



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

and Performance Information  
Fiscal Year 2022

## **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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# TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
Overview .....	1
Budget Highlights .....	6
Appropriation Language .....	9
Summary or Requirements.....	14
Justification of Fixed Costs and Internal Realignments.....	16
<b>BUDGET AT A GLANCE .....</b>	<b>19</b>
<b>ENVIRONMENTAL RESTORATION.....</b>	<b>25</b>
1. State Program Evaluation .....	31
2. Federal Reclamation Program.....	32
a. Federal Reclamation Projects.....	32
b. Program Staff (Operations).....	36
3. Program Development and Maintenance.....	37
a. AML Inventory .....	38
b. Grants Management .....	39
c. State Program Amendments.....	41
2021 Planned Program Performance.....	42
2020 Program Accomplishments .....	43
<b>ENVIRONMENTAL PROTECTION .....</b>	<b>45</b>
1. State and Tribal Funding.....	50
a. State Grants.....	50
b. Tribal Regulatory Development and Regulatory Program Grants.....	51
2. State Program Evaluation .....	51
a. Oversight Policy and Procedures .....	51
b. Oversight Inspections.....	52
c. Identifying and Correcting Violations of SMCRA.....	53
3. Federal and Indian Lands Programs .....	54
a. States.....	55
b. Tribes .....	58
c. OSMRE Responsibility on Federal Lands .....	60
4. Program Development and Maintenance.....	61
a. Rulemaking.....	61
b. Grants Management .....	62
c. Special Projects.....	63
2021 Planned Program Performance.....	64
2020 Program Accomplishments .....	65

<b>TECHNOLOGY DEVELOPMENT AND TRANSFER.....</b>	<b>67</b>
1. Technical Assistance.....	71
a. Technical Policy Assistance.....	71
b. Site-Specific Technical Assistance.....	74
c. National Mine Map Repository.....	76
d. Coal Information Management System.....	77
e. Technical Innovation and Professional Services.....	78
f. Applicant Violator System.....	79
2. Technical Training.....	81
a. National Technical Training Program.....	81
b. TIPS Software Application Training.....	82
c. Regional/Site-Specific Training.....	83
3. Technology Transfer.....	83
a. Technology Development.....	84
b. Technology Transfer and Publication.....	84
c. Educational Outreach and Partnership.....	85
2021 Planned Program Performance.....	87
2020 Program Accomplishments.....	88
<b>FINANCIAL MANAGEMENT.....</b>	<b>89</b>
1. Fee Compliance.....	93
a. AML Fee Collection.....	93
b. AML Fee Audit.....	94
2. Grant Financial Management.....	98
3. Revenue Management.....	100
4. United Mine Workers of America Funds (UMWAF) Transfers.....	100
2021 Planned Program Performance.....	102
2020 Program Accomplishments.....	102
<b>EXECUTIVE DIRECTION AND ADMINISTRATION.....</b>	<b>103</b>
1. Executive Direction.....	107
a. Office of the Director (DIR).....	107
b. Office for Equal Opportunity.....	107
c. Office of Communication.....	108
d. Office of Planning, Analysis and Budget (OPAB).....	109
e. Information Resources Office (IRO).....	109
2. Administrative Support.....	110
a. Office of Administration.....	110
b. Office of Human Resources.....	111
c. Acquisition Management.....	112
d. Administrative Financial Management.....	112
e. Information Management and Technology.....	112
3. General Services.....	113

2021 Planned Program Performance..... 115

2020 Program Accomplishments ..... 116

**PERMANENT APPROPRIATIONS..... 117**

**BUDGET EXHIBITS ..... 123**

    Exhibit A: Section 403 Compliance..... 123

    Exhibit B: Employee Count by Grade (PER-4) ..... 125

**Appendixes..... 127**

    AML Reclamation Accomplishments..... 127

    By State and Tribe Funding Data..... 130

    Organizational Chart ..... 131

    Abandoned Mine Lane Program States ..... 132

    Regulatory Programs and Office Locations ..... 133

**TABLE INDEX**

Table 1 – State, Tribal, and Federal Responsibility for the AML Program..... 31

Table 2 – Inspections Conducted in Primacy States in FY 2019 ..... 53

Table 3 – Permit and Permit Revision Workload – OSMRE as Regulatory Authority ..... 59

Table 4 – Inspections Conducted by OSMRE in the Federal and Indian Lands Program ..... 60

Table 5 – Mining Plan Decision Document Workload on Leased..... 61

Table 6 – FY 2020 State Program Amendment Activity ..... 62

Table 7 – Deposits to the AML Fund and AML Production Fees ..... 96

Table 8 – Summary Status of Abandoned Mine Reclamation Fund..... 97

Table 9 – AML Unappropriated Balance..... 99

Table 10 – UMWA Transfer Requests ..... 101

Table 11 – Estimated General Services Costs ..... 114

Table 12 – Permanent Appropriation Estimates ..... 118

Table 13 – Mandatory Funding for States and Tribes, FY 2020-2022 ..... 122

**TAB**

**Executive Summary**

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# EXECUTIVE SUMMARY

## Overview

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

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OSMRE's primary objectives are to:

- (1) ensure that coal mine surface activities are operated in a manner that protects citizens and the environment during mining,
- (2) ensure that the land is restored to beneficial use following mining, and
- (3) mitigate the effects of past mining by aggressively pursuing reclamation of abandoned coal mine lands.

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Every 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 5,500 permits on active and inactive coal mining sites covering 3.5 million 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 2022 budget supports the environmentally responsible development of energy by providing the oversight of responsible coal production through the protection, preservation, and restoration of mined lands and the restoration of mined lands left unreclaimed from past mining operations. The budget contributes to the Department's priorities of investing in environmental innovation; economic revitalization of coal communities; strengthening government-to-government relationships with Tribal nations; making investments to restore public lands and waters and increase reforestation and carbon sequestration; supporting local, State, private, and Tribal restoration efforts; centering equity and environmental justice; and creating good paying jobs with a free and fair chance to join a union.

## **Environmental Restoration**

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

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

The Tax Relief and Health Care Act of 2006 (Public Law 109-432), which included amendments to SMCRA (2006 Amendments), extended the fee authorization through September 30, 2021, made reclamation grants from the AML fund mandatory, and created new mandatory and unrestricted payments to States and Tribes that certified they had completed their coal reclamation work. As of the date of this publication, bills had been introduced in Congress to extend fee authorization beyond FY 2021 but no authorizing legislation had been enacted.

As of September 2020, an estimated \$9.9 billion of reported Priority 1, 2, and 3 unfunded coal abandoned mine land problems remain. OSMRE will concentrate its discretionary resources on State Program Evaluation and Federal Reclamation Program operations. These programs work directly on reclaiming abandoned mine lands and fulfill OSMRE's Title IV obligations. The FY 2022 budget also requests funding to increase and to continue providing AML Economic Revitalization (AMLER) program grants to States and Tribes. The AMLER program was initially established in the Consolidated Appropriations Act, 2016 (Public Law 114-113) as a pilot program and continued in each subsequent year's appropriation act through FY 2021 (Public Laws 115-31, 115-141, 116-6, 116-94 and 116-260).

With its mandatory appropriations authority, OSMRE will continue to collect reclamation fees from operators through September 30, 2021 as authorized, allocate and distribute reclamation grant funds to States and Tribes, and make payments to the United Mine Workers of America (UMWA) health benefits plans and the 1974 UMWA Pension Plan, in accordance with the provisions of Title IV of SMCRA, as amended.

(See the Permanent Appropriations Section for more details)

## **Environmental Protection**

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

OSMRE's statutory role is to promote and assist its partner States and Tribes in establishing and maintaining a stable regulatory environment for coal mining that is consistent with SMCRA and administered through primacy State programs, or directly by OSMRE, as the regulatory authority. That regulatory stability provides to all parties, including operators, regulators and citizens, a common understanding of applicable requirements and rights so that each can make informed decisions affecting their economic and personal interests with a minimum level of controversy,

It is important to ensure that coal is mined responsibly and that the mined land is reclaimed in accordance with land use plans established during the permitting process consistent with the law. Annual performance agreements developed for each State, with stakeholder input, outline the responsibilities and activities of

both the State and OSMRE. Among other things, the agreements contain program evaluation goals and the technical or programmatic assistance that OSMRE may render to the States to address identified problems, for both new issues and those remaining from prior years. 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 funding for grants to States and Tribes consistent with their actual expenditures over the past several years.

Review of State permitting actions and inspections of mine sites are among the most effective ways to determine if a State's mining law is being properly implemented. In FY 2020, States performed 23,067 complete and 37,836 partial mine inspections<sup>1</sup>. OSMRE completed 533 partial and 207 complete inspections in its Federal and Indian Lands Programs. Nationwide, 92 percent of permitted sites inspected were free of off-site impacts (i.e., those that occur outside the permitted area and have the potential to harm the environment or the public as specified under the existing regulations). The off-site impacts associated with active sites are addressed through the inspection and enforcement processes. Inspection and enforcement activities also help ensure that the land being mined is reclaimed properly and in a timely manner to return it to its intended post-mining land use.

### **Training and Technology Advances**

OSMRE supports the coordination of science activities across DOI bureaus to help achieve mission objectives and has identified several key areas for investment where coordination with other bureaus will leverage results to more effectively achieve mission outcomes. The FY 2022 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 FY 2022 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.

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<sup>1</sup> Inspection data for States is for the 12-month period from July 1, 2019 through June 30, 2020.

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

Pursuant to the July 2020 decision by the U.S. Supreme Court in *McGirt v. Oklahoma* (140 S.Ct. 2452) recognizing the existence of the historic Muscogee (Creek) Reservation in Oklahoma and conferring Indian land status to land within the exterior boundaries of the Muscogee (Creek) Nation, and pursuant to SMCRA's similar definition of "Indian Lands" and the requirement that OSMRE regulate such lands, OSMRE has established a new program in Oklahoma to assume responsibility for regulation of coal mining and reclamation activities on Muskogee (Creek) Tribal lands from the Oklahoma Department of Mines for Title V activities and from the Oklahoma Conservation Commission for Title IV activities. In March and April 2021, the Oklahoma Court of Criminal Appeals ruled additional reservations in Oklahoma were likewise never disestablished. OSMRE is analyzing the potential effects of these rulings on its jurisdiction on other reservations in Oklahoma. The FY 2022 budget provides the resources required for OSMRE to effectively manage its Federal regulatory and reclamation responsibility for Indian lands within Oklahoma.

## **Electric Vehicles and Charging Stations**

In support of the President's goal of transitioning to a fully Zero Emission Vehicle Federal fleet, the OSMRE budget includes \$1.4 million for zero emission vehicle (ZEV - battery electric, plug-in electric hybrid, and hydrogen fuel cell vehicles) acquisitions and deploying necessary vehicle charging and refueling infrastructure. These acquisitions are a significant step towards eliminating tailpipe emissions of greenhouse gases (GHG) from the OSMRE fleet and aligning the OSMRE fleet operations with the goal of achieving a fully ZEV Federal fleet. This action is important because tailpipe emissions are currently the leading source of GHG emissions that threaten the planet and harm U.S. communities.

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

The Agency is coordinating all of these efforts to meet or exceed the ZEV-related goals set forth in the comprehensive plan developed pursuant to E.O. 14008, Section 205(a). Funds for these OSMRE ZEV activities are part of a \$600 million request in the President's Budget for ZEVs and charging infrastructure

that is contained within the individual budgets of 18 Federal agencies, including ZEV Federal fleet dedicated funds at the General Services Administration. This investment will be complemented by Department of Energy funding to provide technical assistance to agencies through the Federal Energy Management Program as OSMRE builds and grows its ZEV infrastructure. This investment serves as a down payment to support a multiyear, whole-of-government transformation to convert the Federal motor vehicle fleet to ZEVs and thereby reduce carbon emissions.

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

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

### **Management and Efficiencies**

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

### **Justice40**

OSMRE is committed to securing environmental justice and spurring economic opportunity for disadvantaged communities that have been historically marginalized and overburdened by pollution and experience underinvestment in essential services. In line with EO 14008, OSMRE will take proactive actions to work towards ensuring 40 percent of the benefits of climate and clean energy investments are directed to disadvantaged communities. These actions will include an examination of the activities of key programs to determine whether those programs' benefits have accrued to disadvantaged communities. OSMRE will also begin to track program expenditures that impact disadvantaged communities and consider metrics that will help track how applicable covered program benefits accrue at specific disadvantaged communities.

## **Budget Highlights**

The FY 2022 Budget Request for OSMRE is \$312.0 million in current appropriations.<sup>2</sup>

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

In addition to discretionary appropriations, the budget includes \$879 million in mandatory funding for reclamation grants to States and Tribes, and for United Mine Workers of America (UMWA) health benefit plans and the 1974 UMWA pension plan, under current law. Mandatory funding is further described under the Permanent Appropriations Section.

The FY 2022 budget provides \$65 million (20.8 percent) of OSMRE's total discretionary funds in grants to the States and Tribes for regulatory programs. The budget also provides \$165 million (52.9 percent) of total discretionary funds for AML Economic Revitalization (AMLER) grants to States and Tribes. OSMRE will use the balance of the budget (26.3 percent) to perform its statutory oversight responsibilities, administer Federal regulatory and reclamation programs, provide technical assistance to the States and Tribes, and carry out its fiscal responsibilities for collecting revenues and awarding grants.

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

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

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

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

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<sup>2</sup> This amount does not include \$140,000 in civil penalty authority or offsetting collections.

**Total FY 2022 Budget Request**  
(Dollars in Thousands)

Budget Authority	2020 Actual	2021 Enacted	2022 Request
Regulation and Technology	117,794	117,768	119,257
<i>Civil Penalties (Indefinite Authority)</i>	<i>[13]</i>	<i>[100]</i>	<i>[100]</i>
<i>Permit Fees (Offsetting Collections)</i>	<i>[14]</i>	<i>[40]</i>	<i>[40]</i>
Abandoned Mine Reclamation Fund	139,713	139,831	192,765
<b>Total Discretionary</b>	<b>257,507</b>	<b>257,599</b>	<b>312,022</b>
<i>Total Discretionary (with Offsetting Collections)</i>	<i>257,534</i>	<i>257,739</i>	<i>312,162</i>
Payments to States in Lieu of Coal Fee Receipts (Treasury Funds)	44,910	39,950	36,500
<i>Less Mandatory Sequester</i>	<i>[-2,650]</i>	<i>[-2,277]</i>	<i>[-2,081]</i>
Mandatory Grants to Non-Certified States (AML Funds)	136,663	121,472	118,700
<i>Less Mandatory Sequester</i>	<i>[-8,063]</i>	<i>[-6,924]</i>	<i>[-6,766]</i>
Funds Transferred to UMWA Health Benefit Plans and the 1974 UMWA Pension Plan (Treasury and AML Funds)	1,944,852	739,270	723,832
<b>Total Mandatory</b>	<b>2,126,425</b>	<b>900,692</b>	<b>879,032</b>
<i>Total Mandatory (after Mandatory Sequester)</i>	<i>2,115,712</i>	<i>891,491</i>	<i>870,185</i>
<b>Total Discretionary and Mandatory</b>	<b>2,383,932</b>	<b>1,158,291</b>	<b>1,191,054</b>
<i>Total Discretionary and Mandatory (with Offsetting Collections and Mandatory Sequester)</i>	<i>2,373,246</i>	<i>1,149,230</i>	<i>1,182,347</i>
<i>FTEs</i>	<i>354</i>	<i>398</i>	<i>416</i>

### Implementing SMCRA – Effective Partnerships

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

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

OSMRE, in cooperation with the 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.

## **Appropriation Language**

### **Regulation and Technology**

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, [\$117,768,000] *\$119,257,000*, to remain available until September 30, [2022] *2023*, of which [\$68,590,000] *\$65,000,000* shall be available for state and tribal regulatory grants: Provided, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training[: Provided further, That of the unobligated balances from amounts made available under this heading, \$25,000,000 is permanently rescinded] [: Provided further, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985].

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 [2021] *2022* appropriation estimated at not more than [\$117,768,000] *\$119,257,000*. (*Department of the Interior, Environment, and Related Agencies Appropriations Act, 2021.*)

### **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, [\$24,831,000] *\$27,765,000*, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: Provided, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

In addition, [\$115,000,000] *\$165,000,000*, to remain available until expended, for grants to States and federally recognized Indian Tribes for reclamation of abandoned mine lands and other related activities [in accordance with the terms and conditions described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act)]: Provided, That such additional amount shall be used for economic and community development in conjunction with the priorities in section 403(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)): Provided further, That of such

additional amount, [\$75,000,000] \$105,000,000 shall be distributed in equal amounts to the three Appalachian States with the greatest amount of unfunded needs to meet the priorities described in paragraphs (1) and (2) of such section, [\$30,000,000] \$45,000,000 shall be distributed in equal amounts to the three Appalachian States with the subsequent greatest amount of unfunded needs to meet such priorities, and [\$10,000,000] \$15,000,000 shall be for grants to federally recognized Indian Tribes without regard to their status as certified or uncertified under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)), for reclamation of abandoned mine lands and other related activities [in accordance with the terms and conditions described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act)] and shall be used for economic and community development in conjunction with the priorities in section 403(a) of the Surface Mining Control and Reclamation Act of 1977: Provided further, That such additional amount shall be allocated to States and Indian Tribes within 60 days after the date of enactment of this Act.

[Of the unobligated balances from amounts made available under this heading in fiscal year 2016 or before, \$10,000,000 is permanently rescinded: Provided, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.] (*Department of the Interior, Environment, and Related Agencies Appropriations Act, 2021.*)

## Justification for Proposed Language Changes

### **Appropriation: Regulation and Technology**

Deletion of the following wording:

[*Provided further*, That of the unobligated balances from amounts made available under this heading, \$25,000,000 is permanently rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985]

This change removes language included in the FY 2021 appropriation for a one-time rescission of unobligated prior-year balances. This provision is no longer needed.

