



BUDGET The United States
Department of the Interior
JUSTIFICATIONS

and Performance Information
Fiscal Year 2019

**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 the states and tribes.

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) assure that the land is restored to beneficial use following mining, and
 - (3) address the effects of past mining by aggressively pursuing reclamation of abandoned coal mines.
-

Each coal mine operation in the United States must be permitted and regulated under the provisions of SMCRA. At publication of this document, there were over 5,000 permits on coal mining sites covering nearly 3 million surface acres nationwide. These sites all require regulatory activity for permit approvals, monitoring, inspection, enforcement, and bond release approval.

OSMRE has statutory responsibility for administering programs to control the environmental impacts of surface coal mining operations pursuant to Title V of the Act, 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.

OSMRE's FY 2019 budget supports the Presidential and Secretarial priority of supporting the environmentally responsible development of energy. It provides for the oversight of responsible production of coal through the protection, preservation, and restoration of mined lands and restoration of mined lands left unreclaimed. The FY 2019 budget focuses funding on OSMRE's core mission requirements and reduces funding for lower priority programs and activities.

Environmental Restoration

Title IV (Abandoned Mine Land Reclamation)

OSMRE supports the Department of the Interior's (DOI's) goal of Providing Stewardship of Land, Surface Water, Stream, and Shorelines under the mission area of "Conserving Our Land and Water" in its current Strategic Plan¹ through its Environmental Restoration activities. 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, 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 2006 Amendments significantly increased funding provided to states and tribes, from \$145.3 million in FY 2007 to a distribution of \$300.7 million in FY 2018.

In 2012 and 2013, additional amendments to SMCRA limited the amount of funding available to the certified states and tribes. The Fixing America's Surface Transportation (FAST) Act (Public Law 114-94), enacted in December 2015, lifted the limitations provided by the earlier amendments, and also provided for \$241.9 million in payments to certain eligible certified states and tribes. These funds were distributed in FY 2016.

There is currently over \$10 billion of reported Priority 1, 2, and 3 unfunded coal abandoned mine land problems. OSMRE will concentrate its limited discretionary resources on State Program Evaluation and Federal Reclamation Program operations. These programs work directly with reclaiming abandoned mine lands and will fulfill OSMRE's Title IV obligations. The FY 2019 budget eliminates the discretionary AML Economic Development Pilot fund, established in the 2016 Appropriation Act (Public Law 114-113) and continued in the 2017 Appropriation Act (Public Law 115-31), which overlaps with existing mandatory AML grants.

With its mandatory appropriations authority, OSMRE will continue to collect reclamation fees from operators, allocate and distribute reclamation grant funds to states and tribes, and make payments to the United Mine Workers of America (UMWA) health benefits plans, in accordance with the provisions of Title IV of SMCRA.

(See the Permanent Appropriations Section for more details)

¹ U.S. Department of the Interior, Strategic Plan for Fiscal Years 2018-2022, Mission Area 1.

Environmental Protection

Title V of SMCRA (Active Mining)

OSMRE also supports DOI's current Strategic Plan mission area, "Conserving Our Land and Water" through its Environmental Protection activities. OSMRE strives to maintain a regulatory environment that is both stable and consistent with SMCRA, administered through primacy state programs, or directly by OSMRE as the regulatory authority. That regulatory stability enables all parties, including operators, regulators and citizens, to have 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 for coal to be responsibly mined and to ensure that the 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. With 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 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 grants to states and tribes consistent with their actual expenditures over the past few years.

Review of state permitting actions and inspections of mine sites are among the most effective ways to determine if the state's mining law is being properly implemented. In FY 2017, states performed 25,420 complete and 38,977 partial mine inspections. OSMRE completed 595 partial and 429 complete inspections in its Federal and Indian Lands Programs. Nationwide, 90 percent of the permitted sites inspected were free of off-site impacts. Off-site impacts are those that occur outside the permitted area that have the potential to harm the environment or the public as specified under the existing regulations. The off-site impacts associated with active sites are addressed through the inspection and enforcement processes. It is also important that the land is reclaimed properly and in a timely manner to return the land to its intended post-mining land use.

Training and Technological Advances

OSMRE supports the coordination of science activities across bureaus which help achieve the DOI's mission objectives, and has identified several key areas for investment where coordination with other Department bureaus will leverage results to more effectively achieve mission outcomes. The FY 2019 budget facilitates this coordination by supporting integrated efforts to achieve management efficiencies.

OSMRE uses emerging technologies, tools and methodologies to elevate the understanding of resources related to coal mining on a landscape-level. 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 2019 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.

Management and Efficiencies

OSMRE supports the DOI's and the Administration's initiative to improve programs through an evidence-based approach, while holding program managers accountable for improving performance. In FY 2017, OSMRE established a bureau-wide Performance Management Workgroup to comprehensively evaluate program performance. The Workgroup completed a review of Environmental Protection measures in 2017 and is focusing on Environmental Restoration measures in 2018. These efforts will improve OSMRE's efficiency by providing better quality information for managers to make informed decisions and provide a better understanding of performance measures. Other efforts underway, and reflected in the FY 2019 budget, include data center consolidation, the use of technology to conduct meetings via electronic media, and the consolidation of activities and associated reduction of space.

Budget Highlights

The FY 2019 Budget Request for OSMRE is \$121.67 million in current appropriations².

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 the abandoned mine land program. OSMRE will achieve programmatic savings by eliminating duplicative programs, consolidating functions, reducing or eliminating non-essential activities, and reducing staff to the minimum level required to accomplish core mission functions. Below is an outline of the requested changes.

In addition to discretionary appropriations, the budget includes \$665.4 million in mandatory funding for reclamation grants to states and tribes, and for United Mine Workers of America (UMWA) health benefit plans under current law. Mandatory funding is further described under the Permanent Appropriations Section.

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

² This amount does not include \$100,000 in civil penalty authority or offsetting collections.

Total FY 2019 Budget Request*(Dollars in Thousands)*

Budget Authority	2017 Actual	2018 CR Baseline	2019 Request
Regulation and Technology	121,047	120,195	101,298
<i>Civil Penalties (Indefinite Authority)</i>	<i>[71]</i>	<i>[99]</i>	<i>[100]</i>
<i>Permit Fees (Offsetting Collections)</i>	<i>[10]</i>	<i>[40]</i>	<i>[40]</i>
Abandoned Mine Reclamation Fund	132,163	131,265	20,375
Total Discretionary	253,210	251,460	121,673
Total Discretionary (with Offsetting Collections)	253,291	251,599	121,813
Payments (or Grants) to states in Lieu of Coal Fee Receipts (Treasury Funds)	46,239	106,678	116,900
Mandatory Grants to Non-Certified States (AML Funds)	134,725	194,051	210,700
Funds Transferred to UMWA Health Benefit Plans (Treasury and AML Funds)	295,549	331,459	337,807
Total Mandatory	476,513	632,188	665,407
Total Discretionary and Mandatory	729,723	883,648	787,080
Total Discretionary and Mandatory (with Offsetting Collections)	729,804	883,787	787,220
<i>FTEs</i>	<i>431</i>	<i>434</i>	<i>381</i>

The FY 2019 budget provides \$52.4 million (43 percent) of OSMRE's discretionary funds in grants to the states and tribes for regulatory programs. OSMRE will use the balance of the budget 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 currently implements these programs through three regional and 14 field and area offices.

OSMRE executes its mission through five Business Lines. OSMRE's Business Lines are:

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

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, other stakeholders, and citizens in implementing SMCRA. This 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 primacy states by, among other things, assisting the states in the administration, implementation and maintenance of their approved regulatory programs. This process is detailed further in the Environmental Protection section of this document.

OSMRE, in cooperation with the 25 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.

Appropriations 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, \$101,298,000, to remain available until September 30, 2020: 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 2018 appropriation estimated at not more than \$101,298,000.

Note.—A full-year 2018 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, 2018 (P.L. 115-56). The amounts included for 2018 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, \$20,375,000, 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.

Note.—A full-year 2018 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, 2018 (P.L. 115-56). The amounts included for 2018 reflect the annualized level provided by the continuing resolution.

Appropriations Language and Citations

Regulation and Technology

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- 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 - Provide 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, \$20,375,000, 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.

- 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)

	2017 Actual	2018 CR Baseline		Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)		2019 Request		Change from 2018 (+/-)	
	Amount	FTE	Amount			FTE	Amount	FTE	Amount	FTE	Amount
REGULATION AND TECHNOLOGY											
Environmental Protection	90,168	172	89,526	177		-1	-15,826	171	73,877	-1	-15,649
Technology Development and Transfer	15,205	80	15,102	82		-8	-1,952	72	13,232	-8	-1,870
Financial Management	505	3	501	3		-	-9	3	495	-	-6
Executive Direction and Administration	15,169	45	15,066	15		-10	-1,387	35	13,694	-10	-1,372
TOTAL, REGULATION AND TECHNOLOGY	121,047	300	120,195	277	0	-19	-19,174	281	101,298	-19	-18,897
<i>Civil Penalties (Budget Authority)</i>	71	-	99	-		-	+1	-	100	-	+1
<i>Permit Fees (Offsetting Collections)</i>	10	-	40	-		-	-	-	40	-	-
TOTAL, REGULATION AND TECHNOLOGY, with Civil Penalties and Offsetting Collections	121,128	300	120,334	277	0	-19	-19,173	281	101,438	-19	-18,896
ABANDONED MINE RECLAMATION FUND											
Environmental Restoration	9,480	50	9,415	42		-12	-3,074	38	6,383	-12	-3,032
Technology Development and Transfer	3,544	17	3,520	14		-4	-1,026	13	2,508	-4	-1,012
Financial Management	6,396	39	6,352	32		-6	-1,240	33	5,144	-6	-1,208
Executive Direction and Administration	7,743	28	7,690	6		-12	-1,356	16	6,340	-12	-1,350
AML Economic Development Pilot Program	105,000	-	104,288	-		-	-104,288	-	-	-	-104,288
TOTAL, ABANDONED MINE RECLAMATION FUND	132,163	134	131,265	94	0	-34	-110,984	100	20,375	-34	-110,890
TOTAL, DISCRETIONARY (without Offsetting Collections)	253,210	434	251,460	371	0	-53	-130,158	381	121,673	-53	-129,787
TOTAL, DISCRETIONARY (with Civil Penalties and Offsetting Collections)	253,291	434	251,599	371	0	-53	-130,157	381	121,813	-53	-129,786

Justification of Fixed Costs and Internal Realignments
(Dollars in Thousands)

Regulation and Technology Account (Net +277)

Fixed Cost Changes and Projections	2018 Total or Change	2018 to 2019 Change
Change in Number of Paid Days This column reflects changes in pay associated with the change in the number of paid days between the 2018 and 2019.	+0	+133
Pay Raise The change reflects the salary impact of the 1.9% pay raise for 2018 as signed by the President in February 2017. There is no pay raise for 2019 (0.0%).	+644	+176
Departmental Working Capital Fund The change reflects expected changes in the charges for centrally billed Department services and other services through the Working Capital Fund. These charges are detailed in the Budget Justification for Departmental Management.	+1,605	-45
Worker's Compensation Payments The amounts reflect projected changes in the costs of compensating injured employees who suffer accidental deaths while on duty. Costs 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.	+129	-41
Unemployment Compensation Payments 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.	+4	+0
Rental Payments The amounts reflect changes in the costs payable to the 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; in the case of GSA space, these are paid to the Department of Homeland Security (DHS). 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.	+4,119	+54
Baseline Adjustments for O&M Increases In accordance with space maximization efforts across the Federal Government, this adjustment captures the associated increase to baseline operations and maintenance (O&M) 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.	+27	+0

Justification of Fixed Costs and Internal Transfers
(Dollars in Thousands)

Abandoned Mine Reclamation Fund (Net +94)

Fixed Cost Changes and Projections	2018 Total or Change	2018 to 2019 Change
Change in Number of Paid Days This column reflects changes in pay associated with the change in the number of paid days between the 2018 and 2019.	+0	+48
Pay Raise The change reflects the salary impact of the 1.9% pay raise for 2018 as signed by the President in February 2017. There is no pay raise for 2019 (0.0%).	+239	+63
Departmental Working Capital Fund The change reflects expected changes in the charges for centrally billed Department services and other services through the Working Capital Fund. These charges are detailed in the Budget Justification for Departmental Management.	+790	-22
Worker's Compensation Payments The amounts reflect projected changes in the costs of compensating injured employees who suffer accidental deaths while on duty. Costs 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.	+64	-21
Unemployment Compensation Payments 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.	+2	+0
Rental Payments The amounts reflect changes in the costs payable to the 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; in the case of GSA space, these are paid to the Department of Homeland Security (DHS). 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.	+2,029	+26
Baseline Adjustments for O&M Increases In accordance with space maximization efforts across the Federal Government, this adjustment captures the associated increase to baseline operations and maintenance (O&M) 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.	+13	+0

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 \$101,298,000.

Abandoned Mine Reclamation Fund

This appropriation supports the discretionary reclamation program functions carried out by the states and OSMRE. The Fund is derived from a fee levied on coal production sales, use and transfers. 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 \$20,375,000.

**Summary of 2018 CR Baseline and 2019 Request
By Appropriation and Business Line**
(Dollars in Thousands)

Regulation and Technology	2018 CR Baseline	2019 Request	Change from 2018
Environmental Protection	89,526	73,877	-15,649
Technology Development and Transfer	15,102	13,232	-1,870
Financial Management	501	495	-6
Executive Direction and Administration	15,066	13,694	-1,372
Total, without Offsetting Collections	120,195	101,298	-18,897
<i>Civil Penalties (Budget Authority)</i>	99	100	+1
<i>Permit Fees (Offsetting Collections)</i>	40	40	0
Total, Regulation and Technology with Civil Penalties and Offsetting Collections	120,334	101,438	-18,896

Abandoned Mine Reclamation Fund	2018 CR Baseline	2019 Request	Change from 2018
Environmental Restoration	113,703	6,383	-107,320
Technology Development and Transfer	3,520	2,508	-1,012
Financial Management	6,352	5,144	-1,208
Executive Direction and Administration	7,690	6,340	-1,350
Total, Abandoned Mine Reclamation Fund	131,265	20,375	-110,890

Total Appropriation (without Civil Penalties and Offsetting Collections)	251,460	121,673	-129,787
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Total Appropriation, with Civil Penalties and Offsetting Collections	251,599	121,813	-129,786
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**Summary of 2018 CR Baseline and 2019 Request
By Full-time Equivalent (FTE)**

Regulation and Technology	2018 CR Baseline	2019 Request	Change from 2018
Environmental Protection	172	171	-1
Technology Development and Transfer	80	72	-8
Financial Management	3	3	
Executive Direction and Administration	45	35	-10
Total, Regulation and Technology FTE	300	281	-19

Abandoned Mine Reclamation Fund	2018 CR Baseline	2019 Request	Change from 2018
Environmental Restoration	50	38	-12
Technology Development and Transfer	17	13	-4
Financial Management	39	33	-6
Executive Direction and Administration	28	16	-12
Total, Abandoned Mine Reclamation Fund FTE	134	100	-34

Total FTE	434	381	-53
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Budget at a Glance Table
(Dollars in Thousands)

	2017 Actual	2018 Request	Fixed Costs	Internal Transfers	Program Changes	2019 Request
Discretionary						
Appropriation: Regulation and Technology						
Environmental Protection	90,168	89,526	+177	0	-15,826	73,877
State and Tribal Funding	68,590	68,125			-15,722	52,403
Decrease Regulatory Grant Funding					[-15,722]	
State Program Evaluation	8,616	8,557	+84		-652	7,989
Staffing Costs					[-652]	
Federal and Indian Lands Program	8,358	8,271	+48		-612	7,707
Staffing Costs					[-612]	
Decrease to be covered by offsetting collections	[-10]	[-40]				[-40]
Federal Lands	1,534	1,524	+7		-100	1,431
Staffing Costs					[-100]	
Program Development and Maintenance	3,070	3,049	+38		+1,260	4,347
Staffing Costs					[+1,260]	
Technology Development and Transfer (TDT)	15,205	15,102	+82	0	-1,952	13,232
Technical Assistance	11,693	11,614	+54		-1,034	10,634
Completion of Electronic Permitting Development					[-704]	
Staffing Costs					[-330]	
Training	2,531	2,514	+19		-563	1,970
Staffing Costs					[-563]	
Technology Transfer	981	974	+9		-355	628
Reduce Applied Science Projects					[-228]	
Staffing Costs					[-127]	
Financial Management	505	501	+3	0	-9	495
Revenue Management	410	407	+2		-9	400
Staffing Costs					[-9]	
Grants Financial Management	95	94	+1			95

Budget at a Glance Table
(Dollars in Thousands)

	2017 Actual	2018 Request	Fixed Costs	Internal Transfers	Program Changes	2019 Request
Executive Direction and Administration	15,169	15,066	+15	0	-1,387	13,694
Executive Direction	2,654	2,636	+19		-712	1,943
Staffing Costs					[-712]	
Administrative Support	4,414	4,384	+28		-939	3,473
Staffing Costs					[-939]	
General Services	8,101	8,046	-32		+264	8,278
TOTAL, Regulation and Technology	121,047	120,195	277	0	-19,174	101,298

Appropriation: Abandoned Mine Reclamation Fund						
Environmental Restoration	114,480	113,703	+42	0	-107,362	6,383
State Program Evaluation	2,662	2,644	+14		-646	2,012
Staffing Costs					[-646]	
Federal Reclamation Programs - Projects	1,548	1,537			-1,537	-
Reduce Watershed Cooperative Agreement Funding					[-1,537]	
Federal Reclamation Program - Operations	2,066	2,052	+10		-346	1,716
Staffing Costs					[-346]	
Program Development and Maintenance	3,204	3,182	+18		-545	2,655
Staffing Costs					[-545]	
AML Economic Development Grants	105,000	104,288			-104,288	-
Technology Development and Transfer (TDT)	3,544	3,520	+14	0	-1,026	2,508
Technical Assistance	1,585	1,574	+9		+29	1,612
Staffing Costs					[+29]	
Training	794	789	+3		-187	605
Staffing Costs					[-187]	
Technology Transfer	1,165	1,157	+2		-868	291
Reduce Applied Science Projects					[-497]	
Staffing Costs					[-371]	

Budget at a Glance Table
(Dollars in Thousands)

	2017 Actual	2018 Request	Fixed Costs	Internal Transfers	Program Changes	2019 Request
Financial Management	6,396	6,352	+32	0	-1,240	5,144
Fee Compliance	6,302	6,259	+30		-1,249	5,040
Staffing Costs					[-1,249]	
Grants Financial Management	94	93	+2		+9	104
Executive Direction and Administration	7,743	7,690	+6	0	-1,356	6,340
Executive Direction	1,427	1,417	+9		-578	848
Staffing Costs					[-578]	
Administrative Support	2,338	2,322	+14		-539	1,797
Staffing Costs					[-514]	
General Services	3,978	3,951	-17		-239	3,695
TOTAL, Abandoned Mine Reclamation Fund	132,163	131,265	+94	0	-110,984	20,375
TOTAL, Discretionary Funding	253,210	251,460	+371	0	-130,158	121,673
Total Regulation and Technology*	121,047	120,195	+277	0	-19,174	101,298
Civil Penalties	71	99			+1	100
Offsetting Collections - Permit Fees	10	40				40
Total Regulation and Technology (with Civil Penalties and Offsetting Collections)	121,128	120,334	+277	0	-19,173	101,438
Total Abandoned Mine Reclamation Fund	132,163	131,265	+94	0	-110,984	20,375
Total, Budget Resources with Offsetting Collections	253,291	251,599	+371	0	-130,157	121,813

* FY 2017 Actual reflects actual Civil Penalties collections of \$70,529, actual Permit Fee collections of \$9,979, and \$30,021 in appropriated funds for Permit Fee activities in Environmental Protection.

Budget at a Glance Table
(Dollars in Thousands)

	2017 Actual	2018 Request	Fixed Costs	Internal Transfers	Program Changes	2019 Request
Mandatory						
Payments to States and Tribes in Lieu of Coal Fee Receipts (Treasury Funds)	46,239	106,678	0	0	+10,222	116,900
In Lieu Payments to Certified States and Tribes**	46,239	106,678			+10,222	116,900
Mandatory Grants to States (AML Funds)	134,725	194,051	0	0	+16,649	210,700
Grants to Noncertified States						
State & Tribal Share	24,436	25,212			+1,588	26,800
Historic Coal Fund	88,643	151,376			+15,024	166,400
Minimum Program Make Up	21,646	17,463			+37	17,500
United Mine Workers of America Plans (UMWA)	295,549	331,459	0	0	+6,348	337,807
Payments to United Mine Workers of America Health Benefit Plans (AML Fund Interest)	32,140	46,257			+21,191	67,448
Payments to United Mine Workers of America Health Benefit Plans (Treasury Funds)	263,409	285,202			-14,843	270,359
TOTAL, Mandatory Funding	476,513	632,188	0	0	+33,219	665,407

** Increased payment to the UMWA in FY 2018 and FY 2019 are the result of the additional beneficiaries authorized by the Health Benefits for Miners Act of 2017 (P.L. 115-31).

Mandatory Funding: FY 2017 and FY 2018 AML grants and UMWA payments reflect actual amounts paid. FY 2019 estimates are based on the Office of Management and Budget's economic assumptions as of December 18, 2017.

TAB

Environmental Restoration

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ENVIRONMENTAL RESTORATION**Environmental Restoration Budget Request***(Dollars in Thousands)*

	2017 Actual	2018 CR Baseline	2019				Change From 2018 (+/-)
			Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2019 Request	
Abandoned Mine Reclamation Fund	114,480	113,703	+42	-	-107,362	6,383	-107,320
State Program Evaluation	2,662	2,644	+14		-646	2,012	-632
<i>FTE</i>	<i>19</i>	<i>17</i>			<i>-5</i>	<i>12</i>	<i>-5</i>
Federal Programs - Projects	1,548	1,537			-1,537	0	-1,537
Federal Programs - Operations	2,066	2,052	+10		-346	1,716	-336
<i>FTE</i>	<i>5</i>	<i>12</i>				<i>12</i>	
Program Development and Maintenance	3,204	3,182	+18		-545	2,655	-527
<i>FTE</i>	<i>22</i>	<i>21</i>			<i>-7</i>	<i>14</i>	<i>-7</i>
AML Economic Development	105,000	104,288			-104,288	0	-104,288
Total, Environmental Restoration	114,480	113,703	+42	-	-107,362	6,383	-107,320
Total FTE	46	50			-12	38	-12

Note: 2017 FTE figures reflect actual usage.

Fixed Costs of \$42,000 in pay related items.

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 2019 Program Changes for Environmental Restoration

Request Component	(\$000)	FTE
AML Economic Development Pilot Program	-104,288	
Federal Watershed Cooperative Agreement	-1,537	
Staffing Costs	-1,537	-12
TOTAL Program Changes	-107,362	-12

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 2019, the Environmental Restoration program plans to remediate 13,095 acres of abandoned coal mine lands, by eliminating health, safety, and environmental concerns. These remediation efforts will result in providing 332,719 people with reduced exposure to safety risks from abandoned mine lands.

