricted payments to States and Tribes that certified they had completed their coal reclamation work. The authority to collect the mine reclamation fee was revised and extended by the Bipartisan Infrastructure Law (BIL; Public Law 117-58). This Law extended the authority for fee collection through September 30, 2034, and lowered the fee amount beginning in FY 2022. These State and Tribal reclamation grants are permanent appropriations.

As of September 2021, an estimated \$14.1 billion of reported Priority 1, 2, and 3 unfunded coal abandoned mine land problems remain. Although not a part of the Title IV SMCRA AML Reclamation Program, the BIL provided \$11.3 billion to OSMRE to create good-paying jobs, catalyze economic opportunities, and reclaim AML sites that pose health, safety, and environmental hazards to America's communities. More information can be found in the *AML Reclamation Program Bipartisan Infrastructure Law Funding Appendix*.

OSMRE will concentrate its discretionary AML resources on State Program Evaluation and Federal Reclamation Program operations. These programs work directly on reclaiming abandoned mine lands and fulfill OSMRE's Title IV obligations. The FY 2023 budget also requests funding to continue providing AML Economic Revitalization (AMLER) program grants to States and Tribes. The AMLER program was initially established in the Consolidated Appropriations Act, 2016 (Public Law 114-113) as a pilot program to accelerate the cleanup of AML sites that would lead to new economic development and revitalization opportunities, and was continued in each subsequent year's appropriation act through FY 2022 (Public Laws 115-31, 115-141, 116-6, 116-94, 116-260, and 117-103).

With its mandatory appropriations authority, OSMRE will continue to collect reclamation fees from operators through September 30, 2034, as authorized, allocate and distribute reclamation grant funds to States and Tribes, and make payments to the United Mine Workers of America (UMWA) health benefits plans and the 1974 UMWA Pension Plan, in accordance with the provisions of Title IV of SMCRA, as amended.

(See the Permanent Appropriations Section for more details)

## **Environmental Protection**

### **Title V of SMCRA (Active Mining)**

OSMRE's statutory role is to promote and assist its partner States and Tribes in establishing and maintaining a stable regulatory environment for coal mining that is consistent with SMCRA and

administered through primacy State programs, or directly by OSMRE, as the regulatory authority. That regulatory stability provides to all parties, including operators, regulators, and citizens, a common understanding of applicable requirements and rights so that each can make informed decisions affecting their economic and personal interests with a minimum level of controversy.

It is important to ensure that coal is mined responsibly and that the mined land is reclaimed in accordance with land use plans established during the permitting process consistent with the law. Annual performance agreements developed for each State, with stakeholder input, outline the responsibilities and activities of both the State and OSMRE. Among other things, the agreements contain program evaluation goals and the technical or programmatic assistance that OSMRE may render to the States to address identified problems, for both new issues and those remaining from prior years. As States develop greater technical skills, OSMRE anticipates improved performance regarding permit-related actions and resolution of issues.

To assist primacy States with their regulatory programs, OSMRE provides technical assistance and training, and funding in the form of regulatory grants. These grants provide up to 50 percent of a State's operating costs for regulating private coal mining and up to 100 percent of a State's operating costs for regulating mining on Federal lands within the State. OSMRE also provides grants to Tribes to assist them in developing regulations and programs for regulating surface coal mining and reclamation operations on Indian lands. The budget includes funding for grants to States and Tribes consistent with their actual expenditures over the past several years.

Review of State permitting actions and inspections of mine sites is among the most effective ways to determine if a State's mining law is being properly implemented. For the 12-month period ending June 30, 2021, States performed 22,723 complete and 36,591 partial mine inspections. In FY 2021 OSMRE completed 619 partial and 379 complete inspections in its Federal and Indian Lands Programs. Nationwide, 93.3 percent of permitted sites inspected were free of off-site impacts (i.e., those that occur outside the permitted area and have the potential to harm the environment or the public as specified under the existing regulations). Off-site impacts associated with active sites are addressed through inspection and enforcement processes. Inspection and enforcement activities also help ensure that the land being mined is reclaimed properly and in a timely manner to return it to its intended post-mining land use.

### **Training and Technology Advances**

OSMRE supports the coordination of science activities across DOI bureaus to help achieve mission objectives and has identified several key areas for investment where coordination with other bureaus will leverage results to more effectively achieve mission outcomes. The FY 2023 budget facilitates this coordination by supporting integrated efforts to achieve management efficiencies.

OSMRE uses emerging technologies, tools, and methodologies to improve the understanding of natural resources and environmental quality related to coal mining. OSMRE's Technology Development and Transfer business line will focus on the training and technical innovation that directly supports OSMRE's Environmental Protection mission of regulatory oversight and its Environmental Restoration mission of abandoned mine land reclamation.

The FY 2023 budget provides the resources required to meet the demand from States, Tribes, public interest groups, and internal customers for OSMRE to provide technical support on coal mining activities. Activities include development of policy/guidance documents for technical issues, such as blasting, as well as onsite review and guidance on the application of regulations to specific permits and mine sites.

### **Federal Regulatory and Reclamation Programs for Oklahoma**

Pursuant to the July 2020 decision by the U.S. Supreme Court in *McGirt v. Oklahoma* (140 S.Ct. 2452) recognizing the existence of the historic Muscogee (Creek) Reservation in Oklahoma and conferring Indian land status to land within the exterior boundaries of the Muscogee (Creek) Nation, and pursuant to SMCRA's similar definition of "Indian Lands" and the requirement that OSMRE regulate such lands, OSMRE has established a new program in Oklahoma to assume responsibility for regulation of coal mining and reclamation activities on Muskogee (Creek) Tribal lands from the Oklahoma Department of Mines for Title V activities and from the Oklahoma Conservation Commission for Title IV activities. In March and April 2021, the Oklahoma Court of Criminal Appeals ruled additional reservations in Oklahoma were likewise never disestablished. The FY 2023 budget provides the resources required for OSMRE to effectively manage its Federal regulatory and reclamation responsibility on Indian lands within Oklahoma.

### **Zero Emission Vehicles and Charging Infrastructure**

In support of the President's goal of transitioning to a fully Zero Emission Vehicle (ZEV) Federal fleet, OSMRE's budget includes \$1.2 million for ZEV (battery electric, plug-in electric hybrid, and hydrogen fuel cell vehicles) acquisitions and deploying necessary vehicle charging and refueling infrastructure. These acquisitions are a significant step towards eliminating tailpipe emissions of greenhouse gases (GHG) from the OSMRE fleet and aligning the OSMRE fleet operations with the goal of achieving a fully ZEV Federal fleet. This action is important because tailpipe emissions are a leading source of GHG emissions, which drive climate change, threatening people and communities.

OSMRE's ZEV acquisitions may include vehicles for both its agency-owned and GSA-leased segments of its vehicle fleet, including incremental costs of leased vehicles and lease payments to GSA for conversion of agency-owned vehicles to GSA's leased fleet where appropriate. To ensure effective and efficient deployment of ZEVs, OSMRE will undertake preparation and planning for arriving ZEVs at its facilities, properly prioritizing transition to ZEVs where it is simplest and allow time for additional planning where mission demands pose a challenge to transitioning based on current technologies. Integral to this preparation is growth in the number of agency-accessible re-fueling points (vehicle charging stations). In installing this infrastructure on-site to support acquired ZEVs, OSMRE will take the long-term view to ensure efficiencies and thereby ensure wise infrastructure decisions that limit total expenditures. Using its experienced personnel and lessons learned in the fleet arena, OSMRE will undertake a process that relies on a cross-functional team of staff from fleets, operations, facilities, finance, and acquisition departments with executive leadership support. The collaboration will not stop with initial deployment, as the OSMRE fleet and facility managers will work closely and employ existing training and tools to control utility costs by managing the overall charging load and thereby ensuring a seamless operation that now will involve building systems and vehicles together. Further, OSMRE will ensure proper training of personnel to address any initial shortcomings in terms of any necessary ZEV knowledge and operations as the advanced vehicle technologies roll into the OSMRE fleet.

### **Diversity, Equity, Inclusion and Accessibility Initiative**

The OSMRE budget includes \$200,000 as part of a Departmentwide Diversity, Equity, Inclusion, and Accessibility budget initiative to address identified high priority needs in support of Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, and Executive Order 13988, Preventing and Combating Discrimination on the Basis of Gender Identity and Sexual Orientation. As part of this initiative, the Department, bureaus, and offices will jointly conduct a review of the Diversity, Equity, Inclusion, and Accessibility program across Interior to identify gaps, challenges, and best practices and to examine Department and bureau roles, responsibilities, and governance.

### **Management and Efficiencies**

OSMRE restructured its acquisition management capabilities to streamline coordination, create efficiencies, and improve compliance with pre- and post-award acquisition processes in accordance with DOI procurement governing guidance. The resources included in the budget facilitate the restructure and enhance the ability to implement strategic program activities.

### **Justice40 Initiative**

The 2023 budget includes \$4.0 million Department-wide, including \$225,000 for OSMRE, for dedicated staff resources to provide programmatic expertise, coordination, and outreach support to implement the Justice40 Initiative to increase environmental justice in Federal programs. Interior bureaus and offices are an important component of the Administration's objective for 40 percent of overall benefits of certain Federal investments that impact climate change and generate clean energy to be directed to disadvantaged communities. Interior has identified more than 50 programs with a budget totaling over \$3.0 billion that contribute to this forward-thinking initiative. Funding in 2023 will be used to develop methodologies to identify and quantify the benefits of Justice40 programs, demonstrate how and where covered programs distribute benefits, and pursue strategies for maximizing the benefits to vulnerable communities in the future. Agencies will also pursue and document stakeholder engagement in the initiative.

### **Good Accounting Obligation in Government Act Report**

The Good Accounting Obligation in Government Act (GAO-IG Act, P.L. 115-414) enacted January 3, 2019, requires that Agencies report the status of each open audit recommendation issued more than one year prior to the submission of the Agency's annual budget justification to Congress. The Act requires Agencies to include the current target completion date, implementation status, and any discrepancies on closure determinations.

The Department of the Interior leadership takes audit follow-up very seriously and considers our external auditors, to include the Government Accountability Office (GAO) and Office of the Inspector General, valued partners in not only improving the Department's management and compliance obligations but also enhancing its programmatic and administrative operations. As stewards of taxpayer resources, the Department applies cost-benefit analysis and enterprise risk management principles in recommendation implementation decisions. The Department's GAO-IG Act Report will be available at the following link: <https://www.doi.gov/cj>

## **Budget Highlights**

The FY 2023 Budget Request for OSMRE is \$271 million in current appropriations.

OSMRE will focus resources on its core mission functions essential to implementation of SMCRA, provide technical support and assistance to the States and Tribes for regulatory and reclamation programs, support the review and technology transfer of advanced technologies and reforestation of reclaimed mined lands, and evaluate and administer the abandoned mine land program. Below is an outline of the requested changes.

In addition to discretionary appropriations, the budget includes \$933 million in mandatory funding for reclamation grants to States and Tribes, and for United Mine Workers of America (UMWA) health benefit plans and the 1974 UMWA pension plan, under current law. Mandatory funding is further described under the Permanent Appropriations Section.

The FY 2023 budget provides \$65 million (24 percent) of OSMRE's total discretionary funds in grants to the States and Tribes for regulatory programs. The budget also provides \$115 million (43 percent) of total discretionary funds for AMLER grants to States and Tribes. OSMRE will use the balance of the budget (33 percent) to perform its statutory oversight responsibilities, administer Federal regulatory and reclamation programs, provide technical assistance to the States and Tribes, and carry out its fiscal responsibilities for collecting revenues and awarding grants.

OSMRE executes its mission through five Business Lines:

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

The budget aligns discretionary funding and FTE across business lines to optimize fulfillment of OSMRE's statutory responsibilities and support Administration priorities.

A summary table of the budget is shown below. Information at the account, activity, and sub-activity level is available in the table contained in the Budget-at-a-Glance Section.

**Total FY 2023 Budget Request**  
(Dollars in Thousands)

Budget Authority	2021 Actual	2022 CR	2023 Request
Regulation and Technology	92,804	92,768	122,076
<i>Civil Penalties (Indefinite Authority)</i>	[44]	[100]	[100]
<i>Permit Fees (Offsetting Collections)</i>	[4]	[40]	[40]
Abandoned Mine Reclamation Fund	139,831	11,371,613	149,142
<b>Total Discretionary</b>	<b>222,635</b>	<b>11,464,381</b>	<b>271,218</b>
<i>Total Discretionary (with Offsetting Collections)</i>	257,683	11,464,521	271,358
Payments to States in Lieu of Coal Fee Receipts (Treasury Funds)	39,950	37,437	28,700
<i>Less Mandatory Sequester</i>	[-2,277]	[-2,134]	[-1,636]
Mandatory Grants to Non-Certified States (AML Funds)	121,472	115,668	100,655
<i>Less Mandatory Sequester</i>	[-6,924]	[-6,593]	[-5,737]
Funds Transferred to UMWA Health Benefit Plans and the 1974 UMWA Pension Plan (Treasury and AML Funds)	739,667	732,348	804,037
<b>Total Mandatory</b>	<b>901,089</b>	<b>885,453</b>	<b>933,392</b>
<i>Total Mandatory (after Mandatory Sequester)</i>	891,888	876,726	926,019
<b>Total Discretionary and Mandatory</b>	<b>1,123,724</b>	<b>12,349,834</b>	<b>1,204,610</b>
<i>Total Discretionary and Mandatory (with Offsetting Collections and Mandatory Sequester)</i>	1,114,571	12,341,247	1,197,377
<i>FTEs</i>	350	398	427

### Implementing SMCRA – Effective Partnerships

In implementing its mission responsibilities, OSMRE works closely with the States and Tribes in administering their regulatory and reclamation programs. OSMRE also recognizes the importance of working with industry, citizens, and other stakeholders in implementing SMCRA. The budget supports using effective partnerships by communicating, consulting, and cooperating with these constituent groups to achieve SMCRA’s objectives.

OSMRE continues to emphasize the importance of protecting the environment during and after coal mining operations. OSMRE oversees SMCRA’s implementation in 24 primary States by assisting the States in the administration, implementation, and maintenance of their approved regulatory programs, among other things. This process is detailed further in the Environmental Protection section of this document.

OSMRE, in cooperation with the 24 States and three 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. The cooperative process for restoring land and water affected by past mining is detailed further in the Environmental Restoration section of this document.

OSMRE 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 OSMRE in forging an enduring bond and partnership with its stakeholders.

To better serve its partners and the public, OSMRE continues to improve its abandoned mine land databases to include all eligible abandoned mine sites. In addition, OSMRE's website contains comprehensive information on pertinent regulatory and reclamation matters.

As mining and engineering information technology continues to improve, OSMRE continues to provide to States and Tribes the most up-to-date information, technical training, technical assistance, and technology transfer. These programs greatly assist the States and Tribes in operating their SMCRA programs. This process is detailed further in the Technology Development and Transfer section of this document.

## Appropriation 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, \$122,076,000, to remain available until September 30, 2024, of which \$65,000,000 shall be available for state and tribal regulatory grants: 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.*

*In addition, for costs to review, administer, and enforce permits issued by the Office pursuant to section 507 of Public Law 95–87 (30 U.S.C. 1257), \$40,000, to remain available until expended: Provided, That fees assessed and collected by the Office pursuant to such section 507 shall be credited to this account as discretionary offsetting collections, to remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as collections are received during the fiscal year, so as to result in a fiscal year 2023 appropriation estimated at not more than \$122,076,000.*

Note.— A full-year 2022 appropriation for this account was not enacted at the time the Budget was prepared; therefore, the Budget assumes this account is operating under the Continuing Appropriations Act, 2022 (Division A of Public Law 117-43, as amended). The amounts included for 2022 reflect the annualized level provided by the continuing resolution.

### **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, \$34,142,000, 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 funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: 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.*

*In addition, \$115,000,000, to remain available until expended, for grants to States and federally recognized Indian Tribes for reclamation of abandoned mine lands and other related activities: Provided, That such additional amount shall be used for economic and community development in conjunction with the priorities in section 403(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)): Provided further, That of such additional amount, \$75,000,000 shall be distributed in equal amounts to the three Appalachian States with the greatest amount of unfunded needs to meet the priorities described in paragraphs (1) and (2) of such section, \$30,000,000 shall be distributed in equal amounts to the three Appalachian States with the subsequent greatest amount of unfunded needs to meet such priorities, and \$10,000,000 shall be for grants to federally recognized Indian Tribes without regard to their status as certified or uncertified under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)), for reclamation of abandoned mine lands and other related activities and shall be used for economic and community development in conjunction with the priorities in section 403(a) of the Surface Mining Control and Reclamation Act of 1977: Provided further, That such additional amount shall be allocated to States and Indian Tribes within 60 days after the date of enactment of this Act.*

Note. – A full-year 2022 appropriation for this account was not enacted at the time the Budget was prepared; therefore, the Budget assumes this account is operating under the Continuing Appropriations Act, 2022 (Division A of Public Law 117-43, as amended). The amounts included for 2022 reflect the annualized level provided by the continuing resolution.

## **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,**

- 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 environmental impact statements for permits and other actions; and training of OSMRE 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 - Provides 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**

**For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87,**

- 30 U.S.C. 1231, 1232, 1233 and 1240 – 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, safety, and property from extreme danger of adverse effects of coal mining practices; restoration of land and water resources and the environment previously degraded by adverse effects of coal mining practices, and that are adjacent to a site that has been or will be remediated. 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.

## Summary of Requirements

### Office of Surface Mining Reclamation and Enforcement

(Dollars in Thousands)

ACCOUNT NAME	2021 Actual Amount	2021 Actual FTE	2022 CR Amount	2022 CR FTE	Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2023 Request Amount	2023 Request FTE	Change from 2022 (+/-)	Change from 2022 (+/-) FTE
<b>REGULATION AND TECHNOLOGY</b>							Amount			Amount	FTE
Environmental Protection	88,598	126	88,562	172	+976		+16	89,554	181	+992	+9
Technology Development and Transfer	14,765	65	14,765	78	+442		+940	16,147	81	+1,382	+3
Financial Management	505	2	505	3	+17		+13	535	3	+30	-
Executive Direction and Administration	13,936	44	13,936	45	+345		+1,559	15,840	47	+1,904	+2
<b>TOTAL, REGULATION AND TECHNOLOGY (w/o rescission)</b>	<b>117,804</b>	<b>237</b>	<b>117,768</b>	<b>298</b>	<b>+1,780</b>	<b>-</b>	<b>+2,528</b>	<b>122,076</b>	<b>312</b>	<b>+4,308</b>	<b>+14</b>
Rescission of Prior Year Balances	-25,000		-25,000				+25,000	0			
<b>TOTAL, REGULATION AND TECHNOLOGY (w/ rescission)</b>	<b>92,804</b>	<b>237</b>	<b>92,768</b>	<b>298</b>	<b>+1,780</b>	<b>-</b>	<b>+27,528</b>	<b>122,076</b>	<b>312</b>	<b>+29,308</b>	<b>+14</b>
<b>ABANDONED MINE RECLAMATION FUND</b>											
Environmental Restoration	9,480	38	9,480	35	+214		+7,476	17,170	43	+7,690	+8
Technology Development and Transfer	3,608	17	3,608	15	+92		+587	4,287	18	+679	+3
Financial Management	5,277	35	5,277	29	+176		+708	6,161	33	+884	+4
Executive Direction and Administration	6,466	23	6,466	21	-343		+401	6,524	21	+58	-
AML Economic Development Pilot Program	115,000	0	115,000	0	-		-	115,000	0	-	-
<b>TOTAL, ABANDONED MINE RECLAMATION FUND (w/o supplemental, rescission, and transfer)</b>	<b>139,831</b>	<b>113</b>	<b>139,831</b>	<b>100</b>	<b>+139</b>	<b>-</b>	<b>+9,172</b>	<b>149,142</b>	<b>115</b>	<b>+9,311</b>	<b>+15</b>
Rescission of Prior Year Balances	-10,000		-4,753				+4,753	0		+4,753	
Bipartisan Infrastructure Law (P.L.117-58)			11,293,000				-11,293,000	0		-11,293,000	
Transfer to OIG (P.L. 117-58)			-56,465				+56,465	0		+56,465	
<b>TOTAL, ABANDONED MINE RECLAMATION FUND (w/ supplemental, rescission, and transfer)</b>	<b>129,831</b>	<b>113</b>	<b>11,371,613</b>	<b>100</b>	<b>+139</b>	<b>-</b>	<b>+13,935</b>	<b>149,142</b>	<b>115</b>	<b>-11,222,471</b>	<b>+15</b>
<b>TOTAL, DISCRETIONARY (w/o supplemental, rescissions, and transfer)</b>	<b>257,635</b>	<b>350</b>	<b>257,599</b>	<b>398</b>	<b>+1,919</b>	<b>-</b>	<b>+11,700</b>	<b>271,218</b>	<b>427</b>	<b>+13,619</b>	<b>+29</b>
<b>TOTAL, DISCRETIONARY (w/ supplemental, rescissions, and transfer)</b>	<b>222,635</b>	<b>350</b>	<b>11,464,381</b>	<b>398</b>	<b>+1,919</b>	<b>-</b>	<b>+41,463</b>	<b>271,218</b>	<b>427</b>	<b>-11,193,163</b>	<b>+29</b>

<b>CIVIL PENALTIES OFFSETTING COLLECTIONS</b>	<b>2021 Actual Amount</b>	<i>2021 Actual FTE</i>	<b>2022 CR Amount</b>	<b>2022 CR FTE</b>	Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-) Amount	<b>2023 Request Amount</b>	<b>2023 Request FTE</b>	Change from 2022 (+/-) Amount	<i>Change from 2022 (+/-) FTE</i>
<i>Civil Penalties (Budget Authority)</i>	44		100		-			100			
<i>Permit Fees (Offsetting Collections)</i>	4		40		-			40			
<b>TOTAL, DISCRETIONARY (w/ Civil Penalties and Offsetting Collections; w/o supplemental, rescissions, and transfer)</b>	<b>257,683</b>	<b>350</b>	<b>257,739</b>	<b>398</b>	<b>+1,919</b>	<b>-</b>	<b>+11,450</b>	<b>271,358</b>	<b>427</b>	<b>+13,619</b>	<b>+29</b>
<b>TOTAL, DISCRETIONARY (w/ Civil Penalties and Offsetting Collections; w/ supplemental, rescission, and transfer)</b>	<b>222,683</b>	<b>350</b>	<b>11,464,521</b>	<b>398</b>	<b>+1,919</b>	<b>-</b>	<b>+41,213</b>	<b>271,358</b>	<b>427</b>	<b>-11,193,163</b>	<b>+29</b>

## Justification of Fixed Costs and Internal Realignment

(Dollars in Thousands)

### Regulation and Technology Account (Net +1,780)

Fixed Cost Changes and Projections	2022 CR Change	2022 to 2023 Change	Description
Change in Number of Paid Days	0	-180	This column reflects changes in pay associated with the change in the number of paid days between FY 2022 and FY 2023. The number of paid days in FY 2023 is one day less than FY 2022.
Pay Raise	+993	+1,871	The President's Budget for FY 2023 includes one quarter of a planned 2.7% pay raise for FY 2022 and three quarters of a planned 4.6% pay raise for FY 2023.
Employer Share of Federal Employee Retirement System	+345	0	This column reflects no budgeted increase for the employer contribution to the Federal Employee Retirement System.
Departmental Working Capital Fund	+391	+47	The change reflects the final FY 2023 Central Bill approved by the Working Capital Fund Consortium.
Worker's Compensation Payments	+17	+7	The amounts reflect final chargeback costs of compensating injured employees and dependents of employees who suffer accidental deaths while on duty. Costs for the BY 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.
Unemployment Compensation Payments	+10	0	The amounts reflect projected changes in the costs of unemployment compensation claims to be paid to the Department of Labor, Federal Employees Compensation Account, in the Unemployment Trust Fund, pursuant to Public Law 96-499.
Rental Payments	+472	+35	The amounts reflect changes in the costs payable to General Services Administration (GSA) and others 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. Costs of mandatory office 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.
Baseline Adjustments for O&M Increases	+3	0	In accordance with space maximization efforts across the Federal Government, this adjustment captures the associated increase to baseline operations and maintenance requirements resulting from movement out of GSA or direct-leased (commercial) space and into Bureau-owned space. While the GSA portion of fixed costs will go down as a result of these moves, Bureaus often encounter an increase to baseline O&M costs not otherwise captured in fixed costs. This category of funding properly adjusts the baseline fixed cost amount to maintain steady-state funding for these requirements.

## Justification of Fixed Costs and Internal Realignments

(Dollars in Thousands)

### Abandoned Mine Reclamation Fund (Net +139)

Fixed Cost Changes and Projections	2022 CR Change	2022 to 2023 Change	Description
Change in Number of Paid Days	0	-65	This column reflects changes in pay associated with the change in the number of paid days between FY 2022 and FY 2023. The number of paid days in FY 2023 is one day less than FY 2022.
Pay Raise	+322	+677	The President's Budget for FY 2023 includes one quarter of a planned 2.7% pay raise for FY 2022 and three quarters of a planned 4.6% pay raise for FY 2023.
Employer Share of Federal Employee Retirement System	+112	0	This column reflects no budgeted increase for the employer contribution to the Federal Employee Retirement System.
Departmental Working Capital Fund	-93	+49	The change reflects the final FY 2023 Central Bill approved by the Working Capital Fund Consortium.
Worker's Compensation Payments	-10	+3	The amounts reflect final chargeback costs of compensating injured employees and dependents of employees who suffer accidental deaths while on duty. Costs for the BY 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.
Unemployment Compensation Payments	+5	0	The amounts reflect projected changes in the costs of unemployment compensation claims to be paid to the Department of Labor, Federal Employees Compensation Account, in the Unemployment Trust Fund, pursuant to Public Law 96-499.
Rental Payments	+234	-525	The amounts reflect changes in the costs payable to General Services Administration (GSA) and others 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. Costs of mandatory office 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.
Baseline Adjustments for O&M Increases	-3	-	In accordance with space maximization efforts across the Federal Government, this adjustment captures the associated increase to baseline operations and maintenance requirements resulting from movement out of GSA or direct-leased (commercial) space and into Bureau-owned space. While the GSA portion of fixed costs will go down as a result of these moves, Bureaus often encounter an increase to baseline O&M costs not otherwise captured in fixed costs. This category of funding properly adjusts the baseline fixed cost amount to maintain steady-state funding for these requirements.

**TAB**

**Budget at a Glance**

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# BUDGET AT A GLANCE

## INTRODUCTION

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

### Regulation and Technology

This appropriation finances the regulatory functions of SMCRA as administered by the States and OSMRE. Federal activities related to the administration and monitoring of State regulatory programs and OSMRE's technical training, assistance, and transfer activities related to environmental protection are also financed by this appropriation. The request is \$122,076.

### Abandoned Mine Reclamation Fund

This appropriation supports the discretionary reclamation program functions carried out by the States, Tribes and OSMRE. The Fund is derived from a fee on each ton of coal produced for sale, transfer, or use. The Fund also supports Federal activities related to the administration and monitoring of State programs, as well as OSMRE's technical training, assistance, and transfer activities related to environmental restoration. The request is \$149,142.

### Summary of 2022 CR and 2023 Request By Appropriation and Business Line (Dollars in Thousands)

<b>Regulation and Technology</b>	<b>2022 CR</b>	<b>2023 Request</b>	<b>Change from 2022</b>
Environmental Protection	88,562	89,554	+992
Technology Development and Transfer	14,765	16,147	+1,382
Financial Management	505	535	+30
Executive Direction and Administration	13,936	15,840	+1,904
<i>Total, without Offsetting Collections</i>	<i>117,768</i>	<i>122,076</i>	<i>+4,308</i>
<i>Civil Penalties (Budget Authority)</i>	<i>100</i>	<i>100</i>	<i>-</i>
<i>Permit Fees (Offsetting Collections)</i>	<i>40</i>	<i>40</i>	<i>-</i>
<i>Total, Regulation and Technology with Civil Penalties and Offsetting Collections</i>	<b>117,908</b>	<b>122,216</b>	<b>+4,308</b>

<b>Abandoned Mine Reclamation Fund</b>	<b>2022 CR</b>	<b>2023 Request</b>	<b>Change from 2022</b>
Environmental Restoration	124,480	132,170	+7,690
Technology Development and Transfer	3,608	4,287	+679
Financial Management	5,277	6,161	+884
Executive Direction and Administration	6,466	6,524	+58
<i>Total, Abandoned Mine Reclamation Fund</i>	<i>139,831</i>	<i>149,142</i>	<i>+9,311</i>

<b>Total Appropriation (without Civil Penalties and Offsetting Collections)</b>	<b>257,599</b>	<b>271,218</b>	<b>+13,619</b>
<b>Total Appropriation, with Civil Penalties and Offsetting Collections</b>	<b>257,739</b>	<b>271,358</b>	<b>+13,619</b>

**Summary of 2022 CR and 2023 Request By  
Full-time Equivalent (FTE)**

<b>Regulation and Technology</b>	<b>2022 CR</b>	<b>2023 Estimate</b>	<b>Change from 2022</b>
Environmental Protection	172	181	+9
Technology Development and Transfer	78	81	+3
Financial Management	3	3	-
Executive Direction and Administration	45	47	+2
<b>Total, Regulation and Technology FTE</b>	<b>298</b>	<b>312</b>	<b>+14</b>
<b>Abandoned Mine Reclamation Fund</b>	<b>2022 CR</b>	<b>2023 Estimate</b>	<b>Change from 2022</b>
Environmental Restoration	35	43	+8
Technology Development and Transfer	15	18	+3
Financial Management	29	33	+4
Executive Direction and Administration	21	21	-
<b>Total, Abandoned Mine Reclamation Fund FTE</b>	<b>100</b>	<b>115</b>	<b>+15</b>
<b>Total FTE</b>	<b>398</b>	<b>427</b>	<b>+29</b>

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

<b>Discretionary</b>	<b>2021 Actual</b>	<b>2022 CR</b>	<b>Fixed Cost (+/-)</b>	<b>Internal Transfers (+/-)</b>	<b>Program Change (+/-)</b>	<b>2023 Request</b>
<b>Appropriation: Regulation and Technology</b>						
<b>Environmental Protection</b>	<b>88,598</b>	<b>88,562</b>	<b>+976</b>	<b>-</b>	<b>+16</b>	<b>89,554</b>
State and Tribal Funding	68,590	68,590			-3,590	65,000
<i>Reduce Regulatory Grant Funding</i>					<i>[-3,590]</i>	
State Program Evaluation	8,080	8,080	+461		+729	9,270
<i>Replace Hydrocarbon-powered Vehicles with ZEVs</i>					<i>[+365]</i>	
<i>2022 Baseline Capacity</i>					<i>[+364]</i>	
Federal Program <sup>1</sup>	4,289	4,264	+177		+280	4,721
<i>Funded by Offsetting Collections</i>	<i>[-3]</i>	<i>[-28]</i>				
<i>Replace Hydrocarbon-powered Vehicles with ZEVs</i>					<i>[+140]</i>	
<i>2022 Baseline Capacity</i>					<i>[+140]</i>	
Indian Lands Program <sup>2</sup>	1,799	1,788	+81		+1,622	3,491
<i>Funded by Offsetting Collections</i>	<i>[-1]</i>	<i>[-12]</i>				
<i>Establish Indian Lands Program for Oklahoma</i>					<i>[+1,450]</i>	
<i>Replace Hydrocarbon-powered Vehicles with ZEVs</i>					<i>[+104]</i>	
<i>2022 Baseline Capacity</i>					<i>[+68]</i>	
Federal Lands	1,436	1,436	+57		+172	1,584
<i>Replace Hydrocarbon-powered Vehicles with ZEVs</i>					<i>[+45]</i>	
<i>2022 Baseline Capacity</i>					<i>[+46]</i>	
Program Development and Maintenance	4,404	4,404	+200		+884	5,488
<i>Enhance Records Management Capabilities</i>					<i>[+500]</i>	
<i>Justice40 Initiative</i>					<i>[+225]</i>	
<i>2022 Baseline Capacity</i>					<i>[+159]</i>	
<b>Technology Development and Transfer</b>	<b>14,765</b>	<b>14,765</b>	<b>+442</b>	<b>-</b>	<b>+940</b>	<b>16,147</b>
Technical Assistance	10,668	10,668	+271		+718	11,657
<i>Enhance Information Technology Systems Support</i>					<i>[+500]</i>	
<i>2022 Baseline Capacity</i>					<i>[+218]</i>	
Training	2,060	2,060	+108		+172	2,340
<i>Replace Hydrocarbon-powered Vehicles with ZEVs</i>					<i>[+86]</i>	
<i>2022 Baseline Capacity</i>					<i>[+86]</i>	
Technology Transfer	2,037	2,037	+63		+50	2,150
<i>2022 Baseline Capacity</i>					<i>[+50]</i>	

<b>Appropriation: Regulation and Technology (cont.)</b>	<b>2021 Actual</b>	<b>2022 CR</b>	<b>Fixed Cost (+/-)</b>	<b>Internal Transfers (+/-)</b>	<b>Program Change (+/-)</b>	<b>2023 Request</b>
<b>Financial Management</b>	<b>505</b>	<b>505</b>	<b>+17</b>	<b>-</b>	<b>+13</b>	<b>535</b>
Revenue Management <i>2022 Baseline Capacity</i>	407	407	+12		+9 [+9]	428
Grants Financial Management <i>2022 Baseline Capacity</i>	98	98	+5		+4 [+4]	107
<b>Executive Direction and Administration</b>	<b>13,936</b>	<b>13,936</b>	<b>+345</b>	<b>-</b>	<b>+1,559</b>	<b>15,840</b>
Executive Direction <i>Diversity, Equity, Inclusion and Accessibility Initiative</i> <i>2022 Baseline Capacity</i>	2,054	2,054	+85		+202 [+134] [+68]	2,341
Administrative Support <i>Restructure Division of Acquisition Management</i> <i>2022 Baseline Capacity</i>	3,663	3,663	+171		+260 [+124] [+136]	4,094
General Services <i>Maintain ZEV Charging Infrastructure</i> <i>2022 Baseline Capacity</i>	8,219	8,219	+89		+1,097 [+214] [+883]	9,405
<b>TOTAL, Regulation and Technology (w/o rescission)</b>	<b>117,804</b>	<b>117,768</b>	<b>+1,780</b>	<b>-</b>	<b>+2,528</b>	<b>122,076</b>
<b>Rescission of Prior Year Balances</b>	<b>-25,000</b>	<b>-25,000</b>	<b>-</b>	<b>-</b>	<b>+25,000</b>	<b>-</b>
<b>TOTAL, Regulation and Technology (w/ rescission)</b>	<b>92,804</b>	<b>92,768</b>	<b>+1,780</b>	<b>-</b>	<b>+27,528</b>	<b>122,076</b>

1. FY 2021 Actual reflects \$25,107 in appropriated funds for Permit Fee activities in Environmental Protection.
2. FY 2021 Actual reflects \$11,000 in appropriated funds for Permit Fee activities in Environmental Protection.