### **Appropriation: Abandoned Mine Reclamation Fund**

Deletion of the following wording:

[in accordance with the terms and conditions described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act)]

This change removes language included in the 2021 appropriation citing the explanatory statement accompanying the Act. This specific reference is no longer needed.

[Of the unobligated balances from amounts made available under this heading in fiscal year 2016 or before, \$10,000,000 is permanently rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.]

This change removes language included in the FY 2021 appropriation for a one-time rescission of unobligated prior-year balances. This provision is no longer needed.

## **Appropriations Language and Citations**

### **Regulation and Technology**

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

- 30 U.S.C. 1260, 1268 – These sections provide for the assessment and collection of penalties levied for violations of the Act, and for the denial of permits to those with unabated violations or unpaid penalties.
- 30 U.S.C. 1252, 1253, 1254, 1271, 1272, 1273, 1295, 1300, 1302 – These sections provide for aid to all primacy States for maintaining approved regulatory programs and evaluation of the States' performance in doing so; monitoring implementation of the grant programs; small operator assistance programs; and for regulatory programs in States without approved programs, on Federal lands and on Indian lands; processing of permit applications and mine plans for Federal lands operations; designating of lands unsuitable for surface mining through technical reviews; scientific/engineering support and technical training for States operating approved permanent programs and Federally administered programs; initiation of technical studies; issuance of technical publications; approval of experimental practices to meet the needs of approved State programs and Federally-administered programs; preparation of environmental assessments and environmental impact statements for permits and other actions; and training of OSMRE staff and State staff to enable these agencies to more effectively carry out the provisions of the Act.
- 30 U.S.C. 1257, as amended by Public Laws 101-508 and 102-486 - Provides for the regulatory authority to designate a qualified laboratory to obtain technical information and prepare technical findings required by the operator for the permit application, and for the regulatory authority to assume the cost for such services. Further, the Act provides for the Secretary to provide or assume the cost of training for regulatory program compliance and permit application preparation for eligible small operators.

### **Abandoned Mine Reclamation Fund**

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

- 30 U.S.C. 1231, 1232, 1233 and 1240 – Provides for the payment of fees and other monies into the Abandoned Mine Reclamation Fund (Fund). The Fund consists of amounts deposited from time to time, derived from reclamation fees, donations, audit recoveries, interest charges, and administrative collection fees.

The funds collected are used for the reclamation and restoration of land and water resources adversely affected by past mining.

SMCRA provides for the use of the monies for the purpose of protecting public health, safety, and property from extreme danger of adverse effects of coal mining practices; restoration of land and water resources and the environment previously degraded by adverse effects of coal mining practices, and that are adjacent

to a site that has been or will be remediated. It also provides that monies in the Abandoned Mine Reclamation Fund will be used to cover the administrative expenses of the Federal government, accomplish abandoned mine reclamation and develop guidelines on the distribution of monies in the Fund.

## Summary of Requirements

### Office of Surface Mining Reclamation and Enforcement

(Dollars in Thousands)

ACCOUNT NAME	2020 Actual Amount	2021 Enacted Total FTE	2021 Enacted Amount	Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-) FTE	Program Changes (+/-) Amount	2022 Request FTE	2022 Request Amount	Change from 2021 (+/-) FTE	Change from 2021 (+/-) Amount
<b>REGULATION AND TECHNOLOGY</b>											
Environmental Protection	88,588	172	88,562	+777		+8	-1,486	180	87,853	+8	-709
Technology Development and Transfer	14,765	78	14,765	+354		-	+86	78	15,205	-	+440
Financial Management	505	3	505	+13		-	-	3	518	-	+13
Executive Direction and Administration	13,936	45	13,936	+1,087		+2	+658	47	15,681	+2	+1,745
<b>TOTAL, REGULATION AND TECHNOLOGY (w/o rescission)</b>	<b>117,794</b>	<b>298</b>	<b>117,768</b>	<b>+2,231</b>	<b>-</b>	<b>+10</b>	<b>-742</b>	<b>308</b>	<b>119,257</b>	<b>+10</b>	<b>+1,489</b>
Rescission of Prior Year Balances			-25,000				+25,000				
<b>TOTAL, REGULATION AND TECHNOLOGY (w/ rescission)</b>	<b>117,794</b>	<b>298</b>	<b>92,768</b>	<b>+2,231</b>	<b>-</b>	<b>+10</b>	<b>+24,258</b>	<b>308</b>	<b>119,257</b>	<b>+10</b>	<b>+26,489</b>
<b>ABANDONED MINE RECLAMATION FUND</b>											
Environmental Restoration	9,480	35	9,480	+154		+8	+2,037	43	11,671	+8	+2,191
Technology Development and Transfer	3,576	15	3,608	+66		-	+21	15	3,695	-	+87
Financial Management	5,191	29	5,277	+126		-	+82	29	5,485	-	+208
Executive Direction and Administration	6,466	21	6,466	+221		-	+227	21	6,914	-	+488
AML Economic Development Pilot Program	115,000	-	115,000	-		-	+50,000	-	165,000	-	+50,000
<b>TOTAL, ABANDONED MINE RECLAMATION FUND (w/o rescission)</b>	<b>139,713</b>	<b>100</b>	<b>139,831</b>	<b>+567</b>	<b>-</b>	<b>+8</b>	<b>+52,367</b>	<b>108</b>	<b>192,765</b>	<b>+8</b>	<b>+52,934</b>
Rescission of Prior Year Balances			-10,000				+10,000				
<b>TOTAL, ABANDONED MINE RECLAMATION FUND (w/ rescission)</b>	<b>139,713</b>	<b>100</b>	<b>129,831</b>	<b>+567</b>	<b>-</b>	<b>+8</b>	<b>+62,367</b>	<b>108</b>	<b>192,765</b>	<b>+8</b>	<b>+62,934</b>
<b>TOTAL, DISCRETIONARY (w/o rescissions)</b>	<b>257,507</b>	<b>398</b>	<b>257,599</b>	<b>+2,798</b>	<b>-</b>	<b>+18</b>	<b>+51,625</b>	<b>416</b>	<b>312,022</b>	<b>+18</b>	<b>+54,423</b>
<b>TOTAL, DISCRETIONARY (w/ rescissions)</b>	<b>257,507</b>	<b>398</b>	<b>222,599</b>	<b>+2,798</b>	<b>-</b>	<b>+18</b>	<b>+86,625</b>	<b>416</b>	<b>312,022</b>	<b>+18</b>	<b>+89,423</b>

<b>CIVIL PENALTIES OFFSETTING COLLECTIONS</b>	<b>2020 Actual Amount</b>	<b>2021 Enacted Total FTE</b>	<b>2021 Enacted Amount</b>	<b>Fixed Costs (+/-)</b>	<b>Internal Transfers (+/-)</b>	<b>Program Changes (+/-) FTE</b>	<b>Program Changes (+/-) Amount</b>	<b>2022 Request FTE</b>	<b>2022 Request Amount</b>	<b>Change from 2021 (+/-) FTE</b>	<b>Change from 2021 (+/-) Amount</b>
<i>Civil Penalties (Budget Authority)</i>	13	-	100	-		-		-	100	-	
<i>Permit Fees (Offsetting Collections)</i>	14	-	40	-		-		-	40	-	
<b>TOTAL, DISCRETIONARY (w/ Civil Penalties and Offsetting Collections; w/o rescissions)</b>	<b>257,534</b>	<b>398</b>	<b>257,739</b>	<b>+2,798</b>	<b>-</b>	<b>+18</b>	<b>+51,625</b>	<b>416</b>	<b>312,162</b>	<b>+18</b>	<b>+54,423</b>
<b>TOTAL, DISCRETIONARY (w/ Civil Penalties and Offsetting Collections; w/ rescission)</b>	<b>257,534</b>	<b>398</b>	<b>222,739</b>	<b>+2,798</b>	<b>-</b>	<b>+18</b>	<b>+86,625</b>	<b>416</b>	<b>312,162</b>	<b>+18</b>	<b>+89,423</b>

## Justification of Fixed Costs and Internal Realignment

(Dollars in Thousands)

### Regulation and Technology Account (Net +2,231)

Fixed Cost Changes and Projections	2021 Enacted Total or Change	2021 to 2022 Change	Description
Change in Number of Paid Days	-161	0	This column reflects changes in pay associated with the change in the number of paid days between the CY and BY, which is the same number of paid days in both CY and BY.
Pay Raise	+648	+993	The President's Budget for FY2021 includes one quarter of a planned 1.0% pay raise and three quarters of a planned 2.7% pay raise for the BY.
Employer Share of Federal Employee Retirement System	+388	+345	The change reflects a 1.1% (and 1.8% for Law Enforcement) increase in the employer contribution to the Federal Employee Retirement System.
Departmental Working Capital Fund	1,399	+391	The change reflects the final BY Central Bill approved by the Working Capital Fund Consortium.
Worker's Compensation Payments	92	+17	The amounts reflect final chargeback costs of compensating injured employees and dependents of employees who suffer accidental deaths while on duty. Costs for the BY will reimburse the Department of Labor, Federal Employees Compensation Fund, pursuant to 5 U.S.C. 8147(b) as amended by Public Law 94-273.
Unemployment Compensation Payments	4	+10	The amounts reflect projected changes in the costs of unemployment compensation claims to be paid to the Department of Labor, Federal Employees Compensation Account, in the Unemployment Trust Fund, pursuant to Public Law 96-499.
Rental Payments	3,323	+472	The amounts reflect changes in the costs payable to General Services Administration (GSA) and others for office and non-office space as estimated by GSA, as well as the rental costs of other currently occupied space. These costs include building security; in the case of GSA space, these are paid to 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.
Baseline Adjustments for O&M Increases	27	+3	In accordance with space maximization efforts across the Federal Government, this adjustment captures the associated increase to baseline operations and maintenance requirements resulting from movement out of GSA or direct-leased (commercial) space and into Bureau-owned space. While the GSA portion of fixed costs will go down as a result of these moves, Bureaus often encounter an increase to baseline O&M costs not otherwise captured in fixed costs. This category of funding properly adjusts the baseline fixed cost amount to maintain steady-state funding for these requirements.

## Justification of Fixed Costs and Internal Realignment

(Dollars in Thousands)

### Abandoned Mine Reclamation Fund (Net +567)

Fixed Cost Changes and Projections	2021 Enacted Total or Change	2021 to 2022 Change	Description
Change in Number of Paid Days	-55	0	This column reflects changes in pay associated with the change in the number of paid days between the CY and BY, which is the same number of paid days in both CY and BY.
Pay Raise	+220	+322	The President's Budget for FY2021 includes one quarter of a planned 1.0% pay raise and three quarters of a planned 2.7% pay raise for the BY.
Employer Share of Federal Employee Retirement System	+132	+112	The change reflects a 1.1% (and 1.8% for Law Enforcement) increase in the employer contribution to the Federal Employee Retirement System.
Departmental Working Capital Fund	689	-93	The change reflects the final BY Central Bill approved by the Working Capital Fund Consortium.
Worker's Compensation Payments	46	-10	The amounts reflect final chargeback costs of compensating injured employees and dependents of employees who suffer accidental deaths while on duty. Costs for the BY will reimburse the Department of Labor, Federal Employees Compensation Fund, pursuant to 5 U.S.C. 8147(b) as amended by Public Law 94-273.
Unemployment Compensation Payments	2	+5	The amounts reflect projected changes in the costs of unemployment compensation claims to be paid to the Department of Labor, Federal Employees Compensation Account, in the Unemployment Trust Fund, pursuant to Public Law 96-499.
Rental Payments	1,636	+234	The amounts reflect changes in the costs payable to General Services Administration (GSA) and others for office and non-office space as estimated by GSA, as well as the rental costs of other currently occupied space. These costs include building security; in the case of GSA space, these are paid to 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.
Baseline Adjustments for O&M Increases	13	-3	In accordance with space maximization efforts across the Federal Government, this adjustment captures the associated increase to baseline operations and maintenance requirements resulting from movement out of GSA or direct-leased (commercial) space and into Bureau-owned space. While the GSA portion of fixed costs will go down as a result of these moves, Bureaus often encounter an increase to baseline O&M costs not otherwise captured in fixed costs. This category of funding properly adjusts the baseline fixed cost amount to maintain steady-state funding for these requirements.

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**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 \$119,257,000.

### 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 \$192,765,000.

### Summary of 2021 Enacted and 2022 Request By Appropriation and Business Line (Dollars in Thousands)

<b>Regulation and Technology</b>	<b>2021 Enacted</b>	<b>2022 Request</b>	<b>Change from 2021</b>
Environmental Protection	88,562	87,853	-709
Technology Development and Transfer	14,765	15,205	+440
Financial Management	505	518	+13
Executive Direction and Administration	13,936	15,681	+1,745
Total, <i>without Offsetting Collections</i>	117,768	119,257	+1,489
<i>Civil Penalties (Budget Authority)</i>	100	100	-
<i>Permit Fees (Offsetting Collections)</i>	40	40	-
Total, Regulation and Technology <i>with Civil Penalties and Offsetting Collections</i>	<b>117,908</b>	<b>119,397</b>	<b>+1,489</b>
<b>Abandoned Mine Reclamation Fund</b>	<b>2021 Enacted</b>	<b>2022 Request</b>	<b>Change from 2021</b>
Environmental Restoration	124,480	176,671	+52,191
Technology Development and Transfer	3,608	3,695	+87
Financial Management	5,277	5,485	+208
Executive Direction and Administration	6,466	6,914	+448
Total, Abandoned Mine Reclamation Fund	139,831	192,765	+52,934
<b>Total Appropriation (<i>without Civil Penalties and Offsetting Collections</i>)</b>	<b>257,599</b>	<b>312,022</b>	<b>+54,423</b>
<b>Total Appropriation, <i>with Civil Penalties and Offsetting Collections</i></b>	<b>257,739</b>	<b>312,162</b>	<b>+54,423</b>

**Summary of 2021 Enacted and 2022 Request  
By Full-time Equivalent (FTE)**

<b>Regulation and Technology</b>	<b>2021 Enacted</b>	<b>2022 Estimate</b>	<b>Change from 2021</b>
Environmental Protection	172	180	+8
Technology Development and Transfer	78	78	-
Financial Management	3	3	-
Executive Direction and Administration	45	47	+2
<b>Total, Regulation and Technology FTE</b>	<b>298</b>	<b>308</b>	<b>+10</b>
<b>Abandoned Mine Reclamation Fund</b>	<b>2021 Enacted</b>	<b>2022 Estimate</b>	<b>Change from 2021</b>
Environmental Restoration	35	43	+8
Technology Development and Transfer	15	15	-
Financial Management	29	29	-
Executive Direction and Administration	21	21	-
<b>Total, Abandoned Mine Reclamation Fund FTE</b>	<b>100</b>	<b>108</b>	<b>+8</b>
<b>Total FTE</b>	<b>398</b>	<b>416</b>	<b>+18</b>

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

## Discretionary

Appropriation: Regulation and Technology	2020 Actual	2021 Enacted	Fixed Cost (+/-)	Internal Transfers (+/-)	Program Change (+/-)	2022 Request
<b>Environmental Protection</b>	<b>88,588</b>	<b>88,562</b>	<b>+777</b>	<b>-</b>	<b>-1,486</b>	<b>87,853</b>
State and Tribal Funding	68,590	68,590			-3,590	65,000
Reduce Regulatory Grant Funding					<i>[-3,590]</i>	
State Program Evaluation	8,080	8,080	+364		+365	8,809
Replace Hydrocarbon-powered Vehicles with ZEVs					<i>[+365]</i>	<i>[365]</i>
Federal and Indian Lands Programs	6,078	6,052	+208		+1,694	7,954
Funded by Offsetting Collections	<i>[-14]</i>	<i>[-40]</i>				<i>[-40]</i>
Establish Indian Lands Program for Oklahoma					<i>[+1,450]</i>	<i>[1,450]</i>
Replace Hydrocarbon-powered Vehicles with ZEVs					<i>[+244]</i>	<i>[244]</i>
Federal Lands	1,436	1,436	+46		+45	1,527
Replace Hydrocarbon-powered Vehicles with ZEVs					<i>[+45]</i>	<i>[45]</i>
Program Development and Maintenance	4,404	4,404	+159		-	4,563
<b>Technology Development and Transfer</b>	<b>14,765</b>	<b>14,765</b>	<b>+354</b>	<b>-</b>	<b>+86</b>	<b>15,205</b>
Technical Assistance	10,668	10,668	+218		-	10,886
Training	2,004	2,060	+86		+86	2,232
Replace Hydrocarbon-powered Vehicles with ZEVs					<i>[+86]</i>	<i>[86]</i>
Technology Transfer	2,093	2,037	+50		-	2,087
<b>Financial Management</b>	<b>505</b>	<b>505</b>	<b>+13</b>	<b>-</b>	<b>-</b>	<b>518</b>
Revenue Management	410	407	+9		-	416
Grants Financial Management	95	98	+4		-	102
<b>Executive Direction and Administration</b>	<b>13,936</b>	<b>13,936</b>	<b>+1,087</b>	<b>-</b>	<b>+658</b>	<b>15,681</b>
Executive Direction	2,054	2,054	+68		+134	2,256
Enhance Diversity, Equity, Inclusion and Accessibility Capacity					<i>[+134]</i>	<i>[134]</i>
Administrative Support	3,575	3,663	+136		+124	3,923
Restructure Division of Acquisition Management					<i>[+124]</i>	<i>[124]</i>
General Services	8,307	8,219	+883		+400	9,502
Build ZEV Charging Infrastructure					<i>[+400]</i>	<i>[400]</i>
<b>TOTAL, Regulation and Technology (w/o rescission)</b>	<b>117,794</b>	<b>117,768</b>	<b>+2,231</b>	<b>-</b>	<b>-742</b>	<b>119,257</b>
<b>Rescission of Prior Year Balances</b>	<b>-</b>	<b>-25,000</b>	<b>-</b>	<b>-</b>	<b>+25,000</b>	<b>-</b>
<b>TOTAL, Regulation and Technology (w/ rescission)</b>	<b>117,794</b>	<b>92,768</b>	<b>+2,231</b>	<b>-</b>	<b>+24,258</b>	<b>119,257</b>