Justification of 2019 Program Changes

AML Economic Development (-\$104,288,000): No funding is requested for this program.

Federal Watershed Cooperative Agreement (-\$1,537,000): No funds are requested in FY 2019.

Staffing Costs (-\$1,537,000/-12 FTE): The staffing levels proposed in the Environmental Restoration business line will fund high priority work activities to meet requirements under SMCRA and support other mission enhancing 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 problems associated with abandoned mine sites, such as water pollution, open portals and pits, land stripped of natural vegetation, and refuse piles, 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 other partners can make further investments in productive uses, such as agriculture, wildlife habitat, or development. Mine site reclamation not only improves our environment, but also safeguards people and property, and revitalizes communities by creating jobs.

OSMRE's Environmental Restoration business line funds operations and projects under the Abandoned Mine Land Program (AML). As part of its administration of 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.

Since 1977 under SMCRA's AML program, more than 12,000 equivalent acres per year of abandoned mine land problems have been addressed. SMCRA established priorities for AML problems ranging from extreme dangers to public health and safety to those associated with environmental related coal problems. Details on the types of problems that have been addressed can be found in the AML Reclamation Accomplishments section. OSMRE has developed a national inventory that contains information for over 21,000 problem areas associated with abandoned mine lands, mostly coal. A problem area is a uniquely defined geographical area that contains one or more abandoned mine land problems. The more serious problem areas are classified as Priority 1, Priority 2, or Priority 3 (adverse effects to land, water resources, or environmental problems adjacent to another Priority). The cost of addressing the remaining Priority 1 and 2 coal-related sites is estimated at over \$7 billion. In addition, there is almost \$3 billion of Priority 3 unfunded problems, for a total of over \$10 billion of unfunded AML problems.

The authority to collect the mine reclamation fee and distribution of the fee was revised by the Tax Relief and Health Care Act of 2006, which included the Surface Mining Control and Reclamation Act Amendments of 2006 (Public Law 109-432). This 2006 Act extended the authority for fee collection through September 30, 2021, lowered the fee and the amount collected, and changed the way State and Tribal reclamation grants are funded, beginning in FY 2008. State and Tribal reclamation grants are permanent appropriations. The remaining 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.

**ENVIRONMENTAL RESTORATION
ENCOMPASSES:**

State Program Evaluation
Federal Reclamation Program – Projects
Federal Reclamation Program – Operations
Program Development and Maintenance
AML Economic Development

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 that adverse impacts to land and water resources caused by past mining operations are alleviated.

Evaluation and oversight of the State and Tribal AML reclamation operations are coordinated by OSMRE 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 volunteer non-profit 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, and ensures that State/Tribal programs are amended as needed.

The Environmental Restoration activities improve natural resources and reduce the risk to public health, safety, and general welfare by correcting problems caused by past mining. OSMRE has identified success indicators to show accomplishments leading to the overarching mission goal. These goals and measures are identified at the end of this business line section.

Actions Required to Achieve Annual Goals: In FY 2019 and beyond, OSMRE will continue to encourage partnership participation by working with states and tribes through their reclamation agencies, and through private and grass-roots 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 Needed: OSMRE will continue to need a diverse and multidisciplinary cadre of individuals with scientific and engineering skills. These staff members establish reclamation project design and construction criteria, either directly or in conjunction with contractors for Federal programs. The staff also 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 meet the annual performance measures. It also includes examples of the types of efforts used to evaluate programs, address emergency and high-priority issues and manage those projects, and provide reclamation support services to communities affected by coal mining issues.

2019 PROGRAM PERFORMANCE

Abandoned Mine Reclamation Fund

The Surface Mining Control and Reclamation Act (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 2019 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. Watershed Cooperative Agreements and high-priority and emergency coal projects under the Federal Reclamation Program in states and tribes without approved AML programs are proposed to be covered in FY 2019 by the remaining funds appropriated for these programs from prior years.

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 used 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 created different sources of funding for addressing AML issues by allowing for the appropriation of both discretionary and mandatory grants. Prior to 2006, though a state would assume responsibility for addressing the AML issues within its borders, unless that state chose to address emergencies, OSMRE had been responsible for emergency projects. It was subsequently deemed more efficient and cost effective to combine responsibility for AML issues and AML emergencies issues under a single authority with a single source of funding. Thus, beginning in FY 2011, the responsibility for addressing emergency situations utilizing the mandatory grant funds was transferred to states and tribes with AML programs.

For reference, Table 1 identifies State, Tribal and Federal responsibilities for the AML Program and Emergency Issues.

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

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

*OSMRE has conducted AML reclamation on Tribal lands across the nation, most recently on Cherokee Tribal lands in Oklahoma.

1. State Program Evaluation

SMCRA requires OSMRE to monitor the progress and quality of each State and Tribal program to ensure that their reclamation programs function effectively. This program area is an integral part of the State and Tribal funding. Evaluation of State and Tribal reclamation programs ensures efficient and effective use of program dollars for the intended purpose. The FY 2019 budget request includes \$2,012,000 and 12 FTE for State Program Evaluation activities.

OSMRE analyzes 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. The current evaluation system does not require that the entire program be reviewed each year. Instead, the system requires the appropriate field office, in consultation with each state or tribe, to develop a performance agreement which addresses the areas to be reviewed, and

establishes applicable performance measures. Since much of topic-specific oversight is trend analysis, and because the interaction between the programs and OSMRE is continual, the performance agreements can be for periods longer than one year. However, OSMRE reviews them each year to determine the progress being made.

These 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 encourages states and tribes to maintain ongoing programs for post-project monitoring to assure that completed reclamation projects receive adequate maintenance until reclaimed lands are stable, and to ensure the effectiveness of reclamation designs. OSMRE evaluations of post-construction monitoring ensure implementation of these types of state monitoring plans.

As an example: In 2017, the OSMRE Charleston Field Office (CHFO) continued to work with the West Virginia Department of Environmental Protection's Office of Abandoned Mine Lands and Reclamation (OAMLR) to improve underground mine dewatering methods to prevent uncontrolled discharges of mine water during reclamation operations. OAMLR has begun intensively reviewing the water levels indicated by on-site piezometers during the project design process and prior to reclamation work. This improvement to the design procedure has led OAMLR to utilize horizontal boring on select projects to avoid any uncontrolled, high volume discharges; consequently, no reclamation projects in 2017 were associated with uncontrolled discharges.

2. Federal Reclamation Program

OSMRE addresses environmental hazards on a priority basis when an emergency occurs in states or on Tribal lands without AML programs; administers projects funded by Federal civil penalties collected from operators and projects funded from bonds forfeited by operators of federally permitted sites; monitors watershed cooperative agreement projects; and provides technical assistance to states and tribes specific to the above projects. The request includes \$1,716,000 and 12 FTE for Federal Reclamation Program operations.

a. Civil Penalty Reclamation 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. 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.

Since the major coal producing states administer their own programs, civil penalty revenues available to OSMRE are limited and not sufficient for all priority post-Act reclamation needs. Civil penalty projects funded during FY 2018 include:

Faith Coal Company, Permit 2283087, Tennessee: Awarded the end of FY 2017 and to be completed in FY 2018, OSMRE used \$111,200 of civil penalty reclamation funds to award a contract to reclaim an abandoned permanent program site that did not have any remaining bond funds to address drainage and safety issues that developed at the site a number of years after the site was abandoned. Reclamation efforts include the removal of an existing sediment/treatment pond, the placement of drainage channels, excavation/grading and construction of a treatment basin and grade and fill in a partially open mine portal and shaft.

Industrial Processing Company 80-A12, Tennessee: Awarded near the end of FY 2017 and to be completed in early FY 2018, OSMRE used \$143,675 of civil penalty funds. The work involves the regrading of current haulroad and repair of highwall located adjacent to it in various sections, the placement of drainage channels, culvert, and excavation of portions of an existing sediment/treatment basin, placement of treatment systems within current basin, placement of low water crossing within road at various locations, the placement of water bars at various locations along the road and the revegetation of all disturbed areas, including tree planting.

Tar Gap 3061 Mine Reclamation, Tennessee: In FY 2017, OSMRE used \$42,179 of civil penalty funds to augment existing bond forfeiture funds for this site to complete reclamation of this abandoned surface mine. The work involved grading of approximately 22 acres of un-vegetated areas, construction of drainage channels to minimize ongoing erosion, excavating and disposal of acid bearing materials and the revegetation of all disturbed areas. The reclamation efforts were completed successfully and the hazards associated with the site were eliminated.

A&W Corporation 1183040, Tennessee: In FY 2017, OSMRE awarded \$440,800 of civil penalty reclamation funds to reclaim a 16 acre surface mine. Reclamation efforts include elimination of about 850 feet of dangerous highwalls, establishment of drainage channels throughout the site, placement of sediment controls, general site grading, and seeding and planting of trees.

Buffalo Coal Permit 422 Proposal, Maryland: The project will improve a current active treatment system by removing accumulated sludge from 2 ponds and providing long-term and sustainable sludge handling and disposal (by constructing a drying bed). There is a current safety issue due to the buildup of this sludge and possible access to the area by unsuspecting ATV riders and hikers who may not be aware of the dangers associated with the sludge pond. The reclamation bond was used for land reclamation and construction of the water treatment system (phase completed December 2008). In 2012, Maryland used their Supplemental Bond Fund for a project that increased sludge capacity of the treatment system and installed a liquid caustic tank. The Supplemental Bond Fund supports the \$12,000/year for chemicals and O&M. The proposal is being approved in the amount of \$315,965.

Collie Coal Company, Indiana: This proposal involves reclaiming a 40 acre slurry reprocessing operation that operated in the late 1990s into the 2000s. The area consists of mine pits that were subsequently filled with slurry. This forfeited site was a carbon recovery operation where the dried slurry was excavated, screened and product removed via truck. Environmental and safety concerns include offsite flooding causing safety concerns on a public road, loss of 1-2 acres of farm ground and production of AMD. The forfeited bond of \$227,000 will be supplemented by civil penalty funds to reclaim the site for wildlife. The reclamation plan consists of grading the area to achieve positive drainage, covering exposed toxic surfaces and revegetating the area. The civil penalty funds will be used for tree clearing, earthwork for sub and final grade and application of lime (pH adjustment and revegetation). Most work will occur during FY 2019 but initial project funding of \$14,023 was provided in FY 2018 to perform spillway maintenance to keep the site stable until more complete reclamation can be accomplished.

Isabella Project, Pennsylvania: The site was a coal refuse reprocessing operation and receives a significant amount of ATV and dirt bike activity riding on steep slopes and through the emergency spillway of a freshwater impoundment. Also the rising level of water in this impoundment has caused significant flooding of a public road creating a serious health and safety concern. Forfeited bond of \$1.2 million would be supplemented by available civil penalty funds. The project is divided into three areas: 45 acres of refuse pile reclamation, design and construction of passive treatment system(s), improvement of a principal discharge structure and emergency spillway on an impoundment, and dewatering and construction of a permanent spillway and discharge conveyance channel on the fresh water impoundment. OSMRE will provide \$430,000 to supplement the available bond funds.

S. Coal Company, Elk Mine, Illinois: The 280-acre site contains partially reclaimed cropland, graded mine spoil w/o soil cover, ungraded mine spoil, highwall, and an unreclaimed coal processing area. Concerns center on the site as an attractive nuisance liability with a safety hazard from an ungraded highwall adjacent to a final cut lake as deep as 100 feet; offsite sedimentation; and exposed acid-forming materials. The Illinois Department of Natural Resources has \$3.3 million in bond forfeiture funding with a short fall of \$1,313,921 to complete the reclamation. The proposal has broken out the cost for three concern areas: public safety (highwall grading) is the highest and the disposal of the acid forming material as number 2. Reclaiming as much of the area to approximate original contour and restoring as much of the prime farmland as funds allow are the third priority. OSMRE will provide supplemental funding of \$118,000 to ensure that highwall grading and acid forming material problems can be addressed.

Tim Coal Land, Alabama: The site mined in the 1980s consists of two highwalls approximately 500 feet in length with an average depth of 25 to 30 feet, with

pockets of impounded water, and erosion/deposition concerns. The site is proximate to residential areas and next to a wildlife management area. There is a concern that the highwalls present a danger to those that enter the site. Reclamation bond of \$103,307 was forfeited. OSMRE will provide \$200,000 to reclaim the site.

Bill's Coal Company, Oklahoma: There are two permits associated with this project. Both involve reshaping and regrading slopes and ponds, establishing spillway erosion controls, installing check dams, inlet and spillway controls, and placing topsoil and revegetating 11.2 acres. There are no reclamation bonds available to help reclaim the site. OSMRE will provide \$125,000 for this project.

OSMRE is also making progress on previously funded projects.

Unit 28 Slurry Stabilization Project, Cherokee County, Kansas: During FY 2015, OSMRE awarded SEEKAN RC&D \$100,000 to assist in the reclamation of a site featuring 24 acres of clogged stream lands. This project will receive assistance from KDWPT, Cherokee County, and the Kansas Department of Health and Environment, Surface Mining Section. In May 2004, the State was informed by the Kansas Department of Wildlife Parks and Tourism (SMS) and Cherokee County officials that there had been a significant slurry spill from the Mine 19 site into Deer Creek with at least a mile of stream contaminated by fine coal waste slurry. Since the time of that spill, multiple projects have been completed at the site to remedy the situation and successfully maintain the slurry on site. These included:



Unit 28 Slurry Stabilization Project (OSMRE Photograph)

- The breaches between the upper slurry cell embankments were repaired and chimney drains were installed on two embankments to allow water to move through the system without carrying slurry material. A new spillway replaced failed pipes on the other slurry cell.
- A new discharge point was installed on the lower impoundment to provide for discharge of high flows of water.
- A containment berm was installed on the lower cell with open channel spillways installed to allow the movement of water while trapping slurry.
- A short section of Deer Creek was relocated away from the toe of the lower slurry cell embankment to prevent undercutting and potential failure of the embankment. At the same time, the floodplain of the creek in this location was reestablished and the dam reinforced.

b. Program Staff (Operations)

Federal Reclamation Program Operations funds enable OSMRE to administer watershed cooperative agreements and address Federal emergencies, and high priority, 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 includes:

- Compliance with the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), and the National Historic Preservation Act (NHPA);
- Obtaining the right of entry for access;
- Developing engineering plans and specifications needed for abatement;
- Preparing and mailing bid packages to potential construction contractors;
- Conducting pre-bid and pre-construction conferences;
- Awarding contracts;
- 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 in 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.

3. Program Development and Maintenance

The Program Development and Maintenance activity is an integral part of the State and Tribal funding program. The FY 2019 budget proposes \$2,655,000 in funding, and provides for 14 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 the National Environmental Policy Act (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, assure 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 (NHPA), the Endangered Species Act (ESA) 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 policy, and changes to existing policy, are circulated to the states and tribes for input prior to being finalized enabling OSMRE to make programmatic decisions in a collegial 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.

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, funded (in progress) or completed. 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 them in planning, to make funding decisions and to report program accomplishments. OSMRE uses e-AMLIS to record and report AML Program accomplishments under the Government Performance and Results Act (GPRA). 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.

b. Grants Management

OSMRE supports and participates 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 obligation and deobligation transactions.

OSMRE has a decentralized grants management organization, with a small policy staff at headquarters. Regional and field offices perform day-to-day grants and program management. Accounting and reporting occurs 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, innovative program monitoring, and less paperwork-intensive reporting and close-out 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 program amendments for OSMRE 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 program amendments through proposed rules published in the Federal Register, holds public meetings, maintains the administrative record, approves or does not approve proposed state program amendments, and publishes the decisions as final rules in the Federal Register.

ENVIRONMENTAL RESTORATION

2018 Planned Program Performance

In 2018, the planned activities in the Environmental Restoration program activity include:

- Continue partnerships with watershed groups and related reclamation by awarding watershed cooperative agreements to interested groups.
- Respond to Federal AML emergencies in non-program states.
- Provide AML grants to states and tribes.
- OSMRE will monitor watershed cooperative agreement projects funded before or during FY 2017, and will provide opportunities, contingent on availability of funding, to fund other projects during FY 2018.
- OSMRE will continue to use civil penalty reclamation funds to eliminate hazards resulting from past mining activities.
- Achieve the goals for performance measures identified on the Performance Overview Table for this business line.
- Support the Underground Mine Map Initiative (UMMI) 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. This is being accomplished on a national level through competitive grants awarded by OSMRE. The awards are used by states to collect, preserve and digitally reproduce the mine maps so they can be overlain onto city maps. In addition to funding, OSMRE technical experts provide technical assistance and training to states in data scanning capture and archiving of the mine map information.
- OSMRE will provide guidance and assistance in establishing benchmark standards in mine map preservation, including digital imaging and rectification, and creating and serving mine map overlays for mine safety, State and Tribal AML, local government, and public viewing and use.
- Continue monitoring the FY 2017 AML Economic Development Pilot Program.
- OSMRE will complete an AML P1 grading project on Fort Peck Reservation Land to remediate multiple subsidence features from historic coal mining.
- Work to implement Office of the Inspector General recommendations to improve the oversight and aspects of the AML Program.

2017 Program Accomplishments

In 2017, the major accomplishments in the Environmental Restoration program activity include:

- Provided \$181 million in grants to 25 states and 3 tribes in mandatory AML funding.
- Improved land and water health by reclaiming, or mitigating, the equivalent of 12,132 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.
- Leveraged \$634,920 in partner funds for five new watershed cooperative agreements in three states (Iowa, Ohio, and Pennsylvania).
- Used civil penalty reclamation funds for three sites in Tennessee that were abandoned and left in an environmentally degraded state.
- Reclaimed one mine site abandoned and left unreclaimed by the permittee in Tennessee utilizing a combination of performance bonds and civil penalty monies.
- The Federal Reclamation Program addressed one AML emergency and abated four Priority 2 hazards in Michigan, and addressed two AML emergencies in Washington.

TAB

Environmental Protection

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ENVIRONMENTAL PROTECTION**Environmental Protection Budget Request***(Dollars in Thousands)*

	2017 Actual	2018 CR Baseline	2019				Change from 2018 (+/-)
			Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2019 Request	
Regulation and Technology	90,168	89,526	+177	-	-15,826	73,877	-15,649
State and Tribal Funding	68,590	68,125			-15,722	52,403	-15,722
<i>FTE</i>							
State Program Evaluation	8,616	8,557	+84		-652	7,989	-568
<i>FTE</i>	79	82				82	
Federal and Indian Lands Program	8,358	8,271	+48		-612	7,707	-564
Offsetting Collections		[+40]				[+40]	
<i>FTE</i>	43	47				47	
Federal Lands	1,534	1,524	+7		-100	1,431	-93
<i>FTE</i>	8	6				6	
Program Development and Maintenance	3,070	3,049	+38		+1,260	4,347	+1,298
<i>FTE</i>	36	37			-1	36	-1
Total, Environmental Protection	90,168	89,526	+177	-	-15,826	73,877	-15,649
Total FTE	166	172			-1	171	-1

Note: 2017 FTE amounts reflect actual usage.

FY 2017 Actuals include \$40,000 in additional appropriated funds and \$9,979 of actual collections for permitting activities.

Fixed Costs of \$177,000 in pay related items.

Summary of 2019 Program Changes for Environmental Protection

Request Component	(\$000)	FTE
State and Tribal Funding	-15,722	
Staffing Costs	-104	-1
TOTAL Program Changes	-15,826	-1

Under the Environmental Protection program, OSMRE works with states and tribes to ensure the environment is protected while there is active surface mining operations. In FY 2019, 89% of active coal mining sites will be free of off-site impacts, and 41% of past mining sites will be reclaimed to post-mining beneficial use.

Justification of 2019 Program Changes

State and Tribal Funding (-\$15,722,000): The Federal Government provides funding to states and tribes to regulate the coal industry. This request supports \$52,403,000 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 and tribes 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.

Staffing Costs (-\$104,000/-1 FTE): The staffing level proposed in the Environmental Protection business line will fund high priority work activities to meet statutory requirements under SMCRA and support other mission enhancing 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 address the protection of the public and environment from the adverse effects of current mining, and reclamation of land at the conclusion of mining. At the end of FY 2017, the permitted area of coal mining operations encompassed 2.6 million acres nation-wide. During active mining, the potential risks from 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.

ENVIRONMENTAL PROTECTION ENCOMPASSES:

State and Tribal Funding

- State Grants
- Tribal Regulatory Development Grants

State Program Evaluation

Federal and Indian Lands Programs

Federal Lands

Program Development and Maintenance

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 states 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 goal supports responsible coal extraction and addresses the 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 performance measures for this goal are the protection of the environment and public from off-site impacts resulting from surface coal mining operations and successful reclamation on lands affected by surface coal mining operations. This goal is accomplished through the cooperative efforts of the OSMRE and State and Tribal regulatory offices. 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 resulting 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 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, though they should be minimized, and offsite impacts prevented, when possible.

Acres released from Phase I, and II bond release: This performance measure is the number of acres of land that have been approved to complete a phase of reclamation every year by active coal mine operators, and is dependent on the operator to file an application for each release phase. This is documented and measured through a series of bond releases. The 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 has been represented as a ratio of the cumulative number of acres released from Phase I, Phase II, and Phase III and the cumulative number of mined acres.

Percent of mined acres reclaimed can also be expressed as an annual measure for each fiscal year. This is calculated using acres reclaimed for final release (Phase III) during the fiscal year and current mined acres at the end of the fiscal year.

Actions Required to Achieve Annual Goals: OSMRE continues its outreach to interested parties to address concerns related to impacts from surface coal mining operations, acid mine drainage, other water pollution, and slurry and other impoundments; to evaluate its rules; to advance coal remining efforts; to encourage reforestation; to ensure mines are properly bonded; and to ensure that contemporaneous reclamation is occurring. To ensure that contemporaneous reclamation is occurring, the timeliness of reclamation must accurately be measured. A measure for contemporaneous reclamation during the fiscal year is captured with an annual measure for mined acreage reclaimed.

In addition, OSMRE will continue to practice cooperative conservation through working in partnership with states and tribes to carry out the mission of the SMCRA. OSMRE has refocused its actions on mission accomplishment while fostering better working relationships with states.

Resources, Skills, and Technology Needed: Program analysts, reclamation specialists, grant specialists, and various support personnel are needed to implement the State regulatory programs and to conduct program evaluations. OSMRE and the primacy states also will continue to need 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 are needed to 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 2019, the President's Budget requests \$52.4 million to fund up to 50 percent of the costs for 24 primacy State regulatory programs, and up to 100 percent of the costs for 14 of the primacy states to cover regulating mining on Federal lands within their borders through cooperative agreements. This amount will also provide 100 percent of the regulatory program development costs for three tribes.