<b>Appropriation: Abandoned Mine Reclamation Fund</b>	<b>2021 Actual</b>	<b>2022 CR</b>	<b>Fixed Cost (+/-)</b>	<b>Internal Transfers (+/-)</b>	<b>Program Change (+/-)</b>	<b>2023 Request</b>
<b>Environmental Restoration</b>	<b>124,480</b>	<b>124,480</b>	<b>+214</b>	<b>-</b>	<b>+7,476</b>	<b>132,170</b>
State and Tribal Funding	-	-	-		+500	500
<i>Establish Passive Treatment Protection Program Grants</i>					[+500]	
State Program Evaluation	2,707	2,707	+93		+110	2,910
<i>Replace Hydrocarbon-powered Vehicles with ZEVs</i>					[+44]	
<i>2022 Baseline Capacity</i>					[+66]	
Federal Reclamation Programs - Projects	1,299	1,299			+4,820	6,119
<i>Fund Federal Emergency Reclamation Projects</i>					[+785]	
<i>Fund Priority Federal Reclamation Projects (OK)</i>					[+4,035]	
Federal Reclamation Program - Operations	2,081	2,081	+27		+1,230	3,338
<i>Establish Federal Reclamation Program for Oklahoma</i>					[+1,170]	
<i>Replace Hydrocarbon-powered Vehicles with ZEVs</i>					[+38]	
<i>2022 Baseline Capacity</i>					[+22]	
Program Development and Maintenance	3,393	3,393	+94		+816	4,303
<i>Interagency Working Group on Energy Communities</i>					[+250]	
<i>Enhance Records Management Capabilities</i>					[+500]	
<i>2022 Baseline Capacity</i>					[+66]	
AML Economic Development Grants	115,000	115,000			-	115,000
<b>Technology Development and Transfer (TDT)</b>	<b>3,608</b>	<b>3,608</b>	<b>+92</b>	<b>-</b>	<b>+587</b>	<b>4,287</b>
Technical Assistance	1,626	1,626	+42		+531	2,199
<i>Enhance Information Technology Systems Support</i>					[+500]	
<i>2022 Baseline Capacity</i>					[+31]	
Training	814	814	+44		+52	910
<i>Replace Hydrocarbon-powered Vehicles with ZEVs</i>					[+21]	
<i>2022 Baseline Capacity</i>					[+31]	
Technology Transfer	1,168	1,168	+6		+4	1,178
<i>2022 Baseline Capacity</i>					[+4]	

<b>Appropriation: Abandoned Mine Reclamation Fund (cont.)</b>	<b>2021 Actual</b>	<b>2022 CR</b>	<b>Fixed Cost (+/-)</b>	<b>Internal Transfers (+/-)</b>	<b>Program Change (+/-)</b>	<b>2023 Request</b>
<b>Financial Management</b>	<b>5,277</b>	<b>5,277</b>	<b>+176</b>	<b>-</b>	<b>+708</b>	<b>6,161</b>
Fee Compliance	5,164	5,164	+172		+204	5,540
<i>Replace Hydrocarbon-powered Vehicles with ZEVs</i>					[+82]	
<i>2022 Baseline Capacity</i>					[+122]	
Grants Financial Management	113	113	+4		+504	621
<i>Enhance Financial Management Capabilities</i>					[+500]	
<i>2022 Baseline Capacity</i>					[+4]	
<b>Executive Direction and Administration</b>	<b>6,466</b>	<b>6,466</b>	<b>-343</b>	<b>-</b>	<b>+401</b>	<b>6,524</b>
Executive Direction	910	910	+44		+97	1,051
<i>Diversity, Equity, Inclusion and Accessibility Initiative</i>					[+66]	
<i>2022 Baseline Capacity</i>					[+31]	
Administrative Support	1,888	1,888	+86		+123	2,097
<i>Restructure Division of Acquisition Management</i>					[+61]	
<i>2022 Baseline Capacity</i>					[+62]	
General Services	3,668	3,668	-473		+181	3,376
<i>Build ZEV Charging Infrastructure</i>					[+53]	
<i>2022 Baseline Capacity</i>					[+128]	
<b>TOTAL, Abandoned Mine Reclamation Fund (w/o supplemental, rescission, and transfer)</b>	<b>139,831</b>	<b>139,831</b>	<b>+139</b>	<b>-</b>	<b>+9,172</b>	<b>149,142</b>
<b>Rescission of Prior Year Balances</b>	<b>-10,000</b>	<b>-4,753</b>	<b>-</b>	<b>-</b>	<b>+4,753</b>	<b>-</b>
Bipartisan Infrastructure Law (P.L.117-58)	-	<b>11,293,000</b>	-	-	<b>-11,293,000</b>	-
Transfer to OIG (P.L. 117-58)	-	<b>-56,465</b>	-	-	<b>+56,465</b>	-
<b>TOTAL, Abandoned Mine Reclamation Fund (w/ supplemental, rescission, and transfer)</b>	<b>129,831</b>	<b>11,371,613</b>	<b>+139</b>	<b>-</b>	<b>-11,222,610</b>	<b>149,142</b>

Total Discretionary Funding	2021 Actual	2022 CR	Fixed Cost (+/-)	Internal Transfers (+/-)	Program Change (+/-)	2023 Request
<b>TOTAL, Discretionary Funding (w/o supplemental, rescissions, and transfer)</b>	257,635	257,599	+1,919	-	+11,700	271,218
<b>Rescission of Prior Year Balances</b>	-35,000	-29,753	-	-	+29,753	0
Bipartisan Infrastructure Law (P.L.117-58)	-	11,293,000	-	-	-11,293,000	-
Transfer to OIG (P.L. 117-58)	-	-56,465	-	-	+56,465	-
<b>TOTAL, Discretionary Funding (w/ supplemental, rescissions, and transfer)</b>	222,635	11,464,381	+1,919	-	-11,195,082	271,218

Budget Resources with Offsetting Collections <sup>1</sup>	2021 Actual <sup>2</sup>	2022 CR	Fixed Cost (+/-)	Internal Transfers (+/-)	Program Change (+/-)	2023 Request
<b>Total Regulation and Technology</b>	117,804	117,768	+1,780	-	+2,528	122,076
Civil Penalties	44	100				100
Offsetting Collections - Permit Fees	4	40				40
<b>Total Regulation and Technology (with Civil Penalties and Offsetting Collections)</b>	117,852	117,908	+1,780	-	+2,528	122,216
<b>Total Abandoned Mine Reclamation Fund</b>	139,831	139,831	+139	-	+9,172	149,142
<b>Total, Budget Resources with Offsetting Collections</b>	257,683	257,739	+1,919	-	+11,700	271,358

1. Does not include rescissions of prior year balances enacted in FY 2021, Bipartisan Infrastructure Law (P.L.117-58), and Transfer to OIG.
2. FY 2021 Actual reflects actual Civil Penalties collections of \$44,242, actual Permit Fee collections of \$3,893, and \$36,107 in appropriated funds for Permit Fee activities in Environmental Protection.

**Mandatory Funding**

	2021 Actual	2022 CR	Fixed Cost (+/-)	Internal Transfers (+/-)	Program Change (+/-)	2023 Request
<b>Payments to States and Tribes in Lieu of Coal Fee Receipts (Treasury Funds)</b>	<b>39,950</b>	<b>37,437</b>	-	-	<b>-8,737</b>	<b>28,700</b>
In Lieu Payments to Certified States and Tribes	39,950	37,437			-8,737	28,700
<b>Mandatory Grants to States (AML Funds)</b>	<b>121,472</b>	<b>115,668</b>	-	-	<b>-15,013</b>	<b>100,655</b>
Grants to Noncertified States						
State & Tribal Share	19,693	19,842			-2,342	17,500
Historic Coal Fund	75,736	71,804			-15,410	56,394
Minimum Program Make Up	26,043	24,022			+2,739	26,761
<b>Total Payments/Grants to States and Tribes</b>	<b>161,422</b>	<b>153,105</b>	-	-	<b>-23,750</b>	<b>129,355</b>
Less Mandatory Sequester	-9,201	-8,727				-7,373
<b>Total Payments/Grants to States and Tribes (after Mandatory Sequestration)*</b>	<b>152,221</b>	<b>144,378</b>	-	-	<b>-22,396</b>	<b>121,982</b>
<b>United Mine Workers of America Plans (UMWA)</b>	<b>739,667</b>	<b>732,348</b>	-	-	<b>+71,689</b>	<b>804,037</b>
Payments to United Mine Workers of America (UMWA) Health Benefit Plans (AML Fund Interest)	29,220	19,404			+62,952	82,356
Payments to UMWA Health Benefit Plans (Treasury Funds)	388,291	331,259			+9,102	340,361
Payments to 1974 UMWA Pension Plan (Treasury Funds)	322,156	381,685			-365	381,320
<b>TOTAL, Mandatory Funding</b>	<b>901,089</b>	<b>885,453</b>	-	-	<b>+47,939</b>	<b>933,392</b>
<b>Total Mandatory Funding with Sequestration*</b>	<b>891,888</b>	<b>876,726</b>	-	-	<b>49,293</b>	<b>926,019</b>

\* Mandatory grants to States and Tribes are subject to sequestration pursuant to the Balanced Budget and Emergency Deficit Control Act. Mandatory distributions to States and Tribes were reduced by 5.7% for FYs 2021 through 2023, in accordance with the reductions to other non-exempt nondefense mandatory programs specified in the OMB Report to Congress on the Joint Committee Reductions for FY 2021.

**TAB**

**Environmental Restoration**

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# ENVIRONMENTAL RESTORATION

## Environmental Restoration Budget Request

(Dollars in Thousands)

	2021 Actual	2022 CR	Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2023 Request	Change From 2022 (+/-)
<b>Abandoned Mine Reclamation Fund</b>	<b>124,480</b>	<b>124,480</b>	<b>+214</b>	<b>-</b>	<b>+7,476</b>	<b>132,170</b>	<b>+7,690</b>
State and Tribal Funding	-	-	-		+500	500	+500
State Program Evaluation	2,707	2,707	+93		+110	2,910	+203
<i>FTE</i>	28	15			-	15	-
Federal Programs - Projects	1,299	1,299	-		+4,820	6,119	+4,820
Federal Programs - Operations	2,081	2,081	+27		+1,230	3,338	+1,257
<i>FTE</i>	2	5			+8	13	+8
Program Development and Maintenance	3,393	3,393	+94		+816	4,303	+910
<i>FTE</i>	8	15			-	15	-
AML Economic Revitalization (AMLER)	115,000	115,000	-		-	115,000	-
Grants <b>Total, Environmental Restoration</b>	<b>124,480</b>	<b>124,480</b>	<b>+214</b>	<b>-</b>	<b>+7,476</b>	<b>132,170</b>	<b>+7,690</b>
<b>Total FTE</b>	<b>38</b>	<b>35</b>	<b>-</b>	<b>-</b>	<b>+8</b>	<b>43</b>	<b>+8</b>

In addition to the discretionary appropriations above, OSMRE will also distribute mandatory funding for AML reclamation as outlined in the Permanent Appropriations Section.

**Summary of 2023 Program Changes for Environmental Restoration**

<b>Request Component</b>	<b>(\$000)</b>	<b>FTE</b>
Establish Passive Treatment Protection Program	+500	-
Establish Federal Reclamation Program for Oklahoma	+1,170	+8
Fund Federal Emergency Reclamation Projects	+785	-
Replace Hydrocarbon-powered Vehicles with ZEVs	+82	-
Fund Priority Federal Reclamation Projects (Oklahoma)	+4,035	-
Support Interagency Working Group	+250	-
Enhance Records Management Capabilities	+500	-
2022 Baseline Capacity	+154	-
<b>TOTAL Program Changes</b>	<b>+7,476</b>	<b>+8</b>

The Environmental Restoration program evaluates State and Tribal AML programs, ensures abatement of mining related hazards, and fosters partnerships to address acid mine drainage. In FY 2023, the Environmental Restoration program plans to remediate 9,800 acres of abandoned coal mine lands by eliminating health, safety, and environmental concerns. These remediation efforts will result in providing several hundred thousand people with reduced exposure to safety risks from abandoned mine lands.

**Justification of 2023 Program Changes**

The 2023 budget request for Environmental Restoration is \$132,170,000 and 43 FTE, a program change of +\$7,476,000 and +8 FTE from the 2022 CR level.

**Passive Treatment Protection Program (PTPP) Grants (+\$500,000):** The 2023 budget includes funding to establish a program to help protect the investments made over the past several years in constructing passive treatment systems designed to address water pollution discharges from abandoned mine lands by providing grants to non-governmental organizations and to local and State government agencies to help operate, maintain, and rehabilitate abandoned mine land passive treatment systems.

**Enhance Records Management Capabilities (+\$500,000):** The 2023 budget includes funding for a contracted effort to get OSMRE’s SMCRA Title V legacy paper and electronic records, and supporting information digitized, subject matter referenced, and filed in an accessible, user-friendly format. This effort supports record management compliance requirements, improved Freedom of Information Act response, and increased employee efficiency and effectiveness.

**Federal Reclamation Program for Oklahoma (+\$1,170,000/+8 FTE):** The requested funds will allow OSMRE to establish a new Federal Reclamation Program in Oklahoma to assume responsibility for reclamation of AML sites on the Indian Lands within the State. The recent decision of the U.S. Supreme Court in *McGirt v. Oklahoma*, 140 S.Ct. 2452 (2020), recognized the existence of the historic Muscogee (Creek) Reservation in Oklahoma. Based on the *McGirt* decision, land within the exterior boundaries of the Muscogee (Creek) Nation is considered Indian Lands, as defined by the Surface Mining Control and Reclamation Act of 1977 (SMCRA). In 2021, the Oklahoma Court of Criminal Appeals ruled additional

reservations in Oklahoma were likewise never disestablished. This program change was included in the FY 2022 President's Budget request.

**Federal Emergency Reclamation Projects (+\$785,000):** OSMRE manages emergency abatement projects in States and on Tribal lands where the State or Tribe has no approved regulatory program and in those States that have not been delegated this authority. The emergency reclamation projects protect lives, resources, and property, and provide immediate relief from abandoned mine hazards that threaten public health and safety. Over the past several years, OSMRE has expended an annual average of approximately \$742,986 to address AML emergencies using available unobligated balances from prior year appropriations. OSMRE projects that those available balances will be exhausted by early FY 2023. The requested funds will ensure that OSMRE has sufficient resources to effectively address emergency situations that impact health and safety as they arise. This program change was included in the FY 2022 President's Budget request.

**Zero Emission Vehicle Fleet Conversions (+\$82,000)** – The 2023 budget includes funding to accelerate the conversion of OSMRE's fleet to zero emission vehicles (ZEVs) and provide charging stations and hydrogen fueling stations to support those vehicles and future ZEVs. This conversion will immediately reduce the Interior's contributions to greenhouse gas emissions and dependence upon hydrocarbons. The investment in infrastructure will support these new vehicles and ensure charging infrastructure is available for subsequent ZEVs. This project is being coordinated across Interior and with other agencies to maximize utility of charging and hydrogen fueling stations in areas where multiple agencies operate. The funding also supports a small planning and coordination function to effectively deploy the fleet and charging infrastructure.

**Priority Federal Reclamation Projects in Oklahoma (+\$4,035,000):** Pursuant to the Supreme Court decision in *McGirt v. Oklahoma*, OSMRE has assumed responsibility for the reclamation of all AML priorities on Tribal lands in Oklahoma. These priorities projects were previously addressed by Oklahoma with mandatory grants provided to the State. Per SMCRA provisions in 30 U.S.C. § 1231(d)(1), moneys from the Abandoned Mine Reclamation Fund are available to the Secretary for expenditures on Federal SMCRA responsibilities only when appropriated for those purposes.

**Interagency Working Group (IWG) on Coal and Power Plant Communities and Economic Revitalization (+\$250,000):** The 2023 budget includes funding to advance the Administration's policy on economic revitalization of coal, oil and gas, and power plant communities as set forth in Executive Order 14008. The IWG is co-chaired by the Director of the National Economic Council and the National Climate Advisor and administered by the Secretary of Energy via the Director of the National Energy Technology Laboratory. The funding will support administration and capacity building activities associated with the IWG, including but not limited to support for research and analysis to inform investment decisions, interagency coordination, and stakeholder engagement activities.

**Baseline Capacity (+\$154,000):** The 2023 budget includes important investments in programs needed to help strengthen America and increase competitiveness as the world continues to change. These investments include funding needed to maintain a strong, talented workforce and the must pay requirements needed to continue to fulfill the OSMRE mission. The budget includes \$154,000 in this activity, which reflects the incremental amount needed to cover the fixed costs associated with mission operations in FY 2022. This

request in combination with the FY 2023 fixed costs amounts will allow the program to meet must pay requirements without impacting program activities.

## OVERVIEW

As stewards of our Nation's natural and cultural resources, the Department of the Interior is entrusted with safeguarding these treasures for future generations. Environmental issues associated with abandoned mine sites, such as water pollution, open portals and pits, refuse piles, and land stripped of natural vegetation degrade our natural resources and create public health and safety risks. Through the elimination of these problems, our land and water resources are improved so that local communities and other partners can make further investments in economic redevelopment such as new businesses or recreation facilities, improve wildlife habitat, or allow the land to be conserved. Mine site reclamation improves our environment, safeguards people and property, and revitalizes communities by creating jobs.

OSMRE's Environmental Restoration business line funds operations and projects under the AML Program. To administer the AML program, OSMRE evaluates State and Tribal AML programs, ensures abatement of high-priority coal mining-related hazards through the Federal Reclamation Program (where OSMRE has reclamation responsibility), and fosters partnerships aimed at addressing acid mine drainage and other water pollution problems.

Under SMCRA's AML program, an annual average of more than 14,000 equivalent acres of abandoned mine land problems have been addressed since 1977. SMCRA established priorities for AML problems based on direct danger to public health and safety and damage to the environment. Details on the types of problems that have been addressed can be found in the AML Reclamation Accomplishments section on page 143. OSMRE oversees a national inventory that contains information for over 22,000 problem areas associated with abandoned mine lands, mostly from past coal mining. A problem area is a geographical area that contains one or more abandoned mine land problems. AML problems are classified by priority:

- Priority 1 (protection of public health, safety, and property from extreme danger of adverse effects of coal mining practices);
- Priority 2 (protection of public health, safety, and property from adverse effects of coal mining practices); or
- Priority 3 (restoration of land and water resources and the environment previously degraded by adverse effects of coal mining practices).

The cost of addressing the remaining Priority 1 and 2 coal-related sites is estimated at \$8.1 billion. In addition, there is an estimated \$5.0 billion of Priority 3 problems, for a total of \$14.1 billion of unfunded AML problems.

Funding for the AML program is generated through the mine reclamation fee assessed on current coal operations. The authority to collect the mine reclamation fee was revised and extended by the Bipartisan Infrastructure Law (Public Law 117-58). This Law extended the authority for fee collection through September 30, 2034 and lowered the fee amount beginning in FY 2022. These State and Tribal reclamation grants are permanent appropriations.

The Bipartisan Infrastructure Law also appropriated an additional \$11.293 million into the Abandoned Mine Reclamation Fund. Those funds will provide grants to States and Indian Tribes over a 15-year period beginning in FY 2022, for abandoned mine land and water restorations projects under SMCRA.

The activities funded under the discretionary appropriation for this business line include State Program Evaluation, Federal Reclamation Program Operations and Projects, and Program Development and Maintenance.

<p style="text-align: center;"><b>ENVIRONMENTAL RESTORATION ENCOMPASSES:</b></p> <p>State and Tribal Funding</p> <ul style="list-style-type: none"><li>• Passive Treatment Protection Program</li></ul> <p>State Program Evaluation</p> <p>Federal Reclamation Program – Projects</p> <ul style="list-style-type: none"><li>• Watershed Cooperative Agreements</li><li>• Civil Penalty Projects</li><li>• Federal Emergency Projects</li></ul> <p>Federal Reclamation Program – Operations</p> <p>Program Development and Maintenance</p> <p>AML Economic Revitalization (AMLER) Grants</p>
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**Operational Processes (Program Activities):** The mission goal of the Environmental Restoration business line is to provide a cleaner and safer environment for the American people by reclaiming and restoring land and water resources degraded by past coal mining. The program activities within this business line ensure the alleviation of adverse impacts to land and water resources caused by past mining operations.

OSMRE coordinates evaluation and oversight of the State and Tribal AML reclamation operations through the State Program Evaluation program activity. Federal Reclamation Program Projects and Operations provide resources to address issues in States and Tribes without an

approved AML program, as well as for the Watershed Cooperative Agreement Program, which supports cooperative conservation through local nonprofit organizations. The Environmental Restoration business line also funds the Program Development and Maintenance Program activity, which provides policy direction, support, and services to States and Tribes.

**Actions Required to Achieve Annual Goals:** In FY 2023 and beyond, OSMRE will continue to encourage reclamation partnerships by working with States and Tribes through their reclamation agencies, and through private and grassroots associations. In addition, OSMRE 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 conservation efforts.

**Resources, Skills, and Technology Capacity:** OSMRE maintains a diverse and multidisciplinary cadre of individuals with scientific and engineering skills. The OSMRE staff establish reclamation project design and construction criteria, either directly or in conjunction with contractors for Federal programs, and review and monitor watershed cooperative agreements and civil penalty and bond forfeiture reclamation projects. Program analysts, grant specialists, and other support personnel are needed to implement the State/Tribal grants program and to conduct program evaluations. Information technology personnel and contractors are

needed to maintain and improve the enhanced-Abandoned Mine Land Inventory System (e-AMLIS). OSMRE 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 achieve annual performance goals. It also includes examples of the types of efforts OSMRE undertakes to evaluate State and Tribal programs, to address and manage emergency and high-priority issues and projects, and to provide reclamation support services to communities affected by coal mining issues.

## 2023 PROGRAM PERFORMANCE

### **Abandoned Mine Reclamation Fund**

SMCRA established the Abandoned Mine Reclamation Fund (AML Fund) to receive the AML fees and finance reclamation of coal AML sites. Before the 2006 SMCRA amendments, the reclamation grants to States and Tribes were funded through discretionary appropriations. These grants are now funded from permanent (mandatory) appropriations. A discussion of AML grant funding in support of eliminating the Nation's highest priority coal problems can be found under the Permanent Appropriations Section. The top of Table 1 identifies which States and Tribes have approved AML Programs and receive AML grants from permanent appropriations.

The FY 2023 AML Fund appropriation for Environmental Restoration will cover discretionary spending for State Program Evaluation, Federal Reclamation Program Operations, and AML 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 Technology Development and Transfer, Financial Management, and Executive Direction and Administration.

### **Addressing AML Emergencies**

Emergencies are AML problems that occur suddenly and present a high probability of physical harm or threaten the health, safety, or general welfare of people. These problems must be addressed immediately. The process for addressing emergencies that develop on AML sites, and allocating needed funds, is dependent on whether the State has an AML program. The 2006 Amendments (P.L. 109-432) created different sources of funding for addressing AML issues by allowing for the appropriation of both discretionary and mandatory grants. Prior to 2006, OSMRE was responsible for administering emergency projects (unless a State chose to address emergencies), despite States otherwise assuming general responsibility for addressing the AML issues within its borders. The 2006 Amendments combined responsibility for AML issues and AML emergencies under a single authority with a single source of funding. OSMRE fully implemented this change beginning in its FY 2011 budget, transferring funding responsibility for addressing emergencies in States and Tribes with approved AML programs from the discretionary Federal Reclamation Program to mandatory AML grant funds. (see Table 1).

Recent examples of AML Emergency Projects completed by the States and Tribes under the AML Program include:

Virginia: Straight Hollow Emergency Project – Site No. 48515 – The Straight Hollow Emergency Project was located off Straight Hollow RD near Dante, VA. This area was previously stabilized under a refuse project in the 1980's and was being monitored routinely for any additional impacts. In December of 2019, Virginia Department of Mines Minerals and Energy (DMME) Division of Mine Land Reclamation (DMLR) received a complaint of a dangerous boulder located above a residence in the Straight Hollow area.

Routine monitoring continued, and during a follow up visit in February of 2020, downward movement of the boulder could be detected. The site was declared an AML emergency and prior to the start of remediation, loose AML spoil material on the out-slope below the boulder began to move downward creating even greater instability of the site. The slide material was deposited into the stream in Straight Hollow creating the potential for



*Straight Hollow AML emergency project prior to reclamation*



*Straight Hollow AML emergency project post reclamation*

flooding of residents. The AML features at the site were categorized as a P1 Dangerous Slide. Remedial work included hammering and removal of the boulder, removal of the unstable spoil material from the slide area and the stream channel, and construction of diversion ditches to move water away from the slide area. All material removed from the site was placed on an upland area adjacent to the slide area. Temporary sediment control measures were also installed as needed and the site was revegetated upon project completion. The total project cost was \$246,272.60.

West Virginia: Rockhouse Branch (Pack) Burning Refuse AML Emergency Project

– On November 12, 2019, a complaint was received by AML personnel concerning a burning refuse pile in Logan County, WV. Although the fire had been smoldering for some time, the refuse embankment had recently destabilized due to the fire. The unstable embankment and fire were adjacent to the active Hatfield McCoy Trail System and trail visitors were being exposed to the hazards associated with the dangerous refuse embankment. An investigation by AML personnel resulted in an AML Emergency Declaration due to the high visitor volume on



*Rockhouse Branch (Pack) Burning Refuse Emergency pre-reclamation*



*Rockhouse Branch (Pack) Burning Refuse Emergency coal refuse extinguishment during construction*

the trail system. Four open portals were discovered during the investigation which were included in the project due to their proximity to the active trails. An expedited Reclamation Design was commissioned, and a Pre-Bid meeting was held for the project on April 14, 2020. The reclamation contract was awarded to Eastern Arrow Corp., Inc. Eastern Arrow has reclaimed AML projects for many years and is experienced with refuse fires. Reclamation consisted of portal seals, fire extinguishing, re-grading the refuse for stabilization,



*Rockhouse Branch (Pack) Burning Refuse Emergency post reclamation*

drainage controls, soil cover and revegetation. Excavation of the fire was dangerous and slow. Work was delayed on several occasions due to high winds, excessive temperatures, and hazardous gases from the fire. An additional waste area was required due to fine refuse material (slurry) encountered during

the refuse regrade. The fine material was exported to ensure the remaining embankment would remain stable. Approximately 210,000 cubic yards of refuse were handled to extinguish the fire and stabilize the embankment. The project reclaimed approximately nine acres of pre-law disturbance and finished on February 9, 2021. Final cost totaled \$1,426,998.92 including portal seals, drainage controls and other incidental work.

**Table 1 – State, Tribal, and Federal Responsibility for the AML Program**

Responsible Party	AML Program		Emergency Issues	
State and Tribal Responsibility	Alabama	North Dakota	Alabama	North Dakota
	Alaska	Ohio	Alaska	Ohio
	Arkansas	Pennsylvania	Arkansas	Pennsylvania
	Colorado	Tennessee	Colorado	Tennessee
	Illinois	Texas	Illinois	Texas
	Indiana	Utah	Indiana	Utah
	Iowa	Virginia	Iowa	Virginia
	Kansas	West Virginia	Kansas	West Virginia
	Kentucky	Wyoming	Kentucky	Wyoming
	Louisiana	Crow Tribe	Louisiana	Crow Tribe
	Maryland	Hopi Tribe	Maryland	Hopi Tribe
	Mississippi	Navajo Nation	Mississippi	Navajo Nation
	Missouri		Missouri	
	Montana		Montana	
	New Mexico		New Mexico	
Federal Responsibility	California	Oklahoma*	California	Oklahoma*
	Georgia	Oregon	Georgia	Oregon
	Idaho	Rhode Island	Idaho	Rhode Island
	Massachusetts	South Dakota	Massachusetts	South Dakota
	Michigan	Washington	Michigan	Washington
	North Carolina		North Carolina	
		Tribes other than Crow, Hopi, and Navajo*		Tribes other than Crow, Hopi, and Navajo*

\*OSMRE has conducted AML reclamation projects on Tribal lands across the Nation and, in FY 2021, assumed responsibility for AML reclamation projects on all Tribal lands in Oklahoma.

**1. State and Tribal Funding**

Passive Treatment Protection Program. In the House Appropriations Committee report accompanying the FY 2021 Appropriations Act, Congress expressed its concern about protecting the investments made over the past several years in constructing passive treatment systems designed to address water pollution discharges from abandoned mine lands. The FY 2023 budget request includes \$500,000 to implement a program to address those concerns by providing grants to non-governmental organizations and to local and State government agencies to help operate, maintain, and rehabilitate abandoned mine land passive treatment systems that were previously constructed to address water pollution from mine drainage.

## 2. State Program Evaluation

SMCRA requires OSMRE to monitor the progress and quality of each State and Tribal program to ensure the reclamation programs function effectively. Evaluations of State and Tribal reclamation programs help facilitate more efficient and effective use of program dollars for the intended purpose. The FY 2023 budget request includes \$2,910,000 and 15 FTE for State Program Evaluation activities.

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

OSMRE utilizes topic-specific oversight reviews to monitor State and Tribal AML program operations. Instead of reviewing entire programs each year, the appropriate OSMRE field office, in consultation with each State or Tribe, develops a performance agreement which addresses the areas to be reviewed and performance measures to be established. Since much of topic-specific oversight is trend analysis, and because the interaction between the programs and OSMRE is continual, performance agreements may be for periods longer than one year. However, OSMRE reviews them each year to determine the progress being made.

Performance 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 effective program.

OSMRE also encourages States and Tribes to maintain ongoing programs for post-project monitoring. This ensures that completed reclamation projects receive adequate maintenance until reclaimed lands are stable and that reclamation designs are effective. OSMRE evaluations of post-construction monitoring ensure implementation of these types of State monitoring plans.

Recent examples of projects completed by the States and Tribes under the AML Program include:

Maryland – Wolfden Run Stream Restoration Project – The Wolfden Run Stream Restoration Project is in Garrett County, Maryland near the town of Kitzmiller and the North Branch Potomac River. Pre-SMCRA deep mining and surface mining operations severely impacted the floodplain and stream channel of an unnamed tributary to Wolfden Run. When mining was completed in 1973, there was 2200 feet of unreclaimed highwall, 20 acres of spoil and a stream clogged with surface mine spoil and coal refuse. By the time the Maryland AML Division began working on the project, the banks of the unnamed tributary were severely eroded with thousands of tons of sediment washed downstream. Heavy erosion of the stream carried sediment



*Highly eroded stream channel and banks of Wolfden Run which was filled with mine spoil from a pre-SMCRA surface coal mine.*

into Wolfden Run, the Potomac River and caused flooding of two downstream county roads. The project was completed in late 2018 and restored the floodplain and stabilized the stream channel using geomorphic stream restoration techniques. The site was revegetated with grasses to provide immediate stabilization and trees to provide long-term restoration of the riparian area. The project was successful in preventing large amounts of sediment from entering Wolfden Run and the Potomac River and eliminating the frequent flooding of the county roads. A subsequent project has eliminated the remaining dangerous highwall.



*Wolfden Run after reclamation showing the stabilized stream banks and reconstructed stream channel which employed geomorphic stream design techniques.*

West Virginia – Ridgeway Drive Landslides AML Project – The projects on Ridgeway Drive involved two, adjacent landslides. Daniel Ferrell reported a 5-foot drop along a roughly 300-foot scarp line. The landslide formed within 25 feet of the homes of two families. The sites were known as the Ferrells and Blounts Projects. The danger posed to both residences was extreme given the unstable nature of the soil.



*A section of Ridgeway Drive Landslides after reclamation*

The decision was made to use a novel approach to soil stabilization by employing the services of GeoStabilization International LLC (GSI). GSI specializes in using proprietary soil nailing techniques to achieve superior soil retention in high-risk areas. The work to be done was split between two contracts. The first contract went to GSI to install the soil nail barrier. The second contract was awarded to J.F. Allen Company (J.F. Allen) to perform clearing and grubbing, access road construction, erosion and sediment control, and the installation of drainage structures. The project was completed for a total cost of \$2,442,192.68.

The second landslide was located adjacently to the work performed on the Ferrell project. The scarp line ran roughly 110 feet, southwest from the property. It was variable in height from 6 inches to 4 feet. The scarp line approached to within 20 feet of the residence. Evidence of further sliding was discovered on the southeastern-facing hillside below the scarp line. The location of the landslide placed eight homes in jeopardy. The findings of the Ferrell project demonstrated that the landslide reported was eligible for AML funded remediation. It was decided to excavate the slipped material and to retain the hillside with an extensive, stone buttress. Due to the presence of water at the top of the hill, a series of drainways were placed within the buttress to dewater the hill. The contract was awarded to Solid Rock Excavating, Inc. The project was completed for a total of \$986,574.65.



*Aerial photo showing Ridgeway Drive Landslides post reclamation*

### **3. Federal Reclamation Program**

OSMRE directly addresses environmental hazards on a priority basis when an emergency occurs in States or on Tribal lands without AML programs. It also administers high priority projects funded by Federal civil penalties collected from operators and projects funded from bonds forfeited by operators of Federally permitted sites.

#### **a. Federal Reclamation Projects**

The request includes a total of \$6,119,000 for Federal reclamation projects; \$4,035,000 for Federal reclamation projects on Tribal lands in Oklahoma (previously funded through permanent appropriation grants to the state of Oklahoma), \$785,000 for Federal emergency reclamation projects, and \$1,299,000 for watershed cooperative agreements. In addition to the requested funds, OSMRE will also continue to administer Federal reclamation projects in FY 2023 utilizing available civil penalty funds collected, as authorized in SMCRA.

##### **(1) Watershed Cooperative Agreement Projects**

OSMRE designed the Watershed Cooperative Agreement Program (WCAP) to assist citizens affected by the negative environmental impacts from coal mining. This program, initially implemented in 1999, makes funds available directly to not-for-profit organizations, primarily small local watershed organizations. These community-based organizations undertake local projects to clean streams affected by Acid Mine Drainage (AMD).<sup>1</sup> The watershed organizations that apply for the funding typically receive up to \$100,000 for each reclamation project. Funds are primarily used for project construction. Local organizations are encouraged to have other partners contribute either funding or in-kind services, which increases the reach and impact of Federal resources. OSMRE's WCAP funding results in improvements of land and water resources and promotes other beneficial uses such as fish and wildlife habitat and recreational areas. Communities are strengthened and capacity increased due to the awareness, knowledge, and outreach that this program fosters.

Recent examples of projects funded under the WCAP include:

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<sup>1</sup> A companion project that contributes to the activities to abate AMD is the Acid Drainage Technology Initiative (ADTI). ADTI is funded under the Technology Development and Transfer business line. Further details on ADTI efforts are found in that business line section.

Pennsylvania – Cherry Run WCAP

Project – The Western Pennsylvania Conservancy (WPC) installed a new passive treatment system to collect and treat two separate discharges along Cherry Run in Elk County Pennsylvania. These discharges are coming from abandoned deep mine entries. The WPC worked with the PA Department of Environmental Protection Bureau of Abandoned Mine Reclamation (BAMR) to



*Cherry Run Passive Treatment System under construction in Jay Township, Elk County, Pennsylvania*



*Collection pond and Vertical Flow Pond at the Cherry Run Passive Treatment System*

BAMR) to abate the discharges, with funding support from BAMR, OSMRE, Trout Unlimited, and a local fundraising campaign. BAMR also finished a project immediately adjacent to the WPC Cherry Run Treatment System project during the same time frame. When fully complete these projects will have the potential to completely restore Cherry Run and to help restore the larger watershed of the Bennet Branch of the Sinnemahoning. This project was originally funded by OSMRE in 2015, WPC required additional funds to complete the project and an amendment to the WCAP

was awarded in 2019. The work was completed in the summer of 2020. With the completion of the project, it is anticipated that seven miles of stream will be restored to wild trout fishery.

West Virginia – Beaver Creek at Auman Road Passive Acid Mine Drainage Treatment WCAP Project

– The Beaver Creek at Auman Road Passive Acid Mine Drainage Treatment WCAP Project is located in a headwater tributary of Beaver Creek of the Big Sandy Creek of the Cheat River. The unnamed tributary of Beaver Creek receives acid mine drainage (AMD) from a pre-SMCRA coal mine. AMD from this specific site contributed approximately 50 tons/year of acidity, 7 tons/year of



*Beaver Creek at Auman Road WCAP project post reclamation.*



*Beaver Creek Treatment Plant showing nearly complete settling ponds and wetland.*

aluminum, 1.3 tons/year of iron, and 1.9 tons/year of manganese to the stream. Stream quality information maintained by the State of West Virginia listed this site as the largest contributor of iron and aluminum into the watershed. This site, which consists of two AMD discharges, was a priority for Friends of the Cheat (FOC), as it was one of the last untreated sources of AMD to Beaver Creek. In June 2019, the FOC received a WCAP grant in the amount of \$131,025

to supplement Environmental Protection Agency (EPA) funding of \$175,100 and FOC in-kind funding of \$26,000 to design and construct a passive AMD treatment system to reduce the above outlined stream impairments by 80%. These reductions would be accomplished by the installation of a series of auto-flushing limestone beds, open limestone channels, settling ponds, and a wetland. Construction of the system was recently completed, and the project's proposed accomplishments have been achieved. As with all AMD treatment systems, discharges will be monitored by the watershed group to ascertain any future maintenance requirements.

DeLong Reclamation Project (Iowa): This project is located approximately 1.6 Miles SE of Attica, IA, and 5 miles west of Bussey, IA. The approximately 23.6-acre abandoned mine land (AML) site was mined prior to 1977. The reclamation project will eliminate the coal mining features that present a danger to the health and safety of the public and resulting acid mine drainage. The site is approximately 1.85 miles upstream of the North Cedar Creek which has a coveted Covered Bridge downstream from where the tributary enters North Cedar Creek and is in proximity to a river/stream used for fishing and canoeing, as well as public parks. The goal of the project is to reclaim the project area to alleviate AML priority features and establish a permanent seeding to stabilize the site. The site design re-establishes pre-mining drainage patterns. The DeLong project will be reclaimed using Natural Regrade. This design creates miniature watersheds within the watershed to help disperse surface runoff into multiple channels slowing the water down and preventing erosion. Water is discharged into a main meandering channel that flows through the site. Water will then pass through a wetland allowing treatment before being discharged from the site into an unnamed tributary of North Cedar Creek. The site will be seeded with three different mixes: 1) warm and cool season grasses and will be used for upland wildlife habitat and erosion control, 2) wetland fringe grasses, rushes, and sedges will be planted to promote wildlife habitat and promote water quality, and 3) pollinator mix. This will be put in strategic areas to help promote pollinator species and to provide habitat and food for the Monarch Butterfly. According to the project design, construction will abate all the hazardous abandoned mine land features. The construction contract will clear, re-grade and re-vegetate approximately 23.6 acres utilizing a Natural Regrade method for reclamation. The Iowa AML program has overseen more than 50 similar, and successful, reclamation and AMD remediation projects. The project is proposed to be funded through a requested \$100,000 from OSMRE WCAP to be used with \$634,893.50 in project partner funding. This program makes funds available directly to small non-profit organizations to undertake projects to control and eliminate acid mine drainage (AMD) in streams and rivers located in communities adversely impacted by past mining practices. The resulting partnerships also encourage long-term commitment to projects with local communities.

Patrick East Reclamation Project (Iowa): This approximately 27-acre abandoned mine land site is located approximately 6 miles SE of Eddyville, IA and 2 miles SW of Kirkville, IA. The reclamation project will eliminate the coal mining features that present a danger to the health and safety of the public and resulting acid mine drainage. The site is 1.9 miles upstream of Des Moines River, which is used for recreation such as fishing and boating. The goal of the project is to reclaim the project area to alleviate AML priority features and establish a permanent seeding to stabilize the site. The site design re-establishes pre-mining drainage patterns and will use typical terrace and tile design method with detention basins. This is in an effort to slow offsite

water in the watershed before it will discharge into an unnamed tributary of the Des Moines River. According to the project design, construction will abate all the hazardous abandoned mine land features. The construction contract will clear, re-grade and re-vegetate approximately 27 acres utilizing terrace and tile design. Funds will be used for earthmoving, water and soil neutralization, and seeding activities to eliminate the acid mine drainage originating from this site. The project is proposed to be funded with a requested \$100,000 from OSMRE WCAP together with \$766,463 in project partner funding.

Patrick West Reclamation Project (Iowa): This approximately 21-acre abandoned mine land site is located approximately 6 miles SE of Eddyville, IA and 2 miles SW of Kirkville, IA. The reclamation project will eliminate the coal mining features that present a danger to the health and safety of the public and resulting acid mine drainage. The site is 1.9 miles upstream of Des Moines River, which is used for recreation such as fishing and boating. The goal of the project is to reclaim the project area to alleviate AML priority features and establish a permanent seeding to stabilize the site. The site design re-establishes pre-mining drainage patterns and will use typical terrace and tile design method with detention basins. This is in an effort to slow offsite water in the watershed before it will discharge into an unnamed tributary of the Des Moines River. According to the project design, construction will abate all the hazardous abandoned mine land features. The construction contract will clear, re-grade and re-vegetate approximately 21 acres utilizing terrace and tile design. Funds will be used for earthmoving, water and soil neutralization, and seeding activities to eliminate the acid mine drainage originating from this site. The project is proposed to be funded with a requested \$100,000 from OSMRE WCAP together with \$617,463 in project partner funding.