<b>Appropriation: Abandoned Mine Reclamation Fund</b>	<b>2020 Actual</b>	<b>2021 Enacted</b>	<b>Fixed Cost (+/-)</b>	<b>Internal Transfers (+/-)</b>	<b>Program Change (+/-)</b>	<b>2022 Request</b>
<b>Environmental Restoration</b>	<b>124,480</b>	<b>124,480</b>	<b>+154</b>	<b>-</b>	<b>+52,037</b>	<b>176,671</b>
State Program Evaluation	2,662	2,707	+66		+44	2,817
Replace Hydrocarbon-powered Vehicles with ZEVs					[+44]	[44]
Federal Reclamation Programs - Projects	1,548	1,299			+785	2,084
Watershed Cooperative Agreements	[1,548]	[1,299]			-	[1,299]
Federal Emergency Reclamation Projects					[+785]	[785]
Federal Reclamation Program - Operations	2,066	2,081	+22		+1,208	3,311
Establish Federal Reclamation Program for Oklahoma					[+1,170]	[1,170]
Replace Hydrocarbon-powered Vehicles with ZEVs					[+38]	[38]
Program Development and Maintenance	3,204	3,393	+66		-	3,459
AML Economic Development Grants	115,000	115,000			+50,000	165,000
Expand AML Economic Reclamation Grants					[+50,000]	
<b>Technology Development and Transfer</b>	<b>3,576</b>	<b>3,608</b>	<b>+66</b>	<b>-</b>	<b>+21</b>	<b>3,695</b>
Technical Assistance	1,617	1,626	+31		-	1,657
Training	794	814	+31		+21	866
Replace Hydrocarbon-powered Vehicles with ZEVs					[+21]	[21]
Technology Transfer	1,165	1,168	+4		-	1,172
<b>Financial Management</b>	<b>5,191</b>	<b>5,277</b>	<b>+126</b>	<b>-</b>	<b>+82</b>	<b>5,485</b>
Fee Compliance	5,081	5,164	+122		+82	5,368
Replace Hydrocarbon-powered Vehicles with ZEVs					[+82]	[82]
Grants Financial Management	110	113	+4		-	117
<b>Executive Direction and Administration</b>	<b>6,466</b>	<b>6,466</b>	<b>+221</b>	<b>-</b>	<b>+227</b>	<b>6,914</b>
Executive Direction	910	910	+31		+66	1,007
Enhance Diversity, Equity, Inclusion and Accessibility Capacity					[+66]	[66]
Administrative Support	1,846	1,888	+62		+61	2,011
Restructure Division of Acquisition Management					[+61]	[61]
General Services	3,710	3,668	+128		+100	3,896
Build ZEV Charging Infrastructure					[+100]	[100]
<b>TOTAL, Abandoned Mine Reclamation Fund (w/o rescission)</b>	<b>139,713</b>	<b>139,831</b>	<b>+567</b>	<b>-</b>	<b>+52,367</b>	<b>192,765</b>
<b>Rescission of Prior Year Balances</b>	<b>-</b>	<b>-10,000</b>	<b>-</b>	<b>-</b>	<b>+10,000</b>	<b>-</b>
<b>TOTAL, Abandoned Mine Reclamation Fund (w/ rescission)</b>	<b>139,713</b>	<b>129,831</b>	<b>+567</b>	<b>-</b>	<b>+62,367</b>	<b>192,765</b>

<b>Total Discretionary Funding</b>	<b>2020 Actual</b>	<b>2021 Enacted</b>	<b>Fixed Cost (+/-)</b>	<b>Internal Transfers (+/-)</b>	<b>Program Change (+/-)</b>	<b>2022 Request</b>
<b>TOTAL, Discretionary Funding (w/o rescissions)</b>	<b>257,507</b>	<b>257,599</b>	<b>+2,798</b>	<b>-</b>	<b>+51,625</b>	<b>312,022</b>
<b>Rescission of Prior Year Balances</b>	<b>-</b>	<b>-35,000</b>	<b>-</b>	<b>-</b>	<b>+35,000</b>	<b>-</b>
<b>TOTAL, Discretionary Funding (w/ rescissions)</b>	<b>257,507</b>	<b>222,599</b>	<b>+2,798</b>	<b>-</b>	<b>+86,625</b>	<b>312,022</b>

<b>Budget Resources with Offsetting Collections<sup>1</sup></b>	<b>2020 Actual<sup>2</sup></b>	<b>2021 Enacted</b>	<b>Fixed Cost (+/-)</b>	<b>Internal Transfers (+/-)</b>	<b>Program Change (+/-)</b>	<b>2022 Request</b>
<b>Total Regulation and Technology</b>	<b>117,794</b>	<b>117,768</b>	<b>+2,231</b>	<b>-</b>	<b>-742</b>	<b>119,257</b>
Civil Penalties	13	100				100
Offsetting Collections - Permit Fees	14	40				40
<b>Total Regulation and Technology (with Civil Penalties and Offsetting Collections)</b>	<b>117,821</b>	<b>117,908</b>	<b>+2,231</b>	<b>-</b>	<b>-742</b>	<b>119,397</b>
<b>Total Abandoned Mine Reclamation Fund</b>	<b>139,713</b>	<b>139,831</b>	<b>+567</b>	<b>-</b>	<b>+52,367</b>	<b>192,765</b>
<b>Total, Budget Resources with Offsetting Collections</b>	<b>257,534</b>	<b>257,739</b>	<b>+2,798</b>	<b>-</b>	<b>+51,625</b>	<b>312,162</b>

1. Does not include rescissions of prior year balances enacted in FY 2021.
2. FY 2020 Actual reflects actual Civil Penalties collections of \$13,228, actual Permit Fee collections of \$14,142, and \$25,858 in appropriated funds for Permit Fee activities in Environmental Protection.

## Mandatory Funding

	2020 Actual	2021 Enacted	Fixed Cost (+/-)	Internal Transfers (+/-)	Program Change (+/-)	2022 Request
<b>Payments to States and Tribes in Lieu of Coal Fee Receipts (Treasury Funds)</b>	<b>44,910</b>	<b>39,950</b>	-	-	<b>-3,450</b>	<b>36,500</b>
In Lieu Payments to Certified States and Tribes	44,910	39,950			-3,450	36,500
<b>Mandatory Grants to States (AML Funds)</b>	<b>136,663</b>	<b>121,472</b>	-	-	<b>-2,772</b>	<b>118,700</b>
Grants to Noncertified States						
State & Tribal Share	25,991	19,693			+1,207	20,900
Historic Coal Fund	87,451	75,736			-4,636	71,100
Minimum Program Make Up	23,221	26,043			+657	26,700
<b>Total Payments/Grants to States and Tribes</b>	<b>181,573</b>	<b>161,422</b>			<b>-6,222</b>	<b>155,200</b>
Less Mandatory Sequester	-10,713	-9,201				-8,847
<b>Total Payments/Grants to States and Tribes (after Mandatory Sequestration)*</b>	<b>170,860</b>	<b>152,221</b>			<b>-5,868</b>	<b>146,353</b>
<b>United Mine Workers of America Plans (UMWA)</b>	<b>1,944,852</b>	<b>739,270</b>	-	-	<b>-15,438</b>	<b>723,832</b>
Payments to United Mine Workers of America (UMWA) Health Benefit Plans (AML Fund Interest)	37,132	29,220			-18,888	10,332
Payments to UMWA Health Benefit Plans (Treasury Funds)	339,717	387,894			+41,262	429,156
Payments to 1974 UMWA Pension Plan (Treasury Funds)	1,568,003	322,156			-37,812	284,344
<b>TOTAL, Mandatory Funding</b>	<b>2,126,425</b>	<b>900,692</b>	-	-	<b>-21,660</b>	<b>879,032</b>
<b>Total Mandatory Funding with Sequestration*</b>	<b>2,115,712</b>	<b>891,491</b>	-	-	<b>-21,306</b>	<b>870,185</b>

\* Mandatory grants to States and Tribes are subject to sequestration pursuant to the Balanced Budget and Emergency Deficit Control Act. Mandatory distributions to States and Tribes were reduced by 5.9% for FY 2020 and by 5.7% for FYs 2021 and 2022, in accordance with the reductions to other non-exempt nondefense mandatory programs specified in the OMB Reports to Congress on the Joint Committee Reductions for FYs 2020 and 2021.

**TAB**

**Environmental Restoration**

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# ENVIRONMENTAL RESTORATION

## Environmental Restoration Budget Request

(Dollars in Thousands)

	2020 Actual	2021 Enacted	Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2022 Request	Change From 2021 (+/-)
<b>Abandoned Mine Reclamation Fund</b>	<b>124,480</b>	<b>124,480</b>	<b>+154</b>	<b>-</b>	<b>+52,037</b>	<b>176,671</b>	<b>+52,191</b>
State Program Evaluation	2,662	2,707	+66		+44	2,817	+110
<i>FTE</i>	<i>27</i>	<i>15</i>			<i>-</i>	<i>15</i>	<i>-</i>
Federal Programs - Projects	1,548	1,299			+785	2,084	+785
Federal Programs - Operations	2,066	2,081	+22		+1,208	3,311	+1,230
<i>FTE</i>	<i>3</i>	<i>5</i>			<i>+8</i>	<i>13</i>	<i>+8</i>
Program Development and Maintenance	3,204	3,393	+66		-	3,459	+66
<i>FTE</i>	<i>8</i>	<i>15</i>			<i>-</i>	<i>15</i>	<i>-</i>
AML Economic Development	115,000	115,000			+50,000	165,000	+50,000
<b>Total, Environmental Restoration</b>	<b>124,480</b>	<b>124,480</b>	<b>+154</b>	<b>-</b>	<b>+52,037</b>	<b>176,671</b>	<b>+52,191</b>
<b>Total FTE</b>	<b>38</b>	<b>35</b>			<b>+8</b>	<b>43</b>	<b>+8</b>

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

**Summary of 2022 Program Changes for Environmental Restoration**

<b>Request Component</b>	<b>(\$000)</b>	<b>FTE</b>
Establish Federal Reclamation Program for Oklahoma	+1,170	+8
Fund Federal Emergency Reclamation Projects	+785	-
Replace Hydrocarbon-powered Vehicles with ZEVs	+82	-
Expand AML Economic Revitalization (AMLER) Grants	+50,000	-
<b>TOTAL Program Changes</b>	<b>+52,037</b>	<b>+8</b>

The Environmental Restoration program evaluates State and Tribal AML programs, ensures abatement of mining related hazards, and fosters partnerships to address acid mine drainage. In FY 2022, the Environmental Restoration program plans to remediate 13,000 acres of abandoned coal mine lands by eliminating health, safety, and environmental concerns. These remediation efforts will result in providing several hundred thousand people with reduced exposure to safety risks from abandoned mine lands.

**Justification of 2022 Program Changes**

The 2022 budget request for Environmental Restoration is \$176,671,000 and 43 FTE, a program change of +\$52,037,000 and +8 FTE from the 2021 enacted.

**Federal Reclamation Program for Oklahoma (+\$1,170,000/+8 FTE):** The requested funds will allow OSMRE to establish a new Federal Reclamation Program in Oklahoma to assume responsibility for reclamation of AML sites on the Indian Lands within the State. The recent decision of the U.S. Supreme Court in *McGirt v. Oklahoma*, 140 S.Ct. 2452 (2020), recognized the existence of the historic Muscogee (Creek) Reservation in Oklahoma. Based on the *McGirt* decision, land within the exterior boundaries of the Muscogee (Creek) Nation is considered Indian Lands, as defined by the Surface Mining Control and Reclamation Act of 1977 (SMCRA). In 2021, the Oklahoma Court of Criminal Appeals ruled additional reservations in Oklahoma were likewise never disestablished. OSMRE is analyzing the potential effects of these rulings on its jurisdiction on other reservations in Oklahoma.

**Federal Emergency Reclamation Projects (+\$785,000):** OSMRE manages emergency abatement projects in States and on Tribal lands where the State or Tribe has no approved regulatory program and in those States that have not been delegated this authority. The emergency reclamation projects protect lives, resources, and property, and provides immediate relief from abandoned mine hazards that threaten public health and safety. Over the past several years, OSMRE has expended an annual average of approximately \$825,000 to address AML emergencies using available unobligated balances from prior year appropriations. OSMRE projects that those available balances will be exhausted by early FY 2022. The requested funds will ensure that OSMRE has sufficient resources to effectively address emergency situations that impact health and safety as they arise.

**Zero Emission Vehicle Fleet Conversions (+\$82,000):** The 2022 budget includes funding to convert approximately 35 percent of OSMRE’s sedan fleet to zero emission vehicles (ZEVs). This conversion will immediately reduce the Interior’s contributions to greenhouse gas emissions and dependence upon hydrocarbons.

**Expand AML Economic Revitalization (AMLER) Grants (+\$50,000,000):** The Administration is committed to addressing the thousands of abandoned mines that pose serious safety hazards and cause ongoing air, water, and other environmental damage, much of which is in rural communities that have suffered from years of disinvestment. As part of this Reclamation Jobs initiative, the FY 2022 request includes \$165.0 million for Abandoned Mine Land Economic Revitalization (AMLER) grants, an increase of \$50.0 million above the 2021 enacted level. These grants support abandoned coal mine reclamation projects that have a nexus to local economic development. AMLER grants are distributed to six Appalachian States with the highest number of unfunded Priority 1 and Priority 2 AML sites for reclamation in conjunction with economic and community development and reuse goals. The 2022 investment in the AMLER grants supports the Administration’s efforts to create 250,000 good-paying union jobs for cleaning up abandoned and often hazardous mining sites. These grants complement Reclamation Jobs investments elsewhere in DOI’s FY 2022 President’s Budget, including the Energy Community Revitalization Program, as well as in the President’s American Jobs Plan.

## OVERVIEW

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

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

Under SMCRA's AML program, an annual average of more than 14,000 equivalent acres of abandoned mine land problems have been addressed since 1977. SMCRA established priorities for AML problems based on direct danger to public health and safety and damage to the environment. Details on the types of problems that have been addressed can be found in the AML Reclamation Accomplishments section on page 127. OSMRE oversees a national inventory that contains information for over 22,000 problem areas associated with abandoned mine lands, mostly from past coal mining. A problem area is a geographical area that contains one or more abandoned mine land problems. AML problems are classified by priority:

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

The cost of addressing the remaining Priority 1 and 2 coal-related sites is estimated at \$7.2 billion. In addition, there is an estimated \$2.7 billion of Priority 3 problems, for a total of \$9.9 billion of unfunded AML problems.

Funding for the AML program is generated through the mine reclamation fee assessed on current coal operations. The authority to collect the mine reclamation fee 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

- Watershed Cooperative Agreements
- Civil Penalty Projects
- Federal Emergency Projects

Federal Reclamation Program – Operations

Program Development and Maintenance

**Operational Processes (Program Activities):** The mission goal of the Environmental Restoration business line is to provide a cleaner and safer environment for the American people by reclaiming and restoring land and water resources degraded by past coal mining. The program activities within this business line ensure the alleviation of adverse impacts to land and water resources caused by past mining operations.

OSMRE coordinates evaluation and oversight of the State and Tribal AML reclamation operations through the State

Program Evaluation program activity. Federal Reclamation Program Projects and Operations provide resources to address issues in States and Tribes without an approved AML program, as well as for the Watershed Cooperative Agreement Program, which supports cooperative conservation through local nonprofit organizations. The Environmental Restoration business line also funds the Program Development and Maintenance Program activity, which provides policy direction, support, and services to States and Tribes.

**Actions Required to Achieve Annual Goals:** In FY 2022 and beyond, OSMRE will continue to encourage reclamation partnerships 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 Capacity:** OSMRE maintains a diverse and multidisciplinary cadre of individuals with scientific and engineering skills. The OSMRE staff establish reclamation project design and construction criteria, either directly or in conjunction with contractors for Federal programs, and review and monitor watershed cooperative agreements and civil penalty and bond forfeiture reclamation projects. Program analysts, grant specialists, and other support personnel are needed to implement the State/Tribal grants program and to conduct program evaluations. Information technology personnel and contractors are needed to maintain and improve the enhanced-Abandoned Mine Land Inventory System (e-AMLIS). OSMRE maintains the system and network by which the States and Tribes manage their data.

The following section details, by program activity, the funding and FTE resources required to meet annual performance measures. It also includes examples of the types of efforts OSMRE undertakes to evaluate programs, to address and manage emergency and high-priority issues and projects, and to provide reclamation support services to communities affected by coal mining issues.

## **2022 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 2022 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 2022 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 for addressing emergencies that develop on AML sites, and allocating needed funds, is dependent on whether the State has an AML program. The 2006 Amendments (P.L. 109-432) created different sources of funding for addressing AML issues by allowing for the appropriation of both discretionary and mandatory grants. Prior to 2006, OSMRE was responsible for administering emergency projects (unless a state chose to address emergencies), despite states otherwise assuming general responsibility for addressing the AML issues within its borders. The 2006 Amendments combined responsibility for AML issues and AML emergencies under a single authority with a single source of funding. OSMRE fully implemented this change beginning in its FY 2011 budget, transferring funding responsibility for addressing emergencies in States and Tribes with approved AML programs from the discretionary Federal Reclamation Program to mandatory AML grant funds (see Table 1).

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

<b>Responsible Party</b>	<b>AML Program</b>		<b>Emergency Issues</b>	
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 projects on Tribal lands across the Nation, most recently on Cherokee Tribal lands in Oklahoma and the Fort Peck Reservation in Montana.

**1. State Program Evaluation**

SMCRA requires OSMRE to monitor the progress and quality of each State and Tribal program to ensure the reclamation programs function effectively. Evaluations of State and Tribal reclamation programs help facilitate more efficient and effective use of program dollars for the intended purpose. The FY 2022 budget request includes \$2,817,000 and 15 FTE for State Program Evaluation activities.