The FY 2019 budget request includes \$8.0 million to improve implementation of existing laws and to support states and tribes. The request also includes \$7.7 million to fund regulatory programs in non-primacy states, including Tennessee and Washington, and on Indian Lands. Also included in the FY 2019 budget request is \$1.4 million for OSMRE to carry out mine plan reviews for Federal lands, and \$4.3 million for program development and maintenance to ensure that regulatory standards adequately reflect changes in technologies and program needs. Appropriation 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 measures. It also includes examples of cooperative work between OSMRE, states, and tribes to regulate coal-mining activities that will continue in FY 2019 and support this budget request.

2019 PROGRAM PERFORMANCE

1. State and Tribal Funding

The \$52,403,000 requested for FY 2019 for State and Tribal funding recognizes the need to support the regulatory programs. This request fully funds the projected 2019 activity requirements, based on a downward trend in state grant execution and an historical return of unexecuted appropriated funds at the end of the grant cycle each year. OSMRE will also continue to support State regulatory grant requests by re-distributing the available prior year funds as needed for this activity. This activity supports responsible coal extraction using technology to minimize the impact of 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. The 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 and issue permits, and conduct the required inspections of regulated activities on Federal lands. 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 to an amount approximately equal the amount that the Federal Government would have expended to do the same work. The regulations further require that no grant may 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: 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 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, computerizing systems to improve review of pending permits, and drafting regulations that respond to changes in Federal rules.

All active and inactive sites, facilities, and areas that support coal mining and reclamation within a state are inspected by the State regulatory authority 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 64,397 inspections in FY 2017 (see Table 2). This represents an 8% decline in inspection activity from the previous year.

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 Surface Mining Control and Reclamation Act Amendments of 2006 provides 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, and a formal application for Tribal primacy may be submitted by the Navajo Nation in the summer of 2018 pending approval by the Tribal Council. 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 has not been determined.

2. State Program Evaluation

State Program Evaluation activities serve two purposes: they determine whether states are effectively implementing their regulatory programs as approved, and they provide documentation to the public of the work that OSMRE and the states are doing. The \$7,989,000 requested for FY 2019 will fund 82 FTE to carry out these activities.

a. Oversight Policy and Procedures

OSMRE assumes a monitoring 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. Major policy documents include:

Directive REG-8, Oversight of State Regulatory Programs establishes policies, procedures, and responsibilities for conducting oversight of State and Tribal regulatory programs. It establishes formulas and criteria for the number and type of oversight inspections. It also contains detailed instructions on data collection and preparation of the annual evaluation report, as well as public participation in the evaluation process.

Directive REG-23, Corrective Actions for Regulatory Program Problems and Action Plans describes the corrective action procedures that apply when OSMRE identifies problems with an approved State or Tribal regulatory program, or with State or Tribal actions taken or not taken under that program that could, if left unaddressed, result in a failure by the state or tribe to effectively implement, administer, enforce, or maintain its approved program.

Directive INE-35, Ten-Day Notices establishes the policy and procedures that OSMRE will follow when OSMRE has reason to believe that a violation of SMCRA, the State regulatory program, or a state-issued permit exists.

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 conduct, technical or programmatic assistance that OSMRE may render to the state, and the method to resolve any identified problems, both new problems and any issues remaining from previous years.

b. Oversight Inspections

SMCRA requires the Secretary to conduct mine inspections to evaluate the administration 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 observed. In states with 1,000 or more inspectable units, OSMRE also 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, Directive REG-8 provides for independent oversight inspections to validate and enhance the credibility of both the regulatory program and the oversight process. In addition, at least 4 of the 12 (or 1/3) of the inspections conducted will be complete inspections. Complete inspections allow for a comprehensive, complete review of the entire mine site which furthers OSMRE's ability to effectively evaluate and monitor a state's or tribe's regulatory program.

In FY 2017, OSMRE conducted 1,430 oversight inspections in primacy states (see Table 2). OSMRE intends to perform oversight inspections in FY 2018 and FY 2019 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.

Table 2 - Inspections Conducted in Primacy States in FY 2017

Region / State	State Inspections			OSMRE Oversight Inspections
	Partial	Complete	Total	
Appalachian Region				
Kentucky	10,185	6,497	16,682	403
Maryland	507	263	770	18
Ohio	1,239	761	2,000	62
Pennsylvania	7,069	4,808	11,877	320
Virginia	2,036	1,507	3,543	109
West Virginia	14,586	7,920	22,506	302
Total Appalachian Region	35,622	21,756	57,378	1,214
Mid-Continent Region				
Alabama	49	1,998	2,047	44
Arkansas	52	24	76	2
Illinois	632	322	954	43
Indiana	594	302	896	21
Iowa	0	0	0	0
Kansas	56	28	84	0
Louisiana	24	12	36	12
Mississippi	16	8	24	8
Missouri	64	32	96	2
Oklahoma	246	226	472	8
Texas	299	142	441	6
Total Mid-Continent Region	2,032	3,094	5,126	146
Western Region				
Alaska	45	26	71	4
Colorado	217	126	343	14
Montana	107	57	164	9
New Mexico	28	30	58	6
North Dakota	546	102	648	9
Utah	196	109	305	8
Wyoming	184	120	304	20
Total Western Region	1,323	570	1,893	70
Grand Total	38,977	25,420	64,397	1,430

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, 2016, through June 30, 2017.

c. Identifying and Correcting Violations of SMCRA

In primacy states, SMCRA requires that the OSMRE inspector provide the regulatory authority the opportunity to correct any violations observed during an oversight inspection or alleged by a citizen. On most oversight inspections, OSMRE finds that the observed violation has already been cited by the regulatory authority or is cited during the process of a joint State/federal inspection. In those cases where an alleged violation is not resolved during OSMRE inspection or where a citizen provides information giving OSMRE reason to believe a violation exists, OSMRE must issue a Ten-Day Notice (TDN) to the State regulatory authority whenever, on the basis of any available information, including a Federal inspection or any information received from a citizen complaint, the inspector has reason to believe that a violation exists. The State regulatory authority then has 10 days to take enforcement action, initiate other action to cause the violation to be corrected, 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 complaint alleges that a violation of this nature exists.

During Evaluation Year 2017, OSMRE observed 618 violations during oversight inspections. Of these 376 were appropriately deferred to states for action either during the joint inspection process or as the final resolution of a TDN. OSMRE found the states' actions inappropriate on 211 violations from oversight inspections. OSMRE also received 17 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 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 Applicant Violator System (AVS) Office promotes the use of alternative enforcement to compel compliance with SMCRA. As part of this effort, the AVS Office provides training, investigative services and identifies sites with outstanding violations for regulatory authorities to consider pursuing alternative enforcement when primary enforcement is not enough. These activities will continue throughout FY 2018 and FY 2019.

3. Federal and Indian Lands Program

The FY 2019 request provides \$7,707,000 and 47 FTE to conduct required activities in the Federal and Indian Lands Program. 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 Program.

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. Review timeframes 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 2017, Tennessee had 107 permits on coal mining operations, of which 63 permits were in active status. There were two permitted mine sites for the State of Washington at the end of FY 2017, neither of which is currently mining coal by traditional means. One Washington mine site is, however, conducting reprocessing operations of previously-mined coal deposited in refuse impoundments, and the other site has submitted a permit revision application proposing to reinitiate mining. 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 by Federal Programs, Tennessee and Washington.

Tennessee: During FY 2017, there were eight active coal producing sites in Tennessee. At the end of FY 2017, there were five active coal producing sites, 17 active non-producing sites, (tipples, preparation plants, etc.), 76 mine sites (i.e., non-producing sites either in temporary cessation, mining is complete, or the site is undergoing reclamation), and 12 abandoned sites in Tennessee. In addition, six coal exploration notices of intent were on hand at the end of FY 2017. The Knoxville Field Office (KFO) received no new permit applications in FY 2017 and has seven in various stages of review. In addition, KFO received 12 Successor-In-Interest (SII) applications with several in various stages of review at the end of FY 2017. In the beginning of FY 2017, KFO had seven in-house SII permit applications; KFO expects to issue all of these in FY 2018. Over the past six-year period, Tennessee coal production experienced a general decline from 1.40 million tons in calendar year 2011 to 0.64 million tons in calendar year 2016. OSMRE has discussed the possible return of the primacy program with Tennessee on numerous occasions. Tennessee is actively pursuing development of regulations and evaluating the financial commitments of implementing a regulatory program under Title V of SMCRA in Tennessee.

An interagency group comprised of State and Federal agencies, including OSMRE, the Army Corps of Engineers, the Environmental Protection Agency, 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 regarding USFWS and OSMRE adherence to 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 satisfy the ESA on SMCRA permit revisions, renewals, and mid-term reviews. The document contains an assessment of the biological data, an effects determination of the impacts to ESA species, and an evaluation of whether the operation will constitute jeopardy to the continued existence for each respective ESA species. 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 2015 lawsuit, KFO agreed to conduct full section 7 ESA consultation on all new permitting applications. Prior to the 2015 lawsuits, KFO relied upon the 1996 biological opinion to satisfy its section 7 consultation requirements. In a settlement agreement, the decision was made to conduct section 7 consultation in lieu of relying on the 1996 biological opinion because KFO was already conducting effects determinations on every permitting action involving threatened and endangered species. These effects determinations were very similar to the biological assessment required under section 7 consultation. KFO, therefore, agreed to the section 7 consultation process.

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 include 33 trend stations during low-flow conditions, winter mean-flow conditions, and summer mean-flow conditions. This CHIA data supports permitting decisions and assesses successfulness of program implementation for both SMCRA and ESA.

In October 2010, OSMRE received a Lands Unsuitable for Mining petition from the State of Tennessee covering more than 67,000 acres of ridgelines in State Wildlife Management Areas. On December 11, 2015, OSMRE released a draft proposal and draft Environmental Impact Statement (EIS) to designate portions of the State's mountain ridges as unsuitable for surface coal mining in accordance with state wildlife management plans. The 45-day public comment period on the draft proposal and EIS ended on January 25, 2016. OSMRE received in excess of 25,000 comments on the draft EIS. The comments were analyzed and several modifications to the potential designation

were made. A final record of decision was signed on December 7, 2016, designating 74,968 acres unsuitable for mining because the area is incompatible with existing land use plans, and surface coal mining will affect fragile lands. The designation did exempt remaining areas, underground mining accessed outside of the designated area, and existing haul roads.

The KFO did not forfeit any bonds during FY 2017. Bond forfeiture funds are monies collected from forfeited performance bonds. These funds can only be used to reclaim lands where the bond was forfeited and where OSMRE is the regulatory authority. Forfeited funds are site-specific and cannot be used to reclaim other sites. Surplus amounts must be returned to the operator. In FY 2016, OSMRE awarded a construction contractor a contract to reclaim three bond forfeiture sites in Tennessee. The sites include an underground mine site in Cumberland County permitted by Heather Mining Company and two underground mine sites in Morgan County permitted by Dalco Coal of Tennessee, LLC. Reclamation was completed on the three bond forfeiture sites in FY 2017.

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 TransAlta'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. TransAlta has committed to payment of all necessary fees (royalty and abandoned mine land) associated with the mining of this coal. TransAlta 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, Pit 7, and the Kopiah Pit and coal mine waste impoundments 3A, 3B, 3C and 3D are ongoing at this time. OSMRE approvals of the revised plans for Pit 7 and the Kopiah Pit are anticipated in 2018.

The Pacific Coast Coal Company (PCC) mine near the City of Black Diamond has not produced coal since 2000. A significant revision application to re-commence mining is currently under review. OSMRE has updated the CHIA and is preparing a revised environmental assessment for the significant revision application and the renewal of the existing permit. The environmental assessment was prepared and published and noticed for public review and comment in September 2017. OSMRE anticipates issuing its decision in early 2018.

b. Tribes

OSMRE is responsible for regulation of 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 to meet the Nation's energy needs.

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. 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 – most of which is beneath Navajo Tribal lands surface and some of which is beneath Hopi 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*. The availability of the draft environmental impact statement for public review and comment was noticed in the Federal Register on September 30, 2016. In early 2017, the owners of the Navajo Generating Station announced that they were no longer going to operate the plant beyond 2019. Due to this announcement, the lead agency has suspended the EIS. OSMRE prepared an environmental assessment on the Kayenta Mine Permit renewal which was noticed for public comment in August 2017. OSMRE then approved the permit renewal on October 3, 2017. The permit renewal term will end in 2020.

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

Ute Mountain Ute Tribe: The only involvement of Tribal lands in New Mexico is where a haul road for a mine crossed the Ute Mountain Ute Reservation. The haul road is fully reclaimed and is currently under the period of extended responsibility for successful re-vegetation. An underground mining operation in Colorado also extracts Federal coal beneath Ute Mountain through privately owned surface outside of the external boundaries Ute Mountain Ute Tribe Reservation.

The number of permitting actions processed by the Indian Lands Program during FY 2017 is shown in Table 3.

Table 3 – Permit and Permit Revision Workload Where OSMRE is the Regulatory Authority

Activity	Federal Programs*		Indian Lands	
	FY 2017 Actual	FY 2018 Projected	FY 2017 Actual	FY 2018 Projected
In progress prior FY	10	9	26	26
Anticipated Submissions, current FY	6	5	60	47
Total FY workload	16	14	86	73
Completed in FY	7	11	60	57
Balance, end of FY	9	3	26	16

Source: OSMRE Data for States and Tribes system (DST) FY 2017.

*These numbers do not include reviews of more than one version of a significant revision or environmental assessment.

OSMRE coordinates closely with Indian tribes through the regulatory process. The Federal trust responsibility is a legal obligation under which the United States has charged itself with 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.

Table 4 provides inspection and enforcement data for the Federal and Indian Lands Program during FY 2017.

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

State/Tribe	Inspections			Violations	
	Partial	Complete	Total	Notice of Violations	Cessation Orders
Tennessee	579	422	1001	12	0
Washington	16	7	23	0	0
States Total	595	429	1024	1210	0
Crow Tribe	16	8	24	0	0
Hopi Tribe	0	2	2	0	0
Navajo Nation	37	28	65	0	0
Ute Tribe	9	4	13	0	0
Tribes Total	62	42	104	0	0

Source: Inspections from OSMRE Data for States and Tribes systems (DST) FY 2017. Violation data from OSMRE Inspection and Enforcement Tracking System (I&E) FY 2017.

4. OSMRE Responsibility on Federal Lands

As previously highlighted, mining on Federal lands in primacy states is regulated by the respective state through cooperative agreements with OSMRE and is funded through the State and Tribal Funding program activity. There is currently no active coal mining on Federal lands in the Federal Program states. OSMRE is, however, responsible for preparing mine plan decision documents under the Mineral Leasing Act, and processes valid existing rights claims that involve certain Federal lands under this program activity. As part of the Federal Lands Program, OSMRE consults and coordinates, as applicable, with State Historic Preservation Offices, the Fish and Wildlife Service, the Bureau of Land Management (BLM), the U.S. Forest Service (USFS), the National Park Service, the Environmental Protection Agency, and the U.S. Army Corps of Engineers, as well as with state regulatory authorities. Processing of mining plan decision documents constitutes the largest part of the workload under this program activity. This request includes \$1,431,000 and six (6) FTE for this program.

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 2017 Actual	FY 2018 Projected
In progress prior FY	12	9
Anticipated Submissions in current FY	4	7
Total FY workload	16	16
Completed in FY	6	12
Balance, end of FY	9	4

Under this 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 Environmental Assessment (EA) or Environmental Impact Statement for mining plan approval under SMCRA.

5. Program Development and Maintenance

Work elements under this program are primarily related to policy actions, such as rulemaking, grants management and special studies that support the other program activities in the environmental protection business line. This request provides \$4,347,000 and 36 FTE.

a. Rulemaking

OSMRE issues Federal rules and prepares the associated information collection clearance packages. Functions under this program activity include rule development and preparation of environmental assessments, environmental impact statements, and 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. OSMRE had several rulemakings in progress at the time the President issued his *Regulatory Freeze Pending Review* memorandum on January 20, 2017. Below are the OSMRE rulemakings with ongoing activity at publication of this document.

Stream Protection: On December 20, 2016, OSMRE published the final Stream Protection Rule. The rule went into effect on January 19, 2017. The rule was nullified under the Congressional Review Act (Public Law 115-5) in February 2017. OSMRE developed a final rule to amend the Code of Federal Regulations by reinstating the regulations that were in effect on January 18, 2017.

Rulemaking Associated with State Programs: OSMRE assists states with development, administration, implementation, and maintenance of their approved regulatory programs. Decisions to approve or disapprove state program 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, approves or does not approve proposed state program amendments, and publishes the decisions as final rules in the Federal Register.

During FY 2017, OSMRE completed activity on 8 state program amendments, as summarized in Table 6.

Table 6 – FY 2017 State Program Amendment Activity
Number of Amendments

Amendment Type	Pending Oct. 1, 2016	Received FY 2017	Completed FY 2017	Pending Sept. 30, 2017
Pre-Submission Assistance	6	4	5	5
Formal	41	9	3	46
Total	47	13	8	51

States may be required to amend their programs as a result of changes to SMCRA and Federal regulations. When a state program amendment is required, OSMRE notifies the state of the

required change and reviews the state submission and either approves or disapproves the proposed change.

b. Grants Management

OSMRE supports and participates in the Administration's E-Government initiative, and 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.

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, including the Fish and Wildlife Service (Endangered Species Act), Advisory Council on Historic Preservation (National Historic Preservation Act), EPA (Clean Water Act, Resource Conservation and Recovery Act, and others), Army Corps of Engineers (Section 404 Clean Water Act permits), Mine Safety and Health Administration, and the Small Business Administration (Small Business Regulatory Enforcement Fairness Act), all of whose activities can affect the surface coal mining regulatory program.

ENVIRONMENTAL PROTECTION

2018 Planned Program Performance

In 2018, the planned activities in the Environmental Protection program activity include:

- In furtherance of cooperative federalism, OSMRE will create an oversight steering committee with State Regulatory Authorities to discuss impediments to meaningful and effective oversight including revising current OSMRE oversight directions.
- Review of the formal Tribal primacy submission from the Navajo Nation and assist the Navajo Nation Minerals Department with their primacy presentation to the Navajo Nation Council.
- Continue the review of informal submissions from the Crow and Hopi Tribes.
- Implement the Federal and Indian Lands Programs; conduct 48 complete and 96 partial inspections, and complete 68 permit revisions.
- Complete 10 Federal Program mining plan decision documents including associated environmental effects analysis in compliance with the National Environmental Policy Act (NEPA).
- Once OSMRE completes its evaluation of Kentucky's program amendments related to its bonding program, OSMRE will monitor the implementation of these changes for effectiveness through oversight studies and monitoring.
- Achieve the goals for performance measures identified in the Goal Performance Table for this business line, and engage youth by providing educational and employment opportunities to young adults in fields associated with surface coal mining regulation and reclamation.

2017 Program Accomplishments

In 2017, the major accomplishments in the Environmental Protection program activity included:

- Developed a final rule to amend the Code of Federal Regulations by reinstating the regulations that were in effect on January 18, 2017 after nullification of the Stream Protection Rule.
- Implemented the Federal and Indian Lands Programs; conducted 41 complete and 62 partial inspections, and completed 64 permit revisions.

- States performed 25,420 complete mine inspections and 38,977 partial inspections to ensure coal mines are operated safely and in accordance with environmental laws.
- Marked the fifth consecutive year that OSMRE achieved full utilization of the Forestry Reclamation Approach, with 100 percent of all trees planted on Forestry Reclamation Approach (FRA) prepared areas. A total number of 6,085,150 trees were planted during FY 2017.
- Completed six mining plan decision documents recommending approval of the mining plan modification including the preparation of six environmental assessments analyzing the environmental effects of the mining plan modification in compliance with NEPA.
- After careful and lengthy cooperation with the states of Illinois, Indiana, Wyoming and New Mexico, and the coal companies in bankruptcy, the AFD and the CAO successfully resolved and closed out 24 TDNs (5 in the Mid-Continent Region and 19 in the Western Region) related to self-bonding at Peabody Energy's Arch Coal Inc.'s and Alpha Natural Resources (now Contura Energy) mines. This resulted in replacement of over \$1.4 billion in self-bond liability with surety bonds, collateral bonds, and bond pool commitments (Illinois and Indiana), as well as reduction of the liability through expedited reclamation and bond release. The AFD and CAO worked with Field Solicitors, State Regulatory Authorities, and the coal companies to keep their mines operating while sorting out the bonding situation, which ultimately led to each coal company emerging from bankruptcy and the expedited reclamation of many thousands of acres. Regarding Peabody Energy, after 17 months of close coordination, on June 27, 2017, the AFD issued determination letters to Illinois and Indiana and on June 28, 2017, the CAO issued determination letters to Wyoming and New Mexico. Both the AFD and CAO found that no current violation existed. Regarding Arch Coal Inc., after 13 months of close coordination, on February 15, 2017, the CAO issued a determination letter to Wyoming finding that no current violation existed. And regarding Alpha Natural Resources, after 11 months of close coordination on July 11, 2016, the CAO found that a violation existed, but due to Contura Energy replacing all of their self-bonds, no Federal inspection and enforcement in Wyoming was necessary.
- Completed a significant evaluation of parts of the West Virginia program in response to a 2013 petition from citizen groups filed under the provisions of 30 CFR 733 and alleging failure of the State to effectively administer the program. OSMRE determined the West Virginia Department of Environmental Protection was effectively administering its program and that it was taking corrective actions on all review findings.

TAB

Technology Development and
Transfer

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TECHNOLOGY DEVELOPMENT AND TRANSFER

Technology Development and Transfer Budget Request

(Dollars in Thousands)

	2017 Actual	2018 CR Baseline	2019				Change From 2018 (+/-)
			Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2019 Request	
Regulation and Technology	15,205	15,102	+82	-	-1,952	13,232	-1,870
Technical Assistance	11,693	11,614	+54		-1,034	10,634	-980
<i>FTE</i>	<i>49</i>	<i>52</i>			<i>-6</i>	<i>46</i>	<i>-6</i>
Training	2,531	2,514	+19		-563	1,970	-544
<i>FTE</i>	<i>24</i>	<i>19</i>				<i>19</i>	
Technology Transfer	981	974	+9		-355	628	-346
<i>FTE</i>	<i>10</i>	<i>9</i>			<i>-2</i>	<i>7</i>	<i>-2</i>
Abandoned Mine Reclamation Fund	3,544	3,520	+14	-	-1,026	2,508	-1,012
Technical Assistance	1,585	1,574	+9		+29	1,612	+38
<i>FTE</i>	<i>10</i>	<i>10</i>			<i>-3</i>	<i>7</i>	<i>-3</i>
Training	794	789	+3		-187	605	-184
<i>FTE</i>	<i>6</i>	<i>4</i>				<i>4</i>	
Technology Transfer	1,165	1,157	+2		-868	291	-866
<i>FTE</i>	<i>1</i>	<i>3</i>			<i>-1</i>	<i>2</i>	<i>-1</i>
Total, Technology Development and Transfer	18,749	18,622	+96	-	-2,978	15,740	-2,882
Total FTE	100	97			-12	85	-12

Note: 2017 FTE amounts reflect actual usage.