## **(2) Civil Penalty Projects**

SMCRA authorizes Federal civil penalties collected under Section 518 of the Act to be used for reclaiming lands mined and abandoned after passage of SMCRA on August 3, 1977. These funds are derived from monetary civil penalties assessed by OSMRE nationwide on active coal mining operations. 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.

In 2021, three projects funded in previous fiscal years were actively in the reclamation phase, with two supplementing forfeited bond funds to complete the effort. One of the projects is in Maryland and two are in Pennsylvania:

Buffalo Coal Permit 422, Maryland: The project was awarded to Pine Mountain Coal Company to improve an active treatment system by removing accumulated sludge to eliminate two ponds and provide long-term and sustainable sludge handling and disposal using a drying bed and offsite disposal. The Maryland Bureau of Mines Supplemental Bond Fund supports operation of the facility by providing \$12,000/year for chemicals and operation and maintenance costs.

The project was completed including a final inspection on September 24, 2020. The project objective to remove and dispose the unspent lime sludge and precipitated metals from the settling

pond and two treatment ponds have been successfully satisfied and all contractual obligations have been fulfilled as required. The Final Programmatic Review Checklist for Reporting Period - June 1, 2018, through December 31, 2020, was completed on April 12, 2021. Civil penalty funds in the amount of \$315,965 were allocated for this project, however, a remaining balance of \$14,584.82 was de-obligated on July 7, 2021, as Amendment #2, which decreased the total grant amount to \$301,380.18.

Isabella Mine Complex, Pennsylvania (Grant #S18AC20020): OSMRE is continuing to provide considerable technical support to treat acid, metal-laden mine drainage, reclaim a mine coal refuse and partially dewater an existing impoundment for the Pennsylvania Department of Environmental Protection (PADEP). The project includes data collection and developing a large passive water treatment system for several mine discharges. The existing exposed, unreclaimed coal refuse piles and slurry impoundments totaling over 100 acres will be regraded to afford positive drainage as well as topsoiled and vegetated. The effort will improve an existing impoundment with a surface area of over 40 acres that presently has no engineered decant system. This has resulted in continued accumulation of water into the impoundment from precipitation events and flooding of a nearby township road.

OSMRE activities conducted in FY 2021 included review and comment of the engineering design for the construction of a permanent outlet system to control the water level in the impoundment and reclamation of the coal refuse piles and slurry impoundment areas to prevent catastrophic failure of the impoundment embankment and promote drainage off of the refuse areas. Additional efforts included installation of flow monitoring equipment (flumes) and water sampling of the primary mine drainage sources, and technical review of the consultant's hydrologic/hydraulic analysis of the impoundment drainage area and preliminary designs of the principal and emergency outlet/spillway. As part of the planned actions, it was determined that multiple utilities exist within the refuse areas including pressurized natural gas lines and a non-potable water line for nearby gas well pads, which had to be managed as part of the design efforts. Planned activities for FY 2022 include obtaining a contractor to lower the impoundment to prevent flooding of the township road and if funding allows to begin the reclamation of the coarse and fine coal refuse areas in conjunction with the installation of the principal and emergency outlet/spillway for the impoundment. OSMRE will also assist with the completion of the conceptual design for a complex passive treatment system for the multiple mine drainage sources, along with other continued support to PADEP for the remaining efforts.

Flight 93 Iron Sludge Removal System, Pennsylvania (Grant #S18AC20000): OSMRE is continuing to provide technical support to the Pennsylvania Department of Environmental Protection (PADEP) regarding the Flight 93 Memorial Site metal-laden mine drainage treatment facility and the need for a permanent sludge management system at the site. The project includes installation of a new pipeline and borehole for the injection of the sludge generated from the mine water treatment system into the underground mine workings and locating additional boreholes on the site for future use. Additionally, sludge removal equipment including a manure pump, tractor for managing the manure pump, a booster pump, large storage building for housing all of the sludge equipment at the site and installing electricity to the building and ponds where sludge needs to be removed regularly. Due to the constant pumping and treatment of the underground

mine pool water on the surface at the Flight 93 site, the need for the sludge management system was imperative because of the large volumes of iron sludge generated each year within the system and it allows the sludge to be removed and disposed at a considerably reduced cost to PADEP.

OSMRE activities conducted in FY 2021 included helping the PADEP with coordination and meeting with the National Park Service (NPS) personnel including a signed right-of-way agreement for installation of the electric lines and service panel at the storage building, installing the remaining piping and booster pump connections and any other equipment needed to complete the sludge management system at the Flight 93 mine water treatment site. Planned activities for FY 2022 include testing the operation and functionality of the newly constructed sludge management system and purchased equipment by removing iron sludge from one of the primary treatment ponds and injecting into the disposal borehole prior to closing out the project during the fiscal year.

### **(3) Federal Emergency Projects**

Federal Emergency Projects are conducted to immediately abate the abandoned mine hazards in States and on Indian lands without an approved AML Program. Emergencies in States covered by the Federal Reclamation Program usually involve subsidence, vertical mine shaft collapse or sudden exposure of mine openings. Emergency projects are those involving abandoned coal mine lands that present an immediate danger to the public health, safety, or general welfare. Typically, emergencies include landslides near homes and across roads, subsidence occurring under houses and public buildings, mine and coal waste fires, and open shafts discovered near populated areas.

The most common emergencies in the States covered by Federal Reclamation Programs are subsidence events caused by the caving in of old underground mines. Subsidence events can impact man-made structures on the surface and may be life threatening when they occur in populated areas. The second most common type of emergency event in these States is vertical mine shaft collapse. This may result in vertical holes that are hundreds of feet deep and are usually the result of shafts being improperly filled or an inadequate cap that was placed over the shaft at the time of abandonment. Often at the time of closure, the shafts were either filled with on-site material or wooden or concrete caps were placed over them to prevent entry. Over time, the fill material settles or the cap deteriorates to a point where it can no longer sustain the weight of the material placed over it. Other AML problems, including mine entries, hazardous/explosive gases, mine and refuse fires, dangerous high walls, landslides and mine pool blowouts, may also present life-threatening conditions.

When notified of an emergency situation, OSMRE personnel will review available information and visit the site as necessary to perform a technical investigation, usually within 48 hours or less after notification. Should OSMRE determine an emergency exists, OSMRE conducts remedial action as quickly as possible to abate the emergency. This does not always fully reclaim the site but does address the immediate hazard. The remaining reclamation will be completed, as appropriate, after the emergency has been addressed.

During FY 2021, OSMRE expended \$403,320 to address two AML emergencies in Washington State:

Project WA-21-003, a subsidence feature on a landowner's property in Enumclaw, WA where OSMRE expended \$78,155 for Architecture and Engineering and construction services to remediate the feature.

Project WA-20-007, a mine opening at the Newcastle Golf Club located in Newcastle, WA, in the road ditch that steeply dipped under the Golf Club's main access road. OSMRE expended \$324,165 for Architecture and Engineering and construction services to remediate the feature.



*Mine opening feature in the road ditch that goes under the road*



*Installation of grout pillars to create a bulkhead underground.*

Based on historic trends, OSMRE expects to expend financial resources on at least three additional emergency AML projects during FY 2022 using available carryover funding from prior year appropriations and expects that the remaining carryover will be fully expended in early FY 2023.

#### **b. Program Staff (Operations)**

Federal Reclamation Program Operations funding enables OSMRE staff to administer watershed cooperative agreements and address Federal emergencies, high priority projects, and civil penalty projects. For emergency projects, OSMRE begins the initial investigation making threshold determinations relating to each incident, including, whether the incident is: (1) suddenly occurring, (2) life threatening, and (3) related to a coal mine abandoned prior to August 3, 1977. With emergency projects, time is of the essence. In some instances, abatement activities begin within hours of OSMRE's initial investigation. For Federal high priority projects, the process is similar, but begins with the determination of whether the condition is related to an abandoned coal mine, and if so, a determination of the priority for reclamation.

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

1. Compliance with the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), and the National Historic Preservation Act (NHPA);

2. Obtaining the right of entry for access;
3. Developing engineering plans and specifications needed for abatement;
4. Preparing and mailing bid packages to potential construction contractors;
5. Conducting pre-bid and pre-construction conferences;
6. Awarding contracts;
7. Coordinating, managing, and inspecting all aspects of the ongoing construction; and reviewing, approving, and paying invoices.

OSMRE staff will address emergencies and high priority projects in non-program States and Tribes as described earlier, as well as provide technical assistance to States and Tribes with approved AML Programs. OSMRE will continue to provide specialized expertise on various AML problems, including subsidence, mine fires, mine gases, and landslides to States that request assistance. OSMRE staff will also administer projects funded by Federal civil penalties collected from operators and monitor watershed cooperative agreement projects under this activity. The total request for Federal Reclamation Program operations is \$3,338,000 and 13 FTE.

#### **4. Program Development and Maintenance**

The Program Development and Maintenance activity is an integral part of the State and Tribal funding program. The FY 2023 budget proposes \$4,303,000 in funding and provides for 15 FTE for reclamation program management and programmatic guidance to States and Tribes. OSMRE 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. OSMRE assists States and Tribes to build on their reclamation successes by providing ongoing technical assistance on reclamation practices and by continually enhancing the primacy grants process.

An important part of OSMRE's role in State and Tribal AML program operations is the review and approval of State/Tribal AML projects. All AML projects are considered "Major Federal Actions" under NEPA. Because of this, every project must be evaluated by OSMRE personnel under NEPA regulations prior to approval. While most States and Tribes conduct some or all of the consultations and document preparation prior to submission of projects for approval, OSMRE personnel must conduct required analyses of these documents, ensure that requirements are met, and approve either a categorical exclusion determination, a finding of no significant impacts, or an environmental impact statement – record of decision, for each project. These reviews require consultations under various other Federal laws including the National Historic Preservation Act, the Endangered Species Act, and the Clean Water Act.

OSMRE emphasizes State, Tribal, and Federal partnerships in the AML program. OSMRE 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 policies and changes to existing policy are shared with States and Tribes for input prior to being finalized, enabling OSMRE to make programmatic decisions in a collaborative manner. Examples of activities include working with States and Tribes to develop improved strategic plan measurements for the AML program; holding meetings/workshops with the State/Tribal grantees to provide employee training

and to keep them abreast of policies and procedures; and soliciting input from States/Tribes and interested parties on AML issues to make informed decisions.

This activity will also support the Interagency Working Group (IWG) on Coal and Power Plant Communities and Economic Revitalization to advance the Administration's policy on economic revitalization of coal communities as set forth in Executive Order 14008, including but not limited to support for research and analysis to inform investments, interagency coordination, and stakeholder engagement activities. These activities are necessary for the IWG to pursue its short- and long-term goals associated with supporting energy communities in the transition to a clean energy economy.

#### **a. AML Inventory**

OSMRE manages a national enhanced Abandoned Mine Land Inventory System (e-AMLIS), which serves as a planning and evaluation tool for the States, Tribes, OSMRE, and the public. In accordance with the requirements of SMCRA, e-AMLIS contains data for known eligible Priority 1 and 2, pre-SMCRA coal reclamation problems. As required by SMCRA, OSMRE personnel review and approve or disapprove each new State/Tribe submitted coal-related problem area, or revision to an existing problem area, to maintain consistency and ensure compliance with Federal law and regulations. Each problem is classified as unfunded (i.e., remaining reclamation costs), funded (in progress) or completed (i.e., actual cost of reclaiming the AML feature after completion). The e-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 e-AMLIS prior to funding, except for those emergency sites that may be entered after completion due to the immediate need for reclamation.

The States and Tribes use the inventory to assist in planning, to make funding decisions and to report program accomplishments. OSMRE uses e-AMLIS to record and report AML program activities, progress, and accomplishments for internal and external stakeholders and to fulfill reporting requirements under the Government Performance and Results Modernization Act of 2010. States, Tribes, and OSMRE have access to enter and modify information in e-AMLIS electronically.

E-AMLIS is web based, enabling the public to access this information readily via OSMRE's website. E-AMLIS users 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.

The system provides information on the estimated, direct construction costs to reclaim AML features. It does not include design, engineering, or administrative costs. e-AMLIS is not designed to serve as a project management tool.

#### **b. Grants Management**

OSMRE transitioned to the GrantSolutions financial assistance management software program with the rest of the Department in FY 2021, and continues to support and participate in Grants.gov, the government-wide electronic grants announcement and application system. OSMRE uses the DOI

Financial and Business Management System (FBMS) financial assistance module for internal processing of all grant and cooperative agreement obligations, deobligations and closeout transactions. FBMS is DOI/OSMRE's system of record which contains comprehensive information on AML grant allocations and expenditures for the SMCRA Title IV AML Reclamation Program.

OSMRE has a decentralized grants management organization, with a small policy staff at headquarters. Grant Managers in the regional and field offices perform day-to-day grant and program management activities. Accounting and reporting occur under the Financial Management business line activity. OSMRE and the State/Tribal grantees cooperate to maximize the use of available funding and operate an effective program. Grantees provide input by participating on joint teams and by reviewing and commenting on changes in the program. In addition, OSMRE 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, program monitoring, and reporting and closeout of grants.

### **c. State Program Amendments**

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

## **5. AML Economic Revitalization (AMLER) Program**

OSMRE continues to manage and monitor progress of grants issued under the AMLER Program that was authorized and funded in prior-year Appropriations Acts. This program administers grants to six States and three Tribal nations to accelerate the remediation of AML sites with economic and community development end uses. Since FY 2016 to FY 2021, the program has provided \$655 million to rural America for the dual purpose of providing economic and community development while achieving reclamation of historic abandoned mine sites. The FY 2023 budget proposes \$115,000,000 in funding for AMLER grants. AMLER projects that are underway in FY 2022 include:

Kentucky – Prestonsburg to David Rails to Trails AMLER Project – Prestonsburg to David Rails to Trails, commonly known as the Prestonsburg Passage was awarded \$1.95 million to construct an eight-mile asphalt walk/bike path in 2016.

The recently completed passage has visitors nationwide enjoying the paved path, landscape, picnic amenities, bike repair stations and restored school bus covered bridge. The success of the trail has inspired a third-party investor to construct a campground adjacent to the path where an access easement can be established. The community has already generated tourism-related income into county with their innovative efforts.

Pennsylvania – Tresckow South AML Project – The Village of Tresckow in Banks Township, Carbon County is surrounded by abandoned and active coal mine areas. Some of the nearly 400 households lie close to massive, abandoned mine pits which are easily accessible. The reclamation of the

178-acre area south of this Village has greatly improved the quality of life and has made the community safer. The Tresckow South project consisted of the reclamation of 178-acres immediately south of the Village of Tresckow. Reclamation consisted mainly of backfilling the dangerous highwalls and stripping pits using onsite material in the form of mine spoil and refuse piles. The project eliminated 6,900 linear feet of priority one dangerous highwalls within 500 feet of 11 homes, 7,100 linear



*Aerial view of paved Prestonsburg Passage trail*



*View of the Strip Mine Pit and southern highwall, with onlookers during a site tour, Banks Township, Carbon County, Pennsylvania*



*The unclaimed Strip Mine Pit with dangerous highwalls looking east from the western end of the project site*

feet of priority two dangerous highwalls within 1,000 feet of dozens of homes, 11-acres of dangerous piles & embankments, 4-acres of strip pits and 6-acres of mine spoil piles. The affected area is situated along the entire southern section of residential houses in Tresckow and has much evidence of hiking, ATV use, hunting activity, and intense

visitation. These dangerous abandoned mine features are located within Problem Area 3206 (PA 3206) and are within the Hazleton 7.5 Minute USGS Quadrangle Map. The dangerous features were a result of Eastern Middle Field Anthracite mining done by the Honeybrook and Springbrook Mining Companies which ceased mining on this site around 1959. Local residents are very appreciative of the reclamation that has positively changed the atmosphere of their



*View of Canada geese utilizing completed pond "A" constructed in the northeast portion of the reclaimed project site*

community. Gone are the dangerous highwalls, embankments and pits that were located south of the Village. Now a 1.25 mile stretch of open, moderately sloped grasslands, mixed with areas seeded with trees remain. A series of ponding areas and wetlands lie in this expanse. Wildlife of all types are frequently seen throughout the reclaimed site. Morgan’s Excavating, LLC began the 178-acre reclamation contract on February 9, 2018. The project was completed on January 14, 2021. The total cost of the project was around \$5.3 million. The project was funded utilizing the 2016 AMLER Program Grant and the AML Program Grant. The primary property owner of the project area has been contemplating possibilities for commercial development. Part of the development under consideration is a community solar farm which could provide additional electricity for the expanding adjacent McAdoo Industrial Park.

Virginia – Pocahontas Exhibition Mine and Museum Phase I AMLER Project – The Pocahontas Exhibition Mine & Museum Project was a 2017 AMLER project. The Pocahontas Exhibition Mine & Museum, a National Historic Landmark and the first exhibition mine of its kind in the United States, lies in a unique and opportunistic location in relation to the area’s nearby Spearhead and Hatfield-McCoy off-road trail systems. This project called for the refurbishment of the Pocahontas Exhibition Mine and Museum. Restoration inside the exhibition



*Pocahontas Exhibition Mine and Museum AMLER project photo showing exhibition mine upgrades*



*Pocahontas Exhibition Mine and Museum upgraded commercial kitchen*

mine involved structural improvements, which included roof supports and stabilization as well as electrical upgrades which included new Audio/Visual stations throughout the mine. Refurbishments for the Museum included new interior lighting and paint to the interior walls. Creation of a new restaurant venue with a commercial kitchen and new public restroom facilities were also part of the museum’s refurbishment, this included all related structural, mechanical, plumbing and electrical upgrades to the new

restaurant establishment and restroom facilities. Additionally, during an inspection of the project, it was noted that a sidewalk needed to be constructed between the mine and the museum; therefore, DMME awarded and OSM approved additional funds for the construction of the sidewalk. The Pocahontas Exhibition Mine and Museum reopened on July 11, 2020, after being closed for renovations during the 2018 and 2019 seasons. Ticket sales prior to the closure and renovation totaled 1,771 for just one year (2017). Since renovation, ticket sales through August 15, 2021, have totaled 2,180. The total project cost was \$1,500,000.



*Pocahontas Exhibition Mine and Museum exterior building upgrades*

## **ENVIRONMENTAL RESTORATION**

### **2022 Planned Program Performance**

In FY 2022, the planned activities in the Environmental Restoration program activity include:

- Continue partnerships with not-for-profit watershed and related reclamation groups by monitoring WCAP projects funded before or during FY 2021 and awarding additional agreements to interested groups as funds are available.
- Respond to Federal AML emergencies in non-program States and Tribes within 48 hours of receiving a report, and issue findings within 10 business days.
- Provide AML grants to States and Tribes and continue to use reclamation grants to eliminate hazards resulting from past mining activities.
- Support the Underground Mine Map Initiative, a component of the National Mine Map Repository, to minimize future subsidence risk by making information available on the location of mined out areas using maps and surface overlays that can provide this critical information to local governments to account for risks.
- Provide guidance and assistance in establishing benchmark standards in mine map preservation, including digital imaging and rectification, and creating and serving mine maps for safety, State and Tribal AML, local government, and public viewing and use.
- Continue to administer funds through the AMLER Program, monitor projects funded in prior-year appropriations, and complete an updated report on project implementation.
- Conduct consultations and assume responsibility for the reclamation of abandoned mine sites on Muskogee (Creek) Tribal lands in Oklahoma.
- Continue work to implement Office of the Inspector General recommendations to improve the oversight and other aspects of the AML Program.

### **2021 Program Accomplishments**

In FY 2021, the major accomplishments in the Environmental Restoration program activity included:

- Managed the \$152 million in mandatory AML grants provided to the 25 coal-producing States and three Tribes with an approved AML program.
- Provided \$115 million in AMLER Program sponsored grants to six States and three Tribes.
- Improved land and water health by reclaiming, or mitigating, the equivalent of 11,738 acres of land from the effects of natural resource degradation from past mining.
- Improved underground discharges of mine water, eliminating uncontrolled discharges, by employing horizontal boring techniques.
- Used combinations of civil penalty funds and forfeited bond to continue work on two projects in Pennsylvania and one in Maryland.
- The Federal Reclamation Program expended \$403,320 to address two AML emergencies in Washington State.

**TAB**

**Environmental Protection**

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# ENVIRONMENTAL PROTECTION

## Environmental Protection Budget Request

(Dollars in Thousands)

	2021 Actual	2022 CR	Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2023 Request	Change From 2022 (+/-)
<b>Regulation and Technology</b>	<b>88,598</b>	<b>88,562</b>	<b>+976</b>	<b>-</b>	<b>+16</b>	<b>89,554</b>	<b>+992</b>
State and Tribal Funding	68,590	68,590	-		-3,590	65,000	-3,590
<i>FTE</i>	-				-		-
State Program Evaluation	8,080	8,080	+461		+729	9,270	+1,190
<i>FTE</i>	69	81			-	81	-
Federal Program	4,289	4,264	+177		+280	4,721	+457
Offsetting Collections	[-3]	[-28]				[-28]	
<i>FTE</i>	22	31			-	31	-
Federal Lands	1,436	1,436	+57		+91	1,584	+148
<i>FTE</i>	7	10			-	10	-
Indian Lands Program	1,799	1,788	+81		+1,622	3,491	+1,703
Offsetting Collections	[-1]	[-12]				[-12]	
<i>FTE</i>	13	15			+8	23	+8
Program Development and Maintenance	4,404	4,404	+200		+884	5,488	+1,084
<i>FTE</i>	15	35			+1	36	+1
<b>Total, Environmental Protection</b>	<b>88,598</b>	<b>88,562</b>	<b>+976</b>	<b>-</b>	<b>+16</b>	<b>89,554</b>	<b>+992</b>
<b>Total FTE</b>	<b>126</b>	<b>172</b>	<b>-</b>	<b>-</b>	<b>+9</b>	<b>181</b>	<b>+9</b>

Note: FY 2021 Actuals include \$36,107 in additional appropriated funds for permitting activities and \$3,893 of actual collections for permitting activity.

**Summary of 2023 Program Changes for Environmental Protection**

<b>Request Component</b>	<b>(\$000)</b>	<b>FTE</b>
Reduce Regulatory Grant Funding	-3,590	-
Establish Indian Lands Program in Oklahoma	+1,450	+8
Replace Hydrocarbon-powered Vehicles with ZEVs	+654	-
Enhanced Records Management	+500	-
Justice40 Initiative	+225	+1
2022 Baseline Capacity	+777	-
<b>TOTAL Program Changes</b>	<b>+16</b>	<b>+9</b>

Under the Environmental Protection program, OSMRE works with coal-producing States to ensure the environment is protected during active surface mining operations. In FY 2022, OSMRE expects that at least 91 percent of active coal mining sites will be free of off-site impacts, and 46 percent of past mining sites will be reclaimed to post-mining beneficial use. On Indian Lands, OSMRE is the regulatory authority and has the responsibility to protect Tribal resources. OSMRE works with the Tribes to ensure the protection of their resources while implementing SMCRA. OSMRE funds Tribal programs as they pursue SMCRA primacy.

**Justification of 2023 Program Changes**

The 2023 budget request for Environmental Protection is \$89,554,000 and 181 FTE, a program change of +\$16,000 and +9 FTE from the 2022 CR level.

**Reduce Regulatory Grant Funding (-\$3,590,000):** The Federal Government provides funding to States and Tribes to regulate the coal industry. This request supports \$65,000,000 in funding for this activity. Stable regulatory programs promote competition, allow for responsible development, and protect the safety and welfare of citizens and the environment. OSMRE’s statutory role is to promote and assist its partner States in establishing a stable regulatory environment for coal mining. The proposed level of regulatory grant funding provides for the efficient and effective operations of primacy programs at a level consistent with the anticipated obligations of State and Tribal regulatory programs to account for the Nation’s demand for coal mine permitting and production. This program change was included in the 2022 President’s Budget request.

**Establish Indian Lands Program in Oklahoma (+\$1,450,000/+8 FTE):** The decision of the U.S. Supreme Court in *McGirt v. Oklahoma*, 140 S. Ct. 2452 (2020), recognized the existence of the historic Muscogee (Creek) Nation Reservation in Oklahoma. Based on the Court’s decision, land within the exterior boundaries of the Muscogee (Creek) Nation is “Indian lands”, as defined by the Surface Mining Control and Reclamation Act of 1977 (SMCRA). SMCRA designates OSMRE as the sole regulatory authority over surface coal mining and reclamation operations on Indian lands. In 2021, the Oklahoma Court of Criminal Appeals ruled the Cherokee and Choctaw Nation Reservations in Oklahoma were likewise never disestablished. The request will cover the staffing and operational requirements for implementing an Indian Lands regulatory program in Oklahoma. This program change was included in the 2022 President’s Budget request.

**Zero Emission Vehicle Fleet Conversions (+\$654,000)** – The 2023 budget includes funding to accelerate the conversion of OSMRE’s fleet to zero emission vehicles (ZEVs) and provide charging stations and hydrogen fueling stations to support those vehicles and future ZEVs. This conversion will immediately reduce the Interior’s contributions to greenhouse gas emissions and dependence upon hydrocarbons. The investment in infrastructure will support these new vehicles and ensure charging infrastructure is available for subsequent ZEVs. This project is being coordinated across Interior and with other agencies to maximize utility of charging and hydrogen fueling stations in areas where multiple agencies operate. The funding also supports a small planning and coordination function to effectively deploy the fleet and charging infrastructure.

**Enhanced Records Management (+\$500,000):** The 2023 budget includes funding for a contracted effort to get OSMRE’s SMCRA Title V legacy paper and electronic records, and supporting information digitized, subject matter referenced, and filed in an accessible, user-friendly format. This effort supports record management compliance requirements, improved Freedom of Information Act response, and increased employee efficiency and effectiveness.

**Justice40 Initiative (+\$225,000/+1 FTE):** The Justice40 Initiative requires agencies to ensure that at least 40 percent of the benefits from certain investments flow to disadvantaged communities. As part of this effort, agencies must quantify the benefits of Justice40 covered programs, demonstrate how these programs distribute benefits, and develop a methodology of how to calculate and report on methodologies for maximizing the benefits to those communities in the future. To address this requirement, the 2023 budget includes funding for one full-time FTE Justice40 coordinator position.

**Baseline Capacity (+\$777,000):** The 2023 budget includes important investments in programs needed to help strengthen America and increase competitiveness as the world continues to change. These investments include funding needed to maintain a strong, talented workforce and the must pay requirements needed to continue to fulfill the OSMRE mission. The budget includes \$777,000 in this activity, which reflects the incremental amount needed to cover the fixed costs associated with mission operations in FY 2022. This request in combination with the FY 2023 fixed costs amounts will allow the program to meet must pay requirements without impacting program activities.

## OVERVIEW

The Environmental Protection business line provides resources to administer regulatory programs for 24 primacy States, as well as for the Federal and Indian Lands Programs which include two States and four Tribes where OSMRE is the regulatory authority. These programs protect the public and the environment from the adverse effects of current mining and support reclamation of land at the conclusion of mining. At the end of FY 2021, the permitted area of coal mining operations encompassed 3.4 million acres nationwide. During active mining, the potential risks of safety and environmental hazards exist both within and outside the permitted site. Effective implementation and enforcement of SMCRA minimizes those risks.

OSMRE administers a Federal and an Indian Lands Program in the States of Washington and Tennessee and on Tribal lands of the Navajo Nation, the Hopi Tribe, the Ute Mountain Ute Tribe, and the Crow Tribe.

<p style="text-align: center;"><b>ENVIRONMENTAL PROTECTION ENCOMPASSES:</b></p> <p>State and Tribal Funding</p> <ul style="list-style-type: none"><li>• State Grants</li><li>• Tribal Regulatory Development Grants</li></ul> <p>State Program Evaluation</p> <p>Federal and Indian Lands Programs</p> <p>Federal Lands</p> <p>Program Development and Maintenance</p>
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**Operational Processes (Program Activities):** The 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 OSMRE's costs to ensure that State programs meet Federal regulatory requirements. The State and Tribal Funding activity includes grants to States and Tribes to regulate coal operations on lands within their borders.

This activity includes grants to Tribes to develop regulatory programs and to assist OSMRE in the regulation of surface coal mining and reclamation operations on Indian lands. Additionally, for primacy States with Federal lands within their borders, cooperative agreements formalize States' eligibility to receive additional grant funding to cover their full costs to regulate coal operations on those Federal lands within their borders.

The State Program Evaluation program activity funds OSMRE's evaluation and oversight of State programs. The Federal and Indian Lands Programs activity funds OSMRE regulatory activities to ensure SMCRA compliance in States without their own regulatory program and on Tribal lands. The Federal Lands program activity funds OSMRE's responsibilities and activities in preparing Mining Plan Decision Documents for leased Federal coal, as well as any other activities on Federal lands not covered by the primacy States with cooperative agreements.

OSMRE's Environmental Protection mission supports responsible coal extraction and furthers the goal of protection of public health, safety, and general welfare from the adverse effects of current surface coal

mining and reclamation operations since the enactment of SMCRA in 1977. The following measures are used by OSMRE as indicators of annual performance.

Percent of coal mining sites free of off-site impacts: Impacts are effects 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 and are in violation of the existing regulations. 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. OSMRE works in cooperation with State regulatory agencies to minimize or prevent offsite impacts, when feasible.

Acres released from Phase I and II bond release: OSMRE tracks the number of acres of land that has been approved to complete a phase of reclamation every year by active coal mine operators. The operator must file an application for each release phase. This is documented and measured through a series of bond releases. Bonds are required to assure that funds are available for reclamation in case the operator fails to reclaim the mined land.

Acres released from Phase III bond release: This performance measure shows the number of acres that have been reclaimed and approved for final release meeting the performance standards for current mining operations.

Percent of mined acreage reclaimed: This performance measure is represented as a ratio of the cumulative number of acres released from Phase III bond release relative to the cumulative number of mined acres under permit since SMCRA legislation was enacted.

**Actions Required to Achieve Annual Goals:** OSMRE works with stakeholders to address concerns related to impacts from surface coal mining operations, acid mine drainage, other water pollution, and slurry and other impoundments. OSMRE also continues to evaluate its rules, encourage reforestation, ensure mines are properly bonded, and ensure that contemporaneous reclamation is occurring. In addition, OSMRE continues to practice cooperative conservation by working in partnership with States and Tribes to carry out the mission of the SMCRA.

**Resources, Skills, and Technology Capacity:** Program analysts, reclamation specialists, grant specialists, and various support personnel implement the State regulatory programs and conduct program evaluations. OSMRE and the primacy States maintain 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 to ensure reclamation, conduct mine site inspections, and implement enforcement actions when necessary. Computer systems personnel help maintain various data systems, such as the national Inspection and Enforcement Tracking System that contains data from OSMRE's oversight and regulatory program inspections.

For FY 2023, the President's budget requests \$65.0 million to fund up to 50 percent of the costs for 24 primacy State regulatory programs, and up to 100 percent of the costs of regulating mining on Federal lands within their borders for 14 of the primacy States through cooperative agreements. This amount will also provide 100 percent of the regulatory program development costs for three Tribes.

The FY 2023 budget request includes \$9.3 million to improve implementation of existing laws and to support States and Tribes. The request also includes \$8.2 million to fund Federal regulatory programs in non-primacy States, including Tennessee and Washington, and on Indian Lands. Also included in the FY 2023 budget request is \$1.6 million for OSMRE to carry out mine plan reviews for Federal lands, and \$5.5 million for program development and maintenance to continue to streamline mine plan decision processes, ensure that regulatory standards adequately reflect changes in technologies and program needs, and support the Justice40 initiative. Appropriations language is requested to supplement this appropriation with \$40,000, which will be offset with collections for new permit application fees in the Federal and Indian Lands Programs.

The following section details, by program activity, the funding and FTE resources required to meet the annual performance goals. It also includes examples of cooperative work between OSMRE, States, and Tribes to regulate coal-mining activities.

## 2023 PROGRAM PERFORMANCE

### 1. State and Tribal Funding

The \$65,000,000 requested for FY 2023 for State and Tribal funding recognizes the need to support the State regulatory programs and Tribal programs pursuing primacy. This request fully funds the projected 2023 activity requirements, based on historical annual spending. OSMRE will also continue to support State regulatory grant requests by re-distributing the available deobligated prior year funds, as needed, for this activity. This activity supports responsible coal extraction using technology to minimize the impact of coal mining 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. Currently, 24 States have achieved primacy and serve as regulatory authorities in the implementation of SMCRA. 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. These States have the capabilities and knowledge to regulate the lands within their borders. Providing up to a 50 percent match of State funding in Federal grants to primacy States encourages States to take this responsibility, while ensuring that regulations are consistent across the Nation.

Cooperative agreements between OSMRE and primacy States with Federal lands allow those States to receive grant funding to cover their costs to review permit applications, issue permits, and conduct the required inspections of regulated activities on Federal lands within the State. The additional grant funding provides for uniform enforcement of State program requirements at all facilities within the State and reduces 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 an amount approximately equal to the amount the Federal Government would have expended to do the same work. The regulations further require that no grant exceed the actual costs to the State for this activity. Currently, 14 States have entered into cooperative agreements with OSMRE to regulate surface coal mining and reclamation operations on Federal lands within the State: Alabama, Colorado, Illinois, Indiana, Kentucky, Montana, New Mexico, North Dakota, Ohio, Oklahoma, Utah, Virginia, West Virginia, and Wyoming.

Activities that State regulatory authorities conduct with Federal grant and matching State funding include: permit review and issuance, including the use of 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, modernizing systems to improve review of pending permits, and drafting regulations that respond to changes in Federal rules.

State regulatory authorities inspect all active and inactive sites, facilities, and areas that support coal mining and reclamation within their State for compliance with all program requirements. Federal

regulations require 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. Inspections conducted by primacy States in any given year depend, in part, on the number of active and inactive permits in each State. The primacy States conducted 59,314 inspections in FY 2021 (see Table 2).

#### **b. Tribal Regulatory Development and Regulatory Program Grants**

As allowed by the Energy Policy Act of 1992 and Section 710(i) of SMCRA, OSMRE 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 OSMRE 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 SMCRA amendments of 2006 provide 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 2007. Informal review of the Navajo Nation's Tribal primacy application is substantially complete, although it is unknown when the Navajo Nation will submit a formal application for Tribal primacy. Two previous attempts to gain approval by the Navajo Nation's Tribal Council have failed to get the required two-thirds vote. The Crow Tribe and the Hopi Tribe continue to pursue Tribal primacy, including the development of a statute and regulations, but at this time an anticipated date for submission of a formal application for Tribal primacy by those two Tribes has not been determined.

## **2. State Program Evaluation**

State Program Evaluation activities serve two purposes: to determine whether States are effectively implementing their approved regulatory programs, and to provide documentation to the public of the work that OSMRE and the States are doing. The \$9,270,000 requested for FY 2023 will fund 81 FTE to carry out these activities.

#### **a. Oversight Policy and Procedures**

OSMRE assumes an oversight role following approval of a State or Tribal SMCRA regulatory program. That role includes both programmatic evaluations and inspections of individual mine sites to determine whether States with primacy are properly administering, implementing, maintaining, and enforcing their regulatory programs. Detailed guidance is provided and available on OSMRE's website.

As part of the process, a Performance Agreement is developed for each State annually. OSMRE solicits input from all its stakeholders, which include the public, State agencies, Federal agencies, other stakeholders, and the coal industry, for relevant issues to review in each State. The Performance Agreement is a comprehensive plan that outlines the responsibilities and activities of both the State and OSMRE. It provides details about specific program evaluation goals for each State and the plans to achieve those goals, the types and number of inspections OSMRE plans to provide, technical or programmatic assistance that OSMRE may render to the State, and methods to resolve any identified problems, both new problems and any issues remaining from previous years.

#### **b. Oversight Inspections**

SMCRA requires OSMRE, as delegated by the Secretary of the Interior, to conduct mine inspections to evaluate the implementation of State programs. Inspections are conducted on a range of sites - from those actively producing coal to forfeited bond sites awaiting reclamation. Most OSMRE oversight inspections focus on areas in which there is a high level of activity or public concern or where systemic problems have been previously observed. In States with greater than one thousand inspectable units, OSMRE conducts inspections of a random sample of those units to provide an objective evaluation of the effectiveness of the State program in ensuring compliance with program requirements. The vast majority of oversight inspections are joint inspections, in which the State or Tribal inspector accompanies the OSMRE inspector. However, OSMRE's Directive REG-8 (located on OSMRE's website at <https://www.osmre.gov/sites/default/files/pdfs/directive997.pdf>) provides that, at a minimum, OSMRE will conduct complete oversight inspections on 33 percent of the inspectable units selected for oversight inspections in each State or on Tribal lands, and that independent oversight inspections are permitted when OSMRE determines that such inspections are necessary and appropriate.

In FY 2021, OSMRE conducted 941 oversight inspections in primacy States (see Table 2). OSMRE intends to perform oversight inspections in FY 2022 and FY 2023 to assure the integrity of the regulatory program, to capture additional data, and to identify more conclusive findings and trends. The actual number may change 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. Other external factors, such as the ongoing COVID-19 pandemic related constraints, could impact the number of inspections.

Table 2 – Inspections Conducted in Primacy States in FY 2021

State	Partial State Inspections	Complete State Inspections	Total State Inspections	OSMRE Oversight Inspections
Alabama	14	1,619	1,633	0
Alaska	57	29	86	5
Arkansas	0	60	60	2
Colorado	172	108	280	15
Illinois	708	315	1,023	12
Indiana	572	322	894	8
Iowa	0	0	0	0
Kansas	48	24	72	2
Kentucky	10,877	5,708	16,585	271
Louisiana	12	9	21	6
Maryland	372	396	768	15
Mississippi	24	12	36	3
Missouri	38	22	60	2
Montana	110	71	181	14
New Mexico	26	24	50	2
North Dakota	403	96	499	6
Ohio	972	592	1,564	36
Oklahoma	231	211	442	15
Pennsylvania	5,885	3,992	9,877	286
Texas	264	132	396	9
Utah	152	96	248	8
Virginia	1,885	1,329	3,214	86
West Virginia	13,585	7,445	21,030	124
Wyoming	184	111	295	14
<b>Total</b>	<b>36,591</b>	<b>22,723</b>	<b>59,314</b>	<b>941</b>

Footnote: OSMRE inspections in primacy States include oversight inspections of all types, oversight document reviews, assistance inspections, citizen complaint site visits, and Federal action inspections, as needed. State data is for the time period of July 1, 2020, through June 30, 2021.