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

OSMRE utilizes topic-specific oversight reviews to monitor State and Tribal AML program operations. Instead of reviewing entire programs each year, the appropriate OSMRE field office, in consultation with each State or Tribe, develops a performance agreement which addresses the areas to be reviewed and

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

Performance agreements first address the overriding goal of the AML program, which is successful reclamation. They recognize that if the State or Tribe is permanently reclaiming abandoned mine sites by abating hazards, reducing or mitigating adverse effects of past mining, and restoring adversely affected lands and water to beneficial use, then it is conducting an effective program.

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

## **2. Federal Reclamation Program**

OSMRE directly addresses environmental hazards on a priority basis when an emergency occurs in States or on Tribal lands without AML programs. It also administers projects funded by Federal civil penalties collected from operators and projects funded from bonds forfeited by operators of Federally permitted sites. OSMRE monitors watershed cooperative agreement projects and provides technical assistance to States and Tribes specific to these projects.

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

The request includes \$2,084,000 for Federal emergency reclamation projects and watershed cooperative agreements. OSMRE will also continue to administer Federal reclamation projects in FY 2022 utilizing civil penalty funding collected and available high priority project funding provided in prior-year appropriations, as required.

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

OSMRE designed the Watershed Cooperative Agreement Program (WCAP) to assist citizens affected by the negative environmental impacts from coal mining. This program, initially implemented in 1999, makes funds available directly to not-for-profit organizations, especially small local watershed organizations. These community-based organizations undertake local projects to clean streams affected by Acid Mine Drainage (AMD).<sup>3</sup> The watershed organizations that apply for the funding typically receive up to \$100,000 for each reclamation project. Funds are primarily used for project construction. Agencies are encouraged to have other partners contribute either funding or in-kind services, which increases the reach and impact of Federal resources. OSMRE's WCAP funding results in improvements of land and water resources and promotes other beneficial uses such as fish and wildlife habitat and recreational

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<sup>3</sup> A companion project that contributes to the activities to abate AMD is the Acid Drainage Technology Initiative (ADTI). ADTI is funded under the Technology Development and Transfer business line. Further details on ADTI efforts are found in that business line section.

areas. Communities are strengthened and capacity increased due to the awareness, knowledge, and outreach that this program fosters. The request includes \$1,299,000 for Watershed Cooperative Agreements.

Recent examples of projects funded under the WCAP include:

**Pinkertons Run (Pennsylvania):** This project is part of a comprehensive strategy to restore the Pinkertons Run watershed, including streambank stabilization, reforestation and riparian plantings to increase shade and lower temperatures to support cold water fishes, remove invasive species, and provide stormwater management. The Pinkertons Run watershed is located in Settlers Cabin Allegheny County Park, near Pittsburgh, Pennsylvania and its approximately 1,600-acre watershed is nearly coterminous with the park's boundaries. Portions of the park were surface and underground mined for coal prior to enactment of SMCRA. Nature works to heal itself and the mined areas have regained its original natural beauty, except for unsightly and polluting AMD discharges. The Pinkertons Run stream valley contains stands of hemlock and other native tree species and large patches of native wildflowers such as trout lily with spectacular spring blooms. The valley is used to a limited extent by hikers and mountain bikers, but it has the potential to become a popular destination provided the most egregious AMD discharges is remediated and other watershed restoration projects are implemented. The applicant received \$131,000 to be used with \$355,888 in partner funding.

**Beaver Creek (West Virginia):** Beaver Creek is a tributary to Big Sandy Creek of the Cheat River watershed in Preston County, West Virginia. It is identified on West Virginia's Clean Water Act 303(d) List of Impaired Streams for biological impairments. Big Sandy Creek is a viable fishery and is nationally known for river recreation. For these reasons, Friends of the Cheat (FOC), a local watershed organization, has targeted river restoration activities in Beaver Creek since the 1990s. The 2011 Environmental Protection Agency (EPA) Total Maximum for Daily Loads (TMDL) identified the AMD emanating from two seeps at this site as the largest contributor of iron and aluminum to the receiving stream, an unnamed tributary of Beaver Creek. In 2019, FOC obtained funding from OSMRE's Watershed Cooperative Agreement Program to construct a passive treatment system to collect and treat the AMD from both seeps. The newly constructed treatment system consists of limestone leach beds, settling ponds, and a wetland complex. The treatment at this site will reduce current pollutant loads in the Unnamed Tributary (UNT) of Beaver Creek by 80%, and eventually lead to its removal from the State's list of impaired waters. The total cost of this project was \$338,683,



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

with \$131,025 provided by an OSMRE WCAP.

Waechter Reclamation Project (Iowa): This project is located approximately two miles southwest of the city of Harvey, Iowa. The reclamation project will eliminate the coal mining features that present a danger to the health and safety of the public and resulting acid mine drainage. The current condition of the site negatively impacts an un-named tributary of Walnut Creek, which is part of an actively fished network of streams. The goal of the project is to reclaim the project area to alleviate AML priority features and establish a permanent seeding to stabilize the site. The site design re-establishes pre-mining drainage patterns including two small drainage ways and a wetland. According to the project design, construction will abate all the hazardous abandoned mine land features. The construction contract will clear, re-grade and re-vegetate approximately 84 acres utilizing a terrace and tile design and incorporate 2.51 acres of wetland. The project is proposed to be funded through a requested \$100,000 from OSMRE WCAP to be used with \$1,503,333 in project partner funding. This program makes funds available directly to small non-profit organizations to undertake projects to control and eliminate acid mine drainage (AMD) in streams and rivers located in communities adversely impacted by past mining practices. The resulting partnerships also encourage long-term commitment to projects with local communities.

Fees-In-Law Reclamation Project (Iowa): This approximately 56.4-acre abandoned mine land site is located approximately three miles southwest of the city of Bussey, Iowa. The reclamation project will eliminate the coal mining features that present a danger to the health and safety of the public and resulting acid mine drainage. The current condition of the site negatively impacts an un-named tributary of Cedar Creek, which is actively used for recreation. The goal of the project is to reclaim the project area to alleviate AML priority features and establish a permanent seeding to stabilize the site. Funds will be used for earthmoving, water and soil neutralization, and seeding activities to eliminate the acid mine drainage originating from this site. The project is proposed to be funded with a requested \$100,000 from OSMRE WCAP together with \$1,245,196 in project partner funding.

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

SMCRA authorizes Federal civil penalties collected under Section 518 of the Act to be used for reclaiming lands mined and abandoned after passage of SMCRA on August 3, 1977. These funds are derived from monetary civil penalties assessed by OSMRE nationwide on active coal mining operations. The funds are also available for reclamation of bond forfeiture sites. These funds are divided among projects proposed by both State and Federal regulatory authorities and used for project costs only.

In 2020, three projects funded in previous fiscal years were actively in the reclamation phase, with two supplementing forfeited bond funds to complete the effort. One of the projects is in Maryland and two are in Pennsylvania:

Buffalo Coal Permit 422, Maryland: The project is being conducted to improve an active treatment system by removing accumulated sludge from, and eliminating two ponds, and

providing long-term and sustainable sludge handling and disposal by constructing a drying bed. Upon completion of the project, sludge from the treatment system will be dried in the bed and disposed of offsite. The project is expected to be completed by the end of calendar year 2020. Civil penalty funds in the amount of \$315,965 were allocated for this project. The Maryland Bureau of Mines Supplemental Bond Fund supports operation of the facility by providing \$12,000/year for chemicals and operation and maintenance costs.

Isabella Project, Pennsylvania: The site was a coal preparation facility with substantial coal refuse, impoundments, and a clear water storage impoundment on site. Off-road activity off-throughout the property abound. Also, the rising level of water in the fresh-water impoundment has flooded a public road, and the potential for overtopping the embankment is a serious health and safety concern. The project includes reclamation of 45 acres of refuse piles, design and construction of an outlet structure for the freshwater impoundment, and design and construction of collection and passive treatment systems for five AMD discharges. To date, equipment has been put in place to lower the level of the impoundment and to measure flows of the AMD discharges. Throughout FY 2021, work will continue on design and construction of the impoundment outlet structure, the refuse pile reclamation, and, potentially, the AMD discharge treatment plan. This portion of the project will involve expenditure of \$227,405 in forfeited bond and \$430,000 in civil penalty funds. Although OSMRE will continue to provide Technical Assistance in the form of field evaluation and support of design services, the remaining phases will be accomplished using forfeited bond funds, supplemented with other sources of funds as they become available. Design and construction for this project are expected to continue through FY 2021.

Flight 93 National Memorial, Sludge Management Project, Pennsylvania: The sludge removal project at the Flight 93 Memorial site is intended to be a long-term solution for disposal of sludge resulting from treatment of water being discharged from underground mine workings at the Memorial site. Upon discharge of water from the mine workings, it is aerated and passed through a series of settling ponds and wetlands before being discharged into a stream. As a result of the treatment operation, sludge, consisting primarily of ferric iron, settles in the ponds, with the majority accumulating in the first pond. The subject project involves installation of equipment and supporting infrastructure to remove sludge from the first pond. The equipment can be moved in the event it becomes necessary to remove sludge from the other ponds. Construction on this project will be completed during FY 2021.

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

Federal Emergency Projects are conducted to immediately abate the abandoned mine hazards in States and on Indian lands without an approved AML Program. Emergencies in States covered by the Federal Reclamation Program usually involve subsidence, vertical mine shaft collapse or sudden exposure of mine openings.

The most common emergencies in the States covered by Federal Reclamation Programs are subsidence events caused by the caving in of old underground mines. Subsidence events can impact man-made structures on the surface and may be life threatening when they occur in populated areas.

The second most common type of emergency event in these States is vertical mine shaft collapse. This may result in vertical holes that are hundreds of feet deep and are usually the result of shafts being improperly filled or an inadequate cap that was placed over the shaft at the time of abandonment. Often at the time of closure, the shafts were either filled with on-site material or wooden or concrete caps were placed over them to prevent entry. Over time, the fill material settles or the cap deteriorates to a point where it can no longer sustain the weight of the material placed over it. Other AML problems, including mine entries, hazardous/explosive gases, mine and refuse fires, dangerous high walls, landslides and mine pool blowouts, may also present life-threatening conditions.

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

During FY 2020, OSMRE expended \$1.8 million to address three AML emergencies in Washington State:

Project WA-19-005, a subsidence feature in a popular hiking area in Issaquah, WA, where OSMRE expended \$110,057 for Architecture and Engineering and construction services to remediate the feature.

Project WA-20-001, a subsidence feature at the Newcastle Golf Club located in Newcastle, WA, where OSMRE expended \$199,079 for Architecture and Engineering and construction services to remediate the feature.

Project WA-20-006, a large coal tailings pile mine fire in Cumberland, WA, where OSMRE expended \$1,494,183 for Architecture and Engineering and construction services to extinguish the fire.

Based on historic trends, OSMRE expects to expend financial resources on at least three additional emergency AML projects during FY 2021 using available carryover funding from prior year appropriations, and projects that the remaining carryover will be fully expended in early FY 2022. The request includes \$785,000 to address AML emergencies projects.

**b. Program Staff (Operations)**

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

initial investigation. For Federal high priority projects, the process is similar, but begins with the determination of whether the condition is related to an abandoned coal mine, and if so, a determination of the priority for reclamation.

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

1. Compliance with the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), and the National Historic Preservation Act (NHPA);
2. Obtaining the right of entry for access;
3. Developing engineering plans and specifications needed for abatement;
4. Preparing and mailing bid packages to potential construction contractors;
5. Conducting pre-bid and pre-construction conferences;
6. Awarding contracts;
7. Coordinating, managing and inspecting all aspects of the ongoing construction; and Reviewing, approving, and paying invoices.

OSMRE staff will address emergencies and high priority projects in non-program States and Tribes as described earlier, as well as provide technical assistance to States and Tribes with approved AML Programs. OSMRE will continue to provide specialized expertise on various AML problems, including subsidence, mine fires, mine gases, and landslides to States that request assistance. OSMRE staff will also administer projects funded by Federal civil penalties collected from operators and monitor watershed cooperative agreement projects under this activity. The total request for Federal Reclamation Program operations is \$3,311,000 and 13 FTE, of which \$1,208,000 and 8 FTE are to establish a new Federal Reclamation Program for Tribal lands in Oklahoma.

### **3. Program Development and Maintenance**

The Program Development and Maintenance activity is an integral part of the State and Tribal funding program. The FY 2022 budget proposes \$3,459,000 in funding and provides for 15 FTE for reclamation program management and programmatic guidance to States and Tribes. OSMRE has an ongoing process of reviewing existing policies in the Environmental Restoration business line. Whenever necessary, policies are revised to meet the existing need of the programs and to keep abreast of changes to the law. OSMRE assists States and Tribes to build on their reclamation successes by providing ongoing technical assistance on reclamation practices and by continually enhancing the primacy grants process.

An important part of OSMRE's role in State and Tribal AML program operations is the review and approval of State/Tribal AML projects. All AML projects are considered "Major Federal Actions" under 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, ensure that requirements are met, and approve either a categorical exclusion determination, a finding of no significant impacts, or an environmental impact statement – record of decision, for each project. These reviews require consultations under various other Federal laws including the National Historic Preservation Act, the Endangered Species Act and the Clean Water Act.

OSMRE emphasizes State, Tribal, and Federal partnerships in the AML program. OSMRE works directly with the States and Tribes, through State and Tribal associations and with other Federal agencies, to coordinate and enhance reclamation. Such relationships foster coordination essential to land reclamation. New policies and changes to existing policy are shared with States and Tribes for input prior to being finalized, enabling OSMRE to make programmatic decisions in a collaborative manner. Examples of activities include working with States and Tribes to develop improved strategic plan measurements for the AML program; holding meetings/workshops with the State/Tribal grantees to provide employee training and to keep them abreast of policies and procedures; and soliciting input from States/Tribes and interested parties on AML issues to make informed decisions.

**a. AML Inventory**

OSMRE manages a national enhanced Abandoned Mine Land Inventory System (e-AMLIS), which serves as a planning and evaluation tool for the States, Tribes, OSMRE, and the public. In accordance with the requirements of SMCRA, e-AMLIS contains data for known eligible Priority 1 and 2, pre-SMCRA coal reclamation problems. As required by SMCRA, OSMRE personnel review and approve or disapprove each new State/Tribe submitted coal-related problem area, or revision to an existing problem area, to maintain consistency and ensure compliance with Federal law and regulations. Each problem is classified as unfunded (i.e., remaining reclamation costs), funded (in progress) or completed (i.e., actual cost of reclaiming the AML feature after completion). The e-AMLIS also contains information regarding funded and completed Priority 3 coal and post-SMCRA coal problems, as well as information on completed non-coal problems. Coal projects selected for funding by States or Tribes are contained in e-AMLIS prior to funding, except for those emergency sites that may be entered after completion due to the immediate need for reclamation.

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

E-AMLIS is web based, enabling the public to access this information readily via OSMRE's website. E-AMLIS users can search for information about individual Problem Areas or query the Inventory. The results of a query can be shown in preformatted reports, or on a map, and can be downloaded in various formats.

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

**b. Grants Management**

OSMRE transitioned to the GrantSolutions financial assistance management software program with the rest of the Department in FY 2021, and continues to support and participate in Grants.gov, the government-wide electronic grants announcement and application system. OSMRE uses the DOI Financial and Business Management System (FBMS) financial assistance module for internal processing of all grant and cooperative agreement obligation, deobligations and closeout transactions. FBMS is DOI/OSMRE’s system of record which contains comprehensive information on AML grant allocations and expenditures for the SMCRA Title IV AML Reclamation Program.

OSMRE has a decentralized grants management organization, with a small policy staff at headquarters. Grant Managers in the regional and field offices perform day-to-day grants and program management. Accounting and reporting occur under the Financial Management business line activity. OSMRE and the State/Tribal grantees cooperate to maximize the use of available funding and operate an effective program. Grantees provide input by participating on joint teams and by reviewing and commenting on changes in the program. In addition, OSMRE periodically holds meetings/workshops with the State/Tribal grantees to provide training for grantees and to keep them abreast of policies and procedures. This cooperative working relationship contributes to streamlined application and awards processes, faster obligation of Federal funds, program monitoring, and reporting and closeout of grants.

OSMRE also continues to manage and monitor progress of grants issued under the Abandoned Mine Land Economic Revitalization (AMLER) Program, authorized and funded in prior-year Appropriations Acts. This program administers grants to six states and three tribal nations for AML reclamation, where the reclamation has a nexus to economic and community development. Since FY 2016, the program has provided \$540 million to problem areas in rural America with the dual purpose of providing economic and community development while achieving reclamation of historic abandoned mine sites. Some of the projects that are underway in FY 2021 include:

Friendship Park Highwall Reclamation Project (Ohio): The Ohio Department of Natural Resources Division of Mineral Resources Management Abandoned Mine Land Program manages this pilot project for which construction began in September 2020. The site is located north of Smithfield, Ohio. and consists of an 85-acre lake, five smaller lakes, shelter houses, picnic areas, campgrounds, walking and bridle trails, and the home of the Jefferson County Fairgrounds. The Pilot grant funding will reclaim 2,700 linear feet of these unsafe highwalls. In addition to abating the AML public health and safety hazards, the project will create new recreational opportunities for the park, promote biodiversity and provide long-term economic benefits to the park district and local community.



*Deteriorating section of dangerous highwall just east of County Road 23 near Smithfield, Ohio*

As part of the project, a Recreational Use Plan was developed to take advantage of the AML reclamation project's creation of 27.5 acres of new open space that is aesthetically pleasing, restores native grass and forest lands, creates 4.3 acres of pollinator habitat, reestablishes riparian corridors, and uses natural stream channel designs and permanent wetlands in the storm water controls. The newly designed trail system will expand the existing 2,100 feet of trail to over 8,000 feet of walking and bridle trails.