Fixed Costs of \$96,000 in pay related items.

Summary of 2019 Program Changes for Technology Development & Transfer

Request Component	(\$000)	FTE
Staffing Costs	-1,549	-12
Applied Science Projects	-725	
Development Costs for Electronic Permitting	-704	
TOTAL Program Changes	-2,978	-12

The Technology Development and Transfer program supports technical skills that states and tribes need to operate their programs. In FY 2019, OSMRE provides resources for technical assistance, training, technology development, and technology transfer.

Justification of 2019 Program Changes

Staffing Costs (-\$1,549,000/-12 FTE): The staffing levels proposed for FY 2019 in the Technology Development and Transfer business line will fund high priority work activity to meet statutory requirements under SMCRA and support other mission enhancing activities.

Applied Science Projects (-\$725,000): No funding is requested.

Electronic Permitting (-\$704,000): OSMRE has been exploring the best way to leverage current state efforts and share information between and among all regulatory program offices for this activity. This modernization project will achieve future economies of scale for cost savings and improved effectiveness and transparency. In FY 2018, OSMRE staff will continue to work with the State of Montana to complete development of the data application for OSMRE, using Montana's ePermitting system as a model. Therefore, the funding specific to the development of a permitting application, included in the FY 2017 enacted budget and continued in the FY 2018 CR level, will not be needed in FY 2019.

OVERVIEW

The Technology Development and Transfer (TDT) business line (program activity) provides resources for technical assistance, training, technology development and technology transfer program sub-activities. This program activity supports and enhances the technical skills that states and tribes need to operate their regulatory and reclamation programs. Through support of OSMRE's restoration and protection goals, TDT funds implement effective partnerships with OSMRE's stakeholders. TDT is a nation-wide program that provides resources to states and tribes that meet their specific technical and training needs in carrying out the requirements of SMCRA.

TECHNOLOGY DEVELOPMENT & TRANSFER ENCOMPASSES:

Technical Assistance
Technical Training
Technology Transfer

In FY 2018 and FY 2019, OSMRE will continue to promote, to the extent possible, the use of Technical Innovation and Professional Services (TIPS) in technical decision-making processes related to SMCRA; address the remediation of acid mine drainage through participation in the Acid Drainage Technology Initiative; and finalize changes and provide training and technical assistance to meet identified

needs of states and tribes. Also, OSMRE's technology transfer program will continue its support for electronic permitting and mobile computing efforts, by sponsoring interactive technical forums and related workshops. In addition, OSMRE will continue to 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 enhance the technical skills that states and tribes need to operate their regulatory and reclamation programs in order to more effectively implement SMCRA. These 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, and states and tribes on a variety of topics. 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 technical issues arising from new regulations. Other technical assistance efforts include the TIPS, the Applicant Violator System (AVS), and Coal Information Management System (CIMS). OSMRE also established an intergovernmental team, the National Technology Transfer Team (NTTT) to provide direction, communication, and coordination of efforts related to technology transfer and development. This team is a permanent entity and will continue throughout FY 2018 and FY 2019. New technologies, changes in regulations, and staff turnover necessitate the need for continued technical training. OSMRE provides this required training through the National Technical Training Program (NTTP). Technology transfer is a major part of OSMRE's cooperative effort with states and tribes.

The outcome of TDT program performance is ultimately measured by the success of the regulatory and reclamation programs in carrying out their environmental restoration and protection missions. In addition, performance for the business line is 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 2019, OSMRE plans continued improvements in this business line. The NTTP, TIPS, the National Mine Map Repository (NMMR), and AVS will increase access to users by continuing to provide material via the Internet and supporting the Administration's E-Government initiative. 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: An ongoing goal for FY 2019 is to continue ensuring states, tribes, and OSMRE have the best available technical data and information needed to make good science-based decisions regarding mining plans, reclamation project design, permit reviews, and acid mine drainage remediation and prevention. To successfully implement the surface mining regulatory and reclamation programs, OSMRE, as well as the states and tribes, must maintain multi-disciplinary staffs that are fully competent in addressing a wide variety of technical issues that impact these programs.

The total FY 2019 request for this business line is \$15.7 million. The request includes \$12.2 million for Technical Assistance (including the TIPS and AVS support); \$2.6 million for Technical Training; and \$0.9 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 our customer satisfaction performance measures. It also includes examples of the types of technical training, assistance efforts, and transfer provided by this business line.

2019 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 will provide opportunities to students and recent graduates, either directly or through cooperative agreements, under various activities described in this section to engage young men and women in technical and natural resources activities.

OSMRE's stakeholders (states, tribes, 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 will reduce the need for additional regulatory resources. The TDT program area described in the following pages represents those activities where OSMRE staff provides direct technical support and ongoing efforts in other business lines. Many activities not yet conducted in FY 2018 will identify the needs for activities in FY 2019. In addition, adjustments in activities may be necessary during FY 2018 and FY 2019 in order to focus resources on the highest priority program needs. Therefore, the discussions are representative of the types of activities that will be conducted in the future.

1. Technical Assistance

This program activity provides assistance to State and Tribal regulatory and reclamation staff, and to OSMRE staff that review and monitor 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. The \$12,246,000 requested for FY 2019 will fund 53 FTE to carry out these activities.

Technical assistance is provided specific to abandoned mine land projects, civil penalty and bond forfeiture projects, and other regulatory matters. These types of endeavors are integral parts of the Environmental Restoration and Protection business lines and are not included in this program activity.

Customer surveys such as those conducted under the Government Performance and Results Act (GPRA) are used to document the responsiveness of OSMRE's technical assistance to its customers in a timely and professional manner. By meeting the technical assistance needs, OSMRE can effectively achieve its Environmental Restoration and Environmental Protection mission goals while fostering the efficient use of our natural resources.

a. Technical Policy Assistance

OSMRE specialists provide technical assistance to state and OSMRE regulatory and reclamation policy staff. The areas of assistance include rulemaking; citizen complaint investigations; review of offsite impacts; guideline development; state program amendments; state mining permit evaluation; AML problem evaluation; blasting policy; prime farmland reclamation; geomorphic reclamation; soil substitution, coal combustion residue placement; reclamation bonding sufficiency and bond release; threatened and endangered species; restoration of mined land with native vegetation; land unsuitability determinations; participation as technical experts on interagency committees; acid mine drainage (AMD) prevention and remediation; acid and toxic forming materials handling; surface and groundwater dewatering; stream and underground mine flooding; 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 for FY 2018–FY 2019 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 2017, OSMRE conducted state-specific blasting inspection training, utilized Excel tools to predict and evaluate the adverse effects of blasting, maintained the OSMRE Blasting webpage, hosted monthly Blasting Technical Chat conference calls (15-20 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), provided continuing education for blasters, and maintained the Blaster Certification Tracking System (BCTS) which is used to track federally-certified blasters. Currently, 54 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. Also, OSMRE facilitated discussions of the Appalachian Blaster Certification Delegation (ABCD) whose aim is to standardize training, experience requirements, and testing of blasters and participated in the ABCD Blasting Inspectors' Workshop. The goal of the ABCD is to develop consistent and fair enforcement actions against the individual blasters.

In FY 2018 and FY 2019, OSMRE will continue to help states address technology issues related to the use of explosives such as 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 that develop standards on the safe use of explosives.

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 the primary water quality problems in Appalachia and to a lesser, but still serious, extent in other coal and hard rock mining regions.

OSMRE will continue to participate in the Mine Drainage Technology Initiative (MDTI) (formally known as Acid Drainage Technology Initiative (ADTI)) in FY 2018 and FY 2019. MDTI is a collaborative effort among Federal agencies, industry, the State environmental agencies, academia, and the National Mine Land Reclamation Center to promote communication and technology enhancement in the fields of 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 include watershed associations, regulatory authorities, environmental groups and industry located in over 40 States and across 40 countries. As a result, most Appalachian states rely on AMDTreat to help support various aspects of their regulatory and abandoned mine land programs. For example, Pennsylvania Department of Environmental Protection requires operators and permit reviewers to use AMDTreat to calculate or substantiate treatment costs for all 261 long-term discharges covered by a bond or trust fund. The fact that AMDTreat has been used to calculate and substantiate in excess of \$340,661,291 of treatment liability in Pennsylvania is a testament to the importance of the software in supporting state programs.

Beginning in FY 2016, OSMRE has invested over \$437,000 on a cooperative project to update the computer coding and enhance treatment modules of AMDTreat and has been making progress on the project throughout FY 2017. 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. Ongoing work includes the creation of a new Graphical User Interface which will reflect current standards and streamlining, recoding of existing features, and the addition of cutting edge water treatment technology with a new water quality prediction tool. This ongoing effort will continue throughout FY 2018.

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.

OSMRE also is responsible for making valid existing rights (VER) determinations under section 522(e) of SMCRA 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), 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 assistance provided to states and tribes.

Texas Technical Assistance, Bathymetric Surveys: OSMRE's Mid-Continent Region (MCR) has the ability to conduct underwater (aka bathymetric) surveys of water features such as final-pit impoundments, waste disposal impoundments, and sediment ponds on active and abandoned mine sites. This equipment captures water depth information using sonar pulses, and when combined with GPS data this allows accurate elevation models and contour maps to be built of the underwater surfaces. In FY 2017, at the request of the State of Texas, MCR traveled to an abandoned mine pit near Darco, Texas to conduct a bathymetric survey of a large 5,000-foot long impoundment and two smaller impoundments. The large pit was previously mined by truck/shovel mining techniques and had since filled with water. The pit was also currently serving as a sediment pond for an active Title V operation. Texas requested the bathymetric survey in order to determine volume capacities of the water-filled pits for use in reclamation cost estimates and associated designs. MCR conducted the pit survey and used computer software to process the bathymetry data and provided the data to the State. The State then combined this data with terrestrial LiDAR in order to create a complete digital elevation model and contour map of the entire pit area, both above and below water. This technical assistance allowed for the creation of a complete surface elevation dataset which ultimately benefited Texas citizens by providing critical technical data in support of the reclamation of this abandoned coal mine.

Marvel Gob Fire Investigation: OSMRE's Mid-Continent Region (MCR) received notification from the Alabama Abandoned Mine Land Program (AL AML) that a gob (refuse from cleaning coal) fire had been started in Marvel, Alabama by a forest fire. The MCR assisted the State by inspecting the site and taking temperature and gas measurements. By confirming the presence of SO₂, the combustion of coal was confirmed; temperatures in excess of 1000 degrees F confirmed that the fire was growing. Field measurements estimated that 40,000 cubic yards of coal refuse, averaging about 40% coal, were present in the gob pile, and that there was a nearby portal to an

abandoned mine on the site (though sealed, the integrity was uncertain). The MCR met with the State to develop a plan for extinguishing the fire and rendering the site safe. The MCR then assisted in securing the funds to initiate the project. Along with the state, MCR staff also met at the project site with potential contractors in pre-bid site inspection. AL AML made the contractor selection, and approved the excavation plan. Technical staff from MCR observed the remediation activities (using spot checks) to assure that the plan was being executed efficiently and safely; additional gas readings and temperature measurements were made in addition to assisting Alabama in monitoring by the contractor to enhance the overall safety of the project. The site was extinguished just prior to Thanksgiving; grading should be complete by year's end.

Pennsylvania Technical Assistance Little Conemaugh River AMD: OSMRE's Appalachian Region is conducting an extensive detailed mapping and hydrologic characterization of several large underground mines in the upper reaches of the Little Conemaugh River watershed as technical assistance to the Pennsylvania Department of Environmental Resources, Bureau of Abandoned Mine Reclamation. The characterization encompasses numerous abandoned mines with four high-volume degraded mine drainage discharges. The detailed mapping along with the in-depth hydrologic characterization will determine the optimal means to connect the various mines in the subsurface as well as determine the type and size of a centrally-located treatment facility based on the combined discharge rate and water quality. The project once completed will restore to historic uses approximately 23 miles of the upper Little Conemaugh River from the head waters downstream to Johnstown, Pennsylvania.

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 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.

In FY 2017, OSMRE continued evaluating numerous mine water treatment facilities in West Virginia, Virginia, Pennsylvania, Kentucky, and Tennessee. Approximately 23 active permit sites in Tennessee have either been or need evaluated by the Knoxville Field Office (KFO) and technical support has been provided for the long-term treatment liability of perpetual mine water discharges. Upon request, operators have provided mapping of the permit area including treatment facilities, water quality and flow data, and long-term costs for O&M of the existing

treatment facilities. Based on the information provided by the operator, OSMRE evaluates the current treatment approach and provide suggested improvements or new treatment technologies along with the associated capital and annual (O&M) costs for each mine discharge. In Tennessee, OSMRE uses the establishment of long term treatment trusts financed by the operator to provide perpetual funding for the O&M and capital improvements of mine water treatment facilities. The KFO also requested technical assistance in form of conceptual passive treatment system layouts for four different civil penalty sites with perpetual mine water discharges. The passive treatment systems at each site have either been constructed or are currently under construction through contracts administered by KFO.

Evaluations for three mine water treatment facilities within the North Branch Potomac River watershed in northeastern West Virginia were revised or finalized as requested by the Charleston Field Office for long-term treatment costs related to O&M of the mine pool pumping and water treatment facilities. Operators of the three facilities provided some of the information requested by OSMRE and West Virginia Department of Environmental Protection related to treatment system mapping, schematic diagrams, and water quality and flow information for the raw mine water sources at each site. This information allowed OSMRE to evaluate each facility under multiple cost-modeling scenarios using AMDTreat software in order to develop annual O&M costs for the existing systems and the capital and annual costs for new replacement systems with recommended technologies to improve treatment efficiency and reduce operating costs. The capital and annual costs for the new and existing systems were used to calculate a present value as an estimated bond or trust amount for perpetual operation of each treatment facility.

In FY 2016 and 2017, OSMRE provided technical assistance to Pennsylvania Department of Environmental Protection (PADEP) and Virginia Department of Mines, Minerals, & Energy related to existing passive treatment systems for mine water discharges that are not functioning as intended. OSMRE personnel conducted site visits, sampled waters within each system to evaluate performance, measured flows, and reviewed information provided by the agencies related to the engineering design and historic water quality and flow data. Based on all of this information OSMRE is able to provide the respective agency with recommendations and where applicable an improvements plan to rebuild the entire system or replace specific components of a system to improve the treatment effectiveness and minimize future issues. Specifically, PADEP implemented OSMRE recommended improvements to an existing passive treatment system in Keystone State Park located in Westmoreland County in order to improve collection of the mine water and the passive treatment system components to improve the receiving stream. Many of these efforts continue in FY 2018.

PADEP requested technical assistance in FY 2017 from OSMRE to design a passive water treatment system using limestone and settling ponds for Coal Run, a tributary to Shade Creek, located in Somerset County, Pennsylvania. The technical assistance was completed in FY 2017 with the construction just starting in November 2017. OSMRE developed the engineering design drawings including site plans, erosion and sediment control plans, profiles and sections, bid documents, and details for construction. OSMRE provided an engineer's construction cost estimate to build the entire treatment system including a stream intake for Coal Run, three settling ponds, a 7,000 ton capacity limestone pond, and the conveyance system to gravity feed the stream water to and from each pond and back into Coal Run. The objectives of the system

are to neutralize the acidity, increase pH, and remove dissolved aluminum caused by historic mining operations in the headwaters of Coal Run. Five years of sampling has shown the systems consistently removes 99.6% of the suspended iron and has not required any maintenance or additional financing for successful operation. This low-cost but highly-successful treatment solution has been highly sought after by industry and watershed restoration groups, with OSMRE and PADEP providing technical transfer to thousands of professionals at conferences, technology transfer events, and at site tours.

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: One slurry impoundments required 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 2017. A request to assess an orphaned impoundment was conducted to ensure stability of the structure and consistency with the approved permit. OSMRE provided recommendations to address short term deficiencies prior to conducting reclamation of the site. OSMRE also provided engineering support by evaluating engineering aspects of an experimental practice, at two sites, involving “weep berms” which convert point source discharges to non-point discharges. OSMRE also provided engineering support by evaluating engineering aspects of experimental practices involving retention of highwalls at a site in Kentucky with commercial development included in its post mining land use, and at a site in West Virginia proposed for conversion to a firing range by the West Virginia National Guard.

Coal Seam Fire Delineation: OSMRE continues to assist states and tribes in the use of the FLIR (Forward Looking Infrared) camera to delineate the extents of underground mine fires, burning coal seams, and burning stock- and waste-piles. Burning coal causes a multitude of problems ranging from minor (the smell of burning coal) to life threatening (mine subsidence or forest fires) and has environmental consequences (e.g., particulate and other air emissions). The FLIR camera is a part of TIPS’ equipment owned by OSMRE and loaned to states and tribes throughout the nation. Use of the FLIR camera to delineate the extents of burning coal seam helps states and tribes calculate the extent of the problem and derive solutions to address both present and future problems. OSMRE is also investigating the viability of emerging technologies in this area; in particular, OSMRE is evaluating devices that can be paired with smart-phones to obtain infrared imagery with these pervasive devices. OSMRE is also developing the technology and protocols for using drones to obtain infrared imagery for use in identifying mine fires.

c. National Mine Map Repository

OSMRE maintains the National Mine Map Repository (NMMR), authorized under the former U.S. Bureau of Mines and subsequently transferred to OSMRE in the mid-1980s. This repository, located in OSMRE's Appalachian Regional Office in Pittsburgh, Pennsylvania, maintains the only national inventory of mine maps and includes more than 181,000 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 2017, OSMRE significantly increased collection of Alaska, Kentucky, Pennsylvania, Texas, and West Virginia mine map scans and brought on seven summer Pathways interns to increase production to fully utilize state of the art scanning equipment and complete digital records. Through this effort, the NMMR increased the archives by scanning 1,500 new mine maps. During FY 2017, NMMR implemented a new ArcGIS/SQL database system that consolidates all existing NMMR database data and capabilities. The new database allows for more efficient data entry and retrieval of mine map information. In FY 2018, we anticipate this database will be searchable by the public. New software has been purchased to enable timelier processing and a new, larger scanner has been purchased to enhance our ability to scan mine maps. During FY 2017, the NMMR received 330 client requests consisting of a total of 3,014 mine maps.

d. Coal Information Management System (CIMS).

To sustainably maintain jobs in the coal fields, coal mine operations need a convenient, efficient and cost effective method of applying for, and monitoring the status of, permits issued under SMCRA. While some states have fully integrated electronic information systems that provide for this, many, including the Federal Government, do not. In an example of State and Federal collaboration and cooperation, OSMRE has entered into a cooperative agreement with the Montana Department of Environmental Quality (DEQ) to upgrade and modernize the Montana and OSMRE systems as well as provide the ability for other states to adopt the system at no or low cost, if they so choose. Under CIMS, mine operators will be able to plan and monitor multiple phases of applications and permits in an interactive, geospatial manner not possible with traditional, paper-based processes. The system will automate the workflow between operators and regulatory authorities and provide accountability for all parties at all stages of the process. The system and individual applications are designed so that the SMCRA states, Federal and

potential tribal regulatory programs will have the ability to modify the system to fit their unique needs achieving economies of scale for cost savings and improved effectiveness.

e. Technical Innovation and Professional Services (TIPS)

The goal of 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 provided are centered around 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 SMCRA 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 28 commercially available software applications cover a wide range of regulatory and AML subjects. The customer base covers over 90 State, Tribal, and OSMRE office locations throughout the country – about 2,000 users.

The TIPS suite of scientific, hydrologic, and mapping core software aids the technical decision-making associated with: (1) conducting reviews of permits, (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, especially in geospatial data, and mobile computing tools for field use. TIPS is offering more on-site training to accommodate the use of mobile computing devices by inspectors. Mobile computing allows inspectors to be more efficient in the field in resolving issues with primacy state staff and industry. TIPS software users in states, tribes and OSMRE logged over 70,000 TIPS core software sessions in FY 2017, aiding the permitting process and abandoned mine land reclamation.

Examples of TIPS related activities include:

GeoMine Project (Geographic Information System): In FY 2017, OSMRE continued to collaborate with the DOI Cloud team to host GeoMine geospatial data services through a secure, FedRAMP-approved vendor. Geomine was made available to the public December 2016. In FY 2017, several SMCRA programs with digital data that are “GeoMine-ready” were loaded into the database. These states included Washington, North Dakota, New Mexico, Louisiana, Iowa, and the Hopi and Navajo Tribes.

GIS Mobile Computing: In FY 2017, OSMRE continued to field tablets that can display and collect geospatial data while at the mine site. The base data for the systems comes from GeoMine and an Imagery Server 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 is made available to anyone in the OSMRE network via a web map. The results during the FY 2018 field season will be used to streamline and expand the program to more regions, states, and tribes in FY 2019.

Emerging Technology Testing (Mobile Computing Devices): Widespread adoption of smartphone and tablet technologies within the general population over the past few years has greatly enhanced the technical capabilities and adaptability of State, Tribal, and OSMRE staff. Success of previous efforts toward testing of mobile devices, and training of inspection field staff in their use was often limited due to the steep learning curves associated with those devices. The personal adoption and familiarity with smartphones has given field staff more confidence in their ability to learn and productively adopt technology associated with smartphones (various apps and Bluetooth connected devices). OSMRE staff has been working to test the functionality and effectiveness of various GPS, laser measurement, water testing and infrared devices that are smartphone compatible.

Emerging Technology Testing (UAS, Photogrammetry and Ground-Based Scanners): Rapidly evolving technologies in the last few years have been the wide-spread adoption of Unmanned Aerial Systems (UAS) throughout the nation. An effort has been made in cooperation with the DOI Office of Aviation Services (OAS) to test the applicability of UAS technologies in the field in relation to SMCRA activities. From FY 2010 – FY 2015, UAS were used to fly missions over active coal mines in the AR with the assistance of OAS in the field. Current efforts are underway to procure several UAS for the OSMRE Field Offices and Regional staff. UAS data has been proven effective in assisting site inspectors in the field, as well as allowing collection of georeferenced imagery that can be used for advanced data processing for site design work for AML. Photogrammetry software has been utilized successfully to create fully rendered surface models from imagery taken from satellites, manned aircraft, unmanned aircraft, and ground-based. Ground-based laser scanners are also being examined for use in conjunction with these photogrammetric models to allow for accurate surface modeling for enforcement and reclamation design.

ArcGIS Online: In 2017, the ArcGIS Online web mapping system was made available to SMCRA states. Twenty-seven states are participating in the web mapping system allowing states and OSMRE to share geospatial data. In 2018, the system is expected to include more groups at the state level breaking out Title IV and Title V work.

f. Applicant/Violator System (AVS)

The AVS is a National information database OSMRE maintains to support many types of research and program efforts, but primarily it supports permit eligibility determinations under section 510(c) of SMCRA. As part of the permit review process, State and Federal regulatory authorities use the information contained in the AVS to evaluate if an applicant for a mining permit or AML contract has outstanding or unabated violations in order to determine the

applicant's eligibility to engage in surface coal mining operations or receive an AML reclamation contract.