### c. Identifying and Correcting Violations of SMCRA

In primacy States, SMCRA requires that the OSMRE inspector provide the regulatory authority (RA) the opportunity to correct any violations observed during an oversight inspection or alleged by a citizen. On most oversight inspections, OSMRE will not issue a Ten-Day Notice (TDN) when it finds that the RA's inspector has already taken appropriate action, before the inspection is physically and administratively complete, concerning a violation or possible violation observed during the course of a joint OSMRE-RA oversight inspection. OSMRE will issue a TDN to the RA whenever the authorized

representative has a reason to believe, based upon information readily available to him or her, that a violation of the Act, the Federal regulations, the approved regulatory program, or a permit condition (hereinafter violation) exists. This requirement applies to all requests for Federal inspections that OSMRE receives from citizens under 30 CFR 842.12, provided such requests give the authorized representative a reason to believe, based upon readily available information, that a violation exists. The State regulatory authority then has 10 days to take enforcement action, initiate another appropriate action to correct the violation or demonstrate good cause for not taking such action. If OSMRE determines that the State response is not appropriate, an OSMRE inspector will conduct a Federal inspection of the site and take any necessary enforcement action. This procedure does not apply to situations in which there is an imminent danger to public health or safety, or if the observed or alleged violation is causing or can reasonably be expected to cause significant, imminent environmental harm. In those cases, the OSMRE inspector must issue a cessation order if the violation is observed on an inspection or conduct a Federal inspection if a citizen complainant alleges that an imminent harm violation exists.

During Evaluation Year 2021, OSMRE observed 698 violations during oversight inspections. Of these, 222 were appropriately deferred to States for action either during the joint inspection process or as the final resolution of a TDN. OSMRE also received 10 citizen complaints which were transmitted to the regulatory authority through the TDN process.

OSMRE will continue to work with the States to resolve any outstanding TDN issues. OSMRE has procedures in place to monitor corrective actions when issues are identified as a result of OSMRE oversight activities.

OSMRE also has an obligation under Section 521 of SMCRA to take steps to ensure that all types of violations, including violations of performance standards or permit conditions and violations of permitting requirements, are corrected if the State does not take action to do so. Should a State or Tribal program not show timely adequate improvements, OSMRE has other tools under the Code of Federal Regulations (CFR), 30 CFR Parts 732 (requiring program amendments) and 733 (compelling program change or substituting a Federal program), to ensure enforcement or a program change.

In addition to the corrective actions processes described above, OSMRE's AVS Office promotes the use of alternative enforcement to compel compliance with SMCRA. As part of this effort, the AVS Office provides training and investigative services. The AVS office also identifies sites with outstanding violations so that regulatory authorities can consider pursuing alternative enforcement when primary enforcement is not enough. These activities will continue throughout FY 2022 and FY 2023.

### **3. Federal and Indian Lands Programs**

The FY 2023 request provides the resources required to conduct statutory activities in the Federal Program (\$4,721,000 and 31 FTE) and Indian Lands Program (\$3,491,000 and 23 FTE). The request also includes an additional \$40,000 for permitting activities that will be offset with collections for new permit application fees in the Federal and Indian Lands Programs.

### **a. States**

OSMRE regulates coal mining in States without approved regulatory programs, ensuring responsible coal extraction using up-to-date science and technology.

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. The extent of Federal resources expended and the timeframes for review 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.

At the end of FY 2021, the Federal program in Tennessee had 94 permits for coal mining operations, of which 49 permits were listed on the inspectable units list (IUL) in active status. There were two permitted mine sites for the State of Washington at the end of FY 2021, neither of which is currently mining coal. Permitting actions in Federal Programs are shown in Table 3.

The following information highlights key characteristics of the two States whose regulatory activities are currently administered under the Federal Programs activity:

**Tennessee:** At the end of FY 2021, there were 91 Permanent Program permits and three Initial Program permits for a total of 94 permits on the Tennessee IUL. Of these 91 Permanent Program permits, 47 are listed as active. The IUL also includes a total of 19 Inactive permits and 25 abandoned permits listed under the Permanent Program. These Permanent Program permits consist of surface mines, underground mines, coal tipples, preparation plants, haul roads, and other ancillary facilities. The *Initial Program* permits consist of two active, no inactive, and one abandoned permit. The IUL *Site Status* indicates there are no active producing sites, 26 Active Non-Producing sites, 11 Mining Complete sites, 10 sites in Temporary Cessation, 12 sites in Phase I Bond Release status, 9 sites in Phase 2 Bond Release status, and 26 abandoned and forfeited sites, for a total of 94 permits on the Tennessee IUL. The Lexington Field Office/Knoxville Office (LFO/KO) received no new permit applications in FY 2021 and has five other applications in various stages of review. At the end of FY 2021, LFO/KO had six Successor-In-Interest (SII) applications pending submittal of bonds. Over the past five-year period, Tennessee's coal production has experienced a decline from 0.74 million tons in calendar year 2010 to 0.14 million tons in calendar year 2020. Although OSMRE has been the regulator of Tennessee's coal mining industry since 1984, Tennessee is actively working to achieve primacy by pursuing the promulgation of a program for the regulation of coal exploration and surface coal mining and reclamation operations in the state.

An interagency group comprised of State and Federal agencies, including OSMRE, the U.S. Army Corps of Engineers (USACE), the EPA, the U.S. Fish and Wildlife Service (USFWS), and the Tennessee Department of Environment and Conservation, developed a local interagency working agreement (LIWA) in 2010 to improve permit coordination in Tennessee. The group continues to meet regularly to review new applications and improve the established processes, resulting in more efficient and effective decisions related to coal mining activities.

As a result of a 2015 lawsuit in Tennessee against USFWS and OSMRE, alleging violation of the requirements of the Endangered Species Act (ESA) and the 1996 Biological Opinion, the LIWA was modified to include an “effects determination” document. This document was developed by OSMRE, in coordination with USFWS, to outline and document the processes and findings used to address ESA requirements associated with SMCRA permit revisions, renewals, and mid-term reviews. The document contains an assessment of the biological data, an effects determination of the impacts to applicable ESA species, and an evaluation of whether the operation will constitute jeopardy to the continued existence for each applicable ESA species on or adjacent to a proposed permitting action. The effects determination document is included in the overall NEPA analysis done for each approvable application and is included in the permit documentation.

Also, as a result of the settled 2015 lawsuit, LFO/KO conducted section 7 ESA consultations on three permits. Prior to the 2015 lawsuits, LFO/KO relied upon the previous 1996 biological opinion or any other subsequent OSMRE programmatic biological opinion to satisfy its section 7 consultation requirements. However, as a part of the 2015 settlement agreement, the decision was made to conduct section 7 consultations in lieu of relying on the 1996 biological opinion to satisfy the section 7 requirements. LFO/KO made this decision because of the settlement agreement and the fact that LFO/KO was already conducting effects determinations on every permitting action involving threatened and endangered species since these effects determinations were very similar to the biological assessment required under section 7 consultation. Therefore, LFO/KO agreed to the section 7 consultation process for these three permits. OSMRE has recently finalized section 7 consultation with the USFWS resulting in a 2020 Biological Opinion and Conference Report on the OSMRE Title V Regulatory Program. Pursuant to this Biological Opinion, when permits are issued in States where OSMRE has primary regulatory authority, OSMRE will continue to engage in a “step down” section 7 consultation with USFWS.

In addition, seasonal water quality/quantity data is collected annually at established OSMRE trend stations. Data from this effort is used to evaluate and develop cumulative hydrologic impact assessments (CHIA) for permitting decisions and to help develop biological assessments to meet section 7 consultation requirements in the Tennessee Federal Program. The three sets of samples taken include data from 12 trend stations collected during low-flow conditions, winter mean-flow conditions, and summer mean-flow conditions. This CHIA data supports permitting decisions and helps monitor water quality impacts to ESA species.

The LFO/KO forfeited nine performance bonds during FY 2021. Bond forfeiture funds are monies collected from forfeited performance bonds associated with mining permits. These funds can only be used to reclaim lands on the permits for which the bond was posted and cannot be used to reclaim other permitted sites. If the bond forfeiture funds are adequate to reclaim the forfeited sites, any surplus amounts remaining must be returned to the operator.

In Tennessee, funds derived from civil penalties are used by OSMRE to reclaim mine sites that have been disturbed after the enactment of SMCRA and have either been abandoned or forfeited with insufficient or nonexistent bond funds available to complete the reclamation activities on the forfeited site. Since the availability of civil penalty funds is limited, OSMRE prioritizes these sites by selecting the sites that have the most potential to cause environmental harm, if left unreclaimed,

and expends the available funds on these sites. During FY 2021, no civil penalty funds were made available to OSMRE for reclamation work in Tennessee. However, contracts awarded near the end of FY 2017 were completed in FY 2018. The three of these sites will continue to be monitored and one is expected to be released from the IUL in 2022.

**Washington:** There are two surface coal mines regulated under the 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 the high costs to recover the remaining coal. Coal for the power plant now comes from the Powder River Basin. In July 2010, OSMRE denied a request to continue temporary cessation at the Kopiah Pit, and the decision was upheld on appeal. OSMRE approved Trans-Alta's operation plan for recovery of coal from coal mine waste impoundments in February 2012. Coal recovery operations began in November 2014. This operation plan facilitates reclamation of the coal mine waste impoundments after coal recovery. The recovered coal is sold to the Centralia Power Plant. Such coal recovery is considered active mining. Trans-Alta has committed to payment of all necessary fees (royalty and abandoned mine land) associated with the mining of this coal. Trans-Alta has submitted revised reclamation plans for five areas of the mine. In October 2012, OSMRE approved the reclamation plan for the Central Packwood pit area. OSMRE's review of the revised reclamation plans for the North Hanaford Pit, and coal mine waste impoundments 3A, 3B, 3C and 3D are ongoing at this time. OSMRE approved the Kopiah Pit Reclamation plan in December 2019 and revised plans for Pit 7 in early FY 2021.

The second mine in Washington overseen by OSMRE's Federal Program is owned by the Pacific Coast Coal Company (PCCC), located near the City of Black Diamond, and has not produced coal since 2000. After completing an environmental assessment and concluding the NEPA process, a significant revision application to re-commence was approved in April 2018. PCCC has not resumed mining and will not pursue mining in the future. PCCC has begun its final reclamation.

#### **b. Tribes**

OSMRE is responsible for regulating 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 funds for activities to promote responsible mineral extraction on Indian lands.

OSMRE coordinates closely with Indian Tribes through the regulatory process. The Federal trust responsibility is a legal obligation under which the United States has moral obligations of the highest responsibility and trust toward Indian Tribes. OSMRE ensures that the lands and trust resources of federally recognized Tribes and their members are identified, conserved, and protected. In fulfilling these responsibilities, OSMRE operates within a government-to-government relationship with Indian Tribes.

The Crow Tribe, the Hopi Tribe, the Ute Mountain Ute Tribe, and the Navajo Nation have active permits on their lands. The mines on Indian lands are among the largest in the United States, with a total of about 100,500 acres regulated by OSMRE.

Navajo Nation and Hopi Tribe: The McKinley Mine and the Navajo Mine are large surface mines on lands within the Navajo Nation. The Navajo Mine has two permits: the Navajo Permit and the Pinabete Permit. The Navajo and Pinabete Permits provide coal to the Four Corners Power Plant. Mining operations have ceased at the McKinley Mine, and it is currently undergoing final reclamation. Activities on the Kayenta Mine involve mining Navajo coal beneath Navajo Tribal lands surface, and coal jointly owned by the Navajo Nation and the Hopi Tribe – all of which is beneath the Navajo Tribal lands surface. OSMRE assisted the Bureau of Reclamation (lead agency) on the completion of the *Draft Environmental Impact Statement for the Navajo Generating Station and Kayenta Mine Complex*. In early 2017, the owners of the Navajo Generating Station (NGS) announced they were no longer going to operate the plant beyond 2019. Due to this announcement, the lead agency suspended the EIS. The Kayenta Mine ceased producing coal in August 2019 to exhaust their current coal stockpiles and NGS ceased operations in December 2019.

Crow Tribe: There are two surface mines in Montana that mine coal owned by the Crow Tribe. One of these mines operates within the boundaries of the Crow Reservation.

Ute Mountain Ute Tribe: Regulated Ute Mountain Ute Tribal lands in New Mexico are limited to a haul road that crosses the Ute Mountain Ute Reservation. The haul road is fully reclaimed and has gone through the bond release process, and OSMRE terminated its jurisdiction in August 2019. An underground mining operation in Colorado also extracts Federal coal beneath land owned privately by the Ute Mountain Ute, outside of the external boundaries of the Ute Mountain Ute Reservation. OSMRE permits this “shadow area” of the underground workings beneath the Ute Mountain Ute owned private land as well as approximately 8 acres of surface disturbance related to mining on Ute Mountain Ute lands.

OSMRE assumed responsibility for regulating coal mining and reclamation activities on Muskogee (Creek), Cherokee, and Choctaw Nation Tribal Reservation lands from the Oklahoma Department of Mines and the Oklahoma Conservation Commission in FY 2021, following the Supreme Court decision in *McGirt*. OSMRE will complete its work to develop and establish an Indian Lands program in the State of Oklahoma in FY 2022.

The number of permitting actions processed by the Indian Lands Program during FY 2021 is shown in Table 3.

**Table 3 – Permit and Permit Revision Workload – OSMRE as Regulatory Authority**

Activity	Federal Programs <sup>1</sup>	Federal Programs <sup>1</sup>	Indian Lands <sup>2</sup>	Indian Lands <sup>2</sup>
	FY 2021 Actual	FY 2022 Projected	FY 2021 Actual	FY 2022 Projected
In progress (prior FY)	3	1	15	20
Anticipated Submissions (current FY)	11	13	75	71
Total FY workload	14	14	90	91
Completed in FY	13	12	70	75
<b>Balance, end of FY</b>	<b>1</b>	<b>2</b>	<b>20</b>	<b>16</b>

Source: OSMRE Data for States and Tribes system (DST) FY2021.

Notes:

1. Federal Program numbers do not include reviews of more than one version of a significant revision or environmental assessment.
2. Indian Land numbers do not include the Tribal Reservations in Oklahoma. OSMRE cannot make accurate projections until the Oklahoma Department of Mines permits are transitioned to OSMRE permits and that transition had not been completed at the time of publication.

Table 4 provides inspection and enforcement data for the Federal and Indian Lands Programs during FY 2021.

**Table 4 – Inspections Conducted by OSMRE in the Federal and Indian Lands Program**

State/Tribe	Partial Inspections	Complete Inspections	Total Inspection	Notice of Violations	Cessation Orders
Tennessee	549	342	891	40	29
Washington	16	5	21	0	1
<b>States Total</b>	<b>565</b>	<b>347</b>	<b>912</b>	<b>40</b>	<b>30</b>
Crow Tribe	14	10	24	0	0
Hopi Tribe	0	2	2	0	0
Navajo Nation	32	16	48	0	0
Ute Tribe	8	4	12	0	0
<b>Tribes Total</b>	<b>54</b>	<b>32</b>	<b>86</b>	<b>0</b>	<b>0</b>

Source: Inspections from OSMRE Data for States and Tribes systems (DST) FY 2021. Violation data from OSMRE Inspection and Enforcement Tracking System (I&E) FY 2021

### c. OSMRE Responsibility on Federal Lands

As previously highlighted, mining on Federal lands in primacy States is typically regulated by the respective State program through a cooperative agreement between the Governor and the Secretary of the Interior. This State regulatory work is financed through the State and Tribal funding program activity. OSMRE is responsible for preparing mining plan decision documents recommending approval, approval with conditions, or disapproval of all proposed mining plans and mining plan

modifications on Federal lands under the Mineral Leasing Act. OSMRE also processes valid existing rights claims that involve certain Federal lands under this program activity. This FY 2023 request includes \$1,584,000 and 10 FTE for the Federal Lands program.

As part of the Federal Lands program, OSMRE conducts environmental impact analysis in accordance with NEPA. OSMRE consults and coordinates, as applicable, with State Historic Preservation Offices, the USFWS, the Bureau of Land Management (BLM), the U.S. Forest Service (USFS), the NPS, the EPA, and the USACE, as well as with State regulatory authorities.

Processing of mining plan decision documents constitutes the largest part of the workload under this program activity. Moreover, OSMRE is the regulatory authority for mining on Federal lands in States which have not entered into a cooperative agreement. Currently, Arkansas does not have a cooperative agreement with OSMRE to regulate coal mining on Federal lands. Therefore, if BLM issues a lease in Arkansas, OSMRE becomes responsible for issuing the Federal lands permit. After permit issuance, OSMRE will conduct regular regulatory inspection activities.

As a result of the large number of coal company bankruptcies and potential bond forfeitures, OSMRE recently conducted a Federal lands bond review to ensure the Federal government is listed on all Federal lands bonds. OSMRE has instructed State regulatory authorities to require permittees to update their bonds if the Federal government is not listed appropriately.

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 2021 Actual	FY 2022 Projected
In progress (prior FY)	9	9
Actual/Anticipated Submissions	3	1
Total FY workload	12	10
Completed in FY	3	6
<b>Balance, end of FY</b>	<b>9</b>	<b>4</b>

Under the Federal Lands program activity, OSMRE also provides support to BLM and USFS in leasing activities that involve Federal coal resources. OSMRE’s participation in NEPA compliance analyses prepared at the leasing stage ensures the consideration of OSMRE 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 preparation of NEPA analysis and documentation.

#### **4. Program Development and Maintenance**

Work elements under this program are primarily policy actions, such as rulemaking, grants management and special studies that support the other program activities in the environmental protection business line. This FY 2023 request provides \$5,488,000 and 36 FTE for Program Development and Maintenance.

##### **a. Rulemaking**

OSMRE issues Federal rules and prepares the associated information collection clearance packages. Functions under this program activity include proposed and final rule development, analysis of implication on other statutes, including among others, the Paperwork Reduction Act, and conformity with executive orders, preparation of environmental assessments, environmental impact statements, public outreach and involvement, and regulatory impact analyses including cost benefit analyses for rules prepared by OSMRE. Prior to and during the development of a proposed rule, OSMRE involves the public and interested parties. This stakeholder participation results in improved regulatory proposals. OSMRE also maintains the administrative record for rules and coordinates rule publication with the Office of the Federal Register. During FY 2021, OSMRE worked on one rulemaking activity resulting in its publication.

Rulemaking Associated with State Plans/Programs: OSMRE assists States with development, administration, implementation, and maintenance of their approved regulatory and reclamation programs. Decisions to approve or disapprove State amendments are Federal rulemaking actions. OSMRE evaluates State-initiated program changes (statutory, regulatory, or changes in the program's provisions, scope, or objectives), as well as OSMRE required modifications that are a result of legal interpretations or changes to SMCRA and Federal regulations. In its evaluation, OSMRE solicits public comments through proposed rules published in the Federal Register, holds public meetings, maintains the administrative record, reviews proposed State amendments, and publishes the decisions as final rules in the Federal Register.

In an effort to modernize the tracking of State amendments and ensure timely processing as required by Federal regulations, OSMRE researched and evaluated the current tracking methods, investigated alternative methods for tracking State amendments and developed a web-based application for tracking State amendments and increasing the efficiency of processing State amendments. This application was rolled out in Fiscal Year 2021 and OSMRE provided training and support to end users.

During FY 2021, OSMRE completed activity on four State amendments, as summarized in Table 6.

**Table 6 – FY 2021 State Program Amendment Activity  
Number of Amendments**

<b>Amendment Type</b>	<b>Pending Oct. 1, 2020</b>	<b>Received FY 2021</b>	<b>Completed FY 2021</b>	<b>Pending Sept. 30, 2021</b>
Pre-Submission Assistance	7	2	4	5
Formal	3	3	1	5
<b>Total</b>	<b>10</b>	<b>5</b>	<b>5</b>	<b>10</b>

States may be required to amend their programs as a result of changes to SMCRA and/or Federal regulations. When a State program amendment is required, OSMRE notifies the State of the required change, reviews the State submission, and either approves or disapproves the proposed change.

**b. Grants Management**

OSMRE supports and participates in the Health and Human Services' government-wide electronic grants application system (Grants.gov). OSMRE is currently using DOI's Financial and Business Management System (FBMS) financial assistance module for internal processing of all grant and cooperative agreement transactions. OSMRE 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. OSMRE transitioned to GrantSolutions in FY 2021.

**c. Special Projects**

OSMRE's special projects include interpretation of SMCRA, reports to Congress, legislative analyses, and assistance in response to litigation. OSMRE also conducts studies and analyses in response to Departmental initiatives, and coordinates with other DOI bureaus and Federal agencies whose activities can affect the surface coal mining regulatory program. Such agencies include the USFWS (Endangered Species Act), Advisory Council on Historic Preservation (National Historic Preservation Act), EPA (Clean Water Act, Resource Conservation and Recovery Act, and others), USACE (Section 404 of the Clean Water Act permits), Mine Safety and Health Administration, and the Small Business Administration (Small Business Regulatory Enforcement Fairness Act) and the Council on Environmental Quality (National Environmental Policy Act). In October 2020, OSMRE and USFWS completed the development and implementation of a Biological Opinion for Title V of SMCRA by completing a formal programmatic consultation with the USFWS. Throughout FY 2022, OSMRE, in conjunction with USFWS conducted training and outreach to stakeholders, including the State regulatory authorities, on the impact of the 2020 Biological Opinion and Conference Report. Additional regionalized trainings and stakeholder outreach sessions with OSMRE, USFWS and associated States are planned for FY 2022.

## **ENVIRONMENTAL PROTECTION**

### **2022 Planned Program Performance**

In FY 2022, the planned activities in the Environmental Protection program activity include:

- Continuing oversight steering committee conversations with State Regulatory Authorities to discuss impediments to meaningful and effective oversight, including revising current OSMRE oversight directions.
- Continuing review of the formal Tribal primacy submission from the Navajo Nation and assistance to the Navajo Nation Minerals Department with their primacy presentation to the Navajo Nation Council.
- Continuing review of informal submissions from the Crow and Hopi Tribes.
- Reviewing the formal Tennessee primacy submission, should it decide to formally submit, and assisting the Tennessee Department of Environment and Conservation with development of its program.
- Completing six mining plan decision documents on Federal lands including associated environmental effects analysis in compliance with NEPA.
- Monitoring the implementation of Kentucky's program amendments related to its bonding program for effectiveness through oversight studies and monitoring.
- Achieving the goals for performance measures identified in this business line, and engaging youth by providing educational and employment opportunities to young adults in fields associated with surface coal mining regulation and reclamation.
- Publishing proposed Emergency Preparedness for Impoundments Rule.
- Providing training to stakeholders in conjunction with the USFWS, on the 2020 Biological Opinion and Conference Report on OSMRE's Title V Regulatory Program.
- Continuing administration of the SMCRA program on Muscogee (Creek), Cherokee, and Choctaw Nation Reservations and establishing an Indian Lands program in Oklahoma.
- Continuing ongoing consultations with Muscogee (Creek), Cherokee, and Choctaw Nations.

## 2021 Program Accomplishments

In FY 2021, the major accomplishments in the Environmental Protection program activity included:

- Implemented the Federal and Indian Lands Programs, conducting 379 complete and 619 partial inspections, and completing 83 permit actions.
- Provided oversight of States as they performed 22,723 complete mine inspections and 39,591 partial inspections to ensure coal mines are operated safely and in accordance with environmental laws.
- Continued to promote utilization of the Forestry Reclamation Approach (FRA) on active mining operations, with 97 percent of all trees planted on FRA prepared areas. A total number of 1,231,987 trees were planted during FY 2021 with 1,191,113 utilizing FRA on 1,985 acres.
- Completed three mining plan decision documents, recommending approval of the mining plan modification including the preparation of environmental assessments analyzing the environmental effects of the mining plan modification in compliance with NEPA.
- As the regulatory authority for Tennessee, issued a new mining permit for surface coal mining and reclamation operations on 433.6 acres in Tennessee including an environmental assessment analyzing the environmental effects of the permit in compliance with NEPA requirements and a section 7 consultation in compliance with ESA requirements.
- Published the Civil Monetary Penalty Inflation Adjustments Rule.
- Published the Clarification of Provisions Related to the Issuance of Ten-Day Notices to State Regulatory Authorities and Enhancement of Corrective Action for State Regulatory Program Issues rule.
- Analyzed the extent of the U.S. Supreme Court *McGirt v. Oklahoma* decision in FY 2020 that determined that the Muscogee (Creek) Nation Reservation in Oklahoma had never been disestablished. The decision recognized that it may extend to other Tribes in eastern Oklahoma, and subsequent decisions made by the Oklahoma Court of Criminal Appeals determined that the Cherokee and Choctaw Nation Reservations had similarly never been disestablished. OSMRE determined that, as a result of these decisions, these reservation lands meet the definition of “Indian Lands” under SMCRA, and that OSMRE has sole responsibility to administer SMCRA on these lands. In FY 2021, OSMRE notified the State of Oklahoma of this determination, and completed the transition of SMCRA authority from the State to OSMRE.
- Conducted formal Tribal consultations with the Muscogee (Creek), Cherokee, Choctaw, and Chickasaw Nations. These consultations will be ongoing in FY 2022 as OSMRE administers SMCRA on Tribal lands and establishes an Indian Lands program in Oklahoma.
- Completed the development and implementation of a Biological Opinion for Title V of SMCRA by completing a formal programmatic consultation with the USFWS.
- Provided an extensive review of Tennessee’s pre-submission assistance package outlining Tennessee’s proposed regulatory program.

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**Technology Development &  
Transfer**

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# TECHNOLOGY DEVELOPMENT AND TRANSFER

## Technology Development and Transfer Budget Request

(Dollars in Thousands)

	2021 Actual	2022 CR	Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2023 Request	Change From 2021 (+/-)
<b>Regulation and Technology</b>	<b>14,765</b>	<b>14,765</b>	<b>+442</b>	<b>-</b>	<b>+940</b>	<b>16,147</b>	<b>+1,382</b>
Technical Assistance	10,668	10,668	+271		+718	11,657	+989
<i>FTE</i>	<i>48</i>	<i>48</i>			+3	<i>51</i>	+3
Training	2,060	2,060	+108		+172	2,340	+280
<i>FTE</i>	<i>10</i>	<i>19</i>			-	<i>19</i>	-
Technology Transfer	2,037	2,037	+63		+50	2,150	+113
<i>FTE</i>	<i>7</i>	<i>11</i>			-	<i>11</i>	-
<b>Abandoned Mine Reclamation Fund</b>	<b>3,608</b>	<b>3,608</b>	<b>+92</b>	<b>-</b>	<b>+587</b>	<b>4,287</b>	<b>+679</b>
Technical Assistance	1,626	1,626	+42		+531	2,199	+573
<i>FTE</i>	<i>12</i>	<i>7</i>			+3	<i>10</i>	+3
Training	814	814	+44		+52	910	+96
<i>FTE</i>	<i>4</i>	<i>7</i>			-	<i>7</i>	-
Technology Transfer	1,168	1,168	+6		+4	1,178	+10
<i>FTE</i>	<i>1</i>	<i>1</i>			-	<i>1</i>	-
<b>Total, Technology Development and Transfer</b>	<b>18,373</b>	<b>18,373</b>	<b>+534</b>	<b>-</b>	<b>+1,527</b>	<b>20,434</b>	<b>+2,061</b>
<b>Total FTE</b>	<b>82</b>	<b>93</b>	<b>-</b>	<b>-</b>	<b>+6</b>	<b>99</b>	<b>+6</b>

### Summary of 2023 Program Changes for Technology Development and Transfer

Request Component	(\$000)	FTE
Replace Hydrocarbon-powered Vehicles with ZEVs	+107	-
Enhance Information Technology Systems Support	+1,000	+6
2022 Baseline Capacity	+420	-
<b>TOTAL Program Changes</b>	<b>+1,527</b>	<b>+6</b>

The Technology Development and Transfer program supports technical skills that States and Tribes need to operate their programs. The FY 2023 request provides resources for technical assistance, training, technology development, and technology transfer.

#### Justification of 2023 Program Changes

The 2023 budget request for Technology Development and Transfer is \$20,434,000 and 99 FTE, a program change of +\$1,527,000 and +6 FTE from the 2022 CR level.

**Zero Emission Vehicle Fleet Conversions (+\$107,000)** – The 2023 budget includes funding to accelerate the conversion of OSMRE’s fleet to zero emission vehicles (ZEVs) and provide charging stations and hydrogen fueling stations to support those vehicles and future ZEVs. This conversion will immediately reduce the Interior’s contributions to greenhouse gas emissions and dependence upon hydrocarbons. The investment in infrastructure will support these new vehicles and ensure charging infrastructure is available for subsequent ZEVs. This project is being coordinated across Interior and with other agencies to maximize utility of charging and hydrogen fueling stations in areas where multiple agencies operate. The funding also supports a small planning and coordination function to effectively deploy the fleet and charging infrastructure.

**Enhance Information Technology Systems Support (+\$1,000,000/+6 FTE):** The 2023 budget includes funding for additional staffing to effectively develop and maintain critical OSMRE information systems, such as the Coal Information management System (IMS) and the Applicant Violations System (AVS). These systems are integral to OSMRE’s and its State and Tribal partners’ SMCRA mission and provide service and benefit to other external stakeholders and the general public.

**Baseline Capacity (+\$420,000):** The 2023 budget includes important investments in programs needed to help strengthen America and increase competitiveness as the world continues to change. These investments include funding needed to maintain a strong, talented workforce and the must pay requirements needed to continue to fulfill the OSMRE mission. The budget includes \$420,000 in this activity, which reflects the incremental amount needed to cover the fixed costs associated with mission operations in FY 2022. This request in combination with the FY 2023 fixed costs amounts will allow the program to meet must pay requirements without impacting program activities.

## OVERVIEW

The Technology Development and Transfer (TDT) business line (program activity) provides national resources for technical assistance, training, technology development and technology transfer for Federal, State and Tribal regulatory and reclamation staffs. This program activity supports and enhances the technical skills that States and Tribes need to operate their regulatory and reclamation programs in order to carry out the requirements of SMCRA. Through support of OSMRE's restoration and protection goals, TDT funding helps OSMRE to implement effective partnerships with stakeholders.

**TECHNOLOGY DEVELOPMENT & TRANSFER  
ENCOMPASSES:**

Technical Assistance

Technical Training

Technology Transfer

In FYs 2022 and 2023, OSMRE will continue to promote the use of Technical Innovation and Professional Services (TIPS) in technical decision-making processes related to SMCRA. OSMRE will address the remediation of acid mine drainage through participation in the Acid Drainage Technology Initiative and provide training and technical assistance to meet identified needs of States and Tribes.

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

**Operational Process (Program Activities):** The TDT program activities are an integral part of accomplishing Environmental Restoration and Environmental Protection to achieve OSMRE's goals and outcomes.

OSMRE provides technical assistance and training to OSMRE staff, States and Tribes on a variety of topics, and technology transfer is a significant part of OSMRE's cooperative effort with partner States and Tribes. To solve problems related to the environmental effects of coal mining, OSMRE provides multidisciplinary technical assistance and works with industry, States, Tribes and the public on new or unique technical challenges or problems. Other technical assistance efforts include the Technical Innovation and Professional Services (TIPS), AVS, and Coal Information Management System (CIMS). OSMRE has established an intergovernmental team, the National Technology Transfer Team (NTTT), to provide ongoing direction, communication, and coordination of efforts related to technology transfer and development. New technologies, changes in regulations, and staff turnover in States and Tribes necessitate the need for continued technical training. OSMRE provides this required training through the National Technical Training Program (NTTP).

TDT program performance is ultimately measured by the success of the regulatory and reclamation programs in carrying out their environmental restoration and protection missions. Performance for the business line is also 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 OSMRE, determined via evaluations and customer service surveys.

**Actions Required to Achieve Annual Goals:** In FY 2022, the NTTP, TIPS, the National Mine Map Repository (NMMR), and AVS will increase access to users by providing information via the internet. In addition, the NTTP and TIPS will continue to work with technical leadership to provide direction, communication, and coordination efforts related to technical issues and studies.

**Resources, Skills, and Technology Needed:** OSMRE is committed to ensuring States, Tribes, and OSMRE have the best available technical data and information needed to make science-based decisions regarding mining plans, reclamation project design, permit reviews, blasting, and acid mine drainage remediation and prevention. To implement the surface mining regulatory and reclamation programs, OSMRE, as well as the States and Tribes, must maintain multi-disciplinary staff that are fully competent in addressing a wide variety of technical issues that affect these programs.

The total FY 2023 request for this business line is \$20.4 million. The request includes \$13.9 million for Technical Assistance (including the TIPS and AVS support); \$3.2 million for Technical Training; and \$3.3 million for Technology Transfer efforts to meet the annual goals set forth above.

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

## **2023 PROGRAM PERFORMANCE**

The following program activities support OSMRE's goal to strengthen the capabilities of the States, Tribes, and OSMRE 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 surface mining and reclamation programs. In addition, OSMRE provides opportunities to students and recent graduates, either directly or through cooperative agreements, to engage them in technical and natural resources activities.

OSMRE's stakeholders (States, Tribes, the public, and industry) continue to express support for Technology Development and Transfer efforts and encourage OSMRE 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. Helping the States, Tribes and industry achieve up-front compliance reduces the need for additional regulatory resources. Many activities planned for FY 2022 will identify the needs for activities in FY 2023. Adjustments within activities may be necessary during FYs 2022 and 2023 in order to focus resources on the highest priority program needs. Therefore, the following discussions are representative of the types of activities that will be conducted in the future.

### **1. Technical Assistance**

OSMRE provides technical assistance to State and Tribal regulatory and reclamation staff, and to OSMRE staff, that review and oversee 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.<sup>2</sup> The \$13,856,000 requested for FY 2023 will fund 61 FTE to carry out these activities.

OSMRE uses customer surveys to document the responsiveness of OSMRE's technical assistance to its customers in a timely and professional manner. By meeting technical assistance needs, OSMRE can effectively achieve its Environmental Restoration and Environmental Protection mission goals while fostering the efficient use of the Nation's natural resources.

#### **a. Technical Policy Assistance**

OSMRE specialists provide technical assistance to State and OSMRE regulatory and reclamation policy staffs. The areas of assistance include rulemaking, citizen complaint investigations, review of offsite impacts, guideline development, State program amendments, State mining permit evaluation, and AML problem evaluation. Assistance spans blasting policy, prime farmland reclamation, geomorphic reclamation, soil substitution, placement of coal combustion residue, reclamation bonding sufficiency and bond release, threatened and endangered species, restoration of mined land with native vegetation, land unsuitability determinations, and participation as technical experts on interagency committees. Assistance also includes acid mine drainage (AMD) prevention and remediation, acid and toxic forming materials handling, surface and groundwater dewatering, stream and underground mine flooding,

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<sup>2</sup> OSMRE also utilizes appropriations to the Environmental Restoration and Protection business lines to deliver customized technical assistance for abandoned mine land projects, civil penalty and bond forfeiture projects, and other regulatory matters which are not included in this program activity.

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 include:

Blasting: Annually, OSMRE facilitates discussions between State and Federal blasting specialists to foster a better understanding of blasting issues and technology that result in consistent defensible application of blasting rules, National certification of blasters, and resolution of citizen complaints. To achieve these goals in FY 2021, OSMRE conducted State-specific blasting inspection training (virtually) for NY, Blasting and inspection, Fall 2020: NY, Advanced Blasting, winter 2021: WV, Mine Gas Safety, Spring 2021 and; WV, Advanced Blasting, Spring 2021. In addition, OSMRE created Excel tools to predict and evaluate the adverse effects of blasting, maintained the OSMRE Blasting webpage, hosted monthly Blasting Technical Chat conference calls (average of 20 participants monthly), facilitated State regulatory discussions at State coordinated workshops, and responded to numerous State inquiries for technical information and advice.

OSMRE continues to issue OSMRE Blaster Certificates (recognized by many States for certificate/license reciprocity), provide continuing education for blasters in support of state programs, and maintain the Blaster Certification Tracking System (BCTS), used to track Federally certified blasters. Currently, 30 blasters possess OSMRE Blaster Certificates in the Federal and Indian Lands Program, in the States of Tennessee and Washington and in the Navajo and Crow Nations, respectively. In addition, OSMRE facilitates discussions of the Appalachian Blaster Certification Delegation (ABCD) whose aim is to standardize training, experience requirements, and testing of blasters and coordinates the ABCD Blasting Inspectors' Workshop. The goal of the ABCD is to develop consistent certification procedures and enforcement actions for blasters, the only other entities besides permit holders that OSMRE and the states regulate.

In FY 2022 and FY 2023, OSMRE will continue to help the States address technology issues related to the use of explosives. Included will be support for new products, new design techniques, interpretation of seismic and acoustic monitoring information, the proper deployment of blasting seismographs, consistent development of blasting plans, blast area security assurances, establishing safe vibration limits, control of flyrock, minimization of blast fumes, and proper record keeping. Blaster certification programs will continue to be supported to ensure adequate training, improved work experience opportunities, consistent testing, and uniform certificate issuance and reciprocity across the Nation.

Support will also continue at National Continuing Education events that provide technological and regulatory updates to blasters in need of continuing education credits. To ensure that OSMRE continues to promote the best technologies currently available, OSMRE will also assist the International Society of Explosives Engineers' Standards Committee, develop and maintain performance and field deployment standards for blasting seismographs, and participate on the National Fire Protection Association's Technical Committee on Explosives, who develop standards on the safe use of explosives.

Dam Safety Program: OSMRE's Dam Safety program has helped reduce the probability of dam leaking or breaks by implementing revised oversight standards. OSMRE has a Dam Safety Team comprised of Regional Dam Safety Representatives and OSMRE's Dam Safety Officer. The team works to review current regulations, directives, guidelines and other mechanisms to ensure that current best practices are employed.

The Dam Safety Team is responsible for completing inventory updates and assistance in providing data to support the annual DOI Dam Safety Program Performance Report, the biennial FEMA report and the annual USACE report. The dam safety database ranks dams under OSMRE oversight in accordance with the Hazard classification followed by the U.S. Department of Agriculture, Natural Resource Conservation Service Technical Release (TR) No. 60 (2005). The database also includes the FEMA 333 hazard classification of High, Significant and Low hazard dams, including impoundments.