Gladden AMD Active Treatment Plant and Fishing Run Stream Sealing Project (Pennsylvania):

This combined AMLER and AMD Set-Aside project involves design, construction and operation of a mine drainage treatment facility to fully treat the Gladden underground mine discharge. This discharge originates from an abandoned Pittsburgh Seam underground mine and has an average flow rate of 700 gallons per minute. The discharge impacts four miles of the primary receiving stream, Millers Run, as well as several miles of Chartiers Creek. Of the nine major AMD Discharges identified as part of the Chartiers Creek Watershed Assessment, the Gladden Discharge accounts for 40% of the total iron pollution. Upstream of the discharge, Millers Run is a trout stocked fishery, one of only several located in Allegheny County. Downstream of the Gladden Discharge the stream presently supports no aquatic life.



*Millers Run downstream of the Gladden AMD discharge, taken from Millers Run Road looking downstream, South Fayette Township, Pennsylvania*

The facility will employ active treatment technology and utilize a chemical oxidizer to achieve treatment of the iron laden net alkaline mine water. This facility will be the first plant in Pennsylvania designed from inception to utilize this technology. The projects partners include South Fayette Conservation Group, South Fayette Township, Kosky Contracting, PA Turnpike Commission, Allegheny County, Tetra Tech and OSMRE.

Mountain State Broadband Expressway Project (West Virginia): West Virginia Department of Environmental Protection manages this project to construct up to 80 fiber-connected towers on,



*Broadband tower in place*

or adjacent to, AML sites to expand broadband resources into unserved and underserved areas of West Virginia. OSMRE issued an authorization to proceed with construction of the first four towers in 2018. Three of these towers have been constructed and will be functional once an agreement is signed with a broadband service provider. West Virginia ranks 47th in the Nation in terms of broadband connectivity, a ranking which prevents many businesses from locating or expanding into the State. The Mountain State Broadband Expressway Project will help address the growing “digital divide” which, over the last decade, has widened at an ever-increasing rate in

rural communities of West Virginia. The project will address two of the main barriers to increasing broadband services in these communities—access to fiber and implementation cost tower construction.

### **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 submitted to OSMRE for approval. OSMRE evaluates State-initiated program changes (statutory, regulatory, or changes in the program’s provisions, scope, or objectives), as well as OSMRE required modifications that are a result of legal interpretations or changes to SMCRA and Federal regulations. In its evaluation, OSMRE solicits public comments on State 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**

### **2021 Planned Program Performance**

In FY 2021, the planned activities in the Environmental Restoration program activity include:

- Continue partnerships with not-for-profit watershed and related reclamation groups by monitoring Watershed Cooperative Agreement Program (WCAP) projects funded before or during FY 2020 and awarding additional agreements to interested groups as funds are available.
- Respond to Federal AML emergencies in non-program States and Tribes within 48 hours of receiving a report, and issue findings within 10 business days.
- Provide AML grants to States and Tribes and continue to use reclamation grants to eliminate hazards resulting from past mining activities.
- Support the Underground Mine Map Initiative (UGMMI), a component of the National Mine Map Repository, to minimize future subsidence risk by making information available on the location of mined out areas using maps and surface overlays that can provide this critical information to local governments to account for risks.
- Provide guidance and assistance in establishing benchmark standards in mine map preservation, including digital imaging and rectification, and creating and serving mine maps for safety, State and Tribal AML, local government, and public viewing and use.
- Continue to administer funds through the Abandoned Mine Land Economic Revitalization Program, monitor projects funded in prior-year appropriations, and complete an updated report on project implementation.
- Conduct consultations and assume responsibility for the reclamation of abandoned mine sites on Muskogee (Creek) Tribal lands in Oklahoma.
- Continue work to implement Office of the Inspector General recommendations to improve the oversight and other aspects of the AML Program.

### **2020 Program Accomplishments**

In FY 2020, the major accomplishments in the Environmental Restoration program activity include:

- Managed the \$171 million in mandatory AML grants provided to the 25 coal-producing States and three Tribes with an approved AML program.
- Provided \$115 million in AML Economic Revitalization Program sponsored grants to six States and three Tribes.
- Improved land and water health by reclaiming, or mitigating, the equivalent of 17,760 acres of land from the effects of natural resource degradation from past mining.
- Improved underground discharges of mine water, eliminating uncontrolled discharges, by employing horizontal boring techniques.
- Used combinations of civil penalty funds and forfeited bond to continue work on two projects in Pennsylvania and one in Maryland.
- The Federal Reclamation Program expended \$1,803,319 to address three AML emergencies in Washington State, and \$255,691 to address a High Priority subsidence feature in California.

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**TAB**

**Environmental Protection**

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# ENVIRONMENTAL PROTECTION

## Environmental Protection Budget Request

(Dollars in Thousands)

	2020 Actual	2021 Enacted	Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2022 Request	Change from 2021 (+/-)
<b>Regulation and Technology</b>	<b>88,588</b>	<b>88,562</b>	<b>+777</b>	<b>-</b>	<b>-1,486</b>	<b>87,853</b>	<b>-709</b>
State and Tribal Funding	68,590	68,590			-3,590	65,000	-3,590
<i>FTE</i>	-				-		-
State Program Evaluation	8,080	8,080	+364		+365	8,809	+729
<i>FTE</i>	72	81			-	81	-
Federal and Indian Lands Program	6,078	6,052	+208		+1,694	7,954	+1,902
Offsetting Collections	[+14]	[+40]				[+40]	
<i>FTE</i>	35	46			+8	54	+8
Federal Lands	1,436	1,436	+46		+45	1,527	+91
<i>FTE</i>	9	10			-	10	-
Program Development and Maintenance	4,404	4,404	+159		-	4,563	+159
<i>FTE</i>	15	35			-	35	-
<b>Total, Environmental Protection</b>	<b>88,588</b>	<b>88,562</b>	<b>+777</b>	<b>-</b>	<b>-1,486</b>	<b>87,853</b>	<b>-709</b>
<b>Total FTE</b>	<b>131</b>	<b>172</b>			<b>+8</b>	<b>180</b>	<b>+8</b>

FY 2020 Actuals include \$40,000 in additional appropriated funds for permitting activities and \$14,142 of actual collections for permitting activity.

**Summary of 2022 Program Changes for Environmental Protection**

<b>Request Component</b>	<b>(\$000)</b>	<b>FTE</b>
Reduce Regulatory Grant Funding	-3,590	-
Establish Indian Lands Program in Oklahoma	+1,450	+8
Replace Hydrocarbon-powered Vehicles with ZEVs	+654	-
<b>TOTAL Program Changes</b>	<b>-1,486</b>	<b>+8</b>

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

**Justification of 2022 Program Changes**

The 2022 budget request for Environmental Protection is \$87,843,000 and 180 FTE, a program change of -\$1,486,000 and +8 FTE from the 2021 enacted.

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

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

**Zero Emission Vehicle Fleet Conversions (+\$654,000):** The 2022 budget includes funding to convert approximately 35 percent of OSMRE’s sedan fleet to zero emission vehicles (ZEVs). This conversion will immediately reduce the Interior’s contributions to greenhouse gas emissions and dependence upon hydrocarbons.

## OVERVIEW

The Environmental Protection business line provides resources to administer regulatory programs for 24 primacy States, as well as for the Federal and Indian Lands Programs which include two States and four Tribes where OSMRE is the regulatory authority. These programs protect the public and the environment from the adverse effects of current mining and support reclamation of land at the conclusion of mining. At the end of FY 2020, the permitted area of coal mining operations encompassed 3.5 million acres nationwide. During active mining, the potential risks of safety and environmental hazards exist both within and outside the permitted site. Effective implementation and enforcement of SMCRA minimizes those risks.

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

<p style="text-align: center;"><b>ENVIRONMENTAL PROTECTION ENCOMPASSES:</b></p> <p>State and Tribal Funding</p> <ul style="list-style-type: none"><li>• State Grants</li><li>• Tribal Regulatory Development Grants</li></ul> <p>State Program Evaluation</p> <p>Federal and Indian Lands Programs</p> <p>Federal Lands</p> <p>Program Development and Maintenance</p>
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**Operational Processes (Program Activities):** The program activities within this business line ensure the environment is protected during surface coal mining operations and that coal operators adequately reclaim disturbed land after mining is completed.

This business line also provides for OSMRE's costs to ensure that State programs meet Federal regulatory requirements. The State and Tribal Funding activity includes grants to States and Tribes to regulate coal operations on lands within their borders.

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

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

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

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

Percent of coal mining sites free of off-site impacts: Impacts are effects from surface coal mining activities such as blasting or water runoff that affect people, land, water, or structures outside the permitted area of mining operations and are in violation of the existing regulations. The severity of the impacts is rated as minor, moderate, or major. Due to the nature of mining, it is inevitable that some impacts will occur. OSMRE works in cooperation with State regulatory agencies to minimize or prevent offsite impacts, when feasible.

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

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

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

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

**Resources, Skills, and Technology Capacity:** Program analysts, reclamation specialists, grant specialists, and various support personnel implement the State regulatory programs and conduct program evaluations. OSMRE and the primacy States maintain a diverse and multidisciplinary cadre of personnel skilled in scientific and engineering areas to review mine permits, determine whether performance bond coverage and amounts are sufficient to ensure reclamation, conduct mine site inspections, and implement enforcement actions when necessary. Computer systems personnel help maintain various data systems, such as the national Inspection and Enforcement Tracking System that contains data from OSMRE's oversight and regulatory program inspections.

For FY 2022, the President's budget requests \$65.0 million to fund up to 50 percent of the costs for 24 primacy State regulatory programs, and up to 100 percent of the costs of regulating mining on Federal lands within their borders for 14 of the primacy States through cooperative agreements. This amount will also provide 100 percent of the regulatory program development costs for three Tribes.

The FY 2022 budget request includes \$8.8 million to improve implementation of existing laws and to support States and Tribes. The request also includes \$7.9 million to fund regulatory programs in non-primacy States, including Tennessee and Washington, and on Indian Lands. Also included in the FY 2022 budget request is \$1.5 million for OSMRE to carry out mine plan reviews for Federal lands, and \$4.6 million for program development and maintenance to continue to streamline mine plan decision processes and ensure that regulatory standards adequately reflect changes in technologies and program needs. Appropriations language is requested to supplement this appropriation with \$40,000, which will be offset with collections for new permit application fees in the Federal and Indian Lands Programs.

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

## 2022 PROGRAM PERFORMANCE

### 1. State and Tribal Funding

The \$65,000,000 requested for FY 2022 for State and Tribal funding recognizes the need to support the State regulatory programs and Tribal programs pursuing primacy. This request fully funds the projected 2022 activity requirements, based on historical annual spending. OSMRE will also continue to support State regulatory grant requests by re-distributing the available deobligated prior year funds, as needed, for this activity. This activity supports responsible coal extraction using technology to minimize the impact of coal mining operations on people, structures, and the environment.

#### a. State Grants

The principal means of providing environmental protection within the framework of SMCRA is through "primacy" States that receive Federal grant funding. Currently, 24 States have achieved primacy and serve as regulatory authorities in the implementation of SMCRA. Primacy States have the most direct and critical responsibilities for conducting regulatory operations to minimize the impact of coal extraction operations on people and the environment. These States have the capabilities and knowledge to regulate the lands within their borders. Providing up to a 50 percent match of State funding in Federal grants to primacy States encourages States to take this responsibility, while ensuring that regulations are consistent across the Nation.

Cooperative agreements between OSMRE and primacy States with Federal lands allow those States to receive grant funding to cover their costs to review permit applications, issue permits, and conduct the required inspections of regulated activities on Federal lands within the State. The additional grant funding provides for uniform enforcement of State program requirements at all facilities within the State and reduces both direct Federal program costs and Federal staff requirements. SMCRA, section 705(c), sets the amount that a State may receive through a cooperative agreement at an amount approximately equal to the amount the Federal Government would have expended to do the same work. The regulations further require that no grant exceed the actual costs to the State for this activity. Currently, 14 States have entered into cooperative agreements with OSMRE to regulate surface coal mining and reclamation operations on Federal lands within the State: Alabama, Colorado, Illinois, Indiana, Kentucky, Montana, New Mexico, North Dakota, Ohio, Oklahoma, Utah, Virginia, West Virginia, and Wyoming.

Activities that State regulatory authorities conduct with Federal grant and matching State funding include: permit review and issuance, including the use of the Applicant Violator System to ensure that permits will not be issued to operators with outstanding violations; inspection and enforcement; designation of lands unsuitable for mining, and; ensuring timely reclamation after mining. In addition, individual States may conduct special activities to address specific needs. These activities may include upgrading permitting programs, modernizing systems to improve review of pending permits, and drafting regulations that respond to changes in Federal rules.

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

regulations require all active inspectable units under the permanent program to have four complete and eight partial inspections per year. Four complete inspections are required annually for all inactive units. Inspections conducted by primacy States in any given year depend, in part, on the number of active and inactive permits in each State. The primacy States conducted 60,903 inspections in FY 2020 (see Table 2).

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

As allowed by the Energy Policy Act of 1992 and Section 710(i) of SMCRA, OSMRE provides grants to the Crow and Hopi Tribes and the Navajo Nation to assist them in developing regulations and programs for regulating surface coal mining and reclamation operations on Indian lands. The grant amounts are based on each Tribe's anticipated workload to develop a Tribal program (including Tribal laws, regulations and policies), to assist OSMRE with surface coal mine inspections and enforcement (including permitting activities, mine plan review and bond release), and to sponsor employment training and education concerning mining and mineral resources. These grants fund 100 percent of the Tribal primacy development activities.

The SMCRA amendments of 2006 provide for Indian Tribes to apply for, and obtain approval of, a Tribal program regulating in whole, or in part, surface coal mining and reclamation operations on reservation land under the jurisdiction of the Indian Tribe. The legislation also provides for 100 percent funding of the costs of developing, administering, and enforcing an approved Tribal program. Discussions on the submission of applications for Tribal primacy began in 2007. Informal review of the Navajo Nation's Tribal primacy application is substantially complete, although it is unknown when the Navajo Nation will submit a formal application for Tribal primacy. (Two previous attempts to gain approval by the Navajo Nation's Tribal Council have failed to get the required two-thirds vote.) The Crow Tribe and the Hopi Tribe continue to pursue Tribal primacy, including the development of a statute and regulations, but at this time an anticipated date for submission of a formal application for Tribal primacy by those two Tribes has not been determined.

## **2. State Program Evaluation**

State Program Evaluation activities serve two purposes: to determine whether States are effectively implementing their approved regulatory programs, and to provide documentation to the public of the work that OSMRE and the States are doing. The \$8,809,000 requested for FY 2022 will fund 81 FTE to carry out these activities.

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

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

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

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

SMCRA requires OSMRE, as delegated by the Secretary of the Interior, to conduct mine inspections to evaluate the implementation of State programs. Inspections are conducted on a range of sites - from those actively producing coal to forfeited bond sites awaiting reclamation. Most OSMRE oversight inspections focus on areas in which there is a high level of activity or public concern or where systemic problems have been previously observed. In States with greater than one thousand inspectable units, OSMRE conducts inspections of a random sample of those units to provide an objective evaluation of the effectiveness of the State program in ensuring compliance with program requirements. The vast majority of oversight inspections are joint inspections, in which the State or Tribal inspector accompanies the OSMRE inspector. However, OSMRE's Directive REG-8 (located on OSMRE's website at <https://www.osmre.gov/lrg/docs/directive967.pdf>) provides that, at a minimum, OSMRE will conduct complete oversight inspections on 33 percent of the inspectable units selected for oversight inspections in each State or on Tribal lands, and that independent oversight inspections are permitted when OSMRE determines that such inspections are necessary and appropriate.

In FY 2020, OSMRE conducted 760 oversight inspections in primacy States (see Table 2). OSMRE intends to perform oversight inspections in FY 2021 and FY 2022 to assure the integrity of the regulatory program, to capture additional data, and to identify more conclusive findings and trends. The actual number may change depending on the program areas, the presence or absence of problems, input from the public, and the terms of the performance agreements in each State. Other external factors, such as the COVID-19 pandemic related constraints, could impact the number of inspections.

Table 2 – Inspections Conducted in Primacy States in FY 2019

State	Partial State Inspections	Complete State Inspections	Total State Inspections	OSMRE Oversight Inspections
Alabama	9	1,700	1,709	35
Alaska	43	28	71	0
Arkansas	46	20	66	2
Colorado	176	110	286	6
Illinois	574	326	900	19
Indiana	569	331	900	12
Iowa	0	0	0	0
Kansas	48	24	72	2
Kentucky	11,415	5,882	17,297	213
Louisiana	18	11	29	3
Maryland	447	256	703	8
Mississippi	19	10	29	2
Missouri	48	28	76	3
Montana	76	65	141	3
New Mexico	24	24	48	2
North Dakota	427	96	523	5
Ohio	1,120	606	1,726	42
Oklahoma	258	216	474	9
Pennsylvania	5,627	3,956	9,583	224
Texas	263	130	393	2
Utah	139	101	240	4
Virginia	1,976	1,300	3,276	26
West Virginia	14,323	7,735	22,058	119
Wyoming	191	112	303	19
<b>Total</b>	<b>37,836</b>	<b>23,067</b>	<b>60,903</b>	<b>760</b>

Footnote: OSMRE inspections in primacy States include oversight inspections of all types, oversight document reviews, assistance inspections, citizen complaint site visits, and Federal action inspections, as needed. State data is for the time period of July 1, 2019, through June 30, 2020.

### c. Identifying and Correcting Violations of SMCRA

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

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

During Evaluation Year 2020, OSMRE observed 624 violations during oversight inspections. Of these, 304 were appropriately deferred to States for action either during the joint inspection process or as the final resolution of a TDN. OSMRE also received 14 citizen complaints which were transmitted to the regulatory authority through the TDN process ..

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

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

In addition to the corrective actions processes described above, OSMRE's 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 and investigative services. The AVS office also identifies sites with outstanding violations so that regulatory authorities can consider pursuing alternative enforcement when primary enforcement is not enough. These activities will continue throughout FY 2021 and FY 2022.

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

The FY 2022 request provides \$7,944,000 and 54 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. The extent of Federal resources expended and the timeframes for review vary depending on the complexity of a permit application, the size of the mine, and the response times of applicants submitting additional information required to process the permit application.