During FY 2017, the AVS Office processed over 780 requests for data evaluations from State and Federal regulatory authorities and state abandoned mine land program officials to assist in identifying permit and AML-project eligibility problems.

OSMRE also entered into five payment/settlement agreements with resulted in the collection of \$1,143,531.66 with 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's virtualized database uses Cloud infrastructure services from a third-party contractor who supplies all hardware and maintenance support. The AVS office will continue to work with system users to identify and implement system improvements during FY 2018 and FY 2019. To ensure our customers can continue to rely on accurate data and a stable environment to support their efforts with implementation of section 510(c) of SMCRA, AVS staff will continue to conduct data studies in FY 2018 and FY 2019 to ensure regulatory program staff enter and maintain permit and violation information in the system in accordance with regulations and data standards.

The AVS Office staff provides services to customers, including regulatory authorities, the coal industry, citizens groups, and other Federal agencies. Some of the services provided include: an ongoing notification process for OSMRE and our State regulatory partners in identifying potential bankruptcies; financial analysis; assistance in interpreting AVS data; updating information in the AVS for coal businesses that mine in more than one state; providing system training to users; and providing investigative assistance to regulatory authorities on complex ownership and control issues.

Customer surveys are used to document the responsiveness of AVS services provided to its customers. During FY 2017, the AVS Office received a customer satisfaction rating of 98 percent with a returned survey rate of 53 percent. The survey response rate has decreased in the past several years due to a reduction in state staff that can respond, as well as fewer permitting actions that generate a survey request. OSMRE attributes the high 98 percent customer service rating to a shared conviction by all the staff that responding to customers' needs in a timely manner is the AVS office's primary business.

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 \$2,575,000 and 23 FTE for this program activity. The various training program components are explained below.

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. The program delivers training related to permit approval, bond release, reclamation, and enforcement. The training serves to build and update technical expertise and fosters consistent application of standards. Training is provided in each of the disciplines involved in implementation of SMCRA, which include chemistry, geology, engineering, hydrology, blasting, agronomy, and botany.

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

Following are a few comments received on student evaluations from employees and supervisors.

“Good crew of instructors. They worked very well together. Felt comfortable that they had a lot of experience in all aspects including the litigation side. Excellent course and would recommend it to colleagues.” Forensic Hydrology Investigation-71 (Employee)

“Overall the training was beneficial. All instructors did a great job. Organized, clear and appropriate subject material. Great class, learned a lot of new things and a better way to look at plants and woody species.” Soils and Overburden-71 (Employee)

“The employee was and is outstanding. This training opened his eyes to a type of work he would like to undertake, to the extent that he came to me and discussed the possibility. Given his productivity to date, I am encouraging him in that regard. This is what I hope for from training; in addition to the employee gaining a new perspective regarding the technical matter, he was inspired to grow in another area, increasing his already considerable value.” Forensic Hydrology Investigation-71 (Supervisor)

“Great course for this individual since he communicates with the public quite a lot and he will use the knowledge gained from this course to be a more effective liaison with the public.” CCOM-71 (Supervisor)

“Great course and lots of information to take home that will help me understand how to review mining post permit.” Acid Forming Materials-71 (Employee)

Meeting Office Specific Needs of Mining and Reclamation Staff through Special Sessions: In addition to regularly scheduled FY 2017 courses, NTTP presented the following special sessions: NEPA Procedures Special Session in Big Stone Gap, VA with 28 students; Surface and Groundwater Hydrology in Austin, TX with 22 students; and Budget Administrative Meeting with 16 students.

Course Enhancements: The Wetlands Awareness course was enhanced to include electronic format to enhance the technological capability to produce on the ground results that reflect current site conditions. Revisions were made to the Instructor Training Course (ITC) to include a 5-7 minute training presentation conducted by the attendees on the first day of class. The presentation provides instructors and attendees with a benchmark by which to measure progress throughout the week. The course culminates with attendees' presentation of a 20-minute training lesson.

Plans for FY 2018 and FY 2019: NTTP received 1,520 requests for spaces in FY 2018, and anticipates it will receive additional requests for special sessions during the year. To keep travel costs down and to provide the maximum experience of field conditions most like those that students work in, courses will be scheduled as close to home offices as possible in both FY 2018 and FY 2019. In FY 2017, courses were held in 19 locations in 12 states.

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 almost 2,000 State and Tribal regulatory and reclamation staff, as well as over 400 OSMRE regulatory and reclamation staff. NTTP analyzes the annual survey results to determine if there is sufficient interest to justify a course, and if so, how many sessions of the course are needed. Students are assigned to classes that are closest to their office to minimize travel costs and to provide students with field experience most similar to their geographic working conditions. The number of requests for courses usually exceeds the number that NTTP can offer. Students who are not assigned to classes are put on a waiting list. Those on the waiting list are notified 30 days prior to class if space becomes available. To address changing on-the-ground needs, NTTP staff continues to work with offices to meet subject specific needs that arise subsequent to the Needs Survey. To assure that students are receiving the latest technical and programmatic information, NTTP continually reviews courses based on student, supervisor, and instructor feedback, and revises or add courses accordingly in consultation with the NTTP Steering Committee.

Course Revisions: FY 2018 and FY 2019 course revisions are planned for AML Design Workshop: Dangerous Highwalls, AML Reclamation Projects, Applied Engineering Principles, Bonding: Administrative and Legal Aspects, Bonding: Cost Estimation, Permit Findings Workshop, Permitting Hydrology, Quantitative Hydrology, SMCRA and ESA,; Soils and Revegetation, Underground Mining Technology, and Wetlands Awareness.

On Line Program Planning: FY 2018 and FY 2019 planning includes development for on-line components of the Underground Mining Technology and Wetland Awareness courses as appropriate, and also a Basic Mining Related Chemistry course to serve as a pre-requisite to the Acid-Forming Materials courses. Once revised, the Basic Inspection Workbook and Principles of Inspection/SMCRA will be online also.

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-site at the customer's request, and in training centers located in OSMRE's Regional Offices: Denver, Colorado; Alton, Illinois; and Pittsburgh, Pennsylvania.

In FY 2017, the TIPS training program received a customer satisfaction rating of 99 percent, meeting the annual GPRA goal. Thirty instructor-led classes were held in FY 2017 with 377 students completing class sessions. Additionally, seven students attended two on-line self-study training classes sponsored by TIPS, bringing the FY 2017 total to 384 students. Three of the 30 on-site training classes were conducted at state office locations to meet the specific training needs of particular groups of students throughout the SMCRA community. In FY 2018, TIPS plans to hold 28 instructor-led classes (including three state office special sessions, Ship Rock, AZ, Virginia, and West Virginia), and three on-line training courses.

While many TIPS courses are facilitated by an instructor in a traditional classroom, the TIPS Training Program continues to actively expand online opportunities and provide "just-in-time" training resources for our customers. Over 100 online courses are available through the TIPS Virtual Campus and ESRI, which is the world leader in GIS modeling and mapping. TIPS utilizes its Virtual Campus and continues to educate our instructors on techniques to teach in an on-line environment.

c. Regional/Site Specific Training

OSMRE regions also conduct courses and workshops at OSMRE, State and Tribal locations to address specific needs. The OSMRE regions provide 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 1 to 3 months) and tailors them to the specific needs of the audience.

Site specific classes allow State, Tribal and OSMRE managers to rapidly respond to changing technology and workforce. OSMRE plans to continue providing this region and state specific training in FY 2018 and FY 2019. With rapidly developing technologies in Unmanned Aerial Systems (UAS), photogrammetry and terrestrial scanning, OSMRE expects the requests for specialized training to 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 in coming years.

3. Technology Transfer

Technology Transfer is an integral component of OSMRE's Restoration and Protection business lines providing national support to State and Tribal programs. Technology Transfer is accomplished through a variety of activities. This request includes \$919,000 and 9 FTE for these activities. State technical representatives meet frequently with OSMRE regional staff to share resources whenever practicable to resolve regional technical issues. OSMRE sponsors or participates in 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. They encourage the timely and efficient use of our 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 Mine Safety and Health Administration (MSHA). When seats are available in OSMRE training classes they have been made available to MSHA. OSMRE also informs MSHA representatives of funded Applied Science projects, and 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 most important 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.

During FY 2017 OSMRE developed and implemented a new, more comprehensive SOP for the program, and updated guidance and proposal solicitation documents. This will result in a much more transparent and better documented process, particularly regarding evaluation of proposals. In addition, OSMRE continued to track the progress of active projects.

b. Technology Transfer and Publications

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. Examples of activities include:

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. In April 2017, ARRI brought together landowners, industry representatives, environmental groups, researchers, regulatory personnel, and citizens groups to the eleventh annual Mined Land Reforestation Conference in Morgantown, West Virginia, to learn about advancements regarding the use of the FRA to reclaim coal mine sites. This year the conference was held jointly with the American Society of Mining and Reclamation and the West Virginia Mine Drainage Task Force's annual conferences. In FY 2017, ARRI partners organized 1,800 volunteers to plant approximately 217,300 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.

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. OSMRE plans to hold workshops on issues such as mine pools, bonding, water quality, gas wells in coal mining areas, stream restoration techniques, geomorphic reclamation, protection of endangered species, etc. OSMRE has 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 technology development and transfer web pages of the OSMRE website 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, as well as a newsletter. This process has only begun, and OSMRE plans to bring its technology transfer strategic process to maturity during FY 2018.

Examples of national and regional events that occurred in FY 2017 were OSMRE's participation as a sponsor in the combined American Society of Mining and Reclamation and Appalachian Regional Reforestation Initiative conferences that also included the West Virginia Mine Drainage Task Force Symposium in Morgantown, West Virginia. OSMRE also participated as a sponsor in the National Association of Abandoned Mine Lands Programs conference held in Lexington, Kentucky.

One example of national and regional events that occurred in FY 2017 is OSMRE's presentation at the American Society of Mining and Reclamation conference held in Morgantown, WV, in April 2017. The presentation focused on providing confidence to mine operators to develop and implement innovative concepts for engineered waste disposal at coal mines. Research conducted in cooperation with Southern Illinois University Carbondale demonstrated by field testing that

co-disposal of coarse and fine coal refuse can provide an improved geochemical environment necessary to minimize sulfate discharge, while maintaining adequate waste fill stability.

Reports, Forums and Workshop Proceedings: OSMRE publishes and co-sponsors the publication of proceedings from numerous forums and workshops and various topical reports. These publications and CD/DVDs are distributed to interested parties at technology transfer events, upon request, and at various websites maintained by OSMRE. The agency publishes proceedings, reports and event notices in paper copy, on CD/DVDs, and over the Internet to reach the widest audience possible. OSMRE is currently working to expand this aspect of technology transfer significantly, using a web-based approach during FY 2018.

OSMRE Technical Library: OSMRE maintains a National Technical Library in its Western Region Office in Denver, Colorado. The Library provides access to technical, scientific, and legal information for the bureau, as well as the states, tribes, industry, citizen groups, and the public through a variety of services including: reference assistance, technical research, document delivery, and the dissemination of critical current awareness information.

c. Educational Outreach and Partnerships

To make the public and students aware of OSMRE's responsibilities and its environmental stewardship mission, 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. Additional outreach is provided through publications and distribution of forum proceedings. Outreach efforts will continue in FY 2018 with OSMRE's participation in local activities supporting such events as University science seminars, high school career days, and primary grade school presentations that provide age-appropriate information about environmental stewardship and promote careers in science, technology, engineering, and math to thousands of school children.

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 education programs.

In addition to traditional training within the SMCRA community, OSMRE has been involved in a collaborative partnership with Adams State University (ASU), a Hispanic Serving Institution, in Alamosa, Colorado, since November 2009. OSMRE and ASU had a signed 5-year Memorandum of Understanding (MOU), August 2012 to August 2017, during this time the parties successfully implemented the three core critical initiatives: ASU Curriculum/Student Development, OSMRE Training Program Development, and OSMRE Involvement at ASU Campus. Several examples include: 1) ASU increased efforts to add electives/coursework elements that bring practical working skills to students. Five students completed internships assisting OSMRE map conversion processing of hard copy mine permit data into digital geo-referenced mine data for inclusion in the GeoMine web application database; 2) Capstone projects where ASU students learn SMCRA concepts outside of the traditional "paid internship"

that involved the ASU Art Department designing and building a Mining Model for OSMRE to use for public outreach; 3) The new distance learning education and course development opportunities for OSMRE where ASU provided online course development expertise and offered a “Best Practices of Distance Learning” online course to our instructors; and 4) Participation from OSMRE at several ASU career fairs, as well as donating OSMRE excess equipment (plotters, monitors, and Global Positioning System equipment) to the ASU GIS Department. OSMRE is currently working to develop a similar relationship with Tennessee State University. These partnerships will continue to support government and academia as they contribute their joint efforts to engage youth in the outdoors and increase student and recent graduate opportunities for training and exposure to science, technology, engineering, and mathematics careers.

University Educational Fairs: In FY 2016 and FY 2017, a member of the OSMRE staff served as a presenter at the Saint Louis County (Missouri) GIS Day 2017 event. This event provided an opportunity for members of the public to learn more about how both local and federal governments utilize GIS in practical applications. This event also provided a change for people to learn more about local geography and the use of GIS in their own environments. Participation in this event will continue to support a positive relationship between OSMRE and the public. In FY 2016, the Lexington Field Office Director conducted a Hydrology and SMCRA overview workshop for students of Tennessee State University, a Historically Black University (HBCU). In FY 2017, OSMRE staff attended career fairs at several Minority Serving Institutions (MSI) including seven 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).

Student Collaborations: Two OSMRE staff participated in this year’s Girls in the Middle 19th annual event at Otero Junior College, in La Junta, Colorado – 152 girls attended the conference from throughout southeastern Colorado. This event encourages girls in grades 6 through 8 to continue studying STEM (Science, Technology, Engineering, and Math) with the hope that they will one day pursue careers in those fields. Representing women in GIS careers, a geocaching activity was conducted giving girls in the middle school grades (5th, 6th, and 7th) a chance to utilize skills needed in a GIS career. Workshop participants engaged in an outdoor geocaching adventure and learned how OSMRE staff and two Adams State University women have chosen and are choosing their educational paths in regards to GIS and Geography fields. OSMRE’s support of this youth initiative was carried out by directly working with girls in diverse communities to give them an opportunity to gain an interest and work towards future careers in the STEM fields.

In FY 2017, OSMRE staff attended a meeting with students from the MANRRS chapter of the University of Maryland Eastern Shore, a Historically Black University (HBCU). In FY 2016 and throughout FY 2018, OSMRE staff and OSMRE AmeriCorps members conducted an ongoing partnership with students from L&N STEM Academy in Knoxville, Tennessee providing a weekly coursework in regards to OSMRE mission related activities.

TECHNOLOGY DEVELOPMENT AND TRANSFER

2018 Planned Program Performance

In 2018, in addition to activities previously mentioned, the planned activities in Technology Development and Transfer include:

- OSMRE will continue to provide technical assistance to states and tribes, making use of emerging technologies for field data collection, and in-house information processing capabilities.
- During FY 2017, ten states were awarded grant money for mine map related efforts: Alabama, Kentucky, Maryland, Ohio, Pennsylvania, Texas, Utah, Virginia, Washington, and West Virginia. These grants will allow these states to work in FY 2018 to: locate mine maps, scan maps, geo-reference maps, and develop new ArcGIS databases.
- OSMRE, states, and tribes will continue to work on development of e-Permitting solutions for their legacy coal permitting systems.
- OSMRE will continue evaluating emerging technologies, including smart-phone and tablet accessories, unmanned aerial systems, and developing workflows to process data obtained. Results of these evaluations and workflows will be disseminated to OSMRE, states, tribes, and industry by reports, and presentations at conferences, workshops, symposia, and meetings.
- NTTP and TIPS will continue to develop course materials and topics that are relevant, useful, and impressive. Course revisions are planned for 14 NTTP courses. NTTP and TIPS will continue to recruit instructors from the states, tribes, and OSMRE who are confident, fluent in the subjects presented, articulate in answering questions, thorough, concise, and accurate in presentation methods.
- OSMRE will continue to cultivate a relationship with MSHA, with goals of reaching consensus on technical issues, and cooperation in areas where jurisdictions may overlap. Significant progress has been made, and this is expected to continue.
- Continue to monitor 12 applied science projects and 7 technical investigation projects, reporting results when available.
- ARRI partners will organize 1,800 volunteers to plant approximately 217,300 trees on post-bond release mine sites across Appalachia.
- Conduct technical training and TIPS courses in accordance with revised schedules and available funding levels.

- Expand the OSMRE Technology Development and Transfer presence on the OSMRE website. Implement a strategic Technology Transfer process, and market Technology Development and Transfer presence and products using social media and a newsletter.
- Issue a solicitation for proposals and, if funding is available, OSMRE will score, rank, and select proposals for funding. Funded proposals will be tracked to verify value of results.
- Continue to look for partnering opportunities for students and recent graduates in science, technology, engineering, and mathematics. OSMRE staff are planned to attend outreach events at several K-12th grade schools and educational organizations. In FY 2018, OSMRE staff to participate in the USA Science and Engineering Festival in Washington, D.C. OSMRE staff to conduct a SMCRA overview with Biology students at the Indiana University of Pennsylvania. OSMRE staff to attend GIS day at Lindenwood University in Saint Charles, Missouri. OSMRE staff to attend a science fair at Denver Public Schools.
- The new ArcGIS/SQL database for the National Mine Map Repository, which allows for more efficient data entry and retrieval of mine map information, will be available in FY 2018 for the public.
- OSMRE/MT DEQ anticipates the completion of e-permit software in FY 2018.
- Serve customers needing information for our National Mine Map Repository.
- Increase the National Mine Map Repository's document collection by 6,100 new maps.
- The AVS Office will enhance features of the AVS to ensure our customers can continue to rely on accurate data and a stable environment to support their efforts with the implementation of section 510(c) of SMCRA.
- OSMRE will continue efforts on the AMDTreat recoding and will have a beta version of the software ready by the end of FY2018. Work will also begin on help files and development of a training program.
- OSMRE will continue to work closely with the Pennsylvania Department of Environmental Resources, Bureau of Abandoned Mine Reclamation on mine pool mapping and hydrologic characterization to ultimately establish treatment on the four high-volume mine discharges in the upper Little Conemaugh River watershed and restore the river to its historic uses.

2017 Program Accomplishments

In 2017, in addition to accomplishments previously mentioned, the major accomplishments in Technology Development and Transfer include:

- Conducted state specific blasting inspection training, developed Microsoft Excel tools to predict and evaluate the adverse effects of blasting, maintained the OSMRE blasting webpage, hosted monthly “Blasting Technical Chat” conference calls, facilitated State regulatory discussions at state coordinated workshops, and responded to numerous state inquiries for technical information and advice.
- Formed the OSMRE Unmanned Aerial Systems (UAS) team, facilitating the use of drone technology allows for the creation of aerial imagery, video, elevation models, contour maps, and infrared and thermal imagery for use in coal reclamation.
- Provided technical assistance related to water quality of mine discharges at numerous sites in West Virginia, Maryland, Pennsylvania, and Tennessee.
- OSMRE provided technical assistance involving analysis of quality control and stability issues at coal mine waste slurry impoundments in Tennessee and Kentucky, and evaluation of experimental practices in West Virginia and Kentucky.
- Appalachian Region Reforestation Initiative (ARRI) partners organized 2,140 volunteers to plant approximately 240,000 trees on post-bond release mine sites across Appalachia.
- Expanded the OSMRE Technology Development and Transfer presence on the OSMRE website, implementing a strategic Technology Transfer process.
- Completed software development and initial testing for e-permitting.
- Developed and implemented a new ArcGIS/SQL database for the National Mine Map Repository, allowing for more efficient data entry and retrieval of mine map information.
- Fulfilled 330 client requests consisting of a total of 3,014 mine maps.
- Conducted educational outreach opportunities regarding the OSMRE mission, coal mining and careers in science, technology, engineering, and mathematics to 16,245 K-12th grade students across various schools and educational organizations throughout the country.

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Financial Management

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FINANCIAL MANAGEMENT

Financial Management Budget Request

(Dollars in Thousands)

	2017 Actual	2018 CR Baseline	2019				Change From 2018 (+/-)
			Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2019 Request	
Regulation and Technology	505	501	+3		-9	495	-6
Revenue Management	410	407	+2		-9	400	-7
<i>FTE</i>	<i>1</i>	<i>2</i>				<i>2</i>	
Grants Financial Management	95	94	+1			95	+1
<i>FTE</i>	<i>1</i>	<i>1</i>				<i>1</i>	
Abandoned Mine Reclamation Fund	6,396	6,352	+32	-	-1,240	5,144	-1,208
Fee Compliance	6,302	6,259	+30		-1,249	5,040	-1,219
<i>FTE</i>	<i>36</i>	<i>36</i>			<i>-6</i>	<i>30</i>	<i>-6</i>
Grants Financial Management	94	93	+2		+9	104	+11
<i>FTE</i>	<i>3</i>	<i>3</i>				<i>3</i>	
Total, Financial Management	6,901	6,853	+35	-	-1,249	5,639	-1,214
Total FTE	41	42			-6	36	-6

NOTE: 2017 FTE figures reflect actual usage.

Fixed Costs result of \$35,000 in pay related items.

Summary of 2019 Program Changes for Financial Management

Request Component	(\$000)	FTE
Staffing Costs	-1,249	-6
TOTAL Program Changes	-1,249	-6

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

Justification of 2019 Program Change

Staffing Costs (-\$1,249,000/-6 FTE): The staffing levels requested for FY 2019 will enable OSMRE to meet its statutory requirements under SMCRA.

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 state 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 United Mine Workers of America Fund Transfers, which involves reviewing the annual transfer request, supporting documentation, 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 for the unreimbursed health care expenses for coal miners and their dependents.

Financial Management operations are an integral part of OSMRE's Environmental Restoration and Environmental Protection mission goal 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 provided 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.

**FINANCIAL MANAGEMENT
ENCOMPASSES:**

Fee Compliance
Grants Management
Revenue Management
UMWAF Transfers

Operational Processes (Program Activities):

As previously discussed, OSMRE carries out its program financial management responsibilities through three program activities: fee compliance; grants management; and revenue management. Financial management also includes activities involved in funding transfers to the United Mine Workers of America Fund (UMWAF). This business line does not include administrative accounting or reporting for appropriated funds.

The outcome of OSMRE’s Financial Management program performance is mostly measured 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 will use technology and customer service initiatives to achieve compliance and improve processing of collections. This includes using the Internet to ease the coal companies’ reporting burden, receive quarterly coal production reports, provide information to companies, and allow companies to make payments on-line. OSMRE will continue to use new and streamlined collection services as they become available and will work with customers and stakeholders to ensure fair and consistent policies.