OSMRE is taking a proactive role in participating in DOI's Working Group on Dam Safety and Security (WGDSS) to articulate precise language on hazard classification criteria. This will facilitate hazard classification characterization schemes within the bureaus. In addition, OSMRE supports joint regulatory activities along with Mine Safety and Health Administration (MSHA) to review and improve dam safety processes. Team members keep abreast of industry standards through participation in conferences, meetings, and work groups. OSMRE recognizes the importance of the dam safety program in improving risk reduction in the design, construction and maintenance of mining operation activities.

Acid Mine Drainage (AMD): 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, and/or metal-rich drainage, which are a primary driver of water quality problems in Appalachia and to a lesser, but still serious, extent in other coal and hard rock mining regions.

OSMRE participates in the Mine Drainage Technology Initiative (MDTI) (formally known as the Acid Drainage Technology Initiative (ADTI)). MDTI is a collaborative effort among Federal agencies, industry, State environmental agencies, academia, and the National Mine Land Reclamation Center to promote communication and technology enhancement in emerging mine water issues, particularly AMD, selenium and specific conductance prediction, prevention and treatment, and biological impacts.

AMDTreat Software: AMDTreat is a computer application developed by OSMRE that is the industry standard for estimating long-term treatment costs for polluted mine water drainage, commonly referred to as acid mine drainage (AMD). Users of the application include watershed associations, regulatory and abandoned mined land state programs, environmental groups and industry located in over 40 States and across 40 countries. Most Appalachian States rely on AMDTreat to help support various aspects of their regulatory and abandoned mine land programs. For example, the Pennsylvania Department of Environmental Protection requires operators and permit reviewers to use AMDTreat to calculate or substantiate treatment costs for all 217 long-term discharges covered by 73 bonds and 76 trust funds. AMDTreat has been used to calculate and

substantiate in excess of \$401 million of treatment liability in Pennsylvania, a testament to the importance of the software in supporting State programs.

Since FY 2016, OSMRE has invested in a cooperative project to update the computer coding and enhance treatment modules of AMDTreat, completing all 21 modules and 18 tools included in Phase II of the project as of the end of FY 2021. Further software coding for Phase III is underway and includes integration of the water quality prediction tool, print and save utility, modifications to the main User Interface, as well as Beta testing and help documentation. Phase III work will continue into FY 2022. The cooperative effort to perform the recoding and enhancement includes OSMRE, the United States Geological Service (USGS), and the regulatory authorities of Pennsylvania and West Virginia.

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 land areas to protect certain features or environmental values. OSMRE 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.

Under section 522(e) of SMCRA, OSMRE also is responsible for making valid existing rights (VER) determinations for all Federal lands and all lands for which OSMRE 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 and are supported by the Environmental Protection business line. They also involve litigation support if a takings claim is subsequently filed against the Federal government.

***b. Site-Specific Technical Assistance***

OSMRE specialists assist in the technical aspects of compliance monitoring (including inspection and enforcement assistance), blasting, 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. The following are examples of the types of site-specific technical assistance provided to States and Tribes.

Assistance to the National Park Service at the Big South Fork National River and Recreation Area: Discharges from pre-SMCRA underground mines have impacted waters within NPS property. The work is focused on two areas of the Park, Worley and Laurel Branch. At Worley, OSMRE installed a flume, deployed water level loggers, and performed monthly water sampling to characterize two large underground mine discharges. In addition to the field work, OSMRE researched available mine maps in order to better define the extent of the underground works in the area and has digitized coal structure contours and other features from the maps to better understand the layout of each

mine. OSMRE collected data from the Worley discharges to establish seasonal variability of water quality and quantity. OSMRE provided NPS with a report summarizing the findings at Worley, and provided recommendations for water treatment, sludge disposal and maintenance. OSMRE has been assisting NPS at Laurel Branch, which has been impacted by coal refuse disposal. OSMRE will use the water quality data collected along with soil samples from the coal refuse disposal areas to provide the NPS with erosion control and water treatment recommendations for Laurel Branch.

Seifarth Subsidence Emergency: The Maryland Department of the Environment AML Division requested technical assistance from OSMRE to conduct an AML complaint investigation at a residence experiencing structural damage to assist with mining-related determination. Upon determination and recommendation to declare an emergency, OSMRE also recommended an abatement plan of drilling and grouting.

Isabella Mine Complex, Pennsylvania: OSMRE is continuing to provide considerable technical support to treat acid, metal-laden mine drainage, reclaim a mine coal refuse, and partially dewater an existing impoundment for the Pennsylvania Department of Environmental Protection (PADEP). The project includes developing a large passive water treatment system for several mine discharges. The existing exposed, unreclaimed coal refuse piles will be regraded to afford positive drainage as well as topsoiled and vegetated. The effort will improve an existing impoundment with a surface area of over 40 acres that presently has no engineered decant system. This has resulted in continued accumulation of water into the impoundment from precipitation events and flooding of a nearby township road. In FY 2021 the impounding structure water levels were lowered, and monitoring will continue. OSMRE staff visited the site with PADEP staff to ensure that monitoring equipment was in good working order in late FY 2021.

TrueTown Acid Mine Discharge and Mine Pool Characterization: OSMRE continues to provide technical assistance to the State of Ohio by providing mine mapping and GIS database analysis for a mine pool blowout near TrueTown, Ohio. The discharging acid-mine water is sought to produce pigment for paint. OSMRE hydrologists and GIS specialists map out the extents of underground mine workings to determine barrier placements. These maps indicate how the water in the mine voids moves through the mines and the potential for pumping sludge back into the mines after treatment and the iron pigments are extracted. OSMRE is providing subject matter expertise on mine pools and treatment systems.

Experimental Practices: Through FY 2021 OSMRE has provided technical support on two Experimental Practice applications. On one our engineers and geologists provided assistance in the review of the Brushy Fork Experimental Practice (highwall retention) request in West Virginia. The second Experimental Practice is Pikeville RV Sales, Inc. (highwall retention). OSMRE engineers and hydrologists have provided recommendations that are currently under discussion between LFO and the State.

Hydrologic Assessments & Post-Underground Mining Assessments: OSMRE completed eight underground mine bond release evaluations as required in Virginia and five in West Virginia. Staff collaborated to evaluate the review of the underground mine bond release process and developed a template to use for these reviews.

Mine Gas Investigations in Regions 1 and 2: OSMRE technical staff responded to requests by the States in the Region in FY 2021. OSMRE provides long-term monitoring of air quality parameters such as oxygen or methane. OSMRE technical experts evaluated the history of coal mining in the area to determine if the presence of coal gases or lack of oxygen is related to coal mining and methods to mitigate the issues.

Fugitive gas (carbon dioxide) investigations: Gas investigations for carbon dioxide emissions from mines into structures have continued in FY 2021. The final report for an AML investigation of mine gases in Bovard, PA, was completed in the 1<sup>st</sup> quarter of FY 2021.

Lester residence: Gas investigation for methane (CH<sub>4</sub>) source in West Virginia. Report finalized on December 30, 2020.

Pinnacle Mine Methane (Mitros) Gas Complaint Investigation: April 15 – May 24, 2021. Reviewed reports, gas samples, maps, and reported findings. Report completed on May 24, 2021, with an addendum completed on September 14, 2021.

Bowlby Airshaft: The West Virginia Department of Environmental Protection received a complaint about air blowing from a field in northern WV and requested technical assistance from OSMRE. The location is near a previously remediated AML site, and efforts are being made to determine where the air is currently coming from. OSMRE technical experts visited the site several times and utilized our borehole camera equipment. Mine maps have been obtained from the National Mine Map Repository for the area. By using all of our various resources and expertise, OSMRE determined that the cause is related to pre-SMCRA coal mining and is, therefore, eligible for AML funding.

Biological Opinion Dispute Resolution with Virginia DMME: In the 2019 Biological Assessment, a process was outlined in the event that the SRA and USFWS cannot agree on mitigation actions for threatened or endangered species that may be affected by a coal mining permit decision. In 2021, the first activation of this process occurred, with the Level 1 Dispute Resolution being between the Virginia Department of Mines, Minerals and Energy (DMME) and the Abingdon Field Office (AFO) of the USFWS. OSMRE formed a team to evaluate the disagreement, which centered on the threatened Big Sandy crayfish and measures proposed for ensuring that the mine would not impact this threatened species. OSMRE provided a report and two options to DMME and AFO for compromise on the permit provisions.

Joint OSMRE/PA DEP Work Group to Review and Recommend Improvements to PA's Practices and Procedures Relative to Long-Term AMD Treatment Liability Covered by Bonds and/or Treatment Trusts: OSM conducted oversight reviews of eight permits that use financial assurances to cover long-term water treatment obligations in FY 2020 in Pennsylvania. The review found the assumptions and costs used to characterize the financial liability for the permits were not accounting for all liabilities and contained inaccurate costs. As a result, PADEP and OSMRE formed a joint team to develop Standard Operating Procedures (SOP) to guide staff through the process of characterizing treatment liability to develop financial assurance coverage. The team is

developing three SOPs that will standardize the program and prevent future mistakes evaluating liability.

Sediment Impacts to Receiving Streams with Threatened and Endangered Crayfish Species, West Virginia: OSMRE is working in cooperation with the WVDEP to ascertain the impacts of sediment on stream habitat of the recently listed as threatened or endangered Guyandotte and Big Sandy crayfish. Water quality and flow measurements are being collected in response to precipitation events and are being augmented by continuous in-stream monitoring with data turbidity logging meters. The study will monitor sedimentation in the Pinnacle Creek and Clear Fork watersheds to determine possible sources of sedimentation, including coal mining activities. The effort will assist the WVDEP to better manage mine sites to minimize impacts to habitats where threatened and endangered crayfish live.

Mine Water Treatment Systems Efficiency Evaluation: Numerous cases of active and abandoned mine water treatment systems exist throughout the Appalachian region. The efficacy of these systems is often well below optimum conditions due to a variety of reasons. Abandoned mine water treatment systems are generally operated by State agencies or local non-government organizations and require continual funding for ongoing operations and maintenance (O&M). Water treatment at active mine sites has the statutory requirement of treating to meet National Pollutant Discharge Elimination System (NPDES) effluent standards. Sufficient bonding is required to assure that treatment continues until the water quality meets effluent standards without treatment, which in many instances lasts for decades. Characterization of the mine water treatment systems allows for determination of the estimated time period that treatment may be necessary, methods for improvement of the existing treatment system efficiency, and the cost to construct and operate new or replacement treatment systems as well as the potential for employing new innovative technologies to save capital, labor and materials costs. Many existing treatment systems were designed and constructed based on technology developed many years ago. New technologies and methods (e.g., use of high-strength hydrogen peroxide as an oxidant for iron removal) have been shown to greatly reduce treatment costs and diminish the volume of residual sludge created during treatment.

Gladden Treatment Facility: Discharging mine waters producing 200 gallons per minute of iron-rich waters from underground mines have been discharging into Miller's Run for years. A treatment facility was built to treat the discharging mine waters and to restore Miller's Run near South Fayette Township, Pennsylvania. However, the treated water was not meeting effluent water quality standards. The treatment facility contracting office requested OSMRE technical assistance on treatment calibration and ensuring stream rehabilitation. OSMRE, the Pennsylvania Department of Environmental Protection, and the contracted treatment plant operator, TetraTech, Inc. successfully implemented a plan over three months of collaboration in FY 2021. The recalibration of the treatment facility was based on OSMRE subject matter expertise. The facility is now producing consistent, clear, nonimpaired stream waters with an effluent concentration of less than 0.5 milligrams per liter of iron.

Engineering Evaluations, Analyses, and Investigations: OSMRE continues to provide engineering support to OSMRE field offices and State regulatory authorities in support of SMCRA. Field

investigations and recommendations are provided to assist with citizen complaints, Ten-Day Notices, and Deficiency Letters. Site investigations are performed to obtain field data to support engineering evaluations and analyses for slurry impoundments, oversight studies, and off-site impacts resulting from mining activities. Engineering support is provided through evaluations of design calculations, slope stability analyses, soil mechanics, surface water hydrology, seepage analyses, erosion and sediment control, cost estimating, and the preparation of Engineering Reports. OSMRE is currently providing engineering assistance on the following projects in West Virginia, Tennessee, and Kentucky: Slurry impoundments requiring engineering assistance to address staging issues and slope stability concerns for upstream construction and a proposed downstream buttress. Evaluation of proposed remediation plans continued throughout FY 2021. OSMRE also provided engineering support by evaluating engineering aspects of two experimental practices involving highwall retention which involve long term rock stability concerns.

Sampling and Testing for Recoverable Rare Earth Elements (REE): Demand for REE has rapidly increased in electronics and renewable green energy technologies which led to a nationwide search for REE in the U.S. Coal mine drainages (CMD) in the Appalachian and Illinois coal basin have been identified as a potential source of REE. If REE occurrences can be identified and economically recoverable in the Illinois coal basin, the result may lead to a funding source for Federal/State mine drainage abatement efforts.

Kansas Monahan AML Passive Treatment System Design: Kansas Department of Health and Environment (KDHE) requested for AMD treatment options and engineering design of finalized treatment option for Monahan AML site in Kansas. OSMRE hydrologist and mining engineer from Interior Regions 3, 4, and 6 (Mid-Continent Region, Alton, Illinois) formulated a best treatment option and developed a draft design work in CAD format. The final products were delivered to KDHE in FY 2019 for their completion of the engineering design. During FY 2020 and FY 2021, regional technical staff provided review comments, design modifications, and updated water quality data. In FY 2022, OSMRE will assist Kansas throughout the construction process and post-construction evaluation phases.

Old Bevier AML Passive Treatment System Rehabilitation, Missouri: Beginning in FY 2019, the Missouri Department of Natural Resources Land Reclamation Program (MDNR-LRP) requested assistance in preparing the engineering design for reconstruction of the Old Bevier AMD passive treatment system in Missouri. The original AMD passive treatment system was constructed in 2001, and the treatment's performance declined gradually over time. Following a site investigation and OSMRE-assisted CAD redesign efforts, MDNR-LRP is contracting to rebuild two critical components known as vertical flow ponds during the fall and winter of 2020. During FY 2021, OSMRE assisted Missouri throughout the reconstruction process and post-construction evaluation phases. In FY 2022, post-construction evaluation will continue to monitor the performance of the updated passive treatment system.

Enos AML Passive Treatment System Rehabilitation, Indiana: An OSMRE hydrologist from Interior Regions 3, 4, and 6 (Mid-Continent Region, Alton, Illinois) has been assisting Indiana Department of Natural Resources Land Reclamation Program Division of Reclamation (IDNR-DOR) evaluate the Enos AMD Passive Treatment System since construction in 2005. OSMRE

provided the baseline water quality study and conceptual design for this very large system. The original AMD passive treatment system is functioning, but the performance declined gradually over time. IDNR-DOR requested assistance in the hydrologic study associated with the reconstruction during the fall and winter of 2020-2021. IDNR-DOR has contracted to rebuild two critical components known as vertical flow ponds, and OSMRE will assist Indiana throughout the reconstruction process and post-construction evaluation phases.

AML Acid Mine Drainage Investigations in Illinois: Illinois is considering constructing additional treatment systems to abate AMD issues in Macoupin and St. Clair Counties in west central Illinois. An OSMRE hydrologist from Interior Regions 3, 4, and 6 (Mid-Continent Region, Alton, Illinois) started evaluating one site in FY 2020, the Superior Washer AML site. The Superior Washer AML site is being re-evaluated for active treatment in FY 2022 after a passive treatment option was deemed untenable. An additional site, the St. Louis and O'Fallon No. 2 AML site, is being evaluated. Passive treatment design assistance is planned in FY 2022 for the St. Louis and O'Fallon No. 2 site. Another technical assistance is also planned in FY 2022 at the Delta AML site in Southern Illinois to evaluate whether an AMD abatement using passive treatment technology is feasible.

Texas Technical Assistance: In response to a request from the Railroad Commission of Texas—Surface Mining and Reclamation Division (SMRD), an OSMRE hydrologist from Interior Regions 3, 4, and 6 (Mid-Continent Region, Alton, Illinois) attended a site visit at the Monticello Thermo Mine outside of Sulphur Springs, Texas. Among the 20-some attendees on March 10, 2020, were staff from the SMRD and OSMRE's Tulsa Field Office, soil scientists from the Natural Resources Conservation Service, Luminant (the mine permittee), and city officials from Sulphur Springs. The site has an acidic final-cut impoundment and prominent adjacent mound of spoil that shows some evidence of acid-forming materials. Discussions addressed reasons why pit water is poor quality and possible testing strategies to characterize the chemistry of the spoil mound. Ownership of permitted land has been transferred to the city of Sulphur Springs. City officials would like the water-filled pit and spoil mound to remain so these features could be developed into an entertainment venue. For OSMRE, this visit was a reconnaissance to prepare for an upcoming on-site water-monitoring training session for SMRD personnel. The pandemic put those plans on indefinite hold.

### **c. National Mine Map Repository**

The National Mine Map Repository (NMMR) was authorized under the former U.S. Bureau of Mines and subsequently transferred to OSMRE in the mid-1980s. This repository, located in Pittsburgh, Pennsylvania, maintains the only National inventory of mine maps and includes more than 177,000 abandoned coal and non-coal underground mines from 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 projects to National collections for large interstate infrastructure projects such as high-speed rail or electricity transmission lines. The maps bring great value to any project that depends on knowing the subsurface conditions of the earth for infrastructure design or public safety projects. Underground voids resulting from past mining have the potential to induce subsidence damage to homes, businesses, infrastructure, and to endanger underground miners. NMMR customers include

State regulatory and reclamation staff, local government agencies, developers, engineering and mining companies, architects, universities, law firms, insurance companies, environmental consultants, pollution control boards, realtors, law-enforcement agencies, historical societies, drilling companies, and homeowners. The NMMR also provides scanning of mine maps for its clients; these maps are then placed into the NMMR archives. Receipts from the sale of maps and charges for NMMR research services are minimal and support the program.

The NMMR continues to pursue the acquisition, digitizing, geo-referencing and archiving of mine maps located throughout the United States. During FY 2021, OSMRE significantly expanded its collection of West Virginia and Missouri mine maps, scanning 551 new mine maps. OSMRE purchased new software to reduce scan processing time and expand accessibility of maps in the collection. During FY 2021, the NMMR received 200 client requests consisting of 1,500 mine maps.

#### **d. Coal Information Management System**

Coal mine operations need a convenient, efficient, and cost-effective method of applying for, and monitoring the status of permit applications issued under SMCRA. While some States have fully integrated electronic information systems, many, including the Federal Programs administered by OSMRE, have not. OSMRE entered into a cooperative agreement with the Montana Department of Environmental Quality (MTDEQ) in FY 2018 to upgrade and modernize the Montana and OSMRE electronic permitting systems. The effort was undertaken in a manner that provides the ability for other States to adopt the system at no or low cost, if they so choose. Under the Coal Information Management System (CIMS), mine operators can plan and monitor multiple phases of applications and permits in an interactive, geospatial manner not possible with traditional, paper-based applications and processes. CIMS automates the workflow between operators and regulatory authorities and provides accountability for all parties at all stages of the review process. The system and individual applications are designed so that the SMCRA States, Federal, and potential Tribal regulatory programs have the ability to modify the system to fit their unique needs, realizing economies of scale associated with system development costs and improved effectiveness through lessons learned during the current effort.

In FY 2018, Release 1 of the electronic permit system (ePermit), an application within the CIMS suite of tools, was developed, tested, underwent final development, and was deployed for OSMRE's Federal Programs in the western United States. Release 2 of ePermit was completed in FY 2019, is currently operational, and provides enhanced capability to meet the needs of the Federal Programs in the western United States and the State of Tennessee. In FY 2021, the Federal version of Coal App, another application within CIMS, was successfully developed and implemented in Federal programs. This application tracks permitting and enforcement timeframes, issue assignments, and reports on permit, bond, and enforcement information.

The next phase of the CIMS project also began in FY 221 with the development of the Inspection and Enforcement (I&E) system. I&E provides access to inspection reports, inspection maintenance records, inspections requiring follow up, and other information pertaining to mine site inspections. The existing I&E legacy database system is not user-friendly, has limited Information Technology support, and incorporates limited institutional knowledge. The targeted completion date for the upgrade is early FY

2024. A project “kickoff” meeting occurred in June 2021 with the team developing several options that incorporate the design objectives of the effort. The team began this process in FY 2022.

A bond calculation module for CIMS is also under development with the State of Montana. The bond calculation module is an engineering software to assist in calculating the performance bonds required to ensure successful performance of the reclamation requirements in an approved coal mine permit. A performance bond must be submitted prior to permit approval. Once the Montana version of the bond calculation module undergoes final testing, the IT code will be modified to reflect bonding methods utilized in the Federal programs in the western States and Tennessee. Developing the baseline IT requirements for the Montana version of the module are currently under development and are expected to be complete by end of FY 2022. Once the Montana-specific version is developed and tested, the adaptation needed to create a Federal-program version will begin.

**e. Technical Innovation and Professional Services (TIPS)**

The goal of Technical Innovation and Professional Services (TIPS) is to provide State, Tribal, and OSMRE personnel with a comprehensive set of analytical tools to aid in technical decision-making related to regulatory and reclamation processes. The services focus on off-the-shelf scientific and engineering computer software and technical hardware supported by OSMRE 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 hardware is available for loan to States and Tribes to advance reclamation projects Nationwide.

TIPS is a national program that continues to research and apply emerging technologies to SMCRA workflows. Currently, TIPS assistance consists of providing commercial software applications and hardware to State, Tribal, and OSMRE offices at considerable cost savings by sharing the commercial licenses for the software via the Internet and OSMRE Wide Area Network. The 22 current commercially available applications cover a wide range of regulatory and AML subjects to support State, Tribal, and OSMRE locations throughout the country.

The TIPS suite of scientific, hydrologic, and mapping core software aids the technical decision-making associated with: (1) permit reviews, (2) performing cumulative hydrologic impact assessments, (3) quantifying potential effects of coal mining, (4) preventing acid mine drainage, (5) quantifying subsidence impacts, (6) measuring revegetation success, (7) assisting in the design of abandoned mine lands projects, and (8) providing the scientific basis for environmental assessments and environmental impact statements.

Demand for TIPS tools and support continues to increase. Mobile computing allows inspectors to be more efficient conducting analysis and resolving issues with primacy State staff and industry in the field and aids in the permit process and achieving abandoned mine land reclamation goals.

Examples of TIPS applications and related activities include:

GeoMine Project (Geographic Information System): GeoMine is an interactive web-based mapping application of coal mining and reclamation activities within the United States. It is an ongoing

effort to provide the best available data for surface coal mining operations across the country, merging data from numerous sources to create standardized, seamless layers that cross State boundaries. A new layer and new widget were added to GeoMine in FY 2021: the AML Reclamation Award layer, and the EagleView Pictometry widget. The new layer located and highlights outstanding reclamation projects within the SMCRA community. The Pictometry widget provides additional high-resolution aerial imagery over certain high-priority mines in the West, including those on Indian Lands, several in Utah, and both in Washington. All GeoMine layers, consisting of data from State and Federal partners, are publicly available. Additional layers will be added in FYs 2022 and 2023 as data becomes available from Federal and State GeoMine partners.

Satellite Imagery: Due to travel restrictions imposed as a result of the COVID-19 pandemic, mine inspector visits to mines were limited during much of FY 2021. OSMRE used satellite imagery to support mine reclamation inspections remotely. Satellite images of western mines were accessed in 826 sessions in FY 2021. This allowed OSMRE staff to continue to work with States and Tribal partners to monitor mine reclamation during times of restricted travel. Satellite imagery will continue to be employed in support of inspection activities in FYs 2022 and 2023.

Geographic Information System (GIS) Mobile Computing: In FY 2021, OSMRE continued to use tablets and smartphones that can display and collect geospatial data while at the mine site. The base data for the systems comes from GeoMine allowing field personnel to display data along with their Global Positioning System (GPS) location. Data collected in the field is synchronized to the GIS server and made available to anyone in the OSMRE network via a web map. In FY 2021, nearly 10,000 acres of bond released acreage in the western States were verified by bond release teams employing these mobile geospatial tools. Use of this mobile technology will be augmented in FY 2022 and 2023 through support and training in new and upgraded software applications.

Photogrammetry (Cloud-based Data Processing and Ground-Based LiDAR Scanners): In FY 2021, OSMRE and its SMCRA partners have successfully utilized photogrammetry software to create fully rendered surface models taken from satellites, manned aircraft, unmanned aircraft, and ground-based imagery. Cloud-based data processing through the DOI GeoPlatform yields efficiencies of server-side processing for large datasets of data and imagery. Ground-based Light Detection and Ranging (LiDAR) scanners are also being used in conjunction with these photogrammetric models to allow for accurate surface modeling for enforcement and reclamation design. In FY 2022 and 2023, more SMCRA States will adopt programs to make greater use of these technologies. Ongoing training and support will serve to leverage SMCRA partners' use of these technologies.

ArcGIS Online: In FY 2021, the ArcGIS Online web mapping system was used by 556 SMCRA Program staff, an increase of 105 users (19%). OSMRE anticipates that additional growth in the user base will take place in FY 2022 and 2023.

Photo database: Even as inspector travel was greatly reduced in FY 2021 as a result of the COVID-19 pandemic, OSMRE's work to capture data directly from the field increased. The pandemic afforded OSMRE an opportunity to streamline the workflow and give inspectors the ability to use one of three different field applications that push the data to the same database. This gave inspectors

across all regions the ability to use whichever application they were most comfortable using. In FY 2021, OSMRE added 7,414 new photos from field staff to the photo database. The design of this new database allows for future integration with the OSMRE inspection database and more digital photos will be added to the database in FY 2022 and beyond.

**f. Applicant Violator System (AVS)**

Section 510c of the Surface Mining Control and Reclamation Act (SMCRA) requires all SMCRA permit applicants to disclose the ownership and control (O&C) and violation history of all entities associated with a proposed mining operation. The State regulatory authorities (SRA) enter this ownership and controller information and violation history from the permit applications into the AVS. The AVS serves as a warehouse of O&C and violation information for each coal mine permit across the U.S.

Prior to issuance of a permit to mine coal, issuance of a significant revision, or authorization of a contractor on an AML project, the SRA is required to conduct a background check of the coal company, its officers, operators, and other entities meeting the definition of owner or controller prior to issuing a permit or approving AML work. Section 510c of the Act states that no applicant will receive a permit to mine coal, or conduct AML work, if they have outstanding violations.

The AVS assists the SRAs with the required background checks to ensure no owner or controller, or AML contractor, with unabated violations receives a permit. The AVS produces a report that outlines the current O&C information and violation activity for each owner, controller, and/or entity associated with a coal mine permit. SRAs then use these evaluations to assist in their determination of coal mining permit issuance or denial and authorities to proceed for AML projects.

During FY 2021, the AVS Office processed over 900 requests for data evaluations from State and Federal regulatory authorities and State abandoned mine land program officials to assist in identifying permit, AML fees, and AML-project eligibility problems.

In FY 2021, the AVS Office also facilitated the collection of \$14.6M from entities trying to remedy unabated Federal civil penalty and reclamation fee violations tracked in the AVS.

In line with the Department's intent in pursuing IT efficiencies, the AVS database utilizes Cloud infrastructure services acquired from a third-party contractor. In FY 2021, the AVS Office awarded a contract to host the AVS data on an Amazon Cloud architecture. The data was successfully migrated to an Amazon cloud structure and secures a long-term environment for the AVS to ensure the hosting environment meets all Federal and Department IT requirements.

Also, in FY 2021, the AVS Office began the process of modernizing the AVS system. An enhancement project in FY 2019 intended to increase the system's functionality, improve reliability, and correct some of the known system issues. While the enhancement project made certain aspects of the AVS more user friendly, it has exposed some system functionality issues. A contracting effort to modernize the AVS system began in FY 2021 and will continue into FY 2022. The team is developing the contracting documents and began the modernization process in early FY 2022. Once awarded, a software

development and testing team will be assembled and include OSMRE staff and State users, and the selected contractor to develop and test the final AVS product.

Customers of the AVS Office include State regulatory authorities, the coal industry, citizens groups, and other Federal agencies. AVS Office provides services to these stakeholders that include a notification process for OSMRE and State regulatory partners in identifying bankruptcies; financial analysis of SMCRA actions; assistance in interpreting AVS regulations; updating information in the AVS for multi-state coal businesses; providing AVS training to users; and providing investigative assistance to regulatory authorities on complex ownership and control issues.

The AVS Office reviews data contained in the AVS and conducts quality checks of the data contained in the database. In FY 2021, a permit latency review was performed of all permits residing in the system greater than one year without issuance. A total of 596 pending permit applications had a latency of more than one year in the AVS. After a review in FY 2021, the following updates were accomplished: 180 permits were issued; five permit applications were denied; four permit applications were terminated; 16 permit applications were withdrawn by request of their companies; 13 permit applications were deleted from the system; and 378 permit applications are still under review.

The AVS Office established a bankruptcy tracking process and assists OSMRE Field Offices, State regulatory authorities, the Office of the Solicitor and Department of Justice with tracking bankruptcies through the legal proceedings. This service provides data and information on permitting, ownership and control, major asset investigation, and other legal information to parties involved in the bankruptcy process. In FY 2021, the AVS Office tracked 29 active bankruptcies, closed out five cases that emerged from the bankruptcy process in some manner, and began tracking 4 new bankruptcies.

Customer surveys are used to document the responsiveness of AVS services provided to its customers. During FY 2021, the AVS Office received a customer satisfaction rating of 97 percent with a returned survey rate of 51 percent. OSMRE attributes the high 97 percent customer service rating to a shared conviction by all AVS staff that responding to customers' needs in a timely manner is a high priority.

## **2. Technical Training**

Technical Training provides OSMRE, State, and Tribal staff the necessary information and skills to implement the surface mining reclamation and enforcement program. This request includes \$3,250,000 and 26 FTE for this program activity.

### **a. National Technical Training Program**

OSMRE established the National Technical Training Program (NTTP) in 1985, recognizing the need for an ongoing educational program to increase the technical competence and professionalism of Federal, State, and Tribal personnel. Examples of the training the program provides covers topics such as dangerous highwalls, permit approval, bond release, training for new instructors, and reclamation and enforcement. In addition, the training serves to build and update technical expertise and fosters a consistent application of standards. Training is provided in each of the disciplines involved in the

implementation of SMCRA, which include chemistry, geology, engineering, hydrology, blasting, agronomy, and botany.

All aspects of the program, from identification of needs through course design and presentation, are cooperative efforts of State, Tribal, and OSMRE offices. There is an economy of scale achieved by pooling State and Federal resources, which allows instruction in a wide variety of subjects each year for supporting State, Tribal, and OSMRE programs.

Meeting Specific Needs of Mining and Reclamation Staff through Special Sessions: OSMRE hosts special training sessions in response to requests from State regulatory and reclamation staff in addition to its regularly scheduled NTTP courses. These special sessions leverage local training facilities and sites, where State, Tribal, and OSMRE offices identify an increased need for training in a specific course curriculum.

Course Enhancements: NTTP consistently updates course curriculum and presentation materials to capture changes and advances that occur in field operations over time. For example, NTTP recently updated the Erosion and Sediment Control course, including Appalachian Region Reforestation Initiative (ARRI) updates and West Wind sections information on water and sediment movement dynamics in a pond. The curriculum updates also included new information on how to describe the crucial factors affecting water and wind erosion and how to properly evaluate and discuss these impacts using case studies of erosion, sediment control, and prevention techniques.

The Historical and Archaeological Resources course was consolidated to an online 2-day course, including updates to the description and applicability of the National Historic Preservation Act. NTTP is planning upcoming revisions for the Applied Engineering Principles, Wetlands Awareness, Coalfield Communications, SMCRA/Endangered Species Act, Bonding: Cost Estimation, Permitting Hydrology, Permit Findings, and Advanced Blasting courses. NTTP also plans to develop new online courses in FY 2022; Effective Writing, Underground Mining Technology, Soils and Revegetation, Instructor Training Course, Applied Engineering, Subsidence, Dangerous Openings, and Advanced Blasting. These online course offerings will supplement the in-person course offerings as part of a more flexible and robust training schedule.

Annual Program Planning to Identify Training Needs: Each spring, OSMRE conducts a Training Needs Survey for the upcoming fiscal year to determine the training needs of the State and Tribal and OSMRE regulatory and reclamation staff. NTTP analyzes the annual survey results to determine if there is sufficient interest to justify a course and how many course sessions are needed. Students are assigned to classes closest to their office to minimize travel costs and provide students with field experience, most like their geographic working conditions. The number of requests for courses usually exceeds the number that NTTP can offer. To address changing on-the-ground needs, NTTP staff continues to work with offices to meet subject-specific needs that arise after the annual needs survey. To assure that students receive the latest technical and programmatic information, NTTP continually reviews courses based on student, supervisor, and instructor feedback and revises or adds courses accordingly in consultation with the NTTP/TIPS Steering Committee.

Plans for FYs 2022 and 2023: NTTP continued to receive requests for training spaces in FY 2022 and anticipates it will receive additional requests for special sessions in upcoming years. OSMRE developed eight online courses to address training needs during the COVID-19 pandemic and has plans to design, develop, and deliver eight additional online courses in FY 2022.

**b. TIPS Software Application Training**

The tools that TIPS provides to State, Tribal, and Federal offices ensure that all agencies with SMCRA responsibilities are using the same advanced software and hardware tools to conduct the business required by the Act. TIPS offers more than just software and hardware; the program also provides specialized training to use these tools in mining and reclamation. The TIPS Training Program is a collaborative effort among OSMRE, States, and Tribes. Course developers and instructors are reclamation experts who use TIPS software to solve a wide range of complex permitting, enforcement and abandoned mine land problems. Although most of TIPS tools are off-the-shelf applications, TIPS training is tailored exclusively to mining and reclamation uses. TIPS courses are delivered on-line, on-site at the customer's request, and in training centers located in OSMRE's offices in Alton, Illinois, Pittsburgh, Pennsylvania, and at vendor training centers in Denver, Colorado.

In FY 2021, the TIPS training program received a customer satisfaction rating of 98 percent, exceeding the annual GPRA goal of 96 percent. No in-person instructor-led classes were conducted in FY 2021 due to COVID-19 pandemic restrictions. However, 33 virtual instructor-led classes were held in FY 2021, with 410 students completing class sessions. TIPS training reports shows a 206% increase of students trained over the previous year, despite the travel restrictions due to COVID-19. 100% of students trained completed an on-line TIPS course. The number of State personnel trained increased by 60% in FY 2021, with 30 States being served.

In FY 2021, TIPS offered professional development opportunities for the OSMRE (NTTP and TIPS) Training teams to increase the skills and knowledge of instructors, course development support, and virtual producers for both in-person and on-line environments by hosting a series of professional development opportunities including three Virtual Instructor Training Courses and two virtual roundtables.

For FY 2022, OSMRE plans to hold 36 TIPS in-person and virtual instructor-led courses, including five pilot offerings for new courses. These classes will be a mixture of vendor hosted and TIPS instructor facilitated courses. During the first quarter of FY 2022, a needs assessment was conducted to determine additional courses and services to be developed for launch in late FY 2022 into 2023.

While traditional TIPS courses are facilitated by an instructor in a traditional classroom, the TIPS Training Program has successfully expanded its on-line opportunities utilizing a platform easily accessible to State and Tribal customers. In FY 2022, TIPS will offer *Training by Request* to provide "just-in-time" training resources for our customers. In FY 2022, TIPS will continue to educate its instructors on techniques to teach in an on-line environment by hosting a series of professional development opportunities, including a Virtual Instructor Training Course.

**c. Regional/Site-Specific Training**

OSMRE conducts courses and workshops at OSMRE, State and Tribal locations to address specific needs. OSMRE provides specific, on-the-job training on topics such as technical software applications, field equipment, blasting certificate update training, grants management, how to prepare and/or process State program amendments, GIS data collection, performance bond cost estimation, and conducting AML project design. OSMRE provides these classes on short notice, usually within 1 to 3 months of request, and tailors them to the specific needs of the audience. Examples of such tailored training include:

Statewide Blaster Training: In FY 2021, Kentucky, New York and West Virginia received specialized on-line blasting training for over 60 inspectors. Until recently, designated blasting specialists conducted all blasting inspections. States have transferred these duties to the general inspection staff to manage dwindling resources. The OSMRE-developed State specific training ensures that the inspectors have the knowledge and tools to effectively regulate the blasting aspects of coal mining. The classes were delivered weekly at each of the State's regional offices over a period of three months to ensure that required inspections frequencies were not impacted by training attendance.

Periodic NEPA Training: The Charleston Field Office provides periodic NEPA training to the Virginia Energy Division of Mine Land Repurposing for environmental assessment preparation pertaining to AML reclamation and AMLER projects.

Site-specific classes allow State, Tribal, and OSMRE managers to respond quickly to changing technology and workforce. Although OSMRE significantly reduced its site-specific course offerings in FY 2021 due to the COVID-19 pandemic, these type courses will resume as soon as conditions allow. As industry and governments continue to develop new technologies in photogrammetry and terrestrial scanning, OSMRE expects that requests for specialized training will increase over the next few fiscal years. As the varying programs acquire their own systems in these fields, training on operation, data collection, processing and using the results in enforcement processes will be essential to the efficient enforcement of SMCRA requirements.

### **3. Technology Transfer**

Technology Transfer is an integral component of OSMRE's Environmental Restoration and Environmental Protection business lines, providing essential support to State and Tribal programs. This request includes \$3,328,000 and 12 FTE for these activities. State technical representatives meet frequently with OSMRE regional staff to share resources whenever practicable to resolve regional technical issues. Due to the COVID-19 pandemic, activities during FY 2021 were limited to teleconferences and virtual meetings and conferences. As recovery from the pandemic moves forward, OSMRE will sponsor and participate in both virtual and face-to-face interactive technical forums, computer applications workshops, and technical seminars to address mining and reclamation environmental issues. OSMRE partners with the States, Tribes and industry to develop technology transfer priorities

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

In addition to activities between OSMRE and States, Tribes and industry, OSMRE has extended Technology Transfer opportunities to other Federal agencies, in particular the MSHA. When seats are available in OSMRE training classes they have been made available to MSHA. When applicable, OSMRE also informs MSHA representatives of funded Applied Science projects, invites their participation in site and laboratory visits, and asks for their comments regarding conduct and results of these studies.