At the end of FY 2020, the Federal program in Tennessee had 96 permits for coal mining operations, of which 55 permits were listed on the inspectable units list (IUL) in active status. There were two permitted mine sites for the State of Washington at the end of FY 2020, neither of which is currently mining coal. Permitting actions in Federal Programs are shown in Table 3.

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

**Tennessee:** At the end of FY 2020, the Tennessee IUL indicated a total of 55 *Permanent Program* permits, listed as active. Three of these permits produced coal at some time throughout the year. It also includes a total of 33 Inactive permits and five abandoned permits under the Permanent Program. These consist of surface mines, underground mines, coal tipples, preparation plants, haul roads, and other ancillary facilities. The *Initial Program* permits consist of two active, no inactive and one abandoned permit. The IUL *Site Status* indicates there are no active producing sites, 11 Active Non-Producing sites, 17 Mining Complete sites, 22 sites in Temporary Cessation, 18 sites in Phase I Bond Released, 11 Phase 2 Bond Released sites, two non-disturbed sites, nine no mining, six abandoned and forfeited sites, for a total of 96 permits on the Tennessee IUL. The Lexington Field Office/Knoxville Office (LFO/KO) received no new permit applications in FY 2020 and has six other applications in various stages of review. At the end of FY 2020, LFO/KO received five new Successor-In-Interest (SII) applications, had 11 SII applications pending submittal of bonds. Over the past ten-year period, Tennessee's coal production has experienced a decline from 2.2 million tons in calendar year 2009 to 0.4 million tons in calendar year 2019. Although OSMRE has been the regulator of Tennessee's coal mining industry since 1984, Tennessee is actively working to achieve primacy by pursuing the promulgation of a program for the regulation of coal exploration and surface coal mining and reclamation operations in the state.

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

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

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

The LFO/KO did not forfeit any bonds during FY 2020. Bond forfeiture funds are monies collected from forfeited performance bonds associated with mining permits. These funds can only be used to reclaim lands on the permits for which the bond was posted and cannot be used to reclaim other permitted sites. If the bond forfeiture funds are adequate to reclaim the forfeited sites, any surplus amounts remaining must be returned to the operator.

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

sites by selecting the sites that have the most potential to cause environmental harm, if left unreclaimed, and expends the available funds on these sites. During FY 2020, no civil penalty funds were made available to OSMRE for reclamation work in Tennessee. However, contracts awarded near the end of FY 2017 were completed in FY 2018. The three of these sites will continue to be monitored and one is expected to be released from the IUL in 2021.

In April 2018, the State of Tennessee enacted Senate Bill 686, and signed into law, the Primacy and Reclamation Act of Tennessee (herein referred to as “TPRA”). The 2018 legislative changes amend the Tennessee Code Annotated (“Tenn. Code Ann.”), at Tenn. Code Ann. §§ 59-8-101 *et seq.*, to enable Tennessee to obtain primacy under SMCRA and assume jurisdiction to regulate surface coal mining and reclamation operations within the State of Tennessee. In a letter dated March 2, 2020, the Tennessee Department of Environment and Conservation (“TDEC” or “the State”) requested pre-submission assistance and enclosed an informal submission of the State statutory language for OSMRE review. OSMRE evaluated the proposed State language and provided the State with detailed written review findings on whether State’s statutory provisions are consistent and in accordance with SMCRA. OSMRE completed its 2020 review of the TPRA language and identified significant deficiencies across several major program areas. Specifically, findings documented noted that much of the language in TPRA is not in accordance with, less stringent than, and does not meet the requirements of SMCRA. OSMRE recommends further revisions to the submission that will require TDEC to thoroughly review OSMRE’s findings and may require additional legislative action to revise the TPRA and potentially other Tennessee State law. OSMRE has offered to continue meeting with the State in development of a formal program and is continuing support in FY 2021.

**Washington:** There are two surface coal mines regulated under the Federal Program. The Centralia Mine produced coal for the adjacent Centralia Power Plant beginning in 1971 until November 2006, when the parent company, Trans-Alta Corporation, halted mining because of the high costs to recover the remaining coal. Coal for the power plant now comes from the Powder River Basin. In July 2010, OSMRE denied a request to continue temporary cessation at the Kopiah Pit, and the decision was upheld on appeal. OSMRE approved Trans-Alta’s operation plan for recovery of coal from coal mine waste impoundments in February 2012. Coal recovery operations began in November 2014. This operation plan facilitates reclamation of the coal mine waste impoundments after coal recovery. The recovered coal is sold to the Centralia Power Plant. Such coal recovery is considered active mining. Trans-Alta has committed to payment of all necessary fees (royalty and abandoned mine land) associated with the mining of this coal. Trans-Alta has submitted revised reclamation plans for five areas of the mine. In October 2012, OSMRE approved the reclamation plan for the Central Packwood pit area. OSMRE’s review of the revised reclamation plans for the North Hanaford Pit, and coal mine waste impoundments 3A, 3B, 3C and 3D are ongoing at this time. OSMRE approved the Kopiah Pit Reclamation plan in December 2019 and is close to issuing its decision on the revised plans for Pit 7 in early FY 2021.

The second mine in Washington overseen by OSMRE’s Federal Program is owned by the Pacific Coast Coal Company (PCCC), located near the City of Black Diamond, and has not produced coal since 2000. After completing an environmental assessment and concluding the NEPA

process, a significant revision application to re-commence was approved in April 2018. As of September 2020, PCCC has not resumed mining because it cannot secure a customer, and work is limited to reclamation. In addition to the significant revision approval, OSMRE renewed the existing permit through December 2019. PCCC has submitted a permit renewal application, which was administratively delayed while PCCC secured an increase in its reclamation bond. PCCC amended its bond in late 2019, and the application is currently under OSMRE review.

## **b. Tribes**

OSMRE is responsible for regulating coal mining and reclamation activities on Indian lands. The Indian lands program includes permit application review, determination of performance bond amounts, inspection and enforcement, bond release, and maintaining a staff to coordinate with the individual Tribes and other Federal agencies, as necessary. The proposed budget provides funds for activities to promote responsible mineral extraction on Indian lands.

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

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

Navajo Nation and Hopi Tribe: The McKinley Mine and the Navajo Mine are large surface mines on lands within the Navajo Nation. The Navajo Mine has two permits: the Navajo Permit and the Pinabete Permit. The Navajo and Pinabete Permits provide coal to the Four Corners Power Plant. Mining operations have ceased at the McKinley Mine, and it is currently undergoing final reclamation. Activities on the Kayenta Mine involve mining Navajo coal beneath Navajo Tribal lands surface, and coal jointly owned by the Navajo Nation and the Hopi Tribe – all of which is beneath Navajo Tribal lands surface. OSMRE assisted the Bureau of Reclamation (lead agency) on the completion of the *Draft Environmental Impact Statement for the Navajo Generating Station and Kayenta Mine Complex*. In early 2017, the owners of the Navajo Generating Station (NGS) announced they were no longer going to operate the plant beyond 2019. Due to this announcement, the lead agency suspended the EIS. The Kayenta Mine ceased producing coal in August 2019 to exhaust their current coal stockpiles and NGS ceased operations in December 2019. Kayenta mine has submitted a permit renewal application which OSMRE has administratively delayed because it cannot provide public access to the application nor hold public meetings if requested due to the ongoing health and safety concerns associated with the COVID-19 pandemic.

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

Ute Mountain Ute Tribe: Regulated Ute Mountain Ute Tribal lands in New Mexico are limited to a haul road that crosses the Ute Mountain Ute Reservation. The haul road is fully reclaimed and has gone through the bond release process, and OSMRE terminated its jurisdiction in August 2019. An underground mining operation in Colorado also extracts Federal coal beneath land owned privately by the Ute Mountain Ute, outside of the external boundaries of the Ute Mountain Ute Reservation. OSMRE permits this “shadow area” of the underground workings beneath the Ute Mountain Ute owned private land. There currently is no surface disturbance related to mining on Ute Mountain Ute lands.

OSMRE assumed responsibility for regulating coal mining and reclamation activities on Muskogee (Creek) Tribal lands from the Oklahoma Department of Mines and the Oklahoma Conservation Commission in FY 2021, following the Supreme Court decision in *McGirt*. Court decisions pending at the time of publication are expected to confer SMCRA Indian land status to the Cherokee and Choctaw Tribal lands in Oklahoma. Once so designated, OSMRE will assume regulatory and reclamation responsibilities for those Indian lands.

The number of permitting actions processed by the Indian Lands Program during FY 2020 is shown in Table 3.

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

Activity	Federal Programs FY 2020 Actual	Federal Programs FY 2021 Projected	Indian Lands FY 2020 Actual	Indian Lands FY 2021 Projected
In progress (prior FY)	59	67	20	18
Anticipated Submissions (current FY)	19	19	59	60
Total FY workload	78	86	79	78
Completed in FY	11	11	61	64
<b>Balance, end of FY</b>	<b>67</b>	<b>75</b>	<b>18</b>	<b>14</b>

Source: OSMRE Data for States and Tribes system (DST) FY 2020.

Note: Federal Program numbers do not include reviews of more than one version of a significant revision or environmental assessment.

Table 4 provides inspection and enforcement data for the Federal and Indian Lands Programs during FY 2020.

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

State/Tribe	Partial Inspections	Complete Inspections	Total Inspection	Notice of Violations	Cessation Orders
Tennessee	456	181	637	70	55
Washington	20	5	25	2	1
<b>States Total</b>	<b>476</b>	<b>186</b>	<b>662</b>	<b>72</b>	<b>56</b>
Crow Tribe	18	6	24	0	0
Hopi Tribe	0	1	1	0	0
Navajo Nation	39	13	52	0	0
Ute Tribe	0	0	0	0	0
<b>Tribes Total</b>	<b>57</b>	<b>20</b>	<b>77</b>	<b>0</b>	<b>0</b>

Source: Inspections from OSMRE Data for States and Tribes systems (DST) FY 2020.

Violation data from OSMRE Inspection and Enforcement Tracking System (I&E) FY 2020.

### c. OSMRE Responsibility on Federal Lands

As previously highlighted, mining on Federal lands in primacy States is typically regulated by the respective State program through a cooperative agreement between the Governor and the Secretary of the Interior. This State regulatory work is financed through the State and Tribal funding program activity. OSMRE is responsible for preparing mining plan decision documents recommending approval, approval with conditions, or disapproval of all proposed mining plans and mining plan modifications on Federal lands under the Mineral Leasing Act. OSMRE also processes valid existing rights claims that involve certain Federal lands under this program activity.

As part of the Federal Lands program, OSMRE conducts environmental impact analysis in accordance with the National Environmental Policy Act (NEPA). OSMRE consults and coordinates, as applicable, with State Historic Preservation Offices, the USFWS, the Bureau of Land Management (BLM), the U.S. Forest Service, 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. Moreover, OSMRE is the regulatory authority for mining on Federal lands in States which have not entered into a cooperative agreement. Currently, Arkansas does not have a cooperative agreement with OSMRE to regulate coal mining on Federal lands. Therefore, if BLM issues a lease in Arkansas, OSMRE becomes responsible for issuing the Federal lands permit. After permit issuance, OSMRE will conduct regular regulatory inspection activities.

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

This request includes \$1,527,000 and 10 FTE for the Federal Lands 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**

<b>Activity</b>	<b>FY 2020 Actual</b>	<b>FY 2021 Projected</b>
In progress (prior FY)	9	9
Anticipated Submissions (current FY)	5	5
Total FY workload	14	14
Completed in FY	5	8
<b>Balance, end of FY</b>	<b>9</b>	<b>6</b>

Under the Federal Lands program activity, OSMRE also provides support to BLM and USFS in leasing activities that involve Federal coal resources. OSMRE’s participation in NEPA compliance analyses prepared at the leasing stage ensures the consideration of OSMRE mine plan approval concerns. This cooperative effort saves mining companies valuable time in the leasing and mine plan approval process; it also may result in improved resource recovery. In addition, satisfactory evaluation of the environmental impacts of coal mining in the proposed lease area at the time of leasing can reduce the likelihood of the need for a subsequent preparation of NEPA analysis and documentation. OSMRE will continue efforts to implement the recommendations in the joint BLM/OSMRE report to the Secretary of the Interior on efforts to streamline the NEPA process for mine plan decision documents for leased Federal coal.

#### 4. Program Development and Maintenance

Work elements under this program are primarily policy actions, such as rulemaking, grants management and special studies that support the other program activities in the environmental protection business line. This request provides \$4,563,000 and 35 FTE.

##### a. Rulemaking

OSMRE issues Federal rules and prepares the associated information collection clearance packages. Functions under this program activity include proposed and final rule development, analysis of implication on other statutes, including among others, the Paperwork Reduction Act, and conformity with executive orders, preparation of environmental assessments, environmental impact statements, public outreach and involvement, and regulatory impact analyses including cost benefit analyses for rules prepared by OSMRE. Prior to and during the development of a proposed rule, OSMRE involves the public and interested parties. This stakeholder participation results in improved regulatory proposals. OSMRE also maintains the administrative record for rules and coordinates rule publication with the Office of the Federal Register. During FY 2020, OSMRE worked extensively on two rulemaking activities resulting in publication of one. The other rulemaking is anticipated to be

published in the early part of FY 2021. The latter rulemaking is related to streamlining and improving efficiency of the OSMRE oversight program. The primary rulemaking activity for OSMRE at publication of this document deals with State programs.

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, reviews proposed State program amendments, and publishes the decisions as final rules in the Federal Register.

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

During FY 2020, OSMRE completed activity on seven State program amendments, as summarized in Table 6.

**Table 6 – FY 2020 State Program Amendment Activity  
Number of Amendments**

<b>Amendment Type</b>	<b>Pending Oct. 1, 2019</b>	<b>Received FY 2020</b>	<b>Completed FY 2020</b>	<b>Pending Sept. 30, 2020</b>
Pre-Submission Assistance	7	3	3	7
Formal	5	2	4	3
<b>Total</b>	<b>12</b>	<b>5</b>	<b>7</b>	<b>10</b>

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

**b. Grants Management**

OSMRE supports and participates in the Health and Human Services’ government-wide electronic grants application system (Grants.gov). OSMRE is currently using DOI’s Financial and Business Management System (FBMS) financial assistance module for internal processing of all grant and cooperative agreement transactions. OSMRE and the State/Tribal grantees cooperate to maximize the

use of available funding and operate an effective program. This cooperative working relationship contributes to a streamlined application and awards process, faster obligation of Federal funds, innovative program monitoring, less paperwork, and intensive reporting and close-out of grants. OSMRE transitioned to GrantSolutions in FY 2021.

**c. Special Projects**

OSMRE's special projects include interpretation of SMCRA, reports to Congress, legislative analyses, and assistance in response to litigation. OSMRE also conducts studies and analyses in response to Departmental initiatives, and coordinates with other DOI bureaus and Federal agencies whose activities can affect the surface coal mining regulatory program. Such agencies include the USFWS (Endangered Species Act), Advisory Council on Historic Preservation (National Historic Preservation Act), EPA (Clean Water Act, Resource Conservation and Recovery Act, and others), Army Corps of Engineers (Section 404 of the Clean Water Act permits), Mine Safety and Health Administration, and the Small Business Administration (Small Business Regulatory Enforcement Fairness Act) and the Council on Environmental Quality (National Environmental Policy Act). OSMRE will continue to streamline the NEPA process for consistency with DOI guidelines and policies in compliance with applicable Secretarial Orders. In October 2020, OSMRE and USFWS completed the development and implementation of a Biological Opinion for Title V of SMCRA by completing a formal programmatic consultation with the USFWS. Throughout FY 2021, OSMRE, in conjunction with USFWS will conduct training and outreach to stakeholders, including the State regulatory authorities, on the impact of the 2020 Biological Opinion and Conference Report.

## **ENVIRONMENTAL PROTECTION**

### **2021 Planned Program Performance**

In FY 2021, the planned activities in the Environmental Protection program activity include:

- Continuing oversight steering committee conversations with State Regulatory Authorities to discuss impediments to meaningful and effective oversight, including revising current OSMRE oversight directions.
- Continuing review of the formal Tribal primacy submission from the Navajo Nation and assistance to the Navajo Nation Minerals Department with their primacy presentation to the Navajo Nation Council.
- Continuing review of informal submissions from the Crow and Hopi Tribes.
- Reviewing of the formal Tennessee primacy submission, should it decide to formally submit, and assisting the Tennessee Department of Environment and Conservation with development of its program.
- Completing eight mining plan decision documents on Federal lands including associated environmental effects analysis in compliance with NEPA.
- Monitoring the implementation of Kentucky's program amendments related to its bonding program for effectiveness through oversight studies and monitoring.
- Achieving the goals for performance measures identified in this business line, and engaging youth by providing educational and employment opportunities to young adults in fields associated with surface coal mining regulation and reclamation.
- Analyzing the extent of the U.S. Supreme Court *McGirt v. Oklahoma* decision in this year that determined that the Muscogee (Creek) Nation Reservation in Oklahoma had never been disestablished. The decision recognized that it may extend to other tribes in eastern Oklahoma. Coal mining in Oklahoma on the Muscogee (Creek) Nation Reservation would be on Indian Lands, over which OSMRE would have regulatory jurisdiction under SMCRA.
- Publishing the Final Rule: Clarification of Provisions Related to the Issuance of Ten-Day Notices to State Regulatory Authorities and Enhancement of Corrective Action for State Regulatory Program Issues.
- Revisiting the Ten-Day Notice Rule.
- Finalizing, in conjunction with the USFWS, the 2020 Biological Opinion and Conference Report on OSMRE's Title V Regulatory Program and training to stakeholders.
- Conducting consultations and assuming Federal primacy for regulating active coal mining on Muskogee (Creek) tribal lands in Oklahoma.