In FY 2018 and FY 2019, OSMRE will continue to improve its Coal Fee Collection Management System (CFCMS), which OSMRE uses to process and manage coal reclamation fees, compliance audit findings, and civil penalties. CFCMS supports the continued success of the fee compliance program. 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 196 grants and cooperative agreements with the states and tribes, accounting for over \$787 million.

Resources, Skills, and Technology Needed: To support program activities and to assure the collection of appropriate fees, OSMRE plans to maintain a highly trained cadre of fee compliance auditors, program accountants, and financial systems personnel. Training will be used so 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.

2019 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. The fee is collected by OSMRE from active coal operators based upon tons of coal produced. These funds contribute to accomplishment of the Department of the Interior’s “Ensure energy and economic security for America” goal by generating revenue and utilizing our natural resources to decrease dependency on other nations while also supporting employment in the nation’s coal mining regions.

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 fairly and consistently applying policy and collection procedures at a reasonable cost. This request includes \$5,040,000 and 30 FTE for the Fee Compliance activity.

In FY 2017, OSMRE’s Fee Compliance Program achieved a 99.8 percent collection rate resulting in \$159.5 million in total collections. Collections increased slightly from FY 2016 due to increased coal production. As a result of working closely with the industry, the program achieved a 99.83 percent compliance rate for operators filing their tonnage reports. OSMRE maintained a high percentage of permits that filed OSM-1 Reports electronically, at 88.0 percent in FY 2017. During FY 2017, OSMRE also processed 86.1 percent of the coal reclamation fee reports automatically, and 85.3 percent of payments automatically. Further automation of payment processing is constrained by the inability of some companies to use the Treasury Department’s Pay.Gov system. And by successfully leveraging technology, the audit division has been nationally recognized for its efficient and effective utilization of resources.

The Fee Compliance Program is comprised of two highly 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. For example, key initiatives that these components will pursue in FY 2018 include:

- Maintaining and improving the Coal Fee Collection Management System (CFCMS). Improvements to the system will help OSMRE further automate and streamline processes.
- Continuing the improvement of the consolidated coal data reporting system (Single Source Coal Reporting System).
- Increasing the use of automation in conducting fee compliance audits to further improve efficiency.

Details of these and other services the collection and audit components provide are described in the following sections.

a. AML Fee Collection

The collection component assures that the AML Fee payment requirements of SMCRA are consistently and fairly applied across the country. In FY 2017, OSMRE collected 99.8 percent of the AML Fees due during the year. Total FY 2017 AML Fee collections were \$159.5 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 Applicant Violator System to track new permits from initial permitting through fee reporting. AML fee payments are tracked 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 approximately ten percent of the permits that are not filed on-line, OSMRE mails a paper reporting package.

On average, over 1,337 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 406 companies voluntarily use the E-filing system to report on approximately 1,177 permits and over 99 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 payment 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. During FY 2017, OSMRE continued to streamline the process for inactivating permits once the permits have completed coal production. OSMRE has simplified the process, providing companies with the ability to inactivate permits on-line through the E-filing Reporting System. The enhanced CFCMS system automatically updates the permit information for the companies that have reported mining completion.

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 compliance 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, this includes providing the information and assistance operators need to comply, and taking appropriate enforcement action when non-compliance occurs.

The audit staff is strategically stationed in locations which minimize travel costs to coal company's recordkeeping locations. Over 70 percent of the audit staff are full time teleworkers, with no bricks and mortar office – significantly reducing general services costs. To ensure quality, audits are performed in accordance with Government Auditing Standards issued by the Comptroller General of the United States, and the continuing professional education and training of OSMRE's audit staff is emphasized in accordance with those standards.

By structuring the audit program to ensure all companies are appropriately audited, an effective deterrent to noncompliance exists. To support the program goal of maximizing compliance, OSMRE auditors will conduct more than 160 audits and compliance checks in FY 2019. In addition to deterrence, this provides an opportunity to promote compliance by providing direct assistance to the industry on accounting and reporting matters. For example, when instances of non-compliance are identified, the auditors explain each issue and how similar occurrences can be avoided in the future.

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 2019.

Increasing audit automation: By applying computer techniques to the data gathering, analysis, and reporting function, the audit staff has been able to maintain a high compliance level despite limited resources. To further improve efficiency, OSMRE will continue to 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 1,600 newly issued coal mining permits and transactions (transfers and amendments), which can affect the parties responsible for paying fees. In FY 2017, the staff handled 1,629 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.

Developing necessary revisions to the fee requirements and process: The auditors have the most direct contact with operators and the subject-matter expertise to identify, develop, test, and implement any needed changes. This is part of an ongoing effort to ensure fairness and a level playing field among all operators in fee payment.

Promoting E-government: OSMRE's audit staff has been instrumental in the successful implementation of various E-government efforts. During FY 2019, the audit staff will continue to promote electronic tonnage reporting and fee payment by demonstrating the systems for companies during audits and 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 the fee compliance and coal excise tax compliance programs function together more efficiently. SMCRA requires OSMRE to forward audit results to the IRS and both agencies coordinate issues affecting the industry.

Overall, there also will be a continued emphasis on improving compliance and customer service in FY 2019 and beyond.

Table 7 shows annual production in tons and fees collected. Table 8 provides a summary of the Abandoned Mine Reclamation fund from 1978.

Table 7 – Deposits to the AML Fund and AML Production Fees

(Production in Millions of Tons)

(Dollars in Millions)

	2017 Actuals	2017 Projections <i>(as submitted in FY 2016)</i>		2018 Projections		2019 Projections		2020 Projections	
		EIA	OSM	EIA	OSM	EIA	OSM	EIA	OSM
Production *		EIA	OSM	EIA	OSM	EIA	OSM	EIA	OSM
Underground	263	248	252	245	254	261	272	275	285
Surface	436	503	441	442	458	462	477	468	484
Lignite	71	92	80	80	73	80	73	81	74
AML Fees **	\$159.5	\$160.8		\$164.9		\$172.3		\$175.9	

**DOE projections are based on calendar year (CY) projections made by the Department of Energy's (DOE) Energy Information Administration (EIA) Annual Energy Outlook 2017, Reference Case Forecast, Table 67. OSMRE tonnage uses the last reported production (Fiscal Year 2017) and then increases or decreases based on the percentage increase or decrease in DOE production for each coal type. The OSMRE projections are usually lower because AML fees are assessed on the tonnage sold, used, or transferred while the DOE figures are based on the tonnage produced.*

***AML Fees are calculated based on the OSMRE tonnage estimates multiplied by the applicable current fee rate: \$0.12, \$0.28, and \$0.8 for underground, surface, and lignite, respectively. The calculations are adjusted for moisture content, reduced coal prices and fees, administrative fees and uncollectible fee estimates.*

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

Fiscal Year	Receipts and Interest Income			Appropriations			Transfer To UMWA Health & Retirement Funds	Cumulative Appropriated Balance	Cumulative Unappropriated AML Fund Balance
	Amount	Interest Earned	Cumulative	Amount Appropriated from AML Fund	Footnote	Appropriations from Other Sources			
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	164,879	46,257	11,295,341	234,278			46,257	8,984,439	2,310,902
2019	172,261	67,448	11,535,050	239,578			67,448	9,291,465	2,243,585
2020	175,924	76,498	11,787,472	179,278			76,498	9,547,241	2,240,231
/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.									
Notes: FY 2018 figures are estimates except for the UMWA transfer. FY 2019 and FY 2020 figures are estimates.									
Annual figures for FY 1978-1999 are displayed in the FY 2015 Budget Justification, Table 9.									

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 grants financial management activity includes the disbursement, accounting, reporting, and recovery of grant funds. This request includes \$199,000 for Grant Financial Management.

As a result of amendments to SMCRA enacted at the beginning of FY 2007, most AML grant activity is now mandatory and no longer part of OSMRE's discretionary budget. Starting in FY 2008, the grant distribution was calculated based on the new amendments to SMCRA as a result of Public Law 109-432.

Along with the mandatory AML distributions given to the states, mandatory treasury funds are also distributed to the 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, 2017, by a description of its allocation.

Table 9 – AML Unappropriated Balance

**Office Of Surface Mining
AML Unappropriated Balance
September 30, 2017
Prepared by the Division of Financial Management**

Total Funds to be Allocated: \$2,380,300,565.16

Description of Allocation	Balance as of 10/01/16 ^{1/}	LESS: 2017 Appropriation/ Distribution	Less: 2017 Sequester	LESS: 2017 Treasury Funds	LESS: 2017 ^{5/} UMWBF Transfer	Post Appr. & Trans. Balance	Investment Int. 10/01/16-9/30/2017	Collections for 10/01/16-9/30/2017	Balance As Of 9/30/2017
RAMP Allocation ^{2/}	\$0.00					\$0.00			\$0.00
Federal Expense ^{3/}	\$395,027,649.66	(\$48,809,497.00)	(\$1,604,305.00)			\$344,613,847.66		\$31,927,123.92	\$376,540,971.58
Historical Coal ^{4/}	\$1,615,892,370.25	(\$88,643,309.00)	(\$6,569,697.00)	\$49,665,810.00		\$1,570,345,174.25		\$47,890,685.88	\$1,618,235,860.13
Investment Interest	\$148,838,732.94				(\$32,140,057.95)	\$116,698,674.99	\$33,921,516.33	\$0.00	\$150,620,191.32
Total Fed Share	\$2,159,758,752.85	(\$137,452,806.00)	(\$8,174,002.00)	\$49,665,810.00	(\$32,140,057.95)	\$2,031,657,696.90	\$33,921,516.33	\$79,817,809.80	\$2,145,397,023.03
Total State Share	\$231,134,200.58	(\$24,435,198.00)	(\$1,810,987.00)	(\$49,665,810.00)	\$0.00	\$155,222,205.58	\$0.00	\$79,681,336.55	\$234,903,542.13
Total	\$2,390,892,953.43	(\$161,888,004.00)	(\$9,984,989.00)	\$0.00	(\$32,140,057.95)	\$2,186,879,902.48	\$33,921,516.33	\$159,499,146.35	\$2,380,300,565.16

1/ In FY17, the beginning balances were adjusted to move sequestered funds from FY 2013- 2016 out of the unappropriated balance. The budget authority states that these funds are permanently unavailable. \$50,178,988.68 (\$48,745,850.68 from Mandatory sequestered funds and \$1,433,138 from Discretionary funds)

2/ After FY2009; The RAMP balance was completely depleted after remaining balances were used to make transfers to the United Mine Workers of America Fund Health and Benefits Plans (UMWAF)

3/ The Federal Expense Distribution was calculated using 2017 distribution formula

4/ The Historical Coal Distribution was calculated using 2017 distribution formula

5/ \$32,140,057.95 transferred at the beginning of FY 2017 to the United Mine Workers of America Fund Health and Benefit Plans (UMWAF) for estimated expenses in FY 2017 and adjustments to actual expenditures in FY 2015

3. Revenue Management

The 2019 budget request includes \$400,000 and two 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 violations. The total outstanding balance of open civil penalty cases was \$65,191 at the end of FY 2017, including interest and late charges. New civil penalties recorded in FY 2017 totaled \$59,959, and OSMRE collected \$79,759 during the year, including late charges.
- Bond forfeitures by federally permitted mining companies.
- Fees for mine permit reviews and administration.
- Other miscellaneous fees and receipts.

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.

Civil penalty collections are used to reclaim post-SMCRA mine sites. To maximize the collection rate on civil penalties, OSMRE uses all of the debt collection tools available. 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 Solicitor's Office, and referral to the Department of Treasury for payment offset. Additionally, delinquent civil penalties are reported to the Applicant Violator System so that violators and debtors do not obtain permits to mine coal until the outstanding debt and violations have been resolved. These are the same tools used in the AML Fee collection program. However, because the majority of the companies that incur AML Fees are viable, the collection rate for AML Fees is higher than the collection rate for civil penalties.

During FY 2018 and FY 2019, OSMRE will refer civil penalty debt that is more than 120 days delinquent to the Department of Treasury for collection, in accordance with the Digital Accountability and Transparency Act of 2014. OSMRE has a memorandum of understanding with the Department of Treasury whereby they will provide collection services on debts over 120 days delinquent. During FY 2017, OSMRE referred 100 percent of qualifying civil penalty debts to the Department of Treasury.

4. United Mine Workers of America Health Benefit Plans (UMWAF) Transfers

While not considered a separate OSMRE program activity, the transfers to the UMWAF activity is an integral component of SMCRA responsibilities which provides funding for the unreimbursed health care expenses of UMWA coal miners and their dependents. This involves the processes of reviewing the UMWAF annual transfer requests, the annual UMWAF financial

statements audit reports, and true-up calculations from prior-year transfers; 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 Consolidated Appropriations Act of 2017 was enacted and Section 101 of the Act, cited as the Health Benefits for Miners Act of 2017, amended SMCRA to provide funding for additional beneficiaries of the UMWAF 1993 Health Benefit Plan.

During FY 2018 and 2019, OSMRE will process the UMWAF transfer requests for the three UMWAF health plans and provide funding for an estimated 44,769 beneficiaries. 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 work to implement recommendations from the Department of the Interior’s Inspector General to provide additional assurances that transfers conform to the authorizing legislation. The transfer requests for FY 2017, 2018 and 2019 are outlined below:

Table 10 – UMWA Transfer Requests

Health Benefit Plan	Fiscal Year Transfer Amounts <i>(Dollars in Millions)</i>		
	2017 Actual	2018 Requested	2019 Projected
Combined Fund including the Reachback Provision	\$ 68.5	\$ 60.7	\$ 56.6
1992 Plan	63.8	59.6	58.0
1993 Plan	163.3	211.1	223.3
Total – All Plans	\$295.6	\$331.4	\$337.9
<u>Funding Sources</u>			
• AML Fund Interest	\$ 32.2	\$ 46.3	\$ 67.5
• Treasury Funds	\$263.4	\$285.3	\$270.4

FINANCIAL MANAGEMENT

2018 Planned Program Performance

In FY 2018, OSMRE will maintain a high rate of fee compliance. To help ensure that results continue to be achieved efficiently, OSMRE will:

- Continue to 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 AML and Regulation and Technology Grants to states and tribes.
- Process transfer requests from the UMWAF totaling \$331.4 million to provide funding of unreimbursed health care expenses for an estimated 44,769 coal miners and their dependents.
- Work to implement Office of the Inspector General recommendations to improve the oversight of the UMWAF transfer process.

2017 Program Accomplishments

In 2017, the major accomplishments in the Financial Management program activity include:

- Collected \$159.5 million in coal reclamation fees resulting in a collection rate of 99.8 percent on quarterly coal reclamation fees.
- Maintained an E-filing enrollment rate of 88.0 percent of the active reporting permits, which are reported electronically through OSMRE's internet-based reporting system.
- Processed automatically 85.3 percent of quarterly fee payments, or 2,398 fee payments.
- Processed automatically 86.1 percent of tonnage reports during the fourth quarter.
- Continued to analyze investment opportunities to maximize earnings on the Abandoned Mine Reclamation Fund.
- Processed transfer requests from the UMWAF totaling \$285.6 million and provided funding of unreimbursed health care expenses for an estimated 46,065 coal miners and their dependents.

TAB

Executive Direction and
Administration

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EXECUTIVE DIRECTION AND ADMINISTRATION**Executive Direction and Administration Budget Request***(Dollars in Thousands)*

	2017 Actual	2018 CR Baseline	2019				Change From 2018 (+/-)
			Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2019 Request	
Regulation and Technology	15,169	15,066	+15	-	-1,387	13,694	-1,372
Executive Direction	2,654	2,636	+19		-712	1,943	-693
<i>FTE</i>	<i>18</i>	<i>18</i>			<i>-4</i>	<i>14</i>	<i>-4</i>
Administrative Support	4,414	4,384	+28		-939	3,473	-911
<i>FTE</i>	<i>33</i>	<i>27</i>			<i>-6</i>	<i>21</i>	<i>-6</i>
General Services	8,101	8,046	-32		+264	8,278	+232
<i>FTE</i>							
Abandoned Mine Reclamation Fund	7,743	7,690	+6	-	-1,356	6,340	-1,350
Executive Direction	1,427	1,417	+9		-578	848	-569
<i>FTE</i>	<i>10</i>	<i>10</i>			<i>-4</i>	<i>6</i>	<i>-4</i>
Administrative Support	2,338	2,322	+14		-539	1,797	-525
<i>FTE</i>	<i>17</i>	<i>18</i>			<i>-8</i>	<i>10</i>	<i>-8</i>
General Services	3,978	3,951	-17		-239	3,695	-256
<i>FTE</i>							
Total, Executive Direction	22,912	22,756	+21	-	-2,743	20,034	-2,722
Total FTE	78	73			-22	51	-22

Note: 2017 FTE amounts reflect actual usage.

Fixed Costs of \$21,000 in pay related items, workers compensation, working capital fund adjustments, and GSA rental rates.

Summary of 2019 Program Changes for Executive Direction and Administration

Request Component	(\$000)	FTE
Staffing Costs	-2,743	-22
TOTAL Program Changes	-2,743	-22

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

Justification of 2019 Program Change

Staffing Costs (-\$2,743,000/-22 FTE): The staffing levels proposed for FY 2019 will fund high priority work activities to accomplish the mission.

OVERVIEW

The Executive Direction and Administration business line provides administrative support to the other four business lines. The business line's program performance is an integral part of the Environmental Restoration, Environmental Protection, Technology Development and Transfer, and Financial Management business lines. The business line functions are carried out at OSMRE's headquarters location in Washington, D.C. 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 coordinates 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 (i.e., Environmental Restoration and Environmental Protection) and the two business lines providing support functions (i.e., Technology Development and Transfer and Financial Management). Though providing administrative support functions for these programs, the Executive Direction and Administration business line supports the DOI's strategic plan goals and measures.

<p style="text-align: center;">EXECUTIVE DIRECTION AND ADMINISTRATION ENCOMPASSES:</p> <p>Executive Direction</p> <ul style="list-style-type: none">• Director's Office• Staff Offices under the Director <p>Administrative Support</p> <ul style="list-style-type: none">• Human Resources• Administration• Finance and Accounting• Information Technology <p>General Services</p>
--

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 provides executive leadership and policy direction for the Bureau, which includes the immediate office of the Director. 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, postage, unemployment compensation, 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 goal areas; and the Technology Development and Transfer and Financial Management support functions. OSMRE supports the Department's current Strategic Plan Mission Goal of Conserving Our Land and Water.

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

Actions Required to Achieve Annual Goals: OSMRE will continue to review its programs for management efficiencies and savings.

Resources, Skills, and Technology Needed: OSMRE and the states and tribes will continue to need a diverse and multi-disciplinary cadre of personnel to accomplish the mission and goals of the Surface Mining Control and Reclamation Act (SMCRA). In addition, 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 2019 Budget Request: The request is for \$20.0 million for Executive Direction and Administration activities. Of this total, \$2.8 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 \$5.2 million, and basic bureau-wide fixed overhead costs in general services will cost \$12.0 million.

2019 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 \$2,791,000 and 20 FTE for Executive Direction.

a. Office of the Director (DIR)

The Director is OSMRE's 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 not only a more cooperative partnership with its regulatory partners, but with other stakeholders, as well, resulting in better and more effective implementation of the objectives of SMCRA.

In FY 2018 and FY 2019, 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 and OSMRE's evolving role. OSMRE will continue to take positive steps to collaborate with states, tribes, citizens, other stakeholders, and industry and encourage their participation.

The Deputy Director in the Office of the Director is the Chief Operating Executive for the bureau, and provides direct supervision for the business operations of the office to the staff offices, as well as, executive leadership to the other programs and offices

b. Office for Equal Opportunity (OEO)

OEO is responsible for promoting equal employment opportunities for all OSMRE employees. The staff advises and assists the OSMRE Director in carrying out the Bureau's 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 the Bureau's equal employment opportunity policy and program and its employment needs 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 Compliance program for federally assisted and conducted programs.

In addition, OEO is responsible for Special Emphasis programs and assists 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 provides for agencies to work more closely with Historically Black Colleges and Universities, 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)

OC shares information about OSMRE programs, policies, and Congressional activities with the public, Congress, State regulatory agencies, the coal industry, citizen groups, and the media. OC facilitates requests for information from the news media, Congress and the public, and manages official Bureau correspondence. OC also coordinates 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)

OPAB is responsible for nationwide planning and analysis, and budgetary functions for OSMRE, including the integration of organizational performance measures into the budget process. The major functions of OPAB include:

- Develops and coordinates OSMRE’s bureau planning and goals with Departmental strategic plans;
- Performs trend analyses and modeling to identify changing national and regional needs; and analyzes policy proposals for new initiatives and modifications to existing programs; and
- Carries out budget formulation and execution, and analysis and presentation of OSMRE’s budget; providing policy, central coordination, uniform budget procedures and controls; and manages OSMRE’s interface with OMB and Congressional committees on appropriations and other budget-related matters.

In addition, OPAB coordinates internal control and other program assessment reviews, in accordance with Executive Orders and Departmental initiatives; and monitors implementation of Government Accountability Office (GAO) recommendations from evaluations and reports conducted internally and externally.

e. Information Resources Office (IRO)

The 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. The major functions include:

- Providing advice and assistance to management and employees on IT policy, applicable laws, regulations, and directives;
- Maintaining a management framework for and coordinating OSMRE’s nationwide IT capital planning and investment control activities, including approval of IT expenditures within OSMRE;

- Developing and implementing IT strategic planning to ensure that all of OSMRE's information systems are administered and developed in accordance with policies, long-range systems, and strategic planning;
- Managing OSMRE's General Support System (GSS) and Information Security program in support of OSMRE's SMCRA mission; and
- Providing IRM-related support to OSMRE's system owners to include information system security support.

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 evolve a comprehensive information management capability which 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 Federal Records Act (FRA) compliant Records Management Program.

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. This request includes \$5,270,000 and 31 FTE to support these support activities.

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

a. Administration

The Division of Administration is responsible for development of bureau-wide administrative policy and procedures. The Division also implements the following support activities:

- Acquisition
- Property Management
- Vehicle Fleet Management
- Space Management
- Emergency Coordination
- Physical Security
- Employee Safety & Occupational Health
- Directives Management
- Printing and Publications
- Employee Transit Subsidy

The Division of Administration also provides administrative support to headquarters offices. These support activities include office moves, provision of general supplies and services, and mailroom functions.

The Division of Administration is responsible for providing guidance to ensure OSMRE meets its competitive sourcing goals. The Division of Administration 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. OSMRE coordinates its competitive sourcing and strategic human capital planning to ensure, where possible, they support achievement of OSMRE goals. OSMRE developed and completed a competitive sourcing plan that identified the functions and activities to be studied throughout OSMRE. OSMRE completed studies where appropriate and does not plan to conduct any future competitive sourcing studies due to the small number of FTE identified as being commercial in nature and appropriate for study. The Division of Administration also maintains a presence on the Departmental Acquisition Special Interest Group (SIG) as an active member to ensure OSMRE acquisition needs and requirements are met.