**a. Technology Development**

One of OSMRE's 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 and provide for better science-based decision-making. OSMRE will continue to advance technologies and practices specific to coal mine sites for more comprehensive ecosystem restoration, including reforestation and reclamation using native vegetation and plant habitat.

A significant component of Technology Development is the OSMRE Applied Science Program. During FY 2021 the National Technology Transfer Team (NTTT), which administers the Applied Science Program, working with Grants Specialists, executed cooperative agreements for eight projects selected for funding in response to a Notice of Funding Opportunity (NOFO) issued in FY 2020. These projects are currently underway. The NTTT issued another NOFO in FY 2021 and is currently awaiting proposals. Once received, these proposals will be reviewed and ranked by the NTTT, and the OSMRE Executive Council will select projects to be funded in FY 2022.

**b. Technology Transfer and Publication**

Technology Transfer is accomplished through a variety of activities including conducting workshops and technical forums; publication of workshop and forum proceedings, handbooks, and other materials; maintenance of the OSMRE technical library and various information websites. The COVID-19 pandemic delayed or cancelled all planned in-person FY 2021 Technology Transfer events but despite the challenges of the pandemic, OSMRE staff continued to provide States and Tribes with information and Technology Transfer materials. Examples of Technology Transfer activities include:

Blasting: OSMRE has developed and maintains a series of Excel spreadsheets that provide mine inspectors and permit reviewers with the necessary tools to evaluate blasting information.

- Blast Log Evaluation Program (BLEP): BLEP allows inspectors to evaluate and document the general overall wellness of a blaster's recordkeeping by cross tabulating the data fields and visually plotting the results. It is particularly useful when evaluating large blocks of data when addressing citizen complaints.

- Blast Induced Vibration Data Evaluation Program (BIVEP): BIVEP statistically evaluates blast log, ground vibration and air blast data to determine site specific conditions for enhanced vibration control or modified scaled distance compliance.
- Blast Design Rule of Thumb (BDRT): The BDRT spreadsheet is a blast design tool that can be used to quickly design a blast hole or determine if an existing design is within typical industry standards and has potential to perform safely and compliantly.

Reforestation: OSMRE continues its effort to encourage proper reforestation practices to increase the amount of mined land reclaimed as healthy, productive forests. The reforestation initiative effort has resulted in not only increased use of the Forestry Reclamation Approach (FRA), but also technical and policy symposia and a reforestation website to explain the methods and benefits of reforestation. The Appalachian Regional Reforestation Initiative (ARRI) team members give presentations at professional meetings, and the 33-member Science Team (made up of university researchers from across the country and members of the American Bird Conservancy, The American Chestnut Foundation, the U.S. Geological Survey, and the U.S. Forest Service) publish bulletins on state-of-the-art reforestation practices. The 2020 and 2021 Annual Mine Land Reforestation Conferences were cancelled due to the pandemic. Prior to the pandemic, ARRI brought together landowners, industry representatives, environmental groups, researchers, regulatory personnel, and citizens groups to an Annual Mined Land Reforestation Conference, to learn about advancements regarding the use of the FRA to reclaim coal mine sites. The conferences will resume when appropriate. In FY 2021, ARRI and partners organized 19 planting events, reforesting 778.8 acres, involving professional tree planters and volunteer tree planters. In total, 394 volunteers helped plant 519,232 trees on post-bond release mine sites across Appalachia. The volunteers learned about planting trees using FRA and the positive environmental and economic impacts of forests in their State. In addition, the coal industry utilized the FRA on 96.7% of all the trees planted in the Appalachian Region. Also, during FY 2021, ARRI staff made four presentations, in cooperation with West Virginia State University as part of the “Agritherapy” pilot program, offered through and funded by the Veterans Administration. The goal of this program was to provide therapy for veterans, with the tool being agriculture; in this case, OSMRE FRA practices. The four presentations were made outdoors, with COVID 19 safety protocols in place, on April 29, May 29, June 15, and August 24.

Workshops and Forums: National and regional workshops and forums facilitate the exchange of information between technical experts in the mining and reclamation fields, and also communicate that knowledge to the wide audience of regulators, citizens and mining company officials. As a result of the COVID pandemic, OSMRE has been unable to conduct several events and is working to convert these events to virtual formats. OSMRE still plans to hold workshops on issues such as bonding, water quality, gas wells in coal mining areas, stream restoration techniques, geomorphic reclamation, and protection of endangered species. OSMRE formed a team that is working to develop and implement a strategic approach to technology transfer, taking advantage of new and emerging technologies in addition to more traditional approaches. In particular, OSMRE is currently updating its website and the technology development and transfer web pages will be enhanced to include hosting of webinars; providing access to presentations from conferences, workshops, forums, and webinars, and marketing upcoming events using various forms of social

media. During FY 2021, OSMRE also initiated a quarterly Technology Development and Transfer newsletter to aid in disseminating information regarding new mining and reclamation methods, and to aid users in locating information within their areas of interest.

OSMRE typically participates in several national and regional events that facilitate technology transfer annually. However, due to COVID-19 pandemic, the majority of these events were cancelled or postponed for FY 2021. OSMRE expects these events will resume to pre-pandemic levels, as the situation allows, in FY 2022 and FY 2023.

Reports, Forums and Workshop Proceedings: OSMRE makes available on their website various technical publications. The agency publishes proceedings, reports and event notices in paper copy, on CD/DVDs, and over the Internet to reach the widest audience possible.

Short Courses on Topics in SMCRA: During FY 2021, OSMRE provided condensed virtual classes to States on subject matters in subsidence, blasting, hydrology, and underground mining. These mini-courses allow subject matter experts to interact with SMCRA Program Offices, share expertise, and provide guidance from past projects.

### **c. Educational Outreach and Partnership**

To make the public and students aware of OSMRE's responsibilities and to create a conservation stewardship legacy, OSMRE staff provides educational outreach to science teachers associations, science classes, educational fairs, Earth Day events, career days, foreign visitors, grassroots organizations, and professional associations and societies. Due to the COVID pandemic, many of these efforts were conducted virtually during FY 2021. Additional outreach is provided through publications and distribution of forum proceedings. Outreach efforts will continue in FY 2022, within any limitations imposed in response to the COVID-19 pandemic. OSMRE participates in local activities supporting such events as college and university seminars, high school career days, and primary grade school presentations that provide age-appropriate information and workshops about environmental stewardship and promote careers in science, technology, engineering, and math to students across the country. These programs provide students access to the top organizations to engage and encourage our future workforce. OSMRE's youth outreach efforts help foster and advance a conservation legacy that will serve the Nation for generations.

University Partnerships: Minority Higher Education Program: OSMRE works to build mutually beneficial partnerships with minority serving colleges and universities under the OSMRE Minority Higher Education Program (MHEP). OSMRE provides guidance and direction on these projects to ensure that the intended results are achieved. OSMRE also collaborates with our MHEP partners on training and educational programs.

In addition to traditional training within the SMCRA community, OSMRE staff regularly attend career fairs and National conferences at several Minority Serving Institutions (MSI) including Historically Black Colleges/Universities (HBCU) career fairs, and the National conferences of the Hispanic Association of Colleges and Universities (HACU), the Minorities in Agriculture, Natural Resources

and Related Sciences (MANRRS), and the Society of American Indian Government Employees (SAIGE).

Internships: OSMRE supports professional environment internships through AmeriCorps on both semester and year-term bases. This program yields great benefit for the intern, OSMRE, and the entire SMCRA community. For example, during FY 2021, the Charleston Field Office sponsored an AmeriCorps Intern who assembled a GIS database of over 600 bat gates that have been installed by the WVDEP/AML over the years, and the National Mine Map Repository sponsored an AmeriCorp Intern who developed a tool to identify duplicate files in the map database that contains hundreds of thousands of files.

## **TECHNOLOGY DEVELOPMENT AND TRANSFER**

### **2022 Planned Program Performance**

In FY 2022, planned activities in Technology Development and Transfer include:

- Provide technical assistance to States and Tribes, making use of emerging technologies for field data collection, and in-house information processing capabilities.
- Continue beta testing and refinement of AMDTreat Software to provide an updated and enhancement version of the AMD treatment cost-estimating tool to the SMCRA community and the public.
- Support and substantially contribute to finding and developing domestic sources of critical rare earth minerals to meet the Executive Order 13953 dated September 30, 2020.
- The OSMRE Blaster Certificate Coordinator will continue to coordinate blaster certificate activities with State personnel, Federal agencies (MSHA, OSHA, and ATF) and professional organizations (International Society of Explosives Engineers, Institute of Makers of Explosives and National Fire Protection Association).
- Support State and Tribe coal reclamation and AML programs with direct technical support. OSMRE GIS will continue to support field data collection both internally and with States and Tribes by upgrading data collection applications and methodologies so that data collected in the field is better used and shared.
- Continue to expand partnering opportunities for students and recent graduates in science, technology, engineering, and mathematics. OSMRE staff plan to participate in virtual or face-to-face outreach events at several K-12 grade schools and educational organizations. In FY 2022, OSMRE staff will once more participate in the Carnegie Science Center, National Engineer's Week and National Chemistry Week in Pittsburgh, PA. OSMRE staff will attend and participate in the Junior Achievement Career Fair at the Monroeville Convention Center in Monroeville, PA similar to past fiscal years.
- Develop course materials and topics that are relevant, useful, technically sound and impressive.
- Issue a solicitation for Applied Science proposals that will help use science-based solutions to address mining and reclamation issues, select the best proposals to achieve the highest valued outcomes, and continue to track projects to verify value of results.
- Serve customers needing information from the NMMR. NMMR will continue its outreach efforts to better target map collections, enhance its database management systems and coordinate with the states' mapping programs to synchronize efforts. NMMR will also work towards allowing digital downloads of the map scans.
- Continue the AVS modernization effort, to include re-design of the AVS to address its outdated IT architecture and programming language. A contract to modernize the AVS is expected in FY 2022.

## **2021 Program Accomplishments**

In FY 2021, the major accomplishments in TDT include:

- Provided blasting technical assistance including:
  - State specific blasting inspection training for over 100 regulatory authority employees and continuing education training for over 300 certified blasters across the Nation;
  - Maintenance of the ARblast webpage that continues to be one of the most used OSMRE webpages, accounting for 6% of overall traffic;
  - Monthly “Blasting Technical Chat” conference calls with 20 to 25 participants per month to discuss blasting technology applications in the field;
  - Facilitation of the-Blasting Inspectors Workshop, with participants from seven States;
  - Facilitation of regulatory discussions at the Appalachian Blaster Certification Delegation meeting;
  - Instruction of a blaster certification class for the Wyoming DEQ; and
  - Responding to numerous inquiries for technical information and advice from the public, States, and other Federal agencies.
- Enhanced the National Mine Map Repository (NMMR):
  - Added 96 new document numbers to the database consisting of 327 mines;
  - Updated and improved 11,118 mine map entries; and
  - Produced aperture card backups for 6,514 mine maps.
- Undertook two AVS Office contracting efforts; one to provide a cloud-based hosting environment for the AVS, a second to modernize the AVS. The AVS database was successfully migrated to a cloud-based hosting environment and is currently undergoing maintenance and enhancements to reduce total storage and efficiently utilize existing storage space.
- Completed software development and initial testing for e-permitting, Release 2, which enhances the previous software release by incorporating Federal-specific rules for Federal Program States and Tribes.
- Conducted educational outreach opportunities regarding the OSMRE mission, coal mining and careers in science, technology, engineering, and mathematics for K-12 students across various schools and educational organizations, as local COVID-19 restrictions allowed, throughout the country.
- Held monthly Technology Transfer Team calls covering a variety of topics currently impacting mining and reclamation practices. Hosted presentations covering these topics at the regional level and solicited and reviewed proposals for the Applied Science Program at the national level.

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**Financial Management**

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# FINANCIAL MANAGEMENT

## Financial Management Budget Request

(Dollars in Thousands)

	2021 Actual	2022 CR	Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2023 Request	Change From 2022 (+/-)
<b>Regulation and Technology</b>	<b>505</b>	<b>505</b>	<b>+17</b>	<b>-</b>	<b>+13</b>	<b>535</b>	<b>+30</b>
Revenue Management	407	407	+12		+9	428	+21
<i>FTE</i>	<i>1</i>	<i>2</i>			-	<i>2</i>	-
Grants Financial Management	98	98	+5		+4	107	+9
<i>FTE</i>	<i>1</i>	<i>1</i>			-	<i>1</i>	-
<b>Abandoned Mine Reclamation Fund</b>	<b>5,277</b>	<b>5,277</b>	<b>+176</b>	<b>-</b>	<b>+708</b>	<b>6,161</b>	<b>+884</b>
Fee Compliance	5,164	5,164	+172		+204	5,540	+376
<i>FTE</i>	<i>34</i>	<i>28</i>			-	<i>28</i>	-
Grants Financial Management	113	113	+4		+504	621	+508
<i>FTE</i>	<i>1</i>	<i>1</i>			+4	<i>5</i>	+4
<b>Total, Financial Management</b>	<b>5,782</b>	<b>5,782</b>	<b>+193</b>	<b>-</b>	<b>+721</b>	<b>6,696</b>	<b>+914</b>
<b>Total FTE</b>	<b>37</b>	<b>32</b>	<b>-</b>	<b>-</b>	<b>+4</b>	<b>36</b>	<b>+4</b>

### Summary of 2023 Program Changes for Financial Management

Request Component	(\$000)	FTE
Replace Hydrocarbon-powered Vehicles with ZEVs	+82	-
Enhanced Grants Financial Management	+500	+4
2022 Baseline Capacity	+139	-
<b>TOTAL Program Changes</b>	<b>+721</b>	<b>+4</b>

Financial Management provides resources for OSMRE to carry out its responsibilities through fee compliance, revenue management and grants management.

#### Justification of 2023 Program Changes

The 2023 budget request for Financial Management is \$6,696,000 and 36 FTE, a program change of +\$721,000 and +4 FTE from the 2022 CR level.

**Zero Emission Vehicle Fleet Conversions (+\$82,000)** – The 2023 budget includes funding to accelerate the conversion of OSMRE’s fleet to zero emission vehicles (ZEVs) and provide charging stations and hydrogen fueling stations to support those vehicles and future ZEVs. This conversion will immediately reduce the Interior’s contributions to greenhouse gas emissions and dependence upon hydrocarbons. The investment in infrastructure will support these new vehicles and ensure charging infrastructure is available for subsequent ZEVs. This project is being coordinated across Interior and with other agencies to maximize utility of charging and hydrogen fueling stations in areas where multiple agencies operate. The funding also supports a small planning and coordination function to effectively deploy the fleet and charging infrastructure.

**Enhanced Grants Financial Management (+\$500,000/+4 FTE):** The 2023 budget provides additional resources to effectively manage the increasingly complex workload associated with Federal assistance programs, including the AMLER program, the proposed PTPP, as well as the complex coordination and oversight responsibilities associated with mandatory transfers to the UMWA Benefit Plans.

**Baseline Capacity (+\$139,000):** The 2023 budget includes important investments in programs needed to help strengthen America and increase competitiveness as the world continues to change. These investments include funding needed to maintain a strong, talented workforce and the must pay requirements needed to continue to fulfill the OSMRE mission. The budget includes \$139,000 in this activity, which reflects the incremental amount needed to cover the fixed costs associated with mission operations in FY 2022. This request in combination with the FY 2023 fixed costs amounts will allow the program to meet must pay requirements without impacting program activities.

## OVERVIEW

This Financial Management business line provides resources for OSMRE to carry 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 States and Tribes for Abandoned Mine Land (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.

The Financial Management business line also provides for monetary transfers to the United Mine Workers of America Fund (UMWAF) health care plans and the 1974 Pension Plan. This involves reviewing the annual transfer requests, supporting documentation, actuarial reports, audited financial statements, reconciling true-up from prior-year transfers; estimating future interest earnings; preparing various budgetary estimates and projections; and planning annual audit procedures to assist in substantiating the annual transfers.

Financial Management operations are an integral part of OSMRE's Environmental Restoration and Environmental Protection mission areas. State and Tribal grant funding (reclamation and regulatory) disbursement for the administration of regulatory activities and reclamation cleanup projects is managed through this program activity. OSMRE, States, and Tribes fund reclamation project work through the fees collected from current mine operators. The funds are provided through annual mandatory grants distributed to States and Tribes. The reclamation projects clean up environmental hazards resulting from past mining operations that degrade land and water resources. The regulatory grants, which are appropriated annually, fund the administration of State regulatory programs that protect people and the environment from adverse effects associated with current mining and ensure the land is restored at the conclusion of mining.

<p style="text-align: center;"><b>FINANCIAL MANAGEMENT ENCOMPASSES:</b></p> <p>Fee Compliance</p> <p>Grants Management</p> <p>Revenue Management</p> <p>UMWA Transfers</p> <ul style="list-style-type: none"><li>• UMWAF Health Care Plans</li><li>• 1974 Pension Plan</li></ul>
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**Operational Processes (Program Activities):**

OSMRE carries out its program financial management responsibilities through three program activities: fee compliance; grants management; and revenue management. Financial management also includes activities to support funding transfers to the UMWAF health care plans and the 1974 Pension Plan. This business line does not include administrative accounting or reporting for appropriated funds.

The outcome of OSMRE’s Financial Management program performance is measured primarily 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. Workload indicators identified for this business line include the quarterly fee collection reports and fee collection rate for operators reporting coal tonnage, internal audits for fee collection and compliance, and accounting and reporting requirements.

**Actions Required to Achieve Annual Goals:** OSMRE uses technology and customer service initiatives to achieve compliance and improve processing of collections. This includes using technology to ease the coal companies’ reporting burden, receive quarterly coal production reports, provide information to companies, and allow companies to make payments online. OSMRE uses new and streamlined collection services as they become available and works with customers and stakeholders to ensure fair and consistent policies.

In FYs 2022 and 2023, OSMRE will continue to maintain and improve its Coal Fee Collection Management System (CFCMS), which OSMRE uses to process and manage coal reclamation fees, compliance audit findings, and civil penalties. OSMRE continually looks for opportunities to automate processes and streamline coal operating company reporting through the consolidated coal data reporting system (Single Source Coal Reporting System). OSMRE will also continue to support State and Tribal program operations through the Grants Management activity. OSMRE has over 272 active grants and cooperative agreements with the States and Tribes, accounting for over \$978 million.

**Resources, Skills, and Technology Capacity:** To support program activities and to assure the collection of appropriate fees, OSMRE maintains a highly trained cadre of fee compliance auditors, program accountants, and financial systems personnel. OSMRE will use training to ensure that financial management personnel maintain a high level of skill and technical expertise. OSMRE will also continue to use contractors to handle billing, data entry, and appropriate collection functions.

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

## **2023 PROGRAM PERFORMANCE**

### **1. Fee Compliance**

The fees collected from active coal operators provide the funding used by OSMRE, States and Tribes to restore land and water degraded by past mining practices to beneficial uses. OSMRE collects the fee from active coal operators based upon tons of coal produced.

OSMRE's Fee Compliance Program carries out the Surface Mining Control and Reclamation Act's (SMCRA) requirements to ensure coal operators accurately report coal production and pay appropriate reclamation fees. The program goal is to maximize compliance by applying policy and collection procedures fairly and consistently at a reasonable cost. This request includes \$5,540,000 and 28 FTE for the Fee Compliance activity.

In FY 2021, OSMRE's Fee Compliance Program achieved a 99.5 percent collection rate resulting in \$112.4 million in total collections. Collections decreased from FY 2020 due to decreased coal production and several coal company bankruptcies. By working closely with the industry, the program achieved a 97.4 percent compliance rate for operators filing their tonnage reports. OSMRE maintained a high percentage of permits that filed Coal Reclamation Fee (OSM-1) Reports electronically, at 83.4 percent in FY 2021. During FY 2021, OSMRE also processed 83.0 percent of the coal reclamation fee reports automatically, and 79.9 percent of payments automatically.

The Fee Compliance Program is comprised of two 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. Key initiatives that OSMRE will pursue in FY 2022 include:

- Maintaining the SSCR system and the CFCMS.
- Increasing the use of automation in conducting fee compliance audits to further improve efficiency.

#### **a. AML Fee Collection**

The collection component assures the AML Fee payment requirements of SMCRA are applied consistently and fairly across the country. In FY 2021, OSMRE collected 99.5 percent of the AML Fees due during the year. Total FY 2021 AML Fee collections were \$112.4 million.

To assist in managing AML Fee collections, OSMRE utilizes CFCMS. This computerized system provides subsidiary accounts receivable and management information needed to manage the fee compliance program. CFCMS is integrated with the AVS to track new permits from initial permitting through fee reporting. CFCMS tracks AML fee payments 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 reports are available on-line through OSMRE's E-filing website. Permit information is pre-filled and the system automatically calculates the

coal reclamation fees due, based on the data entered by the company. For the permits that are not filed on-line, OSMRE mails a paper reporting package.

On average, over 839 permits are reported on OSM-1 reports and processed each quarter. OSMRE uses an internet-based system to allow coal companies to file their quarterly coal production reports electronically. Companies report that the on-line reporting system saves them time and money. The efficiency is evidenced by the fact that 266 companies voluntarily use the E-filing system to report on approximately 700 permits and over 94.8 percent of the coal tonnage produced nationwide. The system significantly streamlines the reporting process, makes it easier for companies to report on time, reduces errors, and makes it easier for OSMRE to follow-up with companies that have not reported. The system also allows companies to make payments online, using the Treasury Department's Pay.Gov payment method. This feature saves companies time and wire transfer costs, while providing OSMRE with timely information about collections for investment purposes.

OSMRE uses CFCMS to provide the ongoing support for the Fee Compliance Program. The system enables OSMRE to manage the fee compliance process, from permit issuance to mining completion. CFCMS also supports the related financial processes, including fee accounting, payment processing, billing, debt collection, and financial and management reporting.

#### **b. AML Fee Audit**

SMCRA requires OSMRE 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 AML Fee Audit 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, the audit staff also performs other activities to promote compliance; this includes identifying responsible parties for reclamation fee liability on new and transferred permits, providing the information and assistance operators need to comply, and taking appropriate enforcement action when non-compliance occurs.

Over 70 percent of the audit staff are remote workers, strategically located to be responsive to program needs while significantly reducing travel and overhead costs. To ensure quality, audits are performed in accordance with Generally Accepted Government Auditing Standards (GAGAS), and the continuing professional education and training of OSMRE's audit staff is conducted in accordance with those standards. The audit program maintains an internal control system and monitors it on an ongoing basis to provide reasonable assurance that the policies and quality controls are suitably designed and effectively applied. GAGAS requires an independent peer review of OSMRE's audit program every three years. The most recent peer review of the audit program issued a final report with a rating of "Pass", the highest possible rating. This is consistent with the audit program's previous peer review results, indicating that OSMRE's audit function is performed in accordance with professional standards. The next peer review is scheduled for FY 2023.

With a highly visible and comprehensive audit presence, the small audit staff serves as an effective deterrent to noncompliance. To support the program goal of maximizing compliance, OSMRE auditors will conduct more than 130 reclamation fee compliance audits in FY 2023. In addition to deterrence,

audits afford an opportunity to promote up-front compliance by providing direct assistance to the industry on accounting and reporting matters needed to meet their reclamation fee responsibilities. For example, when instances of non-compliance are identified, the auditors thoroughly explain the issues and the corrective actions needed to avoid recurrences.

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 2023 and beyond.

Increasing audit automation: By using an automated audit package designed and developed in-house and applying computer techniques to the data gathering, analysis, and reporting function, the audit staff has been able to maintain a high compliance level. To further improve efficiency, OSMRE will continue to increase the use of computer assisted auditing techniques and 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 1,000 newly issued coal mining permits and transactions (transfers and amendments), which can affect the parties responsible for paying fees. In FY 2021, the staff evaluated 1,244 permit transactions. By continuing these efforts, the program provides significant assurance that all producing permits are identified in a timely manner, and operators are informed of their reporting and payment responsibilities.

Promoting E-government: OSMRE's audit staff has been instrumental in the successful implementation of various E-government efforts. During FY 2023, the audit staff will continue to promote electronic tonnage reporting and fee payment by discussing the benefits of the systems and demonstrating how the systems work for companies during audits, as well as, notifying OSMRE's collection staff of those interested in enrolling in E-filing and Pay.Gov.

Coordinating work with the Internal Revenue Service (IRS): OSMRE will continue working with the IRS to ensure that the fee compliance and coal excise tax compliance programs function together more efficiently. OSMRE will forward audit results and other relevant information to the IRS to promote inter-agency cooperation. Overall, there will be a continued emphasis on improving compliance and customer service.

Table 7 shows annual production in tons and fees collected

**Table 7 – Deposits to the AML Fund and AML Production Fees**  
*(Production in Millions of Tons) (Dollars in Millions)*

<b>Production*</b>	<b>2021 Actuals</b>	<b>2022 EIA Projections</b>	<b>2022 OSMRE Projections</b>	<b>2023 EIA Projections</b>	<b>2023 OSMRE Projections</b>
Underground	210	276	249	260	235
Surface	289	322	289	286	256
Lignite	48	54	53	49	49
<b>Collections</b>	<b>2021 Actuals</b>	<b>2022 Projections</b>		<b>2023 Projections</b>	
AML Fees **	\$112.4	\$92.4		\$83.6	

*\* The projections are based on calendar year (CY) projections made by the Department of Energy's (DOE) Energy Information Administration (EIA) Annual Energy Outlook 2021, Reference Case Forecast, Table 65 (Coal Production by Region and Type). OSMRE tonnage uses the last reported production (Fiscal Year 2021) and then increases or decreases that value based on the percentage increase or decrease in DOE production for each coal type. The OSMRE projections are usually lower because AML fees are determined by the weight of the coal at the time of initial sale.*

*\*\* AML Fees are calculated based on the OSMRE tonnage estimates multiplied by the applicable current fee rate: \$0.12, \$0.28, and \$0.08 for underground, surface, and lignite, respectively until the end of FY 2021. The calculations are adjusted for moisture content, reduced coal prices and fees, administrative fees and uncollectible fee estimates.*

Table 8 provides a summary of the Abandoned Mine Reclamation fund from 1978.

**Table 8 – Summary Status of Abandoned Mine Reclamation Fund**  
(Dollars in Thousands)

Fiscal Year	Receipt Amount	Interest Earned	Cumulative Income	Amount Appropriated from AML Fund	Footnote	Appropriations from Other Sources	Transfer To UMWAF Health Benefit Plans	Cumulative Appropriated Balance	Cumulative Unappropriated AML Fund Balance
1978-99	4,984,248	472,032	5,456,282	3,819,485	/1, /2, /3	17,363	192,886	4,012,370	1,443,912
2000	274,297	94,369	5,824,949	195,873	/4		108,960	4,317,203	1,507,745
2001	284,044	103,496	6,212,489	215,038	/5		182,019	4,714,260	1,498,228
2002	287,066	43,278	6,542,833	203,455	/6		90,179	5,007,894	1,534,939
2003	282,555	23,620	6,849,007	190,499	/7		89,858	5,288,251	1,560,756
2004	287,023	45,695	7,181,725	190,591			14,967	5,493,809	1,687,916
2005	293,604	75,017	7,550,347	188,206			66,533	5,748,548	1,801,798
2006	302,992	95,687	7,949,025	185,248			59,004	5,992,800	1,956,225
2007	304,880	105,818	8,359,723	185,393			114,329	6,292,522	2,067,201
2008	286,272	83,764	8,729,759	139,334	/8		100,394	6,532,251	2,197,508
2009	272,764	55,465	9,057,988	142,977	/9		61,224	6,736,452	2,321,536
2010	251,784	55,193	9,364,964	177,502	/10		63,926	6,977,881	2,387,083
2011	259,935	54,881	9,679,781	185,649	/11		57,246	7,220,777	2,459,004
2012	249,725	54,789	9,984,295	247,595	/12		48,430	7,516,802	2,467,493
2013	213,675	36,634	10,234,603	237,544	/13		54,789	7,809,135	2,425,468
2014	202,872	34,928	10,472,403	206,726	/14		12,359	8,028,220	2,444,183
2015	197,973	29,426	10,699,802	208,403	/15		31,803	8,268,426	2,431,376
2016	158,807	32,175	10,890,784	202,356	/16		29,109	8,499,891	2,390,893
2017	159,499	33,922	11,084,205	171,873	/17		32,140	8,703,904	2,380,301
2018	155,475	49,236	11,288,916	232,436	/18		46,257	8,982,597	2,306,318
2019	147,436	59,335	11,495,687	225,420	/19		54,321	9,262,338	2,233,349
2020	123,261	55,436	11,674,384	161,376	/20		37,132	9,460,846	2,213,538
2021	112,379	24,316	11,811,079	146,303	/21		29,220	9,636,369	2,174,710
2022	92,418	9,362	11,820,441	143,148	/22	11,293,000	19,404	9,798,921	13,569,490
/1 FY 1988 total does not include \$7M transferred into the fund by supplemental authority, which does not affect the Unappropriated Balance.									
/2 FY 1994 total includes \$7.2M transferred into the fund by supplemental authority, which does not affect the Unappropriated Balance.									
/3 FY 1998 total does not include \$3.2M transferred into the fund by supplemental authority, which does not affect the Unappropriated Balance.									
/4 FY 2000 total includes one-time \$68M emergency appropriation, as well as the annual appropriation of \$41M.									
/5 FY 2001 total includes annual amount of \$102.9M, as well as \$81.6M of the one-time \$96.7M mandated under PL 106-291.									
/6 FY 2002 total includes annual amount of \$113.6M, less \$23.4M returned by UMWACBF trustees mandated under PL 106-291.									
/7 FY 2003 total includes annual amount of \$56M as well as \$33.8M mandated under PL108-7.									
/8 FY 2008 total includes annual amount of \$52M as well as \$87.4M mandated under PL 109-432.									
/9 FY 2009 total includes annual amount of \$52M as well as \$90M mandated under PL 109-432.									
/10 FY 2010 total includes annual amount of \$35.5M as well as \$141.9M mandated under PL 109-432.									
/11 FY 2011 total includes annual amount of \$35.5M as well as \$150.1M mandated under PL 109-432.									
/12 FY 2012 total includes annual amount of \$27.4M as well as \$220.2M mandated under PL 109-432.									
/13 FY 2013 total includes annual amount of \$27.4M as well as \$210.1M mandated under PL 109-432.									
/14 FY 2014 total includes annual amount of \$27.4M as well as \$179.3M mandated under PL 109-432.									
/15 FY 2015 total includes annual amount of \$27.4M as well as \$181.0M mandated under PL 109-432.									
/16 FY 2016 total includes annual amount of \$27.3M as well as \$175.1M mandated under PL 109-432.									
/17 FY 2017 total includes annual amount of \$27.2M as well as \$144.7M mandated under PL 109-432.									
/18 FY 2018 total includes annual amount of \$24.7M as well as \$207.8M mandated under PL 109-432.									
/19 FY 2019 total includes annual amount of \$24.7M as well as \$200.7M mandated under PL 109-432.									
/20 FY 2020 total includes annual amount of \$24.7M as well as \$136.7M mandated under PL 109-432.									
/21 FY2021 total includes annual amount of \$24.8M as well as \$121.5M mandated under PL 109-432.									
/22 FY2022 total includes annual amount of \$27.5M as well as \$115.7M mandated under PL 109-432.									

## Table 8 Notes:

- Annual figures for FY 1978-1999 are displayed in the FY 2015 Budget Justification, Table 9.
- FY 2022 figures on this table are estimates. Projected interest is based on known investments earnings that will be paid out in FY 2022.
- AML Fund balances in this table are as of September 30, 2021, and do not include the last two months of the AML fee collection cycle (i.e. October 1- November 30). The annual AML Grant distribution tables, published separately, will show AML Fund balances that will include the collection of AML fees, interest earned, and transactions through November 30, 2021.
- Although the billing cycle for coal produced ends on September 30<sup>th</sup> each fiscal year, OSMRE allows an extra two months for operators to make payments into the AML Fund. This additional collection time, along with interest payments to the UMWA that occurs during this two-month period, accounts for the variation in the AML Fund balances shown in Table 8 and the annual AML Grant distribution table.
- The AML Fund experiences a spike in fee collections during the final two months of the collection cycle and based on this consistent trend, OSMRE established protocols beginning in FY 2008 to ensure that State and Tribal AML programs receive the maximum amount of benefit from the AML Fund by calculating the annual formula-based AML grants after November 30<sup>th</sup> rather than at the end of the Federal fiscal year. Consequently, the FY 2021 AML Grant Distribution reports will vary slightly and include the amounts collected and interest earned in the AML Fund as of November 30, 2021, rather than the Federal fiscal year end of September 30, 2021.
- Sequestered funds are included in the annual amounts appropriated from the AML fund and not part of the unappropriated balance. AML Funds sequestered pursuant to 2 USC 901(a) remain unavailable for distribution and the statute requires those funds be accounted for in a separate account.

## 2. Grant Financial Management

This activity accounts for and disburses reclamation and regulatory grants to States and Tribes under OSMRE's Environmental Restoration and Environmental Protection business lines. The Grant Financial Management activity includes the disbursement, accounting, reporting, and recovery of grant funds. This FY 2023 request includes \$728,000 and six (6) FTE for Grant Financial Management.

The 2006 SMCRA Amendments (Public Law 109-432) made most AML Fund grant activity mandatory, and no longer part of OSMRE's discretionary budget, beginning in FY 2008. Since that time OSMRE has calculated grant distribution in accordance with the SMCRA amendments.

Along with the mandatory AML distributions given to the States, OSMRE also distributes mandatory treasury funds to Certified States as part of the grant distribution. More information is provided in the Permanent Appropriations section of this document.

Table 9 on the following page details the AML Unappropriated Balance as of September 30, 2021 by a description of its allocation.

**Table 9 – AML Unappropriated Balance**

<b>Office Of Surface Mining                      AML Unappropriated Balance                      September 30, 2021                      Prepared by the Division of Financial Management</b>								
<b>Total Funds to be Allocated:</b>		<b>\$2,174,709,100.19</b>						
Description of Allocation	Balance as of 10/01/20	LESS: 2020 Appropriation/ Distribution	Less: 2021 Treasury Funds	LESS: 2021 UMWBF Transfer <sup>3/</sup>	Post Appr. \$ Trans. Balance	Investment Int. 10/01/20-09/30/21	Collections for 10/01/20-9/30/21	Balance As Of 9/30/21
Federal Expense <sup>1/</sup>	\$327,516,818.58	(\$50,874,294.00)	\$0.00	\$0.00	\$276,642,524.58		\$22,518,997.33	\$299,161,521.91
Historical Coal <sup>2/</sup>	\$1,610,523,916.77	(\$75,735,938.00)	\$39,950,099.00	\$0.00	\$1,574,738,077.77		\$33,778,495.99	\$1,608,516,573.76
Investment Interest	\$176,917,329.98	\$0.00	\$0.00	(\$29,220,488.00)	\$147,696,841.98	\$24,315,602.96	\$0.00	\$172,012,444.94
<b>Total Fed Share <sup>3/</sup></b>	<b>\$2,114,958,065.33</b>	<b>(\$126,610,232.00)</b>	<b>\$39,950,099.00</b>	<b>(\$29,220,488.00)</b>	<b>\$1,999,077,444.33</b>	<b>\$24,315,602.96</b>	<b>\$56,297,493.32</b>	<b>\$2,079,690,540.61</b>
<b>Total State Share</b>	<b>\$98,580,008.02</b>	<b>(\$19,692,969.00)</b>	<b>(\$39,950,099.00)</b>	<b>\$0.00</b>	<b>\$38,936,940.02</b>	<b>\$0.00</b>	<b>\$56,081,619.56</b>	<b>\$95,018,559.58</b>
<b>Total</b>	<b>\$2,213,538,073.35</b>	<b>(\$146,303,201.00)</b>	<b>\$0.00</b>	<b>(\$29,220,488.00)</b>	<b>\$2,038,014,384.35</b>	<b>\$24,315,602.96</b>	<b>\$112,379,112.88</b>	<b>\$2,174,709,100.19</b>

<p>1/ The Federal Expense Allocation is reduced by the annual appropriation in addition to the mandatory grant distribution.</p> <p>2/ The Historical Coal balance is made calculated based on the following: 1) 30% of fees collected increase the balance; 2) the current year mandatory grant distribution reduces the balance; and 3) state share funds from certified states are transferred into the Historic Coal share to increase the balance.</p> <p>3/ \$29M is the amount transfered at the beginning of FY 2021 to the United Mine Workers Combined Benefit Fund for estimated expenses in FY 2021 and for adjustments to actual expenditures in FY 2019.</p>
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### **3. Revenue Management**

The FY 2023 budget request includes \$428,000 and two (2) FTE for the Revenue Management program activity. 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 operation violations
- Bond forfeitures by Federally permitted mining companies
- Fees for mine permit reviews and administration
- Other miscellaneous fees and receipts

Civil penalty collections are used to reclaim post-SMCRA mine sites. During FY 2021, the amount of recorded civil penalties increased from FY 2020 (from \$6,117,035 to \$7,257,448). Four entities account for 86% of the civil penalties due.

As the workload associated with collecting civil penalties increases, OSMRE avails itself of all debt collection tools. These tools include demand letters, personal contact with the debtor, use of payment plans, referral to private collection agencies through the Department of Treasury, litigation through the Department of Justice, and referral to the Department of Treasury for payment offset. In accordance with the Digital Accountability and Transparency Act of 2014, OSMRE refers civil penalty debt that is more than 120 days delinquent to the Department of Treasury for collection.

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.

### **4. United Mine Workers of America Funds (UMWAF) Transfers**

While not considered a separate OSMRE program activity, the transfers to the United Mine Workers of America Funds (UMWAF) Health Benefit Plans and Pension Plan are an integral and important component of OSMRE's SMCRA responsibilities. These transfers provide funding for the unreimbursed health care expenses of UMWA retired coal miners and their dependents, and to the 1974 Pension Plan. The process involves reviewing the UMWAF annual transfer requests, the annual UMWAF financial statements audit reports, and true-up calculations from prior-year transfers. It also entails estimating future interest earnings; preparing various budgetary estimates, projections, and transfer requests for funding from the Treasury; and planning annual audit procedures to provide reasonable assurance that the transfers conform to the authorizing legislation and General Accountability Office principles.