### **2020 Program Accomplishments**

In FY 2020, the major accomplishments in the Environmental Protection program activity included:

- Implemented the Federal and Indian Lands Programs, conducting 206 complete and 533 partial inspections, and completing 63 permit revisions.
- Oversight of States as they performed 23,067 complete mine inspections and 37,836 partial inspections to ensure coal mines are operated safely and in accordance with environmental laws.
- Continued to promote utilization of the Forestry Reclamation Approach (FRA) on active mining operations, with 96 percent of all trees planted on FRA prepared areas. A total number of 1,650,275 trees were planted during FY 2020 with 1,588,501 utilizing FRA on 2,648 acres.
- Completed five mining plan decision documents recommending approval of the mining plan modification including the preparation of environmental assessments analyzing the environmental effects of the mining plan modification in compliance with NEPA.
- As the regulatory authority for Tennessee, issued a new mining permit for surface coal mining and reclamation operations on 433.6 acres in Tennessee including an environmental assessment analyzing the environmental effects of the permit in compliance with NEPA requirements and a section 7 consultation in compliance with ESA requirements.
- Published the Civil Monetary Penalty Inflation Adjustments Rule.
- Published the Clarification of Provisions Related to the Issuance of Ten-Day Notices to State Regulatory Authorities and Enhancement of Corrective Action for State Regulatory Program Issues rule.
- Provided an extensive review of Tennessee's pre-submission assistance package outlining Tennessee's proposed regulatory program.

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**Technology Development &  
Transfer**

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# TECHNOLOGY DEVELOPMENT AND TRANSFER

## Technology Development and Transfer Budget Request

(Dollars in Thousands)

	2020 Actual	2021 Enacted	Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2022 Request	Change From 2021 (+/-)
<b>Regulation and Technology</b>	<b>14,765</b>	<b>14,765</b>	<b>+354</b>	<b>-</b>	<b>+86</b>	<b>15,205</b>	<b>+440</b>
Technical Assistance	10,668	10,668	+218		-	10,886	+218
<i>FTE</i>	<i>50</i>	<i>48</i>			-	<i>48</i>	-
Training	2,004	2,060	+86		+86	2,232	+172
<i>FTE</i>	<i>9</i>	<i>19</i>			-	<i>19</i>	-
Technology Transfer	2,093	2,037	+50		-	2,087	+50
<i>FTE</i>	<i>7</i>	<i>11</i>			-	<i>11</i>	-
<b>Abandoned Mine Reclamation Fund</b>	<b>3,576</b>	<b>3,608</b>	<b>+66</b>	<b>-</b>	<b>+21</b>	<b>3,695</b>	<b>+87</b>
Technical Assistance	1,617	1,626	+31		-	1,657	+31
<i>FTE</i>	<i>11</i>	<i>7</i>			-	<i>7</i>	-
Training	794	814	+31		+21	866	+52
<i>FTE</i>	<i>4</i>	<i>7</i>			-	<i>7</i>	-
Technology Transfer	1,165	1,168	+4		-	1,172	+4
<i>FTE</i>	<i>1</i>	<i>1</i>			-	<i>1</i>	-
<b>Total, Technology Development and Transfer</b>	<b>18,341</b>	<b>18,373</b>	<b>+420</b>	<b>-</b>	<b>+107</b>	<b>18,900</b>	<b>+527</b>
<b>Total FTE</b>	<b>82</b>	<b>93</b>			<b>-</b>	<b>93</b>	<b>-</b>

**Summary of 2021 Program Changes for Technology Development and Transfer**

<b>Request Component</b>	<b>(\$000)</b>	<b>FTE</b>
Replace Hydrocarbon-powered Vehicles with ZEVs	+107	
<b>TOTAL Program Changes</b>	<b>+107</b>	<b>-</b>

The Technology Development and Transfer program supports technical skills that States and Tribes need to operate their programs. The FY 2022 request provides resources for technical assistance, training, technology development, and technology transfer.

**Justification of 2022 Program Changes**

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The 2022 budget request for Technology Development and Transfer is \$18,900,000 and 93 FTE, a program change of +\$107,000 and +0 FTE from the 2021 enacted.

**Zero Emission Vehicle Fleet Conversions (+\$107,000):** The 2022 budget includes funding to convert approximately 35 percent of OSMRE’s sedan fleet to zero emission vehicles (ZEVs). This conversion will immediately reduce the Interior’s contributions to greenhouse gas emissions and dependence upon hydrocarbons.

## OVERVIEW

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

**TECHNOLOGY DEVELOPMENT & TRANSFER  
ENCOMPASSES:**

Technical Assistance

Technical Training

Technology Transfer

In FYs 2021 and 2022, OSMRE will continue to promote the use of Technical Innovation and Professional Services (TIPS) in technical decision-making processes related to SMCRA. OSMRE will address the remediation of acid mine drainage through participation in the Acid Drainage Technology Initiative and provide training and technical assistance to meet identified needs of States and Tribes.

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

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

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

TDT program performance is ultimately measured by the success of the regulatory and reclamation programs in carrying out their environmental restoration and protection missions. Performance for the business line is also measured through the number of staff technically trained (including knowledge and skills taught and applied), the utilization of automated technologies (such as TIPS), and the quality and

timeliness of technical assistance provided by OSMRE, determined via evaluations and customer service surveys.

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

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

The total FY 2022 request for this business line is \$18.9 million. The request includes \$12.5 million for Technical Assistance (including the TIPS and AVS support); \$3.1 million for Technical Training; and \$3.3 million for Technology Transfer efforts to meet the annual goals set forth above.

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

## **2022 PROGRAM PERFORMANCE**

The following program activities support OSMRE's goal to strengthen the capabilities of the States, Tribes, and OSMRE staff to implement SMCRA effectively through quality technical and scientific information, expertise, and training. Skill and knowledge enhancement is critical to the continued success of surface mining and reclamation programs. In addition, OSMRE provides opportunities to students and recent graduates, either directly or through cooperative agreements, to engage them in technical and natural resources activities.

OSMRE's stakeholders (States, Tribes, the public, and industry) continue to express support for Technology Development and Transfer efforts and encourage OSMRE to provide the types of technical support needed to effectively and efficiently meet SMCRA, the National Environmental Policy Act, and other environmental and safety laws. Helping the States, Tribes and industry achieve up-front compliance reduces the need for additional regulatory resources. Many activities planned for FY 2021 will identify the needs for activities in FY 2022. Adjustments within activities may be necessary during FYs 2021 and 2022 in order to focus resources on the highest priority program needs. Therefore, the following discussions are representative of the types of activities that will be conducted in the future.

### **1. Technical Assistance**

OSMRE provides technical assistance to State and Tribal regulatory and reclamation staff, and to OSMRE staff, that review and oversee State programs, develop rules or policy, litigate SMCRA challenges or enforcement actions, or maintain other technical support infrastructure such as TIPS, AVS, and technical training programs.<sup>4</sup> The \$12,543,000 requested for FY 2022 will fund 55 FTE to carry out these activities.

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

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

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

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<sup>4</sup> OSMRE also utilizes appropriations to the Environmental Restoration and Protection business lines to deliver customized technical assistance for abandoned mine land projects, civil penalty and bond forfeiture projects, and other regulatory matters which are not included in this program activity.

mountaintop mining and valley fills; permit findings, remining, impoundment stability, subsidence caused by underground mining, and assistance in fostering Tribal primacy by helping Tribes develop technical capabilities.

Examples of activities include:

Blasting: Annually, OSMRE facilitates discussions between State and Federal blasting specialists to foster a better understanding of blasting issues and technology that result in consistent defensible application of blasting rules, National certification of blasters, and resolution of citizen complaints. OSMRE extends this blasting expertise to other federal agencies like The Mine Safety and Health Administration, Bureau of Alcohol Tobacco Firearms and Explosives, USFS, and BLM. To achieve the goals set in FY 2020, OSMRE conducted State-specific blasting inspection training, maintained the heavily accessed OSMRE Blasting webpage, hosted monthly Blasting Technical Chat conference calls (20-30 participants monthly), facilitated State regulatory discussions at State coordinated workshops, and responded to numerous State inquiries for technical information and advice. OSMRE released new versions of the Blast Log Evaluation Program (BLEP) and the Blast Induced Vibration Data Evaluation Program (BIVDEP) for use by regulatory personnel nationwide. These Excel based tools are used to assist in the evaluation of the accuracy of record keeping and to predict the adverse effects of blasting in terms of flyrock, ground vibrations and airblasts.

OSMRE issues OSMRE Blaster Certificates (recognized by many States for certificate/license reciprocity), provides continuing education for blasters, and maintains the Blaster Certification Tracking System (BCTS) used to track Federally certified blasters. Currently, 39 blasters possess OSMRE Blaster Certificates in the States of Tennessee and Washington and in the Navajo and Crow Nations. To improve blaster performance, OSMRE facilitates discussions of the Appalachian Blaster Certification Delegation (ABCD), whose aim is to standardize training, experience requirements, and testing of blasters and coordinates the ABCD Blasting Inspectors' Workshop. The goal of the ABCD is to develop consistent certification procedures and enforcement actions for blasters.

In FYs 2021 and 2022, OSMRE will continue to help the States address technology issues related to the use of explosives. Included will be support for new products, new design techniques, interpretation of seismic and acoustic monitoring information, the proper deployment of blasting seismographs, consistent development of blasting plans, blast area security assurances, establishing safe vibration limits, control of flyrock, minimization of blast fumes, and proper record keeping. Blaster certification programs will continue to be supported to ensure adequate training, improved work experience opportunities, consistent testing, and uniform certificate issuance and reciprocity across the Nation. Support will also continue at National continuing education events that provide technological and regulatory updates to blasters in need of continuing education credits. To ensure that OSMRE continues to influence the best technologies currently available, OSMRE will:

- Chair the International Society of Explosives Engineers' (ISEE) Standards Committee which develops and maintains performance and field deployment standards for blasting seismographs.

- Participate on the National Fire Protection Association's Technical Committee on Explosives that develop standards on the safe use of explosives.
- Participate in the ISEE Public Education and Public Relations committee to improve public understanding.
- Provide blast vibrations advice to the European Federation of Explosive Engineers (EFFE) Environmental committee for more consistent application of vibration standards.

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

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

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

Acid Mine Drainage (AMD): Surface and underground coal mining activities expose iron sulfide minerals in rock to weathering. The interaction of these rocks/minerals with air and water can result in AMD, and/or metal-rich drainage, which are a primary driver of water quality problems in Appalachia and to a lesser, but still serious, extent in other coal and hard rock mining regions.

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

AMDTreat Software: AMDTreat is a computer application developed by OSMRE that is the industry standard for estimating long-term treatment costs for polluted mine water drainage, commonly referred to as acid mine drainage (AMD). Users of the application include watershed associations, regulatory and abandoned mined land state programs, environmental groups and

industry located in over 40 States and across 40 countries. Most Appalachian States rely on AMDTreat to help support various aspects of their regulatory and abandoned mine land programs. For example, the Pennsylvania Department of Environmental Protection requires operators and permit reviewers to use AMDTreat to calculate or substantiate treatment costs for all 217 long-term discharges covered by 73 bonds and 76 trust funds. AMDTreat has been used to calculate and substantiate in excess of \$401 million of treatment liability in Pennsylvania, a testament to the importance of the software in supporting State programs.

Since FY 2016, OSMRE has invested over \$1.18M on a cooperative project to update the computer coding and enhance modules of AMDTreat. With the combined expertise of OSMRE, the USGS, and the regulatory authorities of Pennsylvania and West Virginia, OSMRE completed all 16 modules in Phase I and an additional five modules and 18 tools included in Phase II of the project as of the end of FY 2020. Remaining coding for Phase II is underway and includes integration of a geochemical model as a water quality prediction tool, inclusion of a rare earth element tool that will refine print and save utilities, and modifications to the main User Interface. In FY 2021, OSMRE will undertake a Beta testing phase by select users, as well as a validation/calibration effort to ensure the software yields accurate real-world results. Another tool to be added in FY 2021 will use the chemical composition of the AMD and, combined with the treatment process, will determine the geochemical behavior of these minerals in mine influenced water to indicate potential for precipitation and ultimate recovery. That information will aid in determining if the mine water could, through extraction processes, economically produce rare earth minerals. Phase II work will continue into FY 2022.

Designating Areas Unsuitable for Surface Coal Mining: Section 522 of SMCRA establishes a process by which the public may petition the regulatory authority to limit or prohibit all or certain types of surface coal mining operations on land areas to protect certain features or environmental values. OSMRE receives and processes these petitions for all lands for which it is the regulatory authority. The decision-making process includes preparation of an environmental impact statement and a takings implication assessment.

Under section 522(e) of SMCRA, OSMRE also is responsible for making valid existing rights (VER) determinations for all Federal lands and all lands for which OSMRE is the regulatory authority. Section 522(e) prohibits or limits surface coal mining operating within certain areas, subject to valid existing rights.

Both unsuitability determinations and VER determinations require substantial technical and programmatic resources and are supported by the Environmental Protection business line. They also involve litigation support if a takings claim is subsequently filed against the Federal government.

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

OSMRE specialists assist in the technical aspects of compliance monitoring (including inspection and enforcement assistance), blasting, experimental practice reviews, reclamation cost estimate calculation, bond release application reviews, bond approval reviews, bond forfeiture reclamation designs, land

unsuitability determinations, surveying, revegetation, geologic sampling, AML designs, subsidence and AMD abatement, and any technical assistance on citizen complaints and ten-day notices. The following are examples of the types of site-specific technical assistance provided to States and Tribes.

Virginia and West Virginia Blasting. OSMRE provided technical assistance to the regulatory authorities of Virginia and West Virginia to assist in determining if overburden blasting on a permit was the cause of structural damage to homes. In Virginia, an OSMRE expert used the BIVDEP to evaluate 212 blast logs over a one-year period. The BIVDEP program established a site-specific decay relationship for the blasting activities which was within the norm of typical blasting activities. The available vibration monitoring data near the residence allowed the claim to be resolved and resulted in a modification of the blasting activities to ensure the prevention of damage with a higher level of confidence. In West Virginia, the review of a blasting related citizen complaint under review with West Virginia Department of Environmental Protection (WVDEP) initially determined that the damage to a structure is not related to blasting at the mine site. OSMRE worked collaboratively with the state to aid in substantiating the findings.

Ohio Mine Drainage: In the Wilds Ohio Mine Drainage and Impoundment Assessment, Meigs Township, Muskingum County, Ohio, OSMRE worked cooperatively with The Wilds, a 9,000-acre park that fosters numerous rare and endangered species from around the world. The focus of this work was to remove an AML impoundment and to develop a passive treatment system to treat legacy acidic, metal-laden mine drainage. Encompassing much of the northern portion of the park are numerous abandoned, poorly constructed impoundments with degraded mine water posing safety hazards. Ohio Department of Natural Resources, Division of Water Resources plans to remove several hazardous dams that were created decades ago when the site was surface mined (pre-law). The Wilds requested OSMRE's technical support to determine the hydrologic impacts (mainly water quality) that might occur once the dams are removed. Initially, an overall assessment was conducted of the water quality both in the impoundments and in receiving streams. Based on what was learned, OSMRE was able to discern the impact removal would cause by the construction of low maintenance passive treatment systems developed to manage the numerous mine drainage sources. One of the larger impoundments known as "Dead Lake" has been targeted as the first impoundment to be dewatered and a treatment system was designed to handle the mine drainage. Several options were offered to allow The Wilds to select the one(s) that best suit their long-term objectives.

Pennsylvania Banning Euclid Project: OSMRE provided technical assistance to the PADEP on a hydrologic characterization of a large underground mine complex located in Westmoreland County. PADEP oversees the treatment of mine water discharges for this complex as well as the mine drainage treatment trust funds, which support the facilities. The project involved collecting multiple data sets including water levels in the mine systems, and water quantity and quality data across 28,000 acres of mine workings. OSMRE will provide recommendations to PADEP for the design and location of a water treatment facility to pump and treat water from this large mine pool complex. There are two outdated water treatment facilities in need of major upgrading or complete replacement. OSMRE will provide the needed assistance to develop treatment site selection options, characterize the existing mine pool complex and develop a conceptual treatment system with cost estimates. Without this treatment complex, a significant portion of the lower reaches of

the Youghiogheny River will be severely degraded by mine drainage affecting recreational uses. OSMRE used extensive GIS/mine mapping to determine the optimal location to construct the new treatment facility. This will prevent the citing of the proposed plant in an area where some of the mine water was not hydrologically accessible.

Indiana Enos AML Passive Treatment System Rehabilitation: An OSMRE hydrologist has been assisting Indiana Department of Natural Resources Land Reclamation Program Division of Reclamation (IDNR-DOR) in evaluating the Enos AMD Passive Treatment System since its construction in 2005. OSMRE provided the baseline water quality study and conceptual design for this very large system. The original AMD passive treatment system is functioning, but the performance declined gradually over time. IDNR- DOR requested assistance in the hydrologic studies associated with the reconstruction during the fall and winter of 2020-2021. IDNR-DOR has contracted to rebuild two critical components known as vertical flow ponds, and OSMRE will assist Indiana throughout the reconstruction process and post-construction evaluation phases.

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

Oklahoma Cold Case Murder Mine Shaft Investigation: In January 2020, OSMRE staff assisted Oklahoma Law Enforcement officials with a twenty-year-old murder case investigation in Picher, Oklahoma. The Oklahoma District 12, District Attorney, Mr. Matthew Ballard, through the office of the Honorable James Inhofe, United States Senator, requested OSMRE assistance. The case involved two teen-age girls who were murdered in 1999. Investigators believe their bodies were discarded in one of many flooded, vertical mineshafts associated with lead and zinc mining. OSMRE staff used a submersible borehole camera to look for evidence of human remains and to assess structural stability of four suspected shafts. Although no human remains were found during this effort, OSMRE staff - drawing on lengthy experience dealing with abandoned mine lands - suggested options to safely pursue further exploration and, if the need arises, recovery efforts.

