



**Re: Comments on Draft Guidance for IIJA AML Grant Implementation**

The Colorado Inactive Mine Reclamation Program (CIMRP) appreciates the opportunity to provide comments on Draft Guidance for Infrastructure Investment and Jobs Act (IIJA) AML grant implementation recently released by the Department of the Interior. Our Program is excited for the new opportunities that this increased level of funding will mean for reclamation of historic coal related problems across Colorado, but has some concerns related to administration of these new funds within the framework of the draft guidance.

First, there appear to be a significant number of changes being suggested to the grant application and approval process that are not specifically discussed in the IIJA. These include:

- Separate grant process for IIJA funds and Fee based funds;
- Proposed project lists, costs and prioritization structure;
- Items related to workforce training, etc.;
- Community and economic development;
- Environmental justice;
- Methane emission reduction.

OSMRE has operated under a simplified grant application process for some time now that facilitates expedient approval, implements AML reclamation in a timely fashion and reduces the number of potentially required amendments. The addition of items listed above is a significant departure from that simplified process, and will add an administrative burden on our Program that will complicate and delay implementation of AML projects. We see no specific connection for the addition of these items to the grant process as outlined in IIJA.

Second, with regards to project authorization and inclusion of labor mandates and stipulations related to 40701(f) in that process, we believe the best way to achieve the intent of these stipulations is to allow discretion on implementation as the IIJA suggests. The IIJA makes no mention of engaging with labor/worker organizations, or developing project labor agreements as outlined in the draft guidance, but merely states that “priority may also be given to reclamation projects described in subsection (b)(1) that provide employment for current and former employees of the coal industry.” Given limitations in Colorado’s and other states’ procurement codes, the best way to encourage the hiring of current and former employees of the coal industry is not through mandate, but facilitated through collaboration at the state level. The addition of these mandates to the project authorization process creates an additional administrative burden on our Program that is impractical and unlikely to achieve the desired outcome of increased hiring of current and former coal industry employees. Additionally, conditioning project approval on meeting these labor/worker mandates creates uncertainty surrounding project approval and unnecessarily delays project implementation.



In conclusion, we recommend that OSMRE refrain from adding additional administrative and bureaucratic burden on the AML programs that are not specifically mandated in the IIA. The Colorado Inactive Mine Reclamation Program looks forward to working with OSMRE on implementation of final IIA guidance to expeditiously address outstanding historic coal problems across Colorado.

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