The Energy Policy Act of 1992 (Section 9722) amended SMCRA to provide for transfers of interest earnings from the Abandoned Mine Reclamation Fund to the UMWAF Combined Fund to pay for the unreimbursed health benefit expenses of unassigned beneficiaries. The 2006 SMCRA Amendments provided for additional funding for certain beneficiaries of the UMWAF 1992 and 1993 Health Benefit Plans, from any excess interest earnings and from the Treasury. On May 5, 2017, the Health Benefits for

Miners Act of 2017 amended SMCRA to provide funding for additional beneficiaries of the UMWAF 1993 Health Benefit Plan.

The Bipartisan Miners Act of 2019, enacted on December 20, 2019, further amended SMCRA and expanded Federal funds coverage for the Health Benefits of additional beneficiaries whose coverage would otherwise be denied or reduced as a result of bankruptcy proceedings commenced in 2018 and 2019. The Bipartisan Miners Act also increased the cap on annual Treasury Funds available for payments to certified States and Tribes (see Permanent Appropriation section) and for transfers to the UMWA from \$490 million to \$750 million and expanded the use of the Treasury Funds for the 1974 UMWA Pension Plan, in addition to the three UMWA Health Benefit Plans listed above. The Bipartisan Miners Act requires that an amount equal to the difference between the \$750 million cap and the aggregate amount transferred to the certified State and Tribes and the UMWA Health Benefit Plans be transferred to the 1974 UMWA Pension Plan and specified that the amendments shall apply to fiscal years beginning after September 30, 2016.

During FYs 2022 and 2023, OSMRE will process the UMWAF transfer requests for the three UMWAF health plans, providing funding for an estimated 50,553 beneficiaries, and to the 1974 Pension Plan. OSMRE will work with the UMWAF’s external auditors to plan the testing of selected internal controls and utilize existing audit work where practical. OSMRE will also continue to use implemented recommendations from the DOI Inspector General to provide additional assurances that transfers conform to the authorizing legislation. The transfer requests for FYs 2021, 2022 and 2023 are outlined in Table 10 below.

**Table 10 – UMWA Transfer Requests**  
**Fiscal Year Transfer Amounts**  
*(Dollars in Millions)*

<b>Health Benefit Plan / Pension Plan</b>	<b>2021 Actual</b>	<b>2022 Projected</b>	<b>2023 Projected</b>
Combined Fund, including the Reachback Provision	\$40.3	\$31.0	\$40.1
1992 Plan	\$72.2	\$39.4	\$69.3
1993 Plan	\$304.9	\$280.2	\$313.3
1974 UMWA Pension Plan	\$322.2	\$381.3	\$381.3
<b>Total – All Plans</b>	<b>\$739.6</b>	<b>\$732.3</b>	<b>\$804.0</b>
<b>Funding Sources</b>	<b>2021 Actual</b>	<b>2022 Projected</b>	<b>2023 Projected</b>
• AML Fund Interest	\$29.2	\$19.4	\$82.4
• Treasury Funds	\$710.4	\$712.9	\$721.6

## **FINANCIAL MANGEMENT**

### **2022 Planned Program**

In FY 2022, OSMRE will maintain a high rate of fee compliance. To help ensure that results continue to be achieved efficiently, OSMRE will:

- Look for opportunities to create efficiencies in the fee accounting and collection processes.
- Continue to promote electronic payments and E-filing.
- Continue to support the financing and accounting of the AML and Regulation and Technology Grants to States and Tribes.
- Process transfer requests from the UMWAF totaling \$331.3 million to provide funding of unreimbursed health care expenses for an estimated 50,553 coal miners and their dependents.
- Process a transfer of approximately \$382 million to the 1974 Pension Plan.
- Continue to analyze the reasonableness of the UMWAF health care plan transfers and work closely with the Pension Benefit Guarantee Corporation to review supporting documents from the UMWAF over the 1974 Pension Plan transfer.

### **2021 Program Accomplishments**

In FY 2021, the major accomplishments in the Financial Management program activity include:

- Collected \$112.4 million in coal reclamation fees resulting in a collection rate of 99.5 percent on quarterly coal reclamation fees.
- Maintained an E-filing enrollment rate of 83.4 percent of the active reporting permits, which are reported electronically through OSMRE's internet-based reporting system.
- Processed automatically 79.9 percent of quarterly fee payments, or 1,628 fee payments.
- Processed automatically 83.0 percent of coal reclamation fee reports.
- Analyzed investment opportunities to maximize earnings on the Abandoned Mine Reclamation Fund.
- Processed transfers to the UMWAF Health Care Plans and 1974 Pension Plan totaling \$739.6 million and provided funding of unreimbursed health care expenses for an estimated 53,654 retired coal miners and their dependents.
- Implemented the American Miner Benefits Improvement Act which further provides health benefits to additional miners of the 1993 Benefit Plan.
- Analyzed and implemented, as appropriate, the Office of the Inspector General recommendations to improve the oversight of the UMWAF transfer process that resulted in the final closure of the remaining corrective actions.

- Supported the successful migration from Prism for Grants to Grant Solutions.
- Worked closely with the UMWAF to implement a new five-year Memorandum of Understanding (MOU) between the UMWAF and OSMRE, ensuring that both parties have policies and procedures in place to successfully complete the transfers.
- Successfully implemented additional safety protocols and controls to enabled onsite mission critical audits to be conducted.
- Deployed a new web-based Audit Information Management System, which provides valuable information to manage audit resources, by utilizing existing framework, accomplishing agency objectives of saving over a hundred thousand dollars and consolidating existing systems.

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**TAB**

**Executive Direction &  
Administration**

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# EXECUTIVE DIRECTION AND ADMINISTRATION

## Executive Direction and Administration Budget Request

(Dollars in Thousands)

	2021 Actual	2022 CR	Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2023 Request	Change From 2022 (+/-)
<b>Regulation and Technology</b>	<b>13,936</b>	<b>13,936</b>	<b>+345</b>	<b>-</b>	<b>+1,559</b>	<b>15,840</b>	<b>+1,904</b>
Executive Direction	2,054	2,054	+85		+202	2,341	+287
<i>FTE</i>	<i>17</i>	<i>15</i>			<i>+1</i>	<i>16</i>	<i>+1</i>
Administrative Support	3,663	3,663	+171		+260	4,094	+431
<i>FTE</i>	<i>27</i>	<i>30</i>			<i>+1</i>	<i>31</i>	<i>+1</i>
General Services	8,219	8,219	+89		+1,097	9,405	+1,186
<i>FTE</i>					<i>-</i>		<i>-</i>
<b>Abandoned Mine Reclamation Fund</b>	<b>6,466</b>	<b>6,466</b>	<b>-343</b>	<b>-</b>	<b>+401</b>	<b>6,524</b>	<b>+58</b>
Executive Direction	910	910	+44		+97	1,051	+141
<i>FTE</i>	<i>8</i>	<i>7</i>			<i>-</i>	<i>7</i>	<i>-</i>
Administrative Support	1,888	1,888	+86		+123	2,097	+209
<i>FTE</i>	<i>15</i>	<i>14</i>			<i>-</i>	<i>14</i>	<i>-</i>
General Services	3,668	3,668	-473		+181	3,376	-292
<i>FTE</i>					<i>-</i>		<i>-</i>
<b>Total, Executive Direction</b>	<b>20,402</b>	<b>20,402</b>	<b>+2</b>	<b>-</b>	<b>+1,960</b>	<b>22,364</b>	<b>+1,962</b>
<b>Total FTE</b>	<b>67</b>	<b>66</b>	<b>-</b>	<b>-</b>	<b>+2</b>	<b>68</b>	<b>+2</b>

Fixed Costs changes include increases for pay related items as well as changes in worker's compensation, DOI working capital fund, and GSA rental rates.

**Summary of 2022 Program Changes for Executive Direction and Administration**

<b>Request Component</b>	<b>(\$000)</b>	<b>FTE</b>
Build Zero Emission Vehicle Infrastructure	+267	-
Enhance Diversity, Equity, Inclusion, and Accessibility	+200	+1
Restructure Division of Acquisition	+185	+1
2022 Baseline Capacity	+1,308	-
<b>TOTAL Program Changes</b>	<b>+1,960</b>	<b>+2</b>

The Executive Direction and Administration business line provides leadership, policy, program management guidance, and support for all areas of responsibility for OSMRE.

**Justification of 2023 Program Changes**

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The 2023 budget request for Executive Direction and Administration is \$22,364,000 and 68 FTE, a program change of +\$1,960,000 and +2 FTE from the 2022 CR.

**Zero Emission Vehicle Fleet Conversions (+\$267,000)** – The 2023 budget includes funding to accelerate the conversion of OSMRE’s fleet to zero emission vehicles (ZEVs) and provide charging stations and hydrogen fueling stations to support those vehicles and future ZEVs. This conversion will immediately reduce the Interior’s contributions to greenhouse gas emissions and dependence upon hydrocarbons. The investment in infrastructure will support these new vehicles and ensure charging infrastructure is available for subsequent ZEVs. This project is being coordinated across Interior and with other agencies to maximize utility of charging and hydrogen fueling stations in areas where multiple agencies operate. The funding also supports a small planning and coordination function to effectively deploy the fleet and charging infrastructure.

**Enhance Diversity, Equity, Inclusion and Accessibility (+\$200,000/+1 FTE):** The budget includes \$200,000 as part of a Departmentwide Diversity, Equity, Inclusion, and Accessibility budget initiative to address high priority needs in support of Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities through the Federal Government, and Executive Order 13988, Preventing and Combating Discrimination on the Basis of Gender Identity and Sexual Orientation. As part of this initiative, the Department, bureaus, and offices will jointly conduct a review of the Diversity, Equity, Inclusion and Accessibility program across Interior to identify gaps, challenges, best practices and examine Department and bureau/office roles, responsibilities, and governance. This program change was included in the 2022 President’s request.

**Restructure Division of Acquisition (+\$185,000/+1 FTE):** OSMRE has restructured its acquisition management structure to streamline coordination and provide a direct line of supervision in accordance with DOI procurement governing guidance. The requested funds support the restructure and enhance the ability to implement strategic program activities. The request includes one new FTE to streamline the acquisition processes, create efficiencies, and improve compliance with pre- and post-award acquisition processes by centralizing required contracting officer representative work into a single, expertly trained,

position supervised by the Bureau Procurement Chief. This program change was included in the 2022 President's request.

**Baseline Capacity (+\$1,308,000):** The 2023 budget includes important investments in programs needed to help strengthen America and increase competitiveness as the world continues to change. These investments include funding needed to maintain a strong, talented workforce and the must pay requirements needed to continue to fulfill the OSMRE mission. The budget includes \$1.31 million in this activity, which reflects the incremental amount needed to cover the fixed costs associated with mission operations in FY 2022. This request in combination with the FY 2023 fixed costs amounts will allow the program to meet must pay requirements without impacting program activities.

## OVERVIEW

The Executive Direction and Administration business line supports all the bureau's programs. This business line includes the Director's Office and staff offices, information technology, administration, human resources, and internal financial management for the organization. Executive Direction and Administration 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. Additionally, Executive Direction and Administration also oversees the implementation of Departmental and Administration initiatives in the Bureau.

The responsibilities for Executive Direction and Administration are accomplished through the efficient and effective operations of the two mission-critical bureau business lines (Environmental Restoration and Environmental Protection) and the two business lines providing support functions (Technology Development and Transfer and Financial Management). The Executive Direction and Administration business line supports the DOI's strategic goals by providing the required leadership and administrative support functions for OSMRE programs.

<p style="text-align: center;"><b>EXECUTIVE DIRECTION AND ADMINISTRATION ENCOMPASSES:</b></p> <p>Executive Direction</p> <ul style="list-style-type: none"><li>• Director's Office</li><li>• Staff Offices under the Director<ul style="list-style-type: none"><li>○ Office for Equal Opportunity</li><li>○ Office of Communications</li><li>○ Office of Planning, Analysis, and Budget</li><li>○ Information Resources Office</li></ul></li></ul> <p>Administrative Support</p> <ul style="list-style-type: none"><li>• Staff Offices under the Director<ul style="list-style-type: none"><li>○ Office of Human Resources</li><li>○ Office of Administration</li></ul></li><li>• Acquisition Management</li><li>• Financial Management</li><li>• Information Management &amp; Technology</li></ul> <p>General Services</p>
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**Operational Processes (Program Activities):** The funding request for this business line is to support the activities of Executive Direction, Administrative Support, and General Services. Executive Direction, which includes the immediate office of the Director, provides executive leadership and policy direction for the Bureau. Administrative Support provides all of the support services for day-to-day operations, including human resources information technology, procurement, and finance and accounting. General Services funds bureau-wide fixed costs such as office space, telephones, unemployment compensation, IT general support, regulation, publication, background investigations and other Department-wide fixed costs assessed to OSMRE.

The performance of the Executive Direction and Administration business line's activities is an integral component of OSMRE's Environmental Restoration and Environmental Protection mission; and the Technology Development and Transfer and Financial Management support functions.

Program performance will be measured by the success of OSMRE in carrying out the environmental restoration and protection missions and through OSMRE's contribution to Departmental initiatives and high priority goals.

**Actions Required to Achieve Annual Goals:** OSMRE continuously monitors its programs for management efficiencies and savings.

**Resources, Skills, and Technology Needed:** OSMRE and its State and Tribal partners will continue to need a diverse and multi-disciplinary cadre of personnel to accomplish the mission and goals of SMCRA. These personnel will guide OSMRE 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.

**FY 2023 Budget Request:** The request includes \$22.3 million for Executive Direction and Administration activities. Of this total, \$3.4 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 OSMRE will require \$6.1 million, and basic bureau-wide fixed costs in general services will cost \$12.8 million.

## **2023 PROGRAM PERFORMANCE**

### **1. Executive Direction**

This activity provides executive direction and leadership, and policy and program management guidance for all areas of responsibility for OSMRE. 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 the Information Resources Office. The request includes \$3,392,000 and 23 FTE for Executive Direction.

#### **a. Office of the Director (DIR)**

The Director of OSMRE, a Senate-confirmed position, is the Chief Executive. The Director provides the leadership and direction of OSMRE activities as required 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 during active mining by working collaboratively with the State regulatory agencies and other agencies with a role to play in the process. OSMRE makes every effort to ensure full public participation in the development and implementation of its regulatory responsibilities. An extensive outreach approach stimulates a more cooperative partnership not only with OSMRE's regulatory partners, but with other stakeholders as well, resulting in efficient and more effective implementation of the objectives of SMCRA.

In FYs 2022 and 2023, OSMRE will continue outreach efforts, which promote public participation in policy making. The arena for such participation includes public meetings on proposed rulemakings and conferences, which promote discussion and exchange of information on the current state of the coal industry. OSMRE will continue to take positive steps to collaborate with States, Tribes, citizens, other stakeholders, and industry and encourage their participation.

The Deputy Director is OSMRE's Chief Operating Executive. The Deputy Director provides direct supervision for the business operations of the Bureau to the staff offices, as well as executive leadership to the other programs and offices.

#### **b. Office for Equal Opportunity (OEO)**

The Office for Equal Opportunity (OEO) is responsible for promoting equal employment opportunities for all OSMRE employees. The staff advises and assists the OSMRE Director in carrying out 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 Equal Employment Opportunity (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 equal opportunity issues;
- Communicates equal employment opportunity policy and program and its employment need to all sources of job candidates without regard to race, color, religion, sex, national origin, age or handicap;
- 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 Complaints and Compliance program for federally assisted and conducted programs.

In addition, OEO is responsible for providing Special Emphasis programs and assisting the Bureau in creating a model equal employment program which ensures that all OSMRE employees and applicants for employment have equal access. It is responsible for implementing initiatives in response to Presidential Executive Orders, which provide for agencies to work more closely with HBCUs, 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)**

The Office of Communications (OC) provides information about OSMRE programs and policies to a wide variety of stakeholders, including the public, Congress, state regulatory agencies, citizen groups, the coal industry, and the media. The information is distributed through digital platforms such as the OSMRE website, social media, video, and traditional printed materials. The OC also administers OSMRE's annual reclamation awards that recognize excellence in reclaiming active and abandoned mines.

OC plans, coordinates, produces, and distributes the following products:

- Congressional Testimony
- Exhibits
- Fact Sheets
- News Releases
- Reports
- Publications
- Stakeholder Outreach
- Video
- Web and Social Media Content

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

The Office of Planning, Analysis and Budget (OPAB) performs nationwide planning, program analysis, and budget administration for OSMRE. OPAB coordinates efforts to promote compliance with major management legislation including the Government Performance and Results Act of 1993, Government Performance and Results Modernization Act of 2010, the Foundations for Evidence-Based Policymaking Act of 2018, the Federal Managers Financial Integrity Act of 1982, the Antideficiency Act, and the Congressional Budget and Impoundment Control Act of 1974, along with supporting direction such as OMB Circulars A-11 and A-123. OPAB also serves as the liaison with the DOI Inspector General, the General Accountability Office, and the Department in response to audit reports. The Office:

- Supports the development of OSMRE's and DOI's strategic plans;
- Collects, reviews, and reports annual regulatory and reclamation program accomplishment data;
- Carries out formulation, presentation, and execution of OSMRE's budget;
- Coordinates internal control and other program assessment reviews, in accordance with Executive Orders and Departmental initiatives; and,
- Coordinates OSMRE's responses to audits and tracks all finding throughout the process of resolution and implementation.

**e. Information Resources Office (IRO)**

The Information Resources Office (IRO) provides Information Management and Technology (IMT) services to OSMRE. The IRO provides advice and assistance to the Director, Deputy Director, and other senior OSMRE managers to ensure that information technology is acquired, utilized, and managed in a manner that is consistent with applicable policies, regulations, and industry best practices. IRO's major functions include:

- Providing advice and assistance to management and employees on IMT policy, applicable laws, regulations, and directives;
- Maintaining a management framework for and coordinating OSMRE's nationwide IMT capital planning and investment control activities, including approval of IMT expenditures within OSMRE;
- Developing and implementing IMT strategic planning to ensure that all OSMRE information systems are administered and developed in accordance with policies, long-range systems, and strategic planning;
- Managing OSMRE's General Support System and Information Security program in support of OSMRE's SMCRA mission;
- Providing Information Resources Management-related support to OSMRE's system owners to include information system security support; and

- Ensuring integrity of IMT systems and databases through cybersecurity programs.

In addition, the IRO manages all aspects of OSMRE's information management flow to ensure government transparency, accuracy, and responsiveness to information requests. OSMRE continues to develop a comprehensive information management capability that includes meeting the requirements for a responsive and compliant Privacy Act Program, awareness and loss-mitigation strategy, responding to Freedom of Information Act requests, and a Records Management Program compliant with the Federal Records Act.

## **2. Administrative Support**

This program includes the administrative functions necessary to support the program activities of OSMRE. The specific functions are included in four areas: Administration, Human Resources, Administrative Financial Management, and Information Technology. The activity includes the salaries and operating expenses for two immediate staff offices within the Office of the Director – the Office of Administration and the Office of Human Resources, as well as the Financial Management and Acquisition Management Divisions of the Finance and Acquisition Directorate. This request includes \$6,191,000 and 45 FTE to support these support activities.

This function is responsible for managing OSMRE's financial and administrative activities.

### **a. Office of Administration (OA)**

The Office of Administration (OA) develops and administers OSMRE's administrative policies and procedures and implements the Bureau's administrative support activities in the following program areas:

- Emergency Management
- Continuity of Operations
- Physical Security
- Occupational Safety and Health
- Property and Fleet Vehicles
- Space Management
- Directives Management
- Printing and Publications
- Federal Transit Benefit Program

OA also provides administrative support to Headquarters' offices. These support activities include office moves, provision of general supplies and services, mailroom functions, and local official transportation.

Additionally, OA oversees OSMRE's National Aviation Management (NAM) and National Aviation Safety Management functions. Through an OA-managed Inter-Agency Agreement (IAA), OSMRE receives professional staff support to ensure compliance with, and promotion of all provisions and requirements affecting OSMRE's aviation operations, acquisitions, and safety as required by the Federal Aviation Administration (FAA) and as outlined in the Departmental aviation policy and Operational Procedures Memoranda.

**b. Office of Human Resources (OHR)**

The Office of Human Resources (OHR) develops and implements policies, standards, and systems for the effective use of human resources to accomplish the overall mission of OSMRE. Specifically, the human resources program provides managers and employees with advice and technical assistance on the full range of human resources programs in accordance with OSMRE, DOI, Office of Personnel Management, and other Federal policies and guidelines. OHR provides processing and record keeping on recruitment, staffing and hiring; conducts position classification and organizational analysis; and administers pay and compensation programs for general schedule and senior executive service positions. The Office also advises and processes employee and retirement benefits; oversees performance management, awards, and recognition programs; implements Human Capital initiatives; provides mandatory employee development and training assistance; and provides guidance on employee relations and workplace issues including disciplinary actions. OHR operations rely on automated systems such as the USA Staffing talent management system, the Federal Personnel and Payroll System, Employee Express, and DOI Talent Learning Management System. These automated systems provide direct online personnel history files, human resources information and services directly to the manager, employee, and applicant.

Special ongoing initiatives this office is working on are highlighted below:

Strategic Recruitment: OSMRE is experiencing workforce challenges in the areas of retention, attrition, and successful recruitment options to attract new talent. These challenges are the results of multiple factors that include decline in coal production with overall market industry decline, reduction in active coal mining, and COVID-19 impact. OHR, in conjunction and cooperation with OSMRE's OEO, continues to expand recruitment of the number of women, minorities, and persons with disabilities identified in under-represented occupations. Efforts include using focused strategies to continue hiring of veterans that are an integral part of this expanded recruitment efforts planned as authorized under recent Executive Orders as well. OSMRE promotes workforce diversity and continues to improve and strengthen human capital process and tools to attract highly skilled applicants.

Strategic Management of Human Capital: OHR executes strategic position management activities with quarterly and annual evaluations that link individual hiring decisions made during the course of the year, thus empowering managers to focus on developing competencies and skills needed to accomplish OSMRE mission goals. To promote retention in positions where skill gaps have been identified, OSMRE can utilize several programs including student loan repayments, relocation allowances, and retention incentives. In addition, OSMRE uses honorary, non-monetary, and monetary awards to reward employees based on their contributions to the work of the organization. Annual and tri-annual accountability audits are conducted to ensure compliance and identify deficiencies for improvement.

Performance Management: OSMRE's current performance management process is labor intensive for supervisors and human resources. DOI rolled out an automated performance management tool in FY 2020. OSMRE will focus on training supervisors on effective standard development, roles and

responsibilities, and employee performance awards to increase organization effectiveness moving into FY 2023.

Employee Benefits/Worklife Program: This HR program area will be undergoing review, assessment, and analysis in FY 2022 to improve operational efficiency due to increased needs to address COVID-19. Reentry activities will have a significant roll out into Remote Work and new Telework considerations. The review will include benefits program alignment to HR Operations and address reasonable accommodations program challenges with new religious accommodation. OHR continues to leverage the new talent management platform by leveraging technology with using USA Staffing modules for onboarding requirements that will be effective November 2021. The Executive Order 14043 has initiated many program policy changes for reasonable accommodations regarding process and increase workload, this program will require additional resources on skills and competencies required.

**c. Acquisition Management**

The Acquisition Management Division (AMD), under the direction of the Head of Contracting Activity, is responsible for providing guidance to ensure OSMRE meets its competitive sourcing goals. The Division provides guidance in the completion of the annual Federal Activities Inventory Reform (FAIR) Act Inventory to identify all functions throughout OSMRE and their designation as either inherently governmental or commercial in nature. The Acquisition Management Division also maintains a presence on the Departmental Acquisition Special Interest Group as an active member to ensure OSMRE acquisition needs, and requirements are met. The acquisition management activity provides strategic acquisition program direction for the Bureau and performs routine, day-to-day operational contracting support, including data collection and external reporting, timely de-obligation of Undelivered Orders, maintenance of quality contracting files, and customer outreach and education.

**d. Financial Management**

The Financial Management activity funded in this business line provides OSMRE's program offices with accounting and financial services for operational funds to implement SMCRA. Additionally, such services include improved access and presentation of financial data to improve the management of operations and allow for more informed decision making. These services include timely bill pay, recording of receipts and expenditures, issuing financial guidance and management reports, collecting administrative debts, managing the organization charge card program, development of financial management operating procedures and tutorials, ensuring compliance of Federal travel regulations, supporting DOI's audited financial statements, and maintaining financial systems and tools that support these functions.

**e. Information Management and Technology (IMT)**

OSMRE is dependent upon information technology to provide efficient and accurate management information to assist OSMRE's program managers in accomplishing the agency's mission. Activities

span all business lines and are funded under other business lines in the budget as well as Executive Direction.

Since FY 2016, OSMRE has operated a centralized IMT program under the direct authority of the Bureau's Associate Chief Information Officer. OSMRE leverages IMT shared services and services provided under reimbursable agreements to supplement its IMT service offerings. OSMRE will continue to evaluate shared service opportunities and technology to meet OSMRE mission needs in order to increase operational efficiencies and harden its cyber security posture.

Through its cyber security program, OSMRE ensures the integrity of its systems and data assets. The ACIO and OSMRE's IRO staff provide system assessment and accreditation services as well as perform continuous monitoring security controls to ensure security compliance. The IRO provides, as a component of its security program, virus filtering and continuous traffic monitoring systems which significantly enhance efforts to manage security for its information systems. To ensure cyber security hygiene, the IRO also maintains vulnerability, configuration management, and incident responses processes to ensure timely installation of software patches and fixes while strengthening incident handling responses.

Additionally, employee awareness and compliance are assured through a comprehensive training program. In response to the Federal Information Systems Security Awareness training requirements, employee mandatory training was expanded to include Privacy, Records Management and Rules of Behavior training on an annual basis. OSMRE also provides specialized and role-based security training to its employees that have significant IT security responsibilities.

The IRO continues to manage OSMRE's Capital Planning and Investment Control (CPIC) process to ensure the Bureau's IMT investment portfolio represents the optimal mix of technology and services sufficient to support the OSMRE mission. OSMRE works closely with the Department to ensure the CPIC program is maintaining the desired results of the program.

### **3. General Services**

This funding activity includes essential fixed costs to support OSMRE's program missions. No personnel or operational activities are funded by this component. The costs estimates for FY 2023 reflect estimated Departmental fixed cost changes from FY 2022 levels and known future plans, including co-location, space reduction, anticipated contracting efficiencies, and investment in technologies and systems to yield additional efficiencies in the future.

Table 11 shows the projected General Services costs by category for FYs 2022 and 2023.

**Table 11 – Estimated General Services Costs**  
(in Round Dollars)

<b>Line Item</b>	<b>2022 CR</b>	<b>2023 Estimate</b>	<b>Estimated Change 2022 – 2023</b>
DOI Working Capital Fund	2,088,000	2,482,000	+394,000
DOI Facilities & Administrative Services	1,000	1,000	-
Office of the Secretary Activities	59,000	58,000	-1,000
DOI IT Shared Services	938,000	931,000	-7,000
Interior Business Center	84,000	90,000	+6,000
Unemployment Compensation	6,000	21,000	+15,000
Worker's Compensation	138,000	155,000	+17,000
Rent and Utilities	4,959,000	5,175,000	+216,000
Telecommunications	300,000	300,000	-
Postage	10,000	10,000	-
Bureau-wide Printing/Supplies	272,000	272,000	-
Operational & IT Support Contracts	2,857,000	2,844,000	-13,000
Service Contracts	170,000	170,000	-
GSA Work Authorizations	5,000	5,000	-
Electric Vehicle (EV) Charging Infrastructure	-	267,000	+267,000
<b>Total</b>	<b>11,887,000</b>	<b>12,781,000</b>	<b>+894,000</b>

## **EXECUTIVE DIRECTION AND ADMINISTRATION**

### **2022 Planned Program Performance**

In FY 2022, planned activities in the Executive Direction and Administration program activity include:

- Complete a major website modernization project to consolidate and reorganize content and migrate it into a content management system to improve the overall OSMRE user experience.
- Maintain an up-to-date online Plain Language glossary of commonly used OMSRE terms.
- Continue to utilize training as a strategy to increase cultural competencies, reduce the number of Equal Employment Opportunities complaints filed, and conduct civil rights reviews on federally-assisted and conducted programs.
- Improve the availability of self-guided videos and instructions through a single application.
- Begin converting a portion of the Bureau's fleet to ZEVs; work closely with intra- and inter-agency partners to improve ZEV charging infrastructure.
- Continue to review opportunities to reduce OSMRE's leased space footprint and expenditures.
- Continue to review opportunities to improve oversight of OSMRE's acquisition functions.
- Continue to improve the quality of Financial and Business Management System asset record data.
- Continue to enhance the bureau's performance management program through enhanced standard operating procedures for collected and reporting performance data, and by regular review of and improvements to program performance measures.
- Finalize an OSMRE Directive on the bureau's performance management program to ensure consistent compliance with the Government Performance Results Act of 1993 and the Government Performance Results Modernization Act of 2010.
- Support DOI's Financial Audit Statements for FY 2021 and FY 2022.
- Continue to improve the delivery and accessibility of financial information for risk mitigation and decision making.
- Improve and standardize the processing of intra-departmental agreements (IDA) through the implementation of DOI's IDA functionality.
- Identify a complete set of consolidation targets for closure and begin planning to fund migration of the respective computing environments to a Cloud computing environment or to a Major-Tiered Data Center.
- Continue to provide adequate resource levels needed to maintain current telecommunications services while fully transitioning data and voice services from legacy telecommunications contracts to EIS.
- Assess current IMT-related Human Resource (HR) staffing and capabilities to address the goal of developing and maintaining a talented and knowledgeable IMT workforce. This includes assessing current capacity to translate the Department's competency models into skill gaps for

bureau and office IT employees, accelerating the time to hire new employees, and developing professional development plans that provide career paths for bureau IT employees.

- Assess current capabilities in the areas of customer success management, customer relationship management, and IT service management to establish baseline and determine future funding requirements for enhancements.
- Assess resources needed to support mandated data management activities. Continue to provide administrative support across the bureau to enable mission success in the other OSMRE business lines.
- Continue to identify labor intensive administrative activities, and evaluate appropriate regulatory, policy and technology solutions to yield operational efficiencies.
- Continue to enhance OSMRE's data integrity and reporting capabilities through enhanced standard operating procedures for gathering, reconciling, and reporting financial transactions at both the bureau and Department-wide consolidated level.
- Continue to support the bureau's OMB Circular A-123 - Management's Responsibility for Internal Control goals specifically addressing the assessment, documentation, and reporting on the effectiveness of internal control over financial reporting.
- Continue to support DOI's Business Integration Office (BIO)'s conversion efforts for the S4 and B4HANA upgrade of the Financial and Business Management System (FBMS) and Data Warehouse.

## **2021 Program Accomplishments**

In FY 2021, the major accomplishments in the Executive Direction and Administration program activities include:

- Restructured and realigned OSMRE's administrative, human resources, and acquisition functions improving effectiveness and efficiency of delivered services.
- Implemented a new support agreement with the DOI Office of Wildland Fire (OWF) allowing qualified OSMRE personnel to support and collaborate with OWF in support of incident responses for DOI's Wildland Fire Management (WFM) program.
- Promulgated the OSMRE (Conduct Accountability Respect Employees) program to ensure that harassment in the workplace is reported, addressed, and eliminated, timely and appropriately.
- Improved the quality of OSMRE's Safety and Occupational Health program by enhancing the ability of OSMRE managers to identify and mitigate employee risk.
- Scored green in all areas of DOI's Financial Performance Metrics.
- Achieved 100 percent prompt pay on vendor payments.
- Completed required CPIC evaluations for all IMT programs and major investments.
- Provided educational and employment opportunities to youth in the areas of communications, budget, information technology, auditing, and general administration.
- Supported DOI's Audited Financial Statements for FYs 2020 and 2021.
- Successfully completed a pilot program for the purchase charge card to test the online review and approve process within CitiManager, Citibank's global online tool. This will support the Department's efforts to improve controls in charge card compliance.
- Propagated financial guidance and management reports to support strategic initiatives.
- Developed financial management operating procedures and tutorials to ensure compliance of financial reporting regulations and data integrity.
- Supported DOI's Business Integration Office (BIO)'s initial conversion efforts of the S4 and B4HANA upgrade for the Financial Business Management System (FBMS) and Data Warehouse.

**TAB**

**Permanent Appropriations**

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# **PERMANENT APPROPRIATIONS**

## **ALLOCATIONS TO STATES AND TRIBES**

### **TRANSFERS TO UNITED MINE WORKERS OF AMERICA HEALTH BENEFIT PLANS AND THE 1974 UMWA PENSION PLAN**

#### **INVESTMENTS TO ADDRESS IMPORTANT LEGACY COSTS IN COAL COUNTRY**

OSMRE receives mandatory funding to distribute grants to States and Tribes and transfers to three health benefit plans that are part of the United Mine Workers of America Health and Retirement Funds. The three health benefit plans that receive funding under the SMCRA are collectively referred to as the “UMWA Health Benefit Plans.” These payments are derived from the Abandoned Mine Reclamation Fund (AML Fund) and the General Treasury.

The Bipartisan American Miners Act of 2019 (P.L. 116-94, Division M) amended SMCRA, increasing the annual limitation on funds available from the Treasury from \$490 million to \$750 million, and mandating that any amounts available under the new limitation after making the mandatory payments to States and Tribes and the transfers to UMWA Health Benefits Plans, be transferred to the 1974 UMWA Pension Plan.

The American Miner Benefits Improvement Act of 2020 (P.L. 116-260, Division Y) further amended SMCRA, authorizing additional eligible beneficiaries of the UMWA 1993 Health Benefit Plan impacted by bankruptcy proceedings in 2020 and beyond, and increasing the \$750 million annual limitation on Treasury funds by the amount of the cost to provide benefits.

**Table 12 – Permanent Appropriation Estimates**  
(Dollars in Millions)

<b>Permanent Appropriation</b>	<b>2021 Actuals</b>	<b>2022 Enacted</b>	<b>2023 Estimates</b>	<b>Change from 2022 to 2023</b>
<b>Payments to States in Lieu of Coal Fee Receipts (Treasury Funds)</b>	<b>40.0</b>	<b>37.4</b>	<b>28.7</b>	<b>-8.7</b>
• In Lieu Payments to Certified States and Tribes	40.0	37.4	28.7	
<i>Mandatory Sequester</i>	<i>[-2.3]</i>	<i>[-2.1]</i>	<i>[-1.6]</i>	
<b>Mandatory Grants to Noncertified States (AML Fund)</b>	<b>121.5</b>	<b>115.7</b>	<b>100.7</b>	<b>-14.9</b>
• State and Tribal Share	19.7	19.8	17.5	
• Historic Coal Share	75.7	71.8	56.4	
• Min Program Make Up	26.0	24.0	26.8	
<i>Mandatory Sequester</i>	<i>[-6.9]</i>	<i>[-6.6]</i>	<i>[-5.7]</i>	
<b>Subtotal- Payments to States and Tribes</b>	<b>161.5</b>	<b>153.1</b>	<b>129.4</b>	<b>-23.6</b>
<b>Subtotal- Payments to States and Tribes (after Sequestration) *</b>	<b>152.2</b>	<b>144.3</b>	<b>122.1</b>	<b>-22.2</b>
Payments to UMWA Health Benefit Plans (AML Fund Interest)	29.2	19.4	82.4	+63.0
Supplemental Payments to UMWA Health Benefit Plans (Treasury Funds)	388.3	331.3	340.4	+9.1
Supplemental Payments to 1974 UMWA Pension Plan (Treasury Funds)	322.2	381.7	381.3	-0.4
<b>Subtotal- Payments to UMWA Health Benefit and Pension Plans**</b>	<b>739.7</b>	<b>732.4</b>	<b>804.1</b>	<b>+71.7</b>
<b>Total Mandatory Funding</b>	<b>901.1</b>	<b>885.4</b>	<b>933.5</b>	<b>+48.1</b>
<i>Subtotal from AML Fund</i>	<i>150.6</i>	<i>135.0</i>	<i>183.1</i>	<i>+48.1</i>
<i>Subtotal from Treasury</i>	<i>750.5</i>	<i>750.4</i>	<i>750.4</i>	<i>-</i>
<b>Total Mandatory Funding (after Sequestration)</b>	<b>891.9</b>	<b>876.7</b>	<b>926.2</b>	<b>+49.5</b>
<i>Subtotal from AML Fund</i>	<i>143.7</i>	<i>128.4</i>	<i>177.4</i>	<i>+49.0</i>
<i>Subtotal from Treasury</i>	<i>748.2</i>	<i>748.3</i>	<i>748.8</i>	<i>+0.5</i>

\* Payments/Grants to States and Tribes are subject to sequestration pursuant to 2 USC 901(a).

\*\* Payments to the UMWA Health Benefit Plans include payments for additional beneficiaries of the 1993 plan impacted by bankruptcy proceedings in 2020, as authorized by the American Miner Benefits Improvement Act of 2020.

## OVERVIEW

One of the basic concepts of SMCRA is to charge a fee on coal production to finance the reclamation of abandoned mine lands across the country. Reclamation fees are deposited into the AML Fund and distributed through the annual appropriations process to States and Tribes for AML reclamation and to OSMRE for administrative expenses. In 2006, amendments to SMCRA extended the authority to collect the reclamation fee through September 30, 2021 and altered the distribution of payments beginning in 2008.<sup>3</sup> The Bipartisan Infrastructure Law (P.L. 117-58) further extended the authority to collect the reclamation fee, at a reduced rate, through September 30, 2034<sup>4</sup>.

### **Collection of Reclamation Fees**

Reclamation fees collected are placed in the AML Fund. The current reclamation fee authorized by SMCRA, as amended by the Infrastructure Investment and Jobs Act, is: 22.4 cents/ton of surface mined coal; 9.6 cents/ton of coal mined underground; and 6.4 cents/ton of lignite; or ten percent of the value of the coal (two percent of the value of the lignite), whichever is less. Reclamation fee collections form the basis for mandatory grants to the certified and noncertified States and Tribes.