The Division of Administration provides direction, coordination, and implementation of all aspects of OSMRE's emergency management program, including, but not limited to: internal policy development; program guidance and direction as it relates to emergency response/continuity of operations/recovery planning, readiness, and, security; and coordination of OSMRE's response/recovery role to declared emergencies and/or disasters on a government-wide basis.

b. Human Resources (HR)

The Division of Human Resources (HR) 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 advice and technical assistance on the full range of human resources programs in accordance with OSMRE, DOI, OPM, and other Federal policies and guidelines. HR provides processing and record keeping on recruitment, staffing and hiring; conducts position classification and organizational analysis; administers pay and compensation programs for general schedule and senior executive service positions; advises and processes employee and retirement benefits; oversees performance management, awards and recognition programs; implements Human Capital initiatives; manages ethics and financial disclosure holdings programs; implements the personnel security (HSPD-12) process for both Federal and contractor staff; provides mandatory employee development and training assistance; and provides guidance on employee relations and workplace issues including disciplinary actions. The staff has continued to use automated systems such as Monster Government Solutions (MGS) Hiring Enterprise, the Federal Personnel and Payroll System (FPPS), Employee Express, DOI Learning Management System (LMS), Personnel Investigative Processing System (PIPS), and the e-QIP web site linking employees to security forms needed for background investigations. 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:

Electronic Tool Kit: Human Resources will improve efficiency and hiring time by saving all staffing action documents (vacancy announcements, job analysis, crediting plans, and position descriptions) in electronic format to an easily accessible database. New recruitment documentation will be added to the electronic library on a continuous basis, keeping the information up to date.

Strategic Recruitment: Human Resources, in conjunction and cooperation with OSMRE's Office for Equal Opportunity, continues to expand recruitment of the number of women, minorities, and persons with disabilities identified in under-represented occupations. Efforts to hire veterans are an integral part of this expanded recruitment effort as authorized under recent Executive Orders as well. OSMRE promotes workforce diversity and to continue to improve and strengthen human capital process and tools to attract highly skilled applicants in support of building a 21st Century workforce.

Strategic Management of Human Capital: OSMRE continues to implement its workforce plan and executes an annual evaluation that links 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.

Hiring Reform: OSMRE evaluated its current performance against Office of Personnel Management's 80-day model and will implement a service quality metric to gauge and monitor progress toward improving its hiring process.

c. Administrative 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, development of financial management operating procedures and tutorials, ensure compliance of Federal travel regulations, and maintaining financial systems and tools that support these functions.

d. Information Technology (IT)

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.

As of FY 2016, OSMRE operates a centralized Information Management Technology (IMT) program under the direct authority of the Bureau's Associate Chief Information Officer (ACIO). 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 the Information Resources Office (IRO) staff provides the Bureau with system assessment and accreditation services as well as performing 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 (FISSA) 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 (RBST) 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 Departmental counterparts to ensure the CPIC program is maintaining the desired results of the program.

3. General Services

This is a funding activity that includes essential fixed costs to support OSMRE's program missions. No personnel or operational activities are funded by this component. The costs below are estimates for FY 2019 and reflect estimated Departmental fixed cost changes from FY 2018 levels and known future plans, including field office closures, co-location, space reduction, and anticipated contracting efficiencies.

Table 11 shows projected the General Services costs by category for FY 2018 and FY 2019.

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

Line Item	2018 CR Baseline	2019 Estimate	Estimated Change 2018 – 2019
Rent and Utilities	6,148,000	6,228,000	+80,000
Telecommunications	300,000	300,000	
Postage	10,000	10,000	
DOI Working Capital Fund	2,395,000	2,328,000	-67,000
DOI Program Requirements	145,000	145,000	
Unemployment Compensation	6,000	6,000	
Worker's Compensation	193,000	131,000	-62,000
Bureau-wide Printing/Supplies	272,000	272,000	
Service Contracts	170,000	170,000	
GSA Work Authorizations	5,000	5,000	
Operational Support Contracts/IT Shared Services (Quickhire, Quicktime, Enterprise Service Network, software licenses, etc.)	2,353,000	2,378,000	+25,000
Total	11,997,000	11,973,000	-24,000

EXECUTIVE DIRECTION AND ADMINISTRATION

2018 Planned Program Performance

In 2018, planned activities in the Executive Direction and Administration program activity include:

- Training - Continue to utilize training as a strategy to increase cultural competencies, reduce the number of EEO complaints filed, and conduct civil rights reviews on Federal assisted and federally conducted programs.
- Space – Continue to review opportunities to reduce OSMRE’s leased space footprint and expenditures.
- Acquisition – Continue to review opportunities to improve oversight of OSMRE’s acquisition functions.
- Property – Continue to improve the quality of Financial and Business Management System (FBMS) asset record data.
- Budget and Performance Integration – Continue to review options for budget formulation and performance in conjunction with DOI’s automated efforts to develop a budget justification process that includes performance measures.
- Support DOI’s Financial Audit Statements for FY 2017 and FY 2018.
- Improve the availability of self-guided videos and instructions through a single application.
- Continue to improve the delivery and accessibility of financial information.
- Capital Planning and Investment Capital (CPIC) – Conduct required evaluations for all IT programs and major investments.
- Information Resource Management – Continue to manage enterprise information resources consistent with applicable rules and regulations, and support DOI IT Transformation activities.
- Continue to provide administrative support to the other four business lines (Environmental Restoration, Environmental Protection, Technology Development and Transfer, and Financial Management) to achieve the goals for performance identified in the Goal Performance Tables.

2017 Program Accomplishments

In 2017, the major accomplishments in the Executive Direction and Administration program activities include:

- Facilitated OSMRE's participation in volunteer response and recovery efforts for Hurricanes Harvey, Irma, and Maria supporting the Federal Emergency Management Agency's national Surge Capacity Force.
- Facilitated the complete relocation of OSMRE's Headquarters to the Main Interior Building and reduced OSMRE's leased space footprint by continuing to consolidate space with other bureaus.
- Improved the efficiency and effectiveness of OSMRE's communication capabilities by awarding a bureau-wide wireless contract.
- Facilitated OSMRE's use of small business in meeting the Bureau's acquisition needs, achieving the highest small business obligation rate within the DOI.
- 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.
- Capital Planning and Investment Capital (CPIC) – Completed required evaluations for all IT programs and major investments.
- Provided educational and employment opportunities to youth in the areas of communications, budget, information technology, auditing, and general administration.

TAB

Permanent Appropriations

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PERMANENT APPROPRIATIONS

**ALLOCATIONS TO STATES AND TRIBES
TRANSFERS TO UNITED MINE WORKERS OF AMERICA HEALTH BENEFIT
FUNDS
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 Surface Mining Control and Reclamation Act (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.

Table 12 – Permanent Appropriation Estimates
(Dollars in Millions)

Permanent Appropriation	2017 Actuals*	2018 CR Baseline*	2019 Estimates	Change from 2018 to 2019 Proposed
Payment (or Grants) to States in Lieu of Coal Fee Receipts (U.S. Treasury Funds)	46.2	106.7	116.9	+10.2
• In Lieu Payments to Certified States and Tribes	46.2	106.7	116.9	
Mandatory Grants to Noncertified States (AML Fund)	134.7	194.1	210.7	+16.6
• State and Tribal Share	24.4	25.2	26.8	
• Historic Coal Share	88.6	151.4	166.4	
• Min Program Make Up	21.7	17.5	17.5	
Subtotal- Payments to States and Tribes	180.9	300.7	327.6	+26.9
Payments to UMWA Health Benefit Plans (AML Fund Interest)	32.1	46.3	67.4	+21.1
Supplemental Payments to UMWA Health Benefit Plans (Treasury Funds)	263.4	285.2	270.4	-14.8
Subtotal- Payments to UMWA Health Benefit Plans	295.5	331.5	337.8	+6.3
Total Mandatory Funding	476.5	632.2	665.4	+33.2
<i>Subtotal from AML Fund</i>	166.9	240.3	278.1	+37.8
<i>Subtotal from Treasury</i>	309.6	391.9	387.3	-4.6

*Includes reductions due to sequestration.

OVERVIEW

One of the basic concepts of SMCRA is to charge a fee on coal production to finance the reclamation of abandoned mine lands (AML) across the country. Reclamation fees are deposited into the Abandoned Mine Reclamation Fund (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 and altered the distribution of payments beginning in 2008.³

Collection of Reclamation Fees

Reclamation fees collected are placed in the AML Fund. The current reclamation fee authorized by SMCRA is: 28 cents/ton of surface mined coal; 12 cents/ton of coal mined underground; and 8 cents/ton of lignite; or ten percent of the value of the coal (two percent of the value of the lignite), whichever is less. Total fee receipts for FY 2017 are \$159.5 million. Reclamation fee collections form the basis for mandatory grants to the certified and noncertified states and tribes. The remaining funds collected are available for discretionary appropriations.

Interest accrued on the AML Fund becomes part of the AML Fund is available for transfer to the United Mine Workers of America Health and Retirement Funds in order to help finance three health care plans (collectively referred to as the “UMWA Health Benefit 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 25 states and three tribes received reclamation funding in FY 2018; of these, five states and all three tribes have certified completion of coal abandoned mine land problems.

Amendments to SMCRA since 2006 have included section 100125 of *Moving Ahead for Progress in the 21st Century Act* (Public Law No. 112-141), and section 10(d) of the *Helium Stewardship Act* of 2013 (Public Law 113-40). These two amendments, enacted in 2012 and 2013, provided limitations on the amount of funds available for distribution to the certified states and tribes from FY 2013 to FY 2015⁴. On December 4, 2015, the *Fixing America’s Surface Transportation Act, or FAST Act*, (Public Law 114-94) was enacted, which lifted the limitations to payments to certified states and tribes that were contained in the prior amendments, and provided for \$241.9 million in additional payments to certain eligible certified states and tribes.

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

⁴ Public Law No. 112-175 (section 142 of the Continuing Appropriations Resolution for 2013) enacted language so that the uncertified states were not impacted by the limitations put in place on certified State and Tribe funding by the 2012 and 2013 referenced amendments.

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 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 2018, noncertified states will receive \$194.1 million after sequestration (\$25.2 million in State Share, \$151.4 million in Historic Coal Share, and \$17.5 million in Minimum Program Make Up Funds).

For FY 2019, OSMRE estimates that noncertified states will receive \$210.7 million in grants from the AML Fund (\$26.8 million in State Share; \$166.4 million in Historic Coal Share; and \$17.5 million in Minimum Program Make Up Funds).

b. Treasury Funds

Mandatory payments 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 \$106.7 million, after sequestration, in FY 2018. These payments can be used for any purpose.

Under current law, total mandatory payments to states and tribes from Treasury funds in FY 2019 are estimated to be \$116.9 million. This includes an estimated \$55.5 million from

anticipated FY 2018 coal fee collections and \$61.4 million in funding withheld from payment during the three year phase-in period.⁵

Treasury funds paid to the states and tribes and transfers to the UMWA Health Benefit Plans are subject to an overall \$490 million cap on all annual transfers from the Treasury under the 2006 amendments to SMCRA.

Transfers (or Payments) to the UMWA Health Benefit Plans

Sections 402(h) and (i) of SMCRA require OSMRE to transfer funds to three United Mine Workers of America (UMWA) health care plans that are part of the UMWA Health and Retirement Funds: the United Mine Workers of America (UMWA) Combined Benefit Fund (CBF), the UMWA 1992 Benefit Plan, and the Multiemployer Health Benefit Plan (aka, the 1993 Benefit Plan). The three plans are collectively referred to as the “UMWA Health Benefit Plans.” These transfers are as follows:

- Annual transfers of all estimated AML Fund interest earnings for each fiscal year to the UMWA Health Benefit Plans, to the extent payments from premiums paid by operators and other sources (i.e., payments from other Federal agencies for benefit purposes) do not meet those plans’ expenditure needs, subject to certain limitations. Transfers under the current law began in 2007 to the CBF and in 2008 to both the 1992 and 1993 Plans.
- The UMWA Health Benefit Plans are also entitled to payments from the Treasury, which are subject to the same overall \$490 million cap on all annual transfers from the Treasury under the 2006 amendments to SMCRA.
- In general, the amount of the transfers to the UMWA Health Benefit Plans is 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.
 - Unappropriated balance of the RAMP allocation. (Note: Funds were exhausted as of the FY 2010 distribution.)
 - Transfers from the U.S. Treasury, subject to the \$490 million cap on annual transfers from Treasury to both the UMWA Health Benefit Plans and the states and tribes.
 - Reserve fund created from existing stranded interest earned by the AML Fund.

⁵ In accordance with the provisions of section 411(h)(3) of SMCRA, the payments to certified states and tribes were reduced during the 3 year phase-in period from FY 2009 to FY 2011. The statute stipulates that the amounts withheld during this phase-in period are to be paid in two equal annual installments beginning in FY 2018.

In FY 2018, the UMWA Health Benefit Plans received \$46.3 million in interest payment from the AML fund and \$285.2 million from the Treasury.

For FY 2019, under current law, OSMRE estimates that \$67.4 million in interest payments from the AML Fund and \$270.4 million from the Treasury will be transferred to the UMWA Health Benefit Plans.

Table 13 – Mandatory Funding for States and Tribes, FY 2017-2019
(Dollars Rounded in Millions)

State/Tribe	2017 Actual	2018 CR Baseline	Hypothetical Distribution for FY 2019
Alabama	3.2	5.3	5.8
Alaska	2.8	2.8	3.0
Arkansas	2.8	2.8	3.0
Colorado	3.1	3.3	3.6
Illinois	12.3	19.0	20.9
Indiana	5.8	8.1	9.0
Iowa	2.8	2.8	3.0
Kansas	2.8	2.8	3.0
Kentucky	12.6	19.0	21.0
Maryland	2.8	2.8	3.0
Missouri	2.8	2.8	3.0
New Mexico	2.8	2.8	3.0
North Dakota	2.8	2.8	3.0
Ohio	6.8	10.8	11.9
Oklahoma	2.8	2.8	3.0
Pennsylvania	33.0	55.7	61.4
Tennessee	2.8	2.8	3.0
Utah	2.4	2.8	.9
Virginia	3.8	5.8	6.5
West Virginia	23.2	36.3	39.7
Sub-total for noncertified States	134.7	194.1	210.7
Louisiana	.1	.2	.2
Mississippi	.1	.1	.2
Montana	3.3	7.6	8.1
Texas	1.5	2.8	3.1
Wyoming	39.4	91.3	100.3
Crow	.5	1.2	1.2
Hopi	.3	.6	.6
Navajo Nation	1.0	3.0	3.2
Sub-total for certified States and Tribes	46.2	106.7	116.9
AML Site Reclamation/Redevelopment			
Total for All States/Tribes	180.9	300.7	327.6
Source of Mandatory Funding:			
• AML Fund	134.7	194.1	210.7
• Treasury	46.2	106.7	116.9
Notes: 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. FY 2017 figures reflect a reduction of 6.9 percent due to sequestration. FY 2018 figures reflect a 6.6 percent reduction due to sequestration. References: P.L. 109-432, SMCRA Amendments Act of 2006; P.L 112-141, MAP-21; P.L. 112-175, the Continuing Appropriations Resolution for 2013; and P.L. 113-40, The Helium Stewardship Act of 2013.			

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Budget Exhibits

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BUDGET EXHIBITS
Exhibit A: Section 403 Compliance⁶

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

	2018 CR Baseline	2019 Request
External Administrative Costs		
WCF Centralized Billings	\$2,377,800	\$2,332,700
WCF Direct Billing/Fee for Service	\$1,063,400	\$1,283,500

External Administrative Costs

OSMRE funds external administrative costs, to include amounts paid to the Department of the Interior (DOI) 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 the Bureau's programs and activities.

⁶ Consolidated Appropriations Act, 2016 (Public Law 114-113)

Exhibit B: MAX Tables/Budget Schedules

Budget Schedule P Regulation and Technology Program and Financing (Dollars in Millions)

14-1801-0	2017 Actual	2018 Estimate	2019 Estimate
Obligations by program activity			
00.02 Environmental Protection	86	89	74
00.03 Technology Development & Transfer	13	15	13
00.04 Financial Management	1	1	1
00.05 Executive Direction & Administration	16	15	13
09.00 Total new obligations, unexpired accounts	116	120	101
Budgetary resources			
10.00 Unobligated balance brought forward, Oct 1	31	39	41
10.21 Recoveries of prior year unpaid obligations	3	2	-
10.50 Unobligated balance (total)	34	41	41
Budget Authority			
Appropriations, discretionary			
11.00 Appropriation	121	120	101
11.01 Appropriation (special or trust fund)	-	-	-
11.60 Appropriation, discretionary (total)	121	120	101
Spending authority from offsetting collections, discretionary			
17.00 Collected	-	-	-
Spending authority from offsetting collections, disc			
17.50 (total)	-	-	-
19.00 Budget authority (total)	121	120	101
19.30 Total budgetary resources available	155	161	142
Memorandum (non-add) entries			
19.40 Unobligated balance expiring	-	-	-
19.41 Unexpired unobligated balance, end of year	39	41	41
Change in obligated balance			
30.00 Unpaid obligations brought forward, Oct 1	57	54	51
30.10 New obligations, unexpired accounts	116	120	101
30.20 Outlays (gross)	-115	-121	-111
30.40 Recoveries of prior year unpaid obligations, unexpired	-3	-2	-
30.41 Recoveries of prior year unpaid obligations, expired	-1	-	-
30.50 Unpaid obligations, end of year	54	51	41
Memorandum (non-add) entries			
31.00 Obligated balance, start of year	57	54	51
32.00 Obligated balance, end of year	54	51	41

14-1801-0	2017 Actual	2018 Estimate	2019 Estimate
Budget authority and outlays, net			
Discretionary:			
40.00 Budget authority, gross	121	120	101
40.10 Outlays from new discretionary authority	44	54	45
40.11 Outlays from discretionary balances	71	67	66
40.20 Outlays, gross (total)	115	121	111
Offsets against gross budget authority			
Offsetting collections (collected from):			
40.34 Offsetting governmental collections	-	-	-
40.70 Budget authority, net (discretionary)	121	120	101
40.80 Outlays, net (discretionary)	115	121	111
41.80 Budget authority, net (total)	121	120	101
41.90 Outlays, net (total)	115	121	111

Budget Schedule P
Abandoned Mine Reclamation Fund
Program and Financing
(Dollars in Millions)

14-5015-0	2017 Actual	2018 Estimate	2019 Estimate
Obligations by program activity			
00.01 Environmental Restoration	10	6	6
00.02 Technology Development & Transfer	3	2	2
00.03 Financial Management	5	5	5
00.04 Executive Direction & Administration	9	6	6
00.05 AML funded Grants to States	156	208	211
00.06 UMWA and other benefits	32	46	67
09.00 Total new obligations, unexpired accounts	215	273	297
Budgetary resources			
10.00 Unobligated balance brought forward, Oct 1	70	173	301
10.01 Discretionary unobligated balance brought forward, Oct 1	39	38	
10.21 Recoveries of prior year unpaid obligations	19	30	25
10.50 Unobligated balance (total)	89	203	326
Budget Authority			
Appropriations, discretionary			
11.00 Appropriation (Economic Development)	105	104	-
11.01 Appropriation (special or trust fund)	27	27	20
11.60 Appropriation, discretionary (total)	132	131	20
Appropriations, mandatory			
12.01 Appropriation (AML & RAMP transfers to UMWA)	32	46	67
12.01 Appropriation (AML grants to States)	145	208	211
12.32 Appropriations and/or unobligated balance of appropriations temporarily reduced	-10	-14	-
12.60 Appropriations, mandatory (total)	167	240	278
19.00 Budget authority (total)	299	371	298
19.30 Total budgetary resources available	388	574	624
19.41 Unexpired unobligated balance, end of year	173	301	327
Change in obligated balance			
30.00 Unpaid obligations brought forward, Oct 1	359	323	300
30.10 New obligations, unexpired accounts	215	273	297
30.20 Outlays (gross)	-232	-266	-292
30.40 Recoveries of prior year unpaid obligations, unexpired	-19	-30	-25
30.50 Unpaid obligations, end of year	323	300	280
Memorandum (non-add) entries			
31.00 Obligated balance, start of year	359	323	300
32.00 Obligated balance, end of year	323	300	280

Budget authority and outlays, net				
Discretionary				
40.00	Budget authority, gross	132	131	20
40.10	Outlays from new discretionary authority	18	18	14
40.11	Outlays from discretionary balances	16	28	26
40.20	Outlays, gross (total)	34	46	40
40.70	Budget authority, net (discretionary)	132	131	20
40.80	Outlays, net (discretionary)	34	46	40
Mandatory				
40.90	Budget authority, gross	167	240	278
41.00	Outlays from new mandatory authority	27	85	109
41.01	Outlays from mandatory balances	171	135	143
41.10	Outlays, gross (total)	198	220	252
41.60	Budget authority, net (mandatory)	167	240	278
41.70	Outlays, net (mandatory)	198	220	252
41.80	Budget authority, net (total)	299	371	298
41.90	Outlays, net (total)	232	266	292
Memorandum (non-add) entries				
50.00	Total investments, SOY: Federal securities: par value	2,777	2,760	2,737
50.01	Total investments, EOY: Federal securities: par value	2,760	2,737	2,719

Budget Schedule P
Payments to States in Lieu of Coal Fee Receipts
Program and Financing
(Dollars in Millions)

14-1803-0	2017 Actual	2018 Estimate	2019 Estimate
Obligations by program activity			
00.01 Prior balance payments to non-certified States	7	-	-
00.02 Prior balance payments to certified States and Tribes	2	-	-
00.03 In lieu payments to certified States and Tribes	44	106	117
09.00 Total new obligations (object class 41.0)	53	106	117
Budgetary resources			
10.00 Unobligated balance brought forward, Oct 1	2	6	30
10.21 Recoveries of prior year unpaid obligations	10	24	2
10.50 Unobligated balance (total)	12	30	32
Budget Authority			
Appropriations, mandatory			
12.00 Appropriation	50	114	117
12.30 Appropriations and/or unobligated balance of appropriations permanently reduced	-3	-8	-
12.60 Appropriation, mandatory (total)	47	106	117
19.30 Total budgetary resources available	59	136	149
Memorandum (non-add) entries			
19.41 Unexpired unobligated balance, end of year	6	30	32
Change in obligated balance			
30.00 Unpaid obligations brought forward, Oct 1	579	420	357
30.10 New obligations, unexpired accounts	53	106	117
30.20 Outlays (gross)	-202	-145	-186
30.40 Recoveries of prior year unpaid obligations, unexpired	-10	-24	-2
30.50 Unpaid obligations, end of year	420	357	286
Memorandum (non-add) entries			
31.00 Obligated balance, start of year	579	420	357
32.00 Obligated balance, end of year	420	357	286
Budget authority and outlays, net			
Mandatory:			
40.90 Budget authority, gross	47	106	117
Outlays, gross			
41.00 Outlays from new mandatory authority	-	11	12
41.01 Outlays from mandatory balances	202	134	174
41.10 Outlays, gross (total)	202	145	186
41.60 Budget authority, net (mandatory)	47	106	117
41.70 Outlays, net (mandatory)	202	145	186
41.80 Budget authority, net (total)	47	106	117
41.90 Outlays, net (total)	202	145	186