Interest accrued becomes part of the AML Fund and is available for transfer to the UMWA Health Benefit Plans in order to help finance three health care plans.

### **Allocation and Distribution of Reclamation Funds to States and Tribes**

Generally, States must have an approved SMCRA regulatory (Title V) program and an approved reclamation (Title IV) program to be eligible to receive mandatory AML funding. Three Tribes (Crow, Hopi, and Navajo) are eligible for funding through the AML program, and each has an approved reclamation program. As part of the 2006 amendments to SMCRA, Tennessee also became eligible for AML program funding although it does not have an approved regulatory program. A total of 24 States and three Tribes received reclamation funding in FY 2022; of these, four States and all three Tribes have certified completion of coal abandoned mine land problems.

#### **a. AML Fund**

Noncertified States are allocated mandatory grants from the AML Fund based on the reclamation fees collected the previous fiscal year. The amount of the grant for each noncertified State is determined through a formula that adds the following allocations:

1. Half of reclamation fees collected in that State (known as the State Share);
2. A State's portion of 30 percent of all reclamation fees collected Nationwide and the amount of the State/Tribal Share forgone by certified States and Tribes; each State's portion is determined

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<sup>3</sup> OSMRE published regulations implementing the Act (November 14, 2008, 73 FR 67576), which became effective on January 13, 2009.

<sup>4</sup> OSMRE published the interim final rule revising the regulations for the Abandoned Mine Reclamation Fund to be consistent with the Infrastructure Investment and Jobs Act (87 FR 2341) on January 14, 2022.

proportionally based on the amount of coal production in that State prior to 1977 (known as Historic Coal Share); and

3. Any amount needed to ensure that each noncertified State receives at least \$3 million annually (known as the Minimum Program Make Up Funds).

SMCRA specifies the eligible uses of each of specific allocation. All funding provided to noncertified States can be used to address hazards and problems on abandoned coal mine lands, such as underground fires, subsidence, landslides, open shafts, unstable or burning refuse piles, acid mine drainage, and dangerous, unstable highwalls. Some of the allocations are restricted to use on the highest priority coal mine sites, i.e., minimum program make up funds, while other allocations may be used to address problems such as water supplies adversely affected by coal mining, i.e., State Share. In certain circumstances, State Share and Historic Coal Share funds may also be used to reclaim certain non-coal sites, such as abandoned hardrock mine lands. Western States, in particular, often use their reclamation funds to address high priority hardrock AML sites, for which there is no other source of Federal funding.

In FY 2022, noncertified States will receive \$109.1 million, after sequestration of 5.7% (\$18.7 million in State Share, \$67.7 million in Historic Coal Share, and \$22.7 million in Minimum Program Make Up Funds).

For FY 2023, OSMRE estimates that noncertified States will receive \$95.0 million in grants, after sequestration of 5.7% (\$16.5 million in State Share; \$53.2 million in Historic Coal Share; and \$25.3 million in Minimum Program Make Up Funds).

#### **b. Treasury Funds**

Mandatory payments in lieu of coal receipts from the Treasury to certified States and Tribes are also allocated by formula. In lieu payments to certified States and Tribes are equal to half of the reclamation fees collected in that State or Tribe in the previous fiscal year. Certified States and Tribes will receive \$35.3 million, after sequestration of 5.7%, in FY 2022. These payments can be used to address the priorities as prescribed in 30 CFR 874 for coal reclamation projects that currently exist or that occurred after certification, as well as non-coal reclamation projects such as hardrock AML problems and infrastructure impacted by mineral leasing and mining.

Under current law, total mandatory payments to States and Tribes from Treasury funds in FY 2023, after sequestration of 5.7%, are estimated to be \$27.1 million.

Treasury funds paid to the States and Tribes and transfers to the UMWA Health Benefit Plans and the 1974 UMWA Pension Plan are subject to an overall \$750 million cap<sup>5</sup> on all annual transfers from the Treasury under SMCRA, as amended.

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<sup>5</sup> The \$750 million dollar limitation shall be increased by the amount of payments to the UMWA Health Benefit Plan which are made solely for the cost to provide benefits by reason of the amendments made by the American Miner Benefits Improvement Act of 2020 (i.e., for beneficiaries whose health benefits confirmed in any bankruptcy proceeding commencing in 2020 or later, would be subsequently denied or reduced).

### **Transfers (or Payments) to the UMWA Health Benefit Plans and 1974 Pension Plan**

Sections 402(h) and (i) of SMCRA require OSMRE to transfer funds to three UMWA Health Benefit Plans that are part of the UMWA Health and Retirement Funds: the UMWA Combined Benefit Fund (CBF), the UMWA 1992 Benefit Plan, and the Multiemployer Health Benefit Plan (aka, the 1993 Benefit Plan). Section 402(i) of SMCRA, as amended by the Bipartisan American Miners Act of 2019 (P.L. 116-94, Division M), further requires OSMRE to transfer the difference between the aggregate amounts transferred to the UMWA Health Benefit Plans and the States and Tribes and the \$750 million cap to the 1974 Pension Plan. These transfers are as follows:

- Annual transfers of all estimated AML Fund interest earnings to the UMWA Health Benefit Plans, to the extent payments from premiums paid by operators and other sources do not meet those plans' expenditure needs, subject to certain limitations.
- Annual transfers from the Treasury to the UMWA Health Benefit Plans and the 1974 Pension Plan, subject to the overall \$750 million cap on all annual transfers from the Treasury under Section 402(i) of SMCRA.
- In general, the amount of the transfers to the UMWA Health Benefit Plans are dependent on the extent that their revenues do not meet their expenditures. When that occurs, OSMRE will transfer available funds in the following order as needed:
  - Estimated interest to be earned by the AML Fund during the fiscal year in question.
  - Transfers from the Treasury are subject to a \$750 million cap annually.
  - Reserve funds created from existing stranded interest earned by the AML Fund.

In FY 2022, the UMWA Health Benefit Plans will receive \$19.4 million in interest payments from the AML fund and \$331.3 million from the Treasury. The 1974 Pension Plan will receive \$381.7 million from the Treasury.

For FY 2023, based on current economic assumptions, OSMRE estimates that \$15.0 million in interest from the AML fund and \$407.8 million from the Treasury will be transferred to the UMWA Health Benefit Plans, and \$313.9 million from the Treasury will be transferred to the 1974 Pension Plan.

**Table 13 – Mandatory Funding for States and Tribes, FY 2021-2023**  
(Dollars Rounded in Millions)

State/Tribe	2021 Mandatory Distribution	2021 Sequester (-5.7%)	2021 Grants	2022 Mandatory Distribution	2022 Sequester (-5.7%)	2022 Grants	2023 Hypothetical Distribution	2023 Sequester (-5.7%)	2023 Hypothetical Grants
Alabama	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Alaska	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Arkansas	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Colorado	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Illinois	10.3	-0.6	9.7	10.2	-0.6	9.6	8.3	-0.5	7.8
Indiana	4.7	-0.3	4.4	4.2	-0.2	4.0	3.5	-0.2	3.3
Iowa	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Kansas	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Kentucky	9.8	-0.6	9.3	9.4	-0.5	8.9	7.7	-0.4	7.3
Maryland	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Missouri	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
New Mexico	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
North Dakota	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Ohio	5.3	-0.3	5.0	4.9	-0.3	4.6	3.9	-0.2	3.7
Oklahoma	3.0	-0.2	2.8						
Pennsylvania	29.1	-1.7	27.4	28.1	-1.6	26.5	22.4	-1.3	21.1
Tennessee	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Utah	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Virginia	3.2	-0.2	3.0	3.1	-0.2	2.9	3.0	-0.2	2.8
West Virginia	20.1	-1.1	18.9	19.6	-1.1	18.5	15.9	-0.9	15.0
<b>Sub-total for noncertified States</b>	<b>121.4</b>	<b>-6.9</b>	<b>114.5</b>	<b>115.7</b>	<b>-6.6</b>	<b>108.6</b>	<b>100.7</b>	<b>-6.1</b>	<b>95.0</b>
Louisiana	0.1	-0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0
Mississippi	0.1	-0.0	0.1	0.1	0.0	0.1	0.1	0.0	0.1
Montana	3.1	-0.2	2.9	3.5	-0.2	3.3	2.4	-0.1	2.3
Texas	0.8	-0.0	0.8	0.8	0.0	0.8	0.7	0.0	0.7
Wyoming	35.0	-2.0	33.0	32.3	-1.8	30.5	24.8	-1.4	23.4
Crow	0.3	-0.0	0.3	0.2	0.0	0.2	0.2	0.0	0.2
Hopi	0.0	-0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Navajo Nation	0.6	-0.0	0.6	0.6	0.0	0.6	0.5	0.0	0.5
<b>Sub-total for certified States and Tribes</b>	<b>40.0</b>	<b>-2.3</b>	<b>37.7</b>	<b>37.5</b>	<b>-2.1</b>	<b>35.4</b>	<b>28.7</b>	<b>-1.5</b>	<b>27.1</b>
<b>Total for All States/Tribes</b>	<b>161.4</b>	<b>-9.2</b>	<b>152.2</b>	<b>153.2</b>	<b>-8.7</b>	<b>144.0</b>	<b>129.4</b>	<b>-7.6</b>	<b>122.1</b>

**Source of Mandatory Funding:**

• AML Fund	121.5	-6.9	114.5	115.7	-6.6	108.6	100.7	-6.1	95.0
• Treasury	40.0	-2.3	37.7	37.5	-2.1	35.4	28.7	-1.5	27.1

Noncertified States are those that have remaining coal AML problems to address. Certified States and Tribes have certified that there are no remaining coal AML problems. Amounts of less than \$50 thousand round to zero. Totals may not add due to rounding.

**TAB**

**Budget Exhibits**

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# BUDGET EXHIBITS

## Exhibit A: Section 403 Compliance<sup>6</sup>

### Program/Project Support of Bureau, Department, and Government-wide Costs

	<b>2023 Request</b>
External Administrative Costs	
WCF Centralized Billings	\$2,442,153
WCF Direct Billing/Fee for Service	\$1,807,309

### External Administrative Costs

OSMRE funds external administrative costs, to include amounts paid to the Department to support Departmental or government-wide costs, in the General Services activity within the Executive Direction and Administration business line.

### Bureau Administrative Costs

OSMRE does not assess a charge for overhead, deductions, reserves, or holdbacks against the amounts requested in each of its business lines; rather, Bureau level administrative costs are identified in the Executive Direction and Administration business line in the budget justification. The Executive Direction activity provides executive direction in overall leadership and bureau-wide policy and program performance management guidance. The Administrative Support activity includes all the administrative functions necessary to support program activities including: Administration, Human Resources, Administrative Financial Management, and Information Technology. In addition to the DOI Working Capital Fund, the General Services activity includes essential fixed costs to support OSMRE's program missions such as rent, telecommunications, and service contracts. Further information on specific elements of each activity can be found in the Executive Direction and Administration section.

Support functions at the regional and field offices 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, but rather included in the program funding requested in the respective business lines.

Activity Based Costing allows OSMRE to internally track the indirect costs associated with its various organizational units and program activities. This is important in determining the full cost of program activities for evaluation purposes. By having employees report and track costs at the lowest work breakdown structure level, managers are able to assess both the direct and indirect costs of programs and activities.

<sup>6</sup> Department of the Interior, Environment, and Related Agencies Appropriations Act, 2021 (Division G, Public Law 116-260)

## Exhibit B: Employee Count by Grade (PER-4)

### Office of Surface Mining Reclamation and Enforcement

#### Employee Count by Grade

*(Total Employment)*

	FY 2021 Actual	FY 2022 Estimate	FY 2023 Estimate
Executive Level V .....	1	1	1
SES.....	4	6	6
<b>Subtotal.....</b>	<b>5</b>	<b>7</b>	<b>7</b>
GS/GM-15.....	27	23	23
GS/GM-14.....	40	57	57
GS/GM-13.....	98	113	115
GS-12.....	132	154	154
GS-11.....	15	30	30
GS-10.....	0	0	0
GS-9.....	22	17	17
GS-8.....	5	8	8
GS-7.....	8	13	13
GS-6.....	3	4	4
GS-5.....	0	1	1
GS-4.....	0	0	0
GS-3.....	0	0	0
GS-2.....	0	0	0
<b>Subtotal.....</b>	<b>350</b>	<b>420</b>	<b>422</b>
<b>Total employment (actuals &amp; estimate)</b>	<b>355</b>	<b>427</b>	<b>429</b>

Note: This table shows the number of employees funded by requested appropriations that are projected to be on-board at the end of each fiscal year and not FTE levels.

**TAB**

**Appendixes**

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# Appendixes

## AML Reclamation Accomplishments

Historical Data through September 30, 2021

Priority 1, 2, and 3 Problems

Problem Type	Units	Number of Units	GPRA Acres	Cost of Completed Reclamation	Remaining Reclamation Costs
Bench **	Acres	1,611	1,607	7,454,289	48,708,224
Clogged Streams	Miles	1,591	7,885	97,833,700	81,187,347
Clogged Stream Lands	Acres	24,403	42,141	268,380,952	320,481,611
Dangerous Highwalls	Feet	5,433,142	78,689	723,137,636	1,490,825,644
Dangerous Impoundments	Count	2,585	13,831	89,401,832	43,007,829
Industrial/Residential Waste (Priority 1 & 2)	Acres	1,865	1,863	49,382,832	57,200,861
Dangerous Piles & Embankments	Acres	28,796	28,738	449,576,664	368,935,594
Dangerous Slides	Acres	5,252	5,340	437,490,995	151,085,877
Equipment/Facilities **	Count	1,759	186	14,858,141	12,230,910
Gases: Hazardous Explosives	Count	94	88	24,112,388	2,301,792
Gobs (Coal waste piles) **	Acres	20,133	19,114	196,400,151	145,030,275
Highwall **	Feet	824,005	11,773	41,768,095	2,539,407,883
Hazardous Equipment & Facilities	Count	5,859	1,294	39,597,863	36,114,154
Haul Road **	Acres	8,886	8,759	27,516,826	11,514,086
Hazardous Water Body	Count	2,321	11,801	86,295,113	125,284,320
Industrial/Residential Waste (Priority 3)	Acres	649	648	4,470,298	1,821,604
Mine Opening **	Count	2,778	280	10,763,989	35,584,070
Other (*)(**)	----	11,429	N/A	51,061,727	51,385,916
Polluted Water: Agricultural & Industrial	Count	590	2,921	55,071,218	81,808,209
Polluted Water: Human Consumption	Count	58,407	275,255	445,520,838	3,032,573,637
Portals	Count	21,907	2,219	108,987,623	75,360,352
Pits **	Acres	19,859	19,864	127,623,181	105,075,850
Subsidence	Acres	11,777	11,712	668,382,037	719,555,587
Spoil Area **	Acres	210,308	205,635	306,217,147	1,230,088,764
Surface Burning	Acres	2,249	2,246	108,368,889	25,865,168
Slurry **	Acres	5,685	5,693	65,100,991	13,960,899
Slump	Acres	1,761	1,723	15,085,558	353,017,063
Underground Mine Fire	Acres	8,561	8,761	82,723,722	891,349,334
Vertical Opening	Count	20,424	3,777	127,543,451	76,724,022
Water Problems (*)(**)	Gal/Min	564,242	N/A	168,352,317	1,934,397,147
<b>Total</b>			<b>773,841</b>	<b>\$ 4,898,480,464</b>	<b>\$ 14,061,884,027</b>

\* Not converted to GPRA Acres.

Source: The enhanced Abandoned Mine Land Inventory System (e-AMLIS)

\*\* Priority 3 Problems

### Notes:

1. The enhanced Abandoned Mine Land Inventory System (e-AMLIS) only provides information on the direct construction cost to reclaim AML features. This system was never designed to be a project management tool. E-AMLIS is the central electronic database for recording the national inventory of AML priorities for the AML Program. The information contained in e-AMLIS is provided by States and Tribes.
2. The AML Reclamation Accomplishments Table only reports on the direct construction costs to reclaim AML features expended from the AML Fund and U.S. Treasury Funds (e.g. Certified in Lieu Funds and Prior Balance Replacement

Funds). These construction costs do not include design, engineering or administrative costs necessary for the State and Tribal AML programs to apply that construction cost effectively and efficiently.

3. The two main sources of information for the AML Reclamation Program are the Financial and Business Management System (FBMS) and e-AMLIS. FBMS is DOI/OSMRE's official system of record that contains comprehensive information on AML grant allocations and expenditures for the SMCRA Title IV AML Reclamation Program. E-AMLIS contains different information from FBMS and serves a different purpose. For example, e-AMLIS provides information primarily on direct construction cost such as estimates for reclaiming AML features once they are discovered and entered into the inventory, as well as completed costs when AML features are actually reclaimed in the field at which time the inventory cost is updated.
4. GPRA Acres are non-acre measures (e.g., feet of highwall or number of portals) that are converted by formula to acres and used to measure program performance.
5. The e-AMLIS inventory is not a fixed target that declines each year by the amount of reclamation accomplished. Instead, the inventory is dynamic and updated by States and Tribes on an ongoing basis. New AML problems are added to the inventory as they are identified, and cost data on existing AML problems are updated to reflect current reclamation costs.
6. Reproducing the data in this table from the public-facing e-AMLIS webpage may be problematic. The public-facing webpage has limits on the type and amount of query capabilities which affect the ability of the public to replicate OSMRE published e-AMLIS tables. An approved e-AMLIS account holder has more query functions than what is available to the public. Additionally, the OSMRE e-AMLIS Coordinator performs a rigorous quality control and quality assurance process on the data before it is published. This is required due to complexities in the coding system of the e-AMLIS program and retrieval of information that was historically entered differently (e.g. not georeferenced) and placed on a different system platform within the e-AMLIS program.
7. The dataset used in the preparation of the *AML Reclamation Accomplishments* table as of September 30, 2019 was expanded to include other applicable e-AMLIS programs (Rural Abandoned Mine Program, Federal and State Emergency Programs, stand-alone Priority 3 problems and, non-coal priorities). These changes account for the overall increase in each reported category in the FY 2021 reporting of the table. Prior to FY 2019, the dataset only included certain coal programs such as Acid Mine Drainage, Coal Interim Site Funding, Coal Insolvent Surety Site Funding, and Pre-SMCRA Coal State/Tribe Programs, Water Supply Restoration Program, and Certified Program Coal Reclamation [411 (h)1 and 411 (h)2].
8. The *AML Reclamation Accomplishments* table does not include completion data for certain AML problems reclaimed under SMCRA prior to the 2006 Amendments, including Priority 4 and Priority 5 projects, certain non-mining related activities, and water supply restoration projects not linked to higher AML priorities. Priority 4 is designated for the protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation, and conservation facilities adversely affected by coal mining practices. Priority 5 is designated for the development of publicly owned land adversely affected by coal mining practices including land acquired as provided in Title IV for recreation and historic purposes, conservation, and reclamation purposes and open space benefits. Expenditures on non-mining related activities, such as transportation, education, or energy development were also recorded as completed costs in e-AMLIS. Water supply restoration relates to protecting, replacing, constructing, or enhancing facilities relating to water supply, including water distribution facilities and treatment plants that replace water supplies adversely affected by coal mining practices. This work was previously authorized by SMCRA even if there was no health, safety, or environmental priority associated with the work.
9. The dataset was extracted for the 25 States and 3 Tribes that have an approved AML Reclamation Plan and the Federal Reclamation Program administered by OSMRE for States and Tribes that do not have approved AML program.
10. The dataset does not include projects funded under the Abandoned Mine Land Reclamation Economic Development Pilot Program (i.e., AML Pilot).

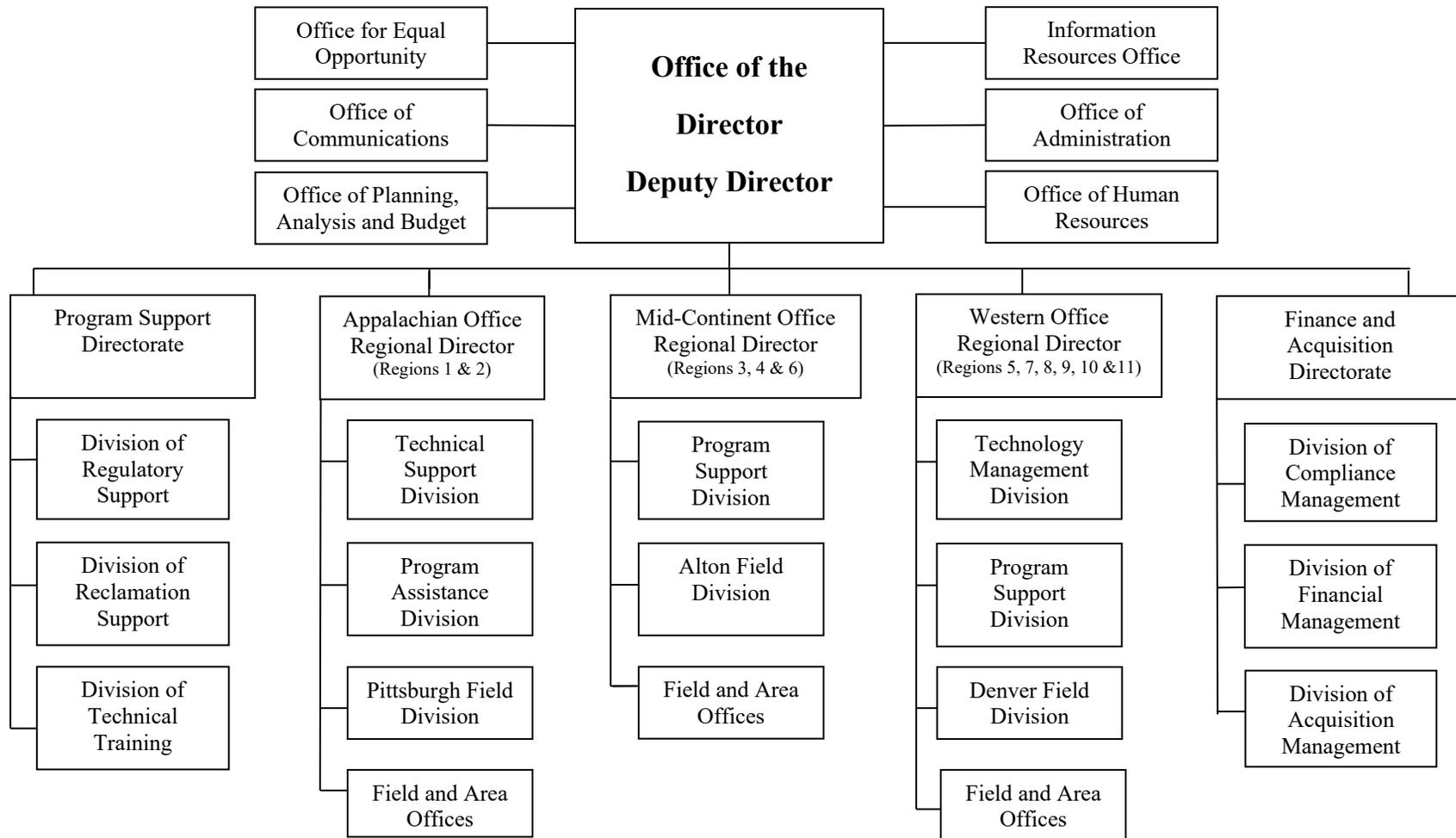
## By State and Tribe Funding Data

### FY 2021 Obligations for Grants, Cooperative Agreements, and Federal Projects (DOLLARS IN THOUSANDS)

STATE/TRIBE	Environmental Restoration				Environmental Protection (Regulatory)		TOTAL
	AML Funding	Federal Reclamation			Grants/Agreements*		
	Emergency Projects	Watershed Cooperative Agreements	High Priority Projects	Emergency Projects	Non- Federal Lands	Federal Lands	
Alabama					1,148	253	1,401
Alaska					373		373
Arkansas					125		125
California							0
Colorado					1,844	490	2,334
Georgia							0
Illinois					3,340		3,340
Indiana					1,472		1,472
Iowa					47		47
Kansas					55		55
Kentucky					12,681	1,010	13,691
Louisiana					264		264
Maryland					925		925
Michigan							0
Mississippi					250		250
Missouri					206		206
Montana					389	1,829	2,218
New Mexico					227	613	840
North Dakota					139	881	1,020
Ohio					1,496		1,496
Oklahoma					50	612	662
Oregon							0
Pennsylvania		579			13,270		13,270
Rhode Island							0
South Dakota							0
Tennessee							0
Texas					2,766		2,766
Utah					205	1,850	2,055
Virginia					3,600		3,600
Washington			221	539			0
West Virginia		100			10,503		10,503
Wyoming					579	1,831	2,410
Cherokee Nation							0
Crow					576		576
Hopi					376		376
Navajo					1,519		1,519
N. Cheyenne							0
<b>Total</b>	<b>0</b>	<b>679</b>	<b>221</b>	<b>539</b>	<b>58,425</b>	<b>9,369</b>	<b>67,794</b>

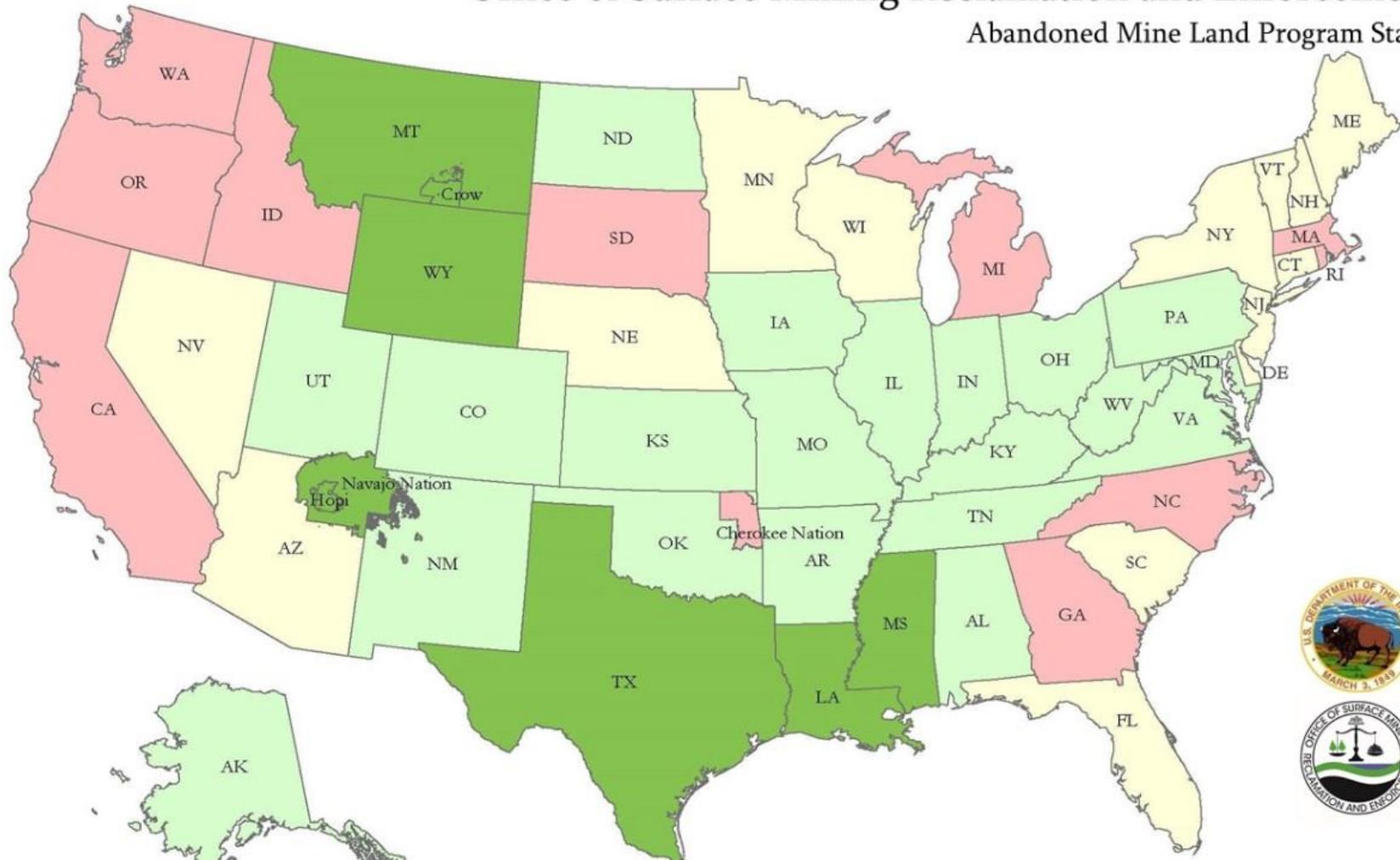
\* Regulatory Grant figures are the total funds obligated on FY 2021 grants *during* the fiscal year, and do not reflect any subsequent deobligations that may occur at grant closure.

## Office of Surface Mining Reclamation and Enforcement Organizational Chart



# Office of Surface Mining Reclamation and Enforcement

## Abandoned Mine Land Program States



**US AML Programs**

**AML Status**

- Uncertified
- OSMRE Federal State
- Certified
- Non-AML State

**Uncertified State or Tribe:** Alabama, Alaska, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Missouri, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, Utah, Tennessee, Virginia, West Virginia

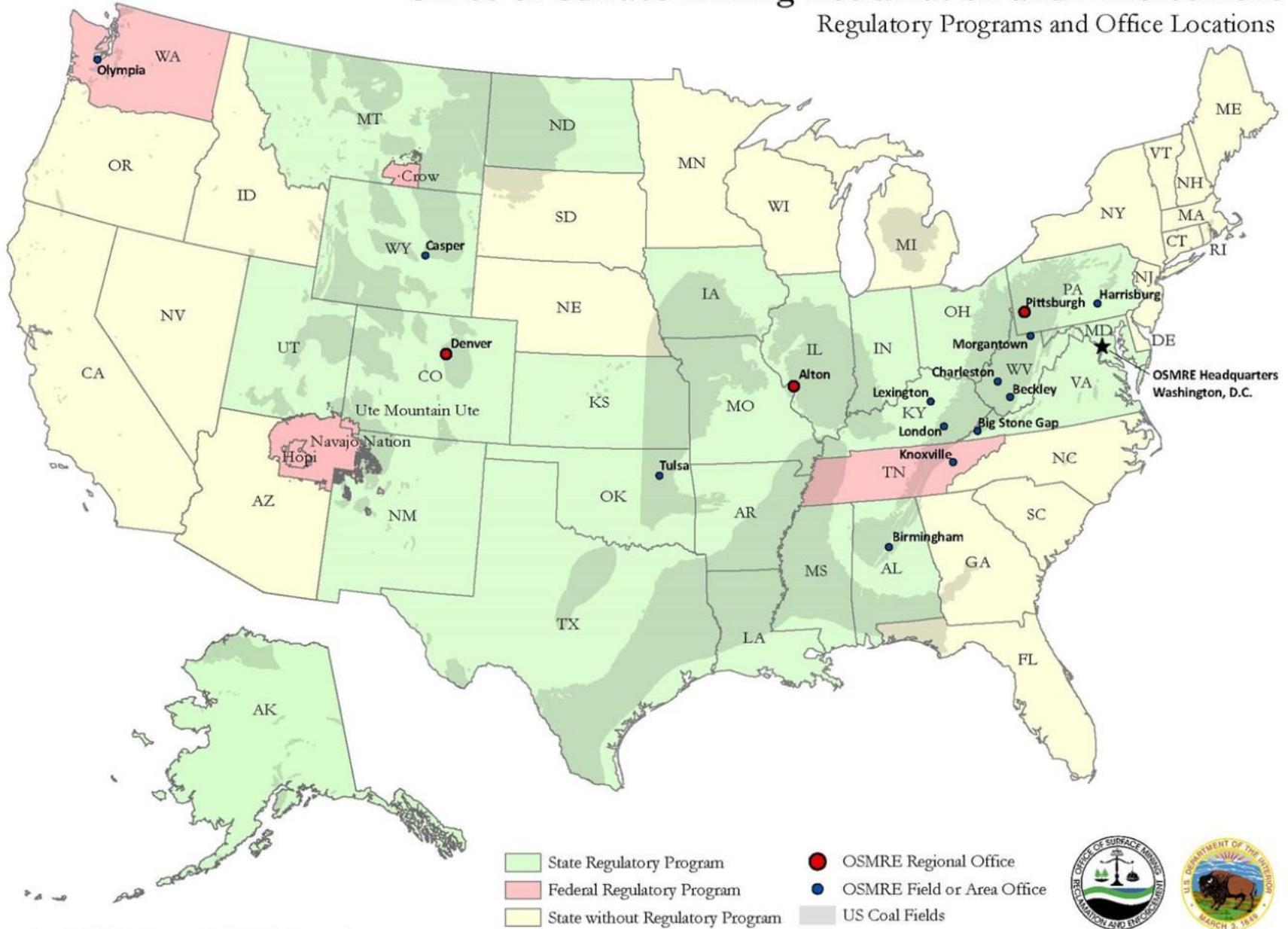
**Certified State or Tribe:** Crow Tribe, Hopi Tribe, Louisiana, Mississippi, Montana, Navajo Nation, Texas, Wyoming

**Federal Responsibility State or Tribe:** California, Cherokee Nation, Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, Washington



## Office of Surface Mining Reclamation and Enforcement

### Regulatory Programs and Office Locations



Last Revised: 12/30/2019 Sources: OSMRE, USGS, US Census Bureau

# AML Reclamation Program Bipartisan Infrastructure Law Funding

## FY 2023 Annual Spend Plan

### Introduction

President Biden signed the Bipartisan Infrastructure Law (BIL) on November 15, 2021, making this once-in-a-generation investment in the Nation’s infrastructure and economic competitiveness a reality. This landmark investment will rebuild America’s critical infrastructure, tackle the climate crisis, advance environmental justice, and drive the creation of good-paying union jobs. By addressing long-overdue improvements and strengthening our resilience to the changing climate, this investment in our communities across the country will grow the economy sustainably and equitably so everyone gets ahead for decades to come.

The BIL provided \$11.293 billion for deposit into the Abandoned Mine Reclamation Fund to fund activities described in SMCRA, as amended, and the BIL. OSMRE will allocate and distribute grant funding on an equal annual basis over a 15-year period to eligible States and Tribes as described in the BIL. Using funds provided by the BIL, State and Tribal AML programs can address activities such as physical hazards (e.g., dangerous highwalls, subsidence, open portals, etc.), degraded land and water resources (e.g., impaired ecosystems affected by acid mine drainage), and impacted water supply systems.

OSMRE will ensure State and Tribal reclamation programs are consistent with the BIL. The States and Tribes will be required to address the known magnitude of remaining AML problems, identify the types of problems remaining to be addressed and their locations, and achieve the goals and objectives of the BIL, including:

- Eliminating the most egregious<sup>7</sup> hazards to public health and safety in a timely manner.
- Supporting local communities in achieving their priorities and needs through collaboration and consensus-building for local projects.
- Providing employment for current and former employees of the coal industry.
- Benefitting all who live and work in and near America’s coalfield communities by restoring degraded lands to a usable condition, restoring aquatic life in mining-polluted streams, and providing safe drinking water in areas where groundwaters are contaminated due to abandoned mines.
- Addressing environmental justice issues within coalfield communities, including the Justice40 Initiative.

### BIL AML Program Summary

The Bipartisan Infrastructure Law provides a total of \$11.293 billion to OSMRE for the programs and activities shown in the table below, with BIL AML funding for eligible States and Tribes distributed as equal annual grants over a period of 15 years beginning in FY 2022. Funding is available for obligation until expended. The enacted amounts are shown in the following table.

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<sup>1</sup> Specifically, coal AML emergencies and “extreme dangers”.

**AML Reclamation Program Bipartisan Infrastructure Funding**  
**Enacted Amounts Available (dollars in 000s)**

Program/Activity	FY 2022
<b>Abandoned Mine Land Reclamation</b>	
AML Grants to States and Tribes	10,872,745
Financial and Technical Assistance for AML Inventory	25,000
Federal Expenses and Administration	338,790
Transfer to the DOI Office of the Inspector General	56,465
<b>Total</b>	<b>11,293,000</b>

**AML Reclamation Program Bipartisan Infrastructure Funding**  
**Enacted Amounts Available (dollars in 000s)**

Program/Activity	FY 2023
<b>Abandoned Mine Land Reclamation</b>	
AML Grants to States and Tribes	724,850
Financial and Technical Assistance for AML Inventory	1,667
Federal Expenses and Administration	22,586
Transfer to the DOI Office of the Inspector General	3,764
<b>Total</b>	<b>752,867</b>

BIL AML Grants to States and Tribes

Of the \$11.293 billion authorized for deposit into the Abandoned Mine Reclamation Fund by Section 40701 of the BIL, approximately \$10.873 billion will be distributed in equal annual grants to eligible States and Tribes over a 15-year period, beginning in FY 2022. Annual BIL AML grant amounts are calculated using a congressionally mandated formula based on the percentages of historic coal mining tonnage produced on eligible State and Tribal lands and the total unfunded cost of coal problems at the end of the preceding fiscal year, as reflected in OSMRE’s enhanced Abandoned Mine Land Inventory System (e-AMLIS). BIL AML grants will be awarded to eligible State and Tribal AML Programs on an annual basis and adjustments will be made to these distributions as required.

BIL Funding for Financial and Technical Assistance for the AML Inventory

OSMRE will require States and Tribes to target projects that adversely impact public health, safety, property, and the environment using the project information contained in OSMRE's AML inventory, e-AMLIS. To ensure that States and Tribes are able to update their respective AML inventories in e-AMLIS, the BIL provides that \$25 million of the \$11.293 billion will be made available to the Secretary of the Interior to provide States and Indian Tribes with the financial and technical assistance necessary for the purpose of making amendments to e-AMLIS.

BIL Funding for Federal Expenses & Administration

Of the \$11.293 billion authorized by the BIL, OSMRE may use up to 3% (approximately \$338.79 million) for Federal salaries, expenses, and administrative costs to implement the BIL AML program. OSMRE will track these costs separately from program costs and is committed to proper management and oversight of BIL funds.

Office of the Inspector General

0.5% of the \$11.293 billion, or \$56.465 million, is authorized for direct transfer to the Office of Inspector General for oversight of the implementation of BIL AML funding authorized in section 40701 of the BIL.