Budget Schedule P
Supplemental Payments to UWMA Plans
Program and Financing
(Dollars in Millions)

14-1804-0	2017 Actual	2018 Estimate	2019 Estimate
Obligations by program activity			
Supplemental payments to UMWA health plans			
00.01 (direct)	263	285	270
09.00 Total new obligations (object class 25.2)	263	285	270
Budget Authority			
Appropriations, mandatory			
12.00 Appropriation	263	285	270
12.60 Appropriation, mandatory (total)	263	285	270
19.30 Total budgetary resources available	263	285	270
Change in obligated balance			
30.00 Unpaid obligations brought forward, Oct 1	-	-	-
30.10 New obligations, unexpired accounts	263	285	270
30.20 Outlays (gross)	-263	-285	-270
Budget authority and outlays, net			
Mandatory:			
40.90 Budget authority, gross	263	285	270
Outlays, gross			
41.00 Outlays from new mandatory authority	-	285	270
41.01 Outlays from mandatory balances	263	-	-
41.10 Outlays, gross (total)	263	285	270
41.60 Budget authority, net (mandatory)	263	285	270
41.70 Outlays, net (mandatory)	263	285	270
41.80 Budget authority, net (total)	263	285	270
41.90 Outlays, net (total)	263	285	270

Summary of Requirements by Object Class

Regulation and Technology

Program and Financing

(Dollars in Millions)

Object Class	FY 2018 Estimate		DOI-wide Changes		Program Changes		FY 2019 Request	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
11 Personnel compensation								
11.1 Full-time permanent	300	28			-19	-1	281	27
11.X All other salaries								
Total Personnel Compensation	300	28	-	-	-19	-1	281	27
Other Object Classes								
12.1 Personnel benefits		9				-1		8
21.0 Travel and transportation of persons		2						2
23.1 Rental payments to GSA		2						2
23.2 Rental payments to others		1						1
25.2 Other services		7						7
26.0 Supplies and materials		1						1
31.0 Equipment		1						1
41.0 Grants, subsidies and contributions		69				-17		52
99.0 Subtotal - obligations, direct obligations	300	120	-	-	-19	-19	281	101
Reimbursable obligations								
11.1 Personnel compensation: Full-time permanent								
99.0 Subtotal - obligations, reimbursable								
99.5 Below reporting threshold								
99.9 Total requirements	300	120	-	-	-19	-19	281	101

Summary of Requirements by Object Class

Abandoned Mine Reclamation Fund

Program and Financing

(Dollars in Millions)

Object Class	FY 2018 Estimate		DOI-wide Changes		Program Changes		FY 2019 Request	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
11 Personnel compensation								
11.1 Full-time permanent	134	10			-34	-1	100	9
11.X All other salaries								
Total Personnel Compensation	134	10	-	-	-34	-1	100	9
Other Object Classes								
12.1 Personnel benefits		3						3
21.0 Travel and transportation of persons		1						1
23.1 Rental payments to GSA		1						1
23.2 Rental payments to others								0
25.2 Other services		50				+22		72
26.0 Supplies and materials								0
31.0 Equipment								0
41.0 Grants, subsidies and contributions		208				+3		211
99.0 Subtotal - obligations, direct obligations	134	273	-	-	-34	+24	100	297
Reimbursable obligations								
11.1 Personnel compensation: Full-time permanent								
99.0 Subtotal - obligations, reimbursable								
99.5 Below reporting threshold								
99.9 Total requirements	134	273	-	-	-34	+24	100	297

Budget Schedule O

Regulation and Technology

Object Classification

(Dollars in Millions)

14-1801-0	FY 2017 Actual	FY 2018 Estimate	FY 2019 Estimate
Direct Obligations			
11.11 Full-time permanent	28	28	27
11.21 Personnel benefits	9	9	8
12.10 Travel & transportation of persons	2	2	2
12.31 Rental payments to GSA	2	2	2
12.32 Rental payments to others	1	1	1
12.52 Other services from non-Federal sources	7	7	7
12.60 Supplies and materials	1	1	1
13.10 Equipment	1	1	1
14.10 Grants, subsidies and contributions	65	69	52
99.99 <i>Subtotal, direct obligations</i>	<i>116</i>	<i>120</i>	<i>101</i>
Reimbursable Obligations			
21.11 Full-time permanent (reimbursable)			
22.52 Other services			
99.95 Below reporting threshold			
99.99 Total Obligations	116	120	101

Budget Schedule O

Abandoned Mine Reclamation Fund

Object Classification
(Dollars in Millions)

14-5105-0	FY 2017 Actual	FY 2018 Estimate	FY 2019 Estimate
Direct Obligations			
11.11 Full-time permanent	12	10	9
11.21 Personnel benefits	4	3	3
12.10 Travel & transportation of persons	1	1	1
12.31 Rental payments to GSA	1	1	1
12.52 Other services from non-Federal sources	40	50	72
14.10 Grants, subsidies and contributions	157	208	211
99.99 <i>Subtotal, direct obligations</i>	<i>215</i>	<i>273</i>	<i>297</i>
Reimbursable Obligations			
21.11 Full-time permanent (reimbursable)			
22.52 Other services			
99.95 Below reporting threshold			
99.99 Total Obligations	215	273	297

Budget Schedule O

Payments to States in Lieu of Coal Fee Receipts

Object Classification
(Dollars in Millions)

14-1803-0	FY 2017 Actual	FY 2018 Estimate	FY 2019 Estimate
Direct Obligations			
14.10 Grants, subsidies and contributions	53	106	117
99.99 Total Obligations	53	106	117

Budget Schedule O

Supplemental Payments to UWMA Plans

Object Classification

(Dollars in Millions)

14-1804-0	FY 2017 Actual	FY 2018 Estimate	FY 2019 Estimate
Direct Obligations			
12.52 Other services from non-Federal sources	263	285	270
99.99 Total Obligations	263	285	270

Exhibit C: Employee Count by Grade (PER-4)

Office of Surface Mining Reclamation and Enforcement

Employee Count by Grade

(Total Employment)

	FY 2017 Actual	FY 2018 Estimate	FY 2019 Estimate
Executive Level V	0	1	1
SES.....	6	6	6
Subtotal.....	6	7	7
GS/GM-15.....	23	23	23
GS/GM-14.....	55	45	45
GS/GM-13.....	102	97	97
GS-12.....	143	139	136
GS-11.....	28	28	26
GS-10.....	0	0	0
GS-9.....	28	27	27
GS-8.....	5	3	3
GS-7.....	21	18	18
GS-6.....	8	7	7
GS-5.....	1	1	1
GS-4.....	5	5	5
GS-3.....	2	2	2
GS-2.....	0	0	0
Subtotal.....	421	395	390
Total employment (actuals & estimate).....	427	402	397

Note: This is employee count projected at the end of each fiscal year and not FTE levels.

TAB

Appendixes

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**AML Reclamation Accomplishments
Historical Data through September 30, 2017
Priority 1, 2, and 3 Problems**

Problem Type	Units	Number of Units	GPRA Acres	Cost of Completed Reclamation	Remaining Reclamation Costs
Bench **	Acres	699	698	2,998,597	14,640,503
Clogged Streams	Miles	737	3,624	62,099,665	64,418,572
Clogged Stream Lands	Acres	19,832	27,122	217,852,716	208,094,128
Dangerous Highwalls	Feet	3,648,837	52,801	505,385,602	1,147,149,741
Dangerous Impoundments	Count	1,928	10,386	58,316,358	29,966,954
Industrial/Residential Waste (Priority 1 & 2)	Acres	1,287	1,285	5,456,851	11,932,117
Dangerous Piles & Embankments	Acres	13,285	13,233	264,881,111	309,064,133
Dangerous Slides	Acres	3,981	4,000	230,035,429	95,902,837
Equipment/Facilities **	Count	782	83	7,574,340	5,753,986
Gases: Hazardous Explosives	Count	47	47	607,857	2,349,002
Gobs (Coal waste piles) **	Acres	7,116	7,111	95,671,411	82,648,477
Highwall **	Feet	266,045	3,801	19,969,787	1,294,507,671
Hazardous Equipment & Facilities	Count	5,110	1,219	30,117,641	27,918,036
Haul Road **	Acres	713	713	9,423,628	4,479,664
Hazardous Water Body	Count	884	4,626	50,540,872	82,588,353
Industrial/Residential Waste **	Acres	305	304	1,858,822	930,333
Mine Opening **	Count	1,019	103	4,417,130	15,182,057
Other (*)(**)	----	2,826	N/A	10,141,978	23,901,034
Polluted Water: Agricultural & Industrial	Count	429	2,122	42,378,153	80,953,070
Polluted Water: Human Consumption	Count	53,104	247,614	407,227,463	3,009,770,349
Portals	Count	12,369	1,259	71,858,740	42,776,579
Pits **	Acres	3,014	3,015	22,375,321	45,414,208
Subsidence	Acres	8,421	8,403	408,017,999	578,482,521
Spoil Area **	Acres	88,444	86,106	87,081,617	892,802,276
Surface Burning	Acres	1,584	1,583	58,450,129	20,244,634
Slurry **	Acres	2,835	2,835	33,519,297	8,228,766
Slump **	Acres	736	732	6,853,332	102,423,785
Underground Mine Fire	Acres	1,783	1,982	103,472,777	853,478,866
Vertical Opening	Count	7,115	763	48,481,389	39,829,403
Water Problems (*)(**)	Gal/Min	46,052	N/A	50,008,775	967,820,776
Total			487,569	\$ 2,917,074,787	\$ 10,063,652,832

* Not converted to GPRA Acres

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

** Adjacent Priority 3 Problems

Notes:

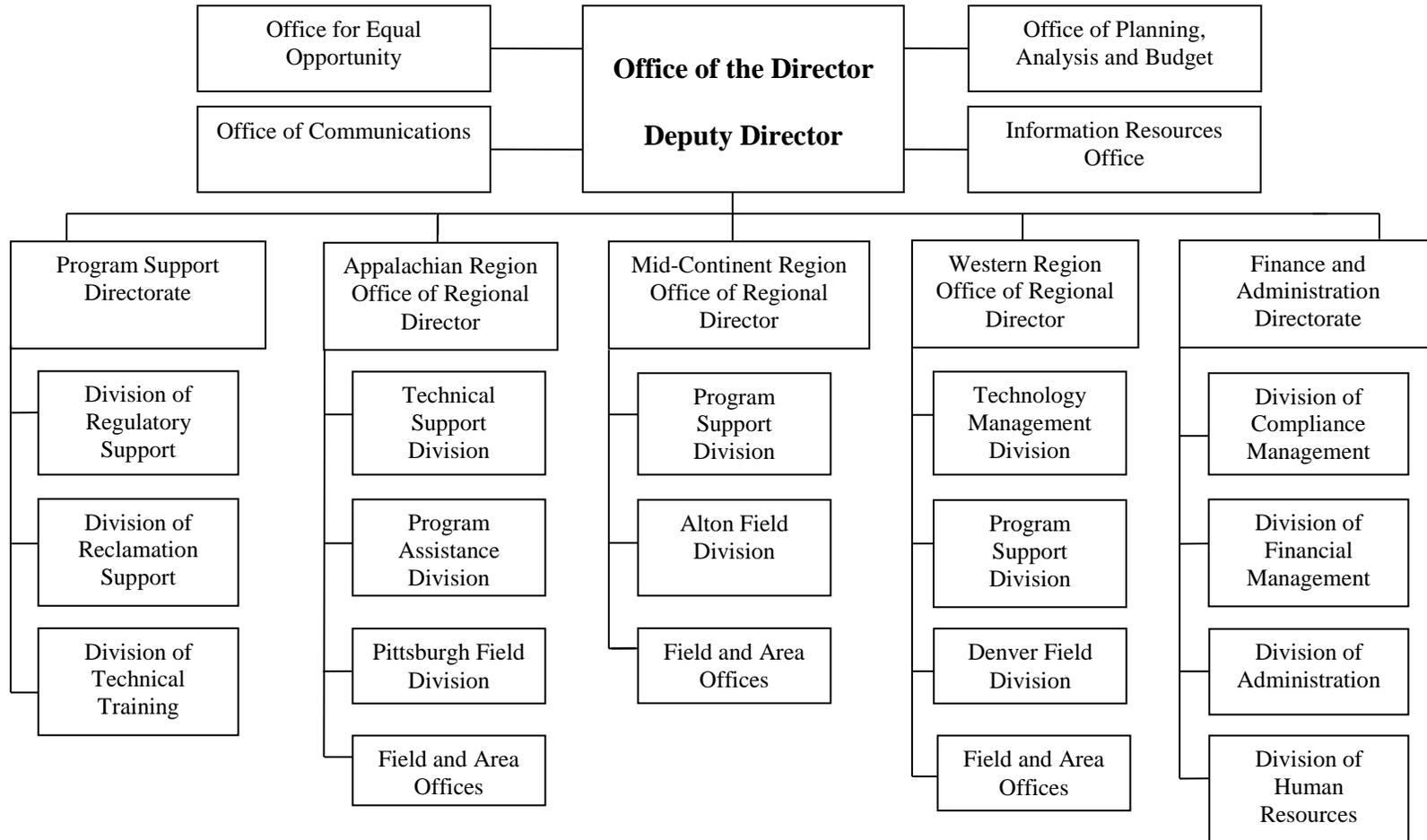
1. GPRA Acres are non-acre measures (feet of highwalls or number of portals) that are converted by formula to acres and used to measure program performance.
2. The e-AMLIS inventory is not a fixed target that declines each year by the amount of reclamation accomplished. Instead, the inventory is dynamic 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.
3. 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 impacts the ability of the public to reproduce OSMRE published e-AMLIS tables. An approved e-AMLIS account holder has more query functions than what is available to the general 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 retrieving information that was historically entered differently (e.g. not georeferenced) and placed on a different system platform within the e-AMLIS program.

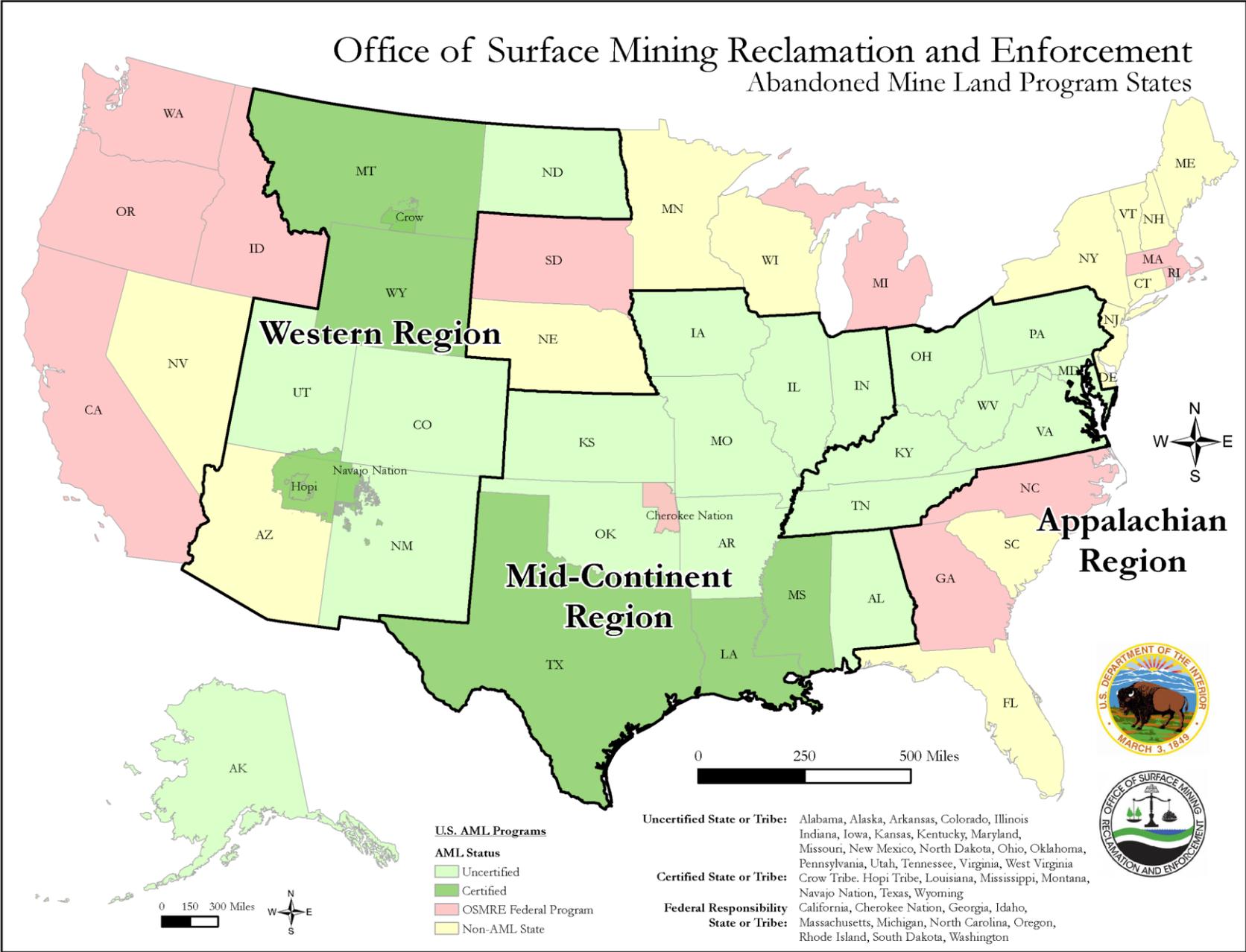
By State and Tribe Funding Data

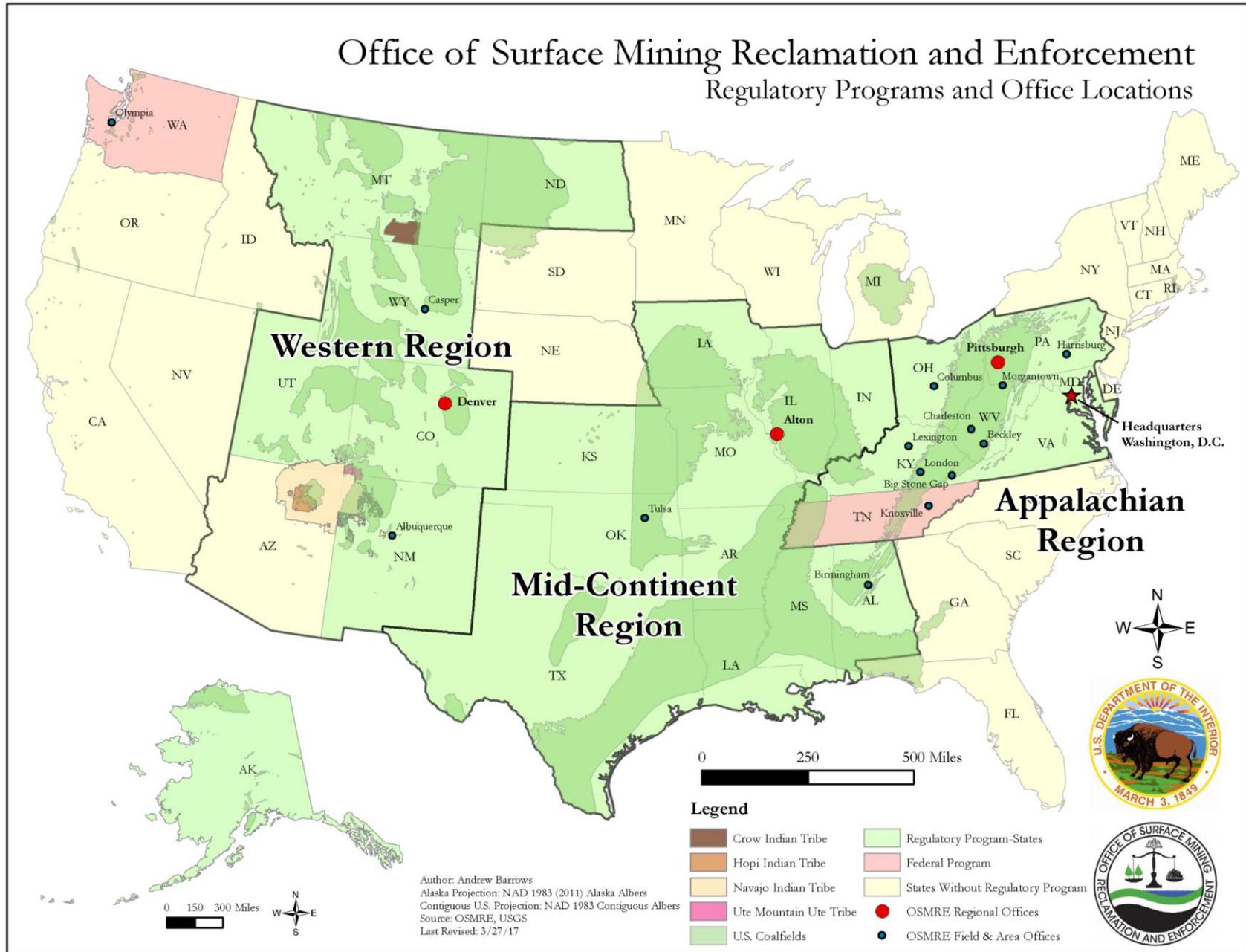
FY 2017 Obligations for Grants, Cooperative Agreements and Federal Project Spending (DOLLARS IN THOUSANDS)						
STATE/TRIBE	Environmental Restoration			Environmental Protection (Regulatory)		
	AML Funding	Federal Reclamation		Grants/Agreements		TOTAL
	Emergency Projects	High Priority Projects	Emergency Projects	Non- Federal Lands	Federal Lands	
Alabama				1,270	20	1,290
Alaska					377	377
Arkansas				159		159
California			51			51
Colorado		1,397		633	1,718	3,748
Georgia						0
Illinois				3,505	181	3,686
Indiana				1,708		1,708
Iowa				41		41
Kansas				120		120
Kentucky				10,698	1,540	12,238
Louisiana				153		153
Maryland				832		832
Michigan		4				4
Mississippi				183		183
Missouri				202		202
Montana				407	1,644	2,051
New Mexico				326	555	881
North Dakota				560	435	995
Ohio				1,744		1,744
Oklahoma				729	437	1,166
Oregon						0
Pennsylvania				12,539		12,539
Rhode Island						0
South Dakota						0
Tennessee						0
Texas				2,593		2,593
Utah				139	2,393	2,532
Virginia				3,914		3,914
Washington		144	156			300
West Virginia				11,696		11,696
Wyoming				266	2,007	2,273
Cherokee Nation						0
Crow				572		572
Hopi				402		402
Navajo				1,800		1,800
N. Cheyenne						0
Total	0	1,545	207	57,191	11,307	70,250

Office of Surface Mining Reclamation and Enforcement

Organizational Chart







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