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

OSMRE celebrated the 50<sup>th</sup> Anniversary of the National Mine Map Repository (NMMR) in FY 2020. The NMMR was authorized under the former U.S. Bureau of Mines and subsequently transferred to OSMRE in the mid-1980s. This repository, located in Pittsburgh, Pennsylvania, maintains the only National inventory of mine maps and includes more than 178,000 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 2020, OSMRE significantly expanded its collection of West Virginia and Missouri mine maps, scanning 551 new mine maps. OSMRE purchased new software to reduce scan processing time and expand accessibility of maps in the collection. During FY 2020, the NMMR received 156 client requests consisting of 5,349 mine maps.

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

Coal mine operations need a convenient, efficient, and cost-effective method of applying for, and monitoring the status of permit applications issued under SMCRA. While some States have fully integrated electronic information systems, many, including the Federal Programs administered by OSMRE, have not. OSMRE entered into a cooperative agreement with the Montana Department of Environmental Quality (MTDEQ) in FY 2018 to upgrade and modernize the Montana and OSMRE electronic permitting systems. The effort was undertaken in a manner that provides the ability for other States to adopt the system at no or low cost, if they so choose. Under the Coal Information Management System (CIMS), mine operators can plan and monitor multiple phases of applications and permits in an interactive, geospatial manner not possible with traditional, paper-based applications and processes. CIMS automates the workflow between operators and regulatory authorities and provides accountability for all parties at all stages of the review process. The system and individual applications are designed so that the SMCRA States, Federal, and potential Tribal regulatory programs have the ability to modify the system to fit their unique needs, realizing economies of scale associated with system development costs and improved effectiveness through lessons learned during the current effort. The initial releases of the ePermit systems provided for OSMRE's Federal Programs in the western United States, and a subsequent release provided enhanced capability to meet the needs of the Federal Programs in the western United States and the State of Tennessee. In FY 2020, OSMRE developed and tested Coal App, another application within CIMS. This application tracks permitting and enforcement timeframes, issues assignments, and reports on permit, bond, and enforcement information. The MTDEQ version of Coal App was completed and released to the production environment in late January 2020. The Federal Programs version of Coal App will refine the MTDEQ

version to meet the specific needs of the Federal Programs and is expected to be released to the production environment in early calendar year 2021.

**e. Technical Innovation and Professional Services**

The goal of Technical Innovation and Professional Services (TIPS) is to provide State, Tribal, and OSMRE personnel with a comprehensive set of analytical tools to aid in technical decision-making related to regulatory and reclamation processes. The services focus on off-the-shelf scientific and engineering computer software and technical hardware supported by OSMRE in partnership with the States and Tribes. This technical assistance has grown from a few applications available on a single specially designed shared workstation, to a suite of software on each user's desktop computer. TIPS hardware is available for loan to States and Tribes to advance reclamation projects Nationwide.

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

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

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

Examples of TIPS applications and related activities include:

GeoMine Project (Geographic Information System): GeoMine is an interactive web-based mapping application of coal mining and reclamation activities within the United States. It is an ongoing effort to provide the best available data for surface coal mining operations across the country, merging data from numerous sources to create standardized, seamless layers that cross state boundaries. Two new layers were added to GeoMine in FY 2020; the DOI Unified Region Boundaries layer and the AML Reclamation Award layer. All GeoMine layers, consisting of data from State and Federal partners, are publicly available. Additional layers will be added in FYs 2021 and 2022 as data becomes available from Federal and State GeoMine partners.

Satellite Imagery: Due to travel restrictions imposed as a result of the COVID-19 pandemic, mine inspectors were unable to travel to many mines for much of FY 2020. OSMRE used satellite imagery to support mine reclamation inspections. This allowed OSMRE staff to continue to work

with States and Tribal partners to monitor mine reclamation during times of restricted travel. Satellite imagery will continue to be employed in support of inspection activities where travel restrictions exist in FYs 2021 and 2022.

Geographic Information System (GIS) Mobile Computing: In FY 2020, OSMRE continued to use tablets and smartphones that can display and collect geospatial data are used while at the mine site. The base data for the systems comes from GeoMine allowing field personnel to display data along with their Global Positioning System (GPS) location. Data collected in the field is synchronized to the GIS server and made available to anyone in the OSMRE network via a web map. Use of this mobile technology will be augmented in FY 2021 through support and training in new and upgraded software applications.

Photogrammetry (Cloud-based Data Processing and Ground-Based LiDAR Scanners): OSMRE and its SMCRA partners have successfully utilized photogrammetry software to create fully rendered surface models taken from satellites, manned aircraft, unmanned aircraft, and ground-based imagery. Cloud-based data processing through the DOI GeoPlatform yields efficiencies of server-side processing for large datasets of data and imagery. Ground-based Light Detection and Ranging (LiDAR) scanners are also being used in conjunction with these photogrammetric models to allow for accurate surface modeling for enforcement and reclamation design. By FY 2020, most SMCRA States had adopted programs to make use of these systems and the variety of systems. Ongoing training and support will serve to leverage SMCRA partners' use of these technologies.

ArcGIS Online: In FY 2020, the ArcGIS Online web mapping system continued to be available to SMCRA States. Twenty-seven States, with 451 active users, are participating in the web mapping system, allowing the States and OSMRE to share geospatial data. OSMRE anticipates that additional users will make use of the system in FY 2021 and FY 2022.

Photo database: Even as inspector travel was greatly reduced in FY 2020 as a result of the COVID-19 pandemic, OSMRE's work to capture data directly from the field increased. The pandemic afforded OSMRE an opportunity to streamline the workflow and give inspectors the ability to use one of three different field applications that push the data to the same database. This gave inspectors across all regions the ability to use whichever application they were most comfortable using. In FY 2020, OSMRE added 2,005 individual photos from field staff to the photo database. The design of this new database allows for future integration with the OSMRE inspection database and more digital photos will be added to the database in FY 2021 and beyond.

#### **f. Applicant Violator System**

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

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

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

During FY 2020, the AVS Office processed over 380 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.

In FY 2020, the AVS Office also facilitated the collection of \$7,295,370 from entities trying to remedy unabated Federal civil penalty and reclamation fee violations tracked in the AVS.

The AVS's virtualized database uses Cloud infrastructure services from a third-party contractor. In FY 2020, the AVS office updated and revised its cloud-based hosting service. This effort secured a long-term environment for the AVS and ensure the hosting environment meets all Federal and Department IT requirements.

The AVS began a modernization effort in FY 2020 to address concerns with system inoperability identified during a FY 2019 enhancement project. The effort continued with a contractual obligation in early FY 2021. The development and testing team for the final product will include both OSMRE staff and State and Tribal users.

The AVS Office will continue to work with system users throughout the modernization process to identify and implement system improvements during FY 2021. To ensure that customers can continue to rely on accurate data, and a stable IT environment, in support of their efforts with implementing section 510(c) of SMCRA, OSMRE's AVS staff will continue to conduct data studies in FY 2021 and FY 2022. These studies will ensure data contained in the AVS is accurate, timely, of high quality and in accordance with applicable regulations and data standards.

The AVS Office staff provides AVS-related 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 bankruptcies; financial analysis of SMCRA actions; assistance in interpreting AVS regulations; updating information in the AVS for multi-state coal businesses; providing AVS training to users; and providing investigative assistance to regulatory authorities on complex ownership and control issues.

Customer surveys are used to document the responsiveness and satisfaction of AVS services provided to its customers. During FY 2020, the AVS Office received a customer satisfaction rating of 99 percent with a returned survey rate of 51 percent. OSMRE attributes the high 99 percent customer service

rating to a shared conviction by all AVS staff that responding to customers' needs in a timely manner is a high priority.

## **2. Technical Training**

Technical Training provides OSMRE, State, and Tribal staff the necessary information and skills to implement the surface mining reclamation and enforcement program. This request includes \$3,098,000 and 26 FTE for this program activity.

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

OSMRE established the National Technical Training Program (NTTP) in 1985, recognizing the need for an ongoing educational program to increase the technical competence and professionalism of Federal, State, and Tribal personnel. The program delivers training on 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.

Meeting Specific Needs of Mining and Reclamation Staff through Special Sessions: OSMRE hosts special training sessions in response to requests from State regulatory and reclamation staffs in addition to its regularly scheduled NTTP courses.

Course Enhancements: OSMRE continually updates course curriculum and presentation materials. For example, OSMRE recently updated the handbook for calculation of reclamation bond amounts. Another course, Acid Forming Materials: Fundamentals & Applications, underwent an update that eliminated redundant training materials, creating an improved sequential course to address participant needs. OSMRE is planning upcoming revisions for the Advanced NEPA, Wetlands Awareness, Applied Engineering Principles, Erosion and Sediment Control, Passive Treatment and Historical and Archeological Resources, Quantitative Hydrology, and SMCRA and ESA courses. OSMRE also plans to develop new on-line components of the Coalfield Communication course.

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. To address changing on-the-ground needs, NTTP staff continues to work with offices

to meet subject specific needs that arise subsequent to the annual 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.

Plans for FYs 2021 and 2022: NTTP continued to receive requests for training spaces in FY 2020 and anticipates it will receive additional requests for special sessions in upcoming years. OSMRE developed several on-line modules to address training needs during the COVID-19 pandemic and will continue to develop and conduct on-line training where feasible. To keep travel costs down and to provide the maximum experience of field conditions most similar to those in which students work, OSMRE schedules in-person courses as close to home offices as possible.

#### **b. TIPS Software Application Training**

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

In FY 2020, the TIPS training program received a customer satisfaction rating of 99.5 percent, exceeding the annual GPRA goal of 96 percent. One instructor-led and 14 virtual instructor-led classes were held in FY 2020, with 174 students completing training sessions. TIPS training reports shows a 20% increase of students trained over the previous year, despite travel restrictions due to COVID 19. 91% of students trained completed an on-line TIPS course.

For FY 2021, OSMRE plans to hold 34 TIPS instructor-led and virtual instructor-led courses, including five pilot offerings for new courses. These classes will be a mixture of vendor hosted and TIPS instructor facilitated courses. During the first quarter of FY 2021, a needs assessment was conducted to determine additional courses and services to be developed for launch in late FYs 2021 into 2022.

While traditional TIPS courses are facilitated by an instructor in a traditional classroom, the TIPS Training Program has successfully expanded its on-line opportunities utilizing a platform easily accessible to state and tribal customers. In FY 2021, TIPS will be offer *Training by Request* to provide just-in-time training resources for our customers. OSMRE will continue to educate its instructors on teaching in an on-line environment by hosting a series of professional development opportunities, including a Virtual Instructor Training Course, in FYs 2021 and 2022.

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

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

An example of such tailored training is the assistance OSMRE provided the state of Illinois. In FY 2020, the Illinois Department of Natural Resources (DNR) - AML Program requested assistance to develop mobile computing field data collection forms, utilizing Survey123, to be integrated with a geodatabase. OSMRE held a meeting with Illinois DNR-AML Program to demonstrate progress, seek input and to facilitate a geodatabase development protocol. A demonstration showcased the mobile application that was created to facilitate the capture field observations made during inspections and subsequent integration with the database they had established and maintained for nearly 40 years.

Site-specific classes allow State, Tribal, and OSMRE managers to respond quickly to changing technology and workforce. Although OSMRE significantly reduced its site-specific course offerings in FY 2020 due to the COVID-19 pandemic, these type courses will resume as soon as conditions allow. As industry and governments continue to develop new technologies in photogrammetry and terrestrial scanning, OSMRE expects that requests for specialized training will increase over the next few fiscal years. As the varying programs acquire their own systems in these fields, training on operation, data collection, processing and using the results in enforcement processes will be essential to the efficient enforcement of SMCRA requirements.

## **3. Technology Transfer**

Technology Transfer is an integral component of OSMRE's Environmental Restoration and Environmental Protection business lines, providing essential support to State and Tribal programs. This request includes \$3,259,000 and 12 FTE for these activities. State technical representatives meet frequently with OSMRE regional staff to share resources whenever practicable to resolve regional technical issues. Due to the COVID-19 pandemic, activities during FY 2020 have been restricted to teleconferences and virtual meetings. As recovery from the pandemic moves forward, OSMRE will sponsor and participate in virtual and face-to-face interactive technical forums, computer applications workshops, and technical seminars to address mining and reclamation environmental issues. OSMRE partners with the States, Tribes and industry to develop technology transfer priorities.

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

In addition to activities between OSMRE and States, Tribes and industry, OSMRE has extended Technology Transfer opportunities to other Federal agencies, in particular the MSHA. When seats are

available in OSMRE training classes they have been made available to MSHA. When applicable, OSMRE also informs MSHA representatives of funded Applied Science projects, invites their participation in site and laboratory visits, and asks for their comments regarding conduct and results of these studies.

**a. Technology Development**

One of OSMRE's missions is to advance and transfer technologies that will improve the effectiveness and efficiency of the science of mine land reclamation. Advancement of this technology will result in better mining and reclamation practices and provide for better science-based decision-making. OSMRE will continue to advance technologies and practices specific to coal mine sites for more comprehensive ecosystem restoration, including reforestation and reclamation using native vegetation and plant habitat.

An important component of Technology Development is the OSMRE Applied Science Program. During FY 2020, OSMRE issued an Applied Science Program Notice of Funding Opportunity and received 42 proposals. The proposals were scored by the Regional and National Technology Transfer Teams, based on technical merit, potential value to SMCRA, and the quality of the applicants' technology transfer plans. The six highest ranked proposals were approved and funded in early in FY 2021.

**b. Technology Transfer and Publication**

Technology Transfer is accomplished through a variety of activities including conducting workshops and technical forums; publication of workshop and forum proceedings, handbooks, and other materials; maintenance of the OSMRE technical library and various information websites. Examples of technology transfer 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 USGS and USFS) publish bulletins on state-of-the-art reforestation practices. The COVID-19 pandemic impacted volunteer groups' ability to plant trees in desired numbers in FY 2020, but in FY 2019 ARRI partners organized over 2,600 volunteers to plant approximately 319,000 trees on post-bond release mine sites across Appalachia. As pandemic conditions improve, ARRI will plan for similar numbers of volunteers and volunteer-planted trees in FY 2021 and FY 2022.

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 bonding, water quality, gas wells in coal mining areas,

stream restoration techniques, geomorphic reclamation, and protection of endangered species. OSMRE formed a team that is working to develop and implement a strategic approach to technology transfer, taking advantage of new and emerging technologies in addition to more traditional approaches. In particular, OSMRE is currently updating its website including the technology development and transfer web pages 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.

OSMRE typically participates in several national and regional events that facilitate technology transfer annually. However, due to COVID-19 pandemic, the majority of these events were cancelled or postponed for FY 2020. OSMRE expects that these events will resume to pre-pandemic levels, as the situation allows, in FY 2021 and FY 2022. The American Society of Mining and Reclamation conference is scheduled to be held in Duluth, Minnesota and the National Association of Abandoned Mine Lands Programs conference will be held in Nevada in 2021.

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

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

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

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

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

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

Internships: OSMRE supports professional environment internships through AmeriCorps on both semester and year-term bases. During FY 2020, OSMRE onboarded four semester interns to work with professionals in the NMMR and the OSMRE Regions 1 and 2 Technical Support Division located in Pittsburgh, Pennsylvania.

## **TECHNOLOGY DEVELOPMENT AND TRANSFER**

### **2021 Planned Program Performance**

In FY 2021, planned activities in Technology Development and Transfer include:

- Provide technical assistance to States and Tribes, making use of emerging technologies for field data collection, and in-house information processing capabilities.
- Work with the Pennsylvania Department of Environmental Resources, Bureau of Abandoned Mine Reclamation, on the Isabella Mine site to design a passive treatment system to remediate mine drainage discharges, reclaim abandoned coal refuse piles, and partially dewater a large impoundment to prevent flooding of a nearby road and ensure public safety. This project is a combination site with both Title IV and forfeited Title V lands.
- Support and substantially contribute to finding and developing domestic sources of critical rare earth minerals to meet the Executive Order 13953 dated September 30, 2020.
- Coordinate blaster certificate activities with State personnel, Federal agencies (MSHA, OSHA, and ATF) and professional organizations (International Society of Explosives Engineers, Institute of Makers of Explosives and National Fire Protection Association).
- Develop the AMDTreat software, completing the integration of the geochemical model, beta testing, and validation/calibration phase.
- Continue to develop e-Permitting solutions for legacy coal permitting systems with States and Tribes.
- Support State and Tribe coal reclamation and AML programs with direct technical support.
- Develop course materials and topics that are relevant, useful, technically sound and impressive and continue to recruit instructors from the States, Tribes, and OSMRE who are confident, knowledgeable, and fluent in the subjects presented, articulate in answering questions, thorough, concise, and accurate in presentation methods.
- Issue a solicitation for Applied Science proposals that will help to use science-based solutions to mining and reclamation issues, select the best proposals to achieve the highest valued outcomes, and continue to track projects to verify value of results.
- Continue to work with WVDEP to gather measurements of turbidity, temperature, Specific Conductance, and TSS in streams located within watersheds of known threatened and endangered crayfish presence.
- Serve customers needing information from the NMMR which included 156 individual clients in FY 2020. During FY 2021 NMMR will focus its outreach efforts to better target map collections, enhance its database management systems and coordinate with the states' mapping programs to synchronize efforts.
- Complete the cloud-based hosting environment for the AVS. The AVS Office will also continue efforts to modernize the AVS outdated IT architecture and programming language through FY 2021.

- Organize 2,500 volunteers with ARRI partners to plant approximately 320,000 trees on post-bond release mine sites across Appalachia.
- Host a remote workshop in the spring of 2021 to provide additional technical assistance and technology transfer related to long-term water treatment financial liability concerns.

### **2020 Program Accomplishments**

In FY 2020, the major accomplishments in TDT include:

- Provided blasting technical assistance including:
  - Maintenance of the OSMRE ARblast webpage, a central repository of blasting resources for all SMCRA stakeholders;
  - Conducting monthly “Blasting Technical Chat” conference calls with 20 to 30 participants per month to discuss blasting technology applications in the field;
  - Facilitating regulatory discussions at the Appalachian Blaster Certification Delegation meeting; and
  - Responding to numerous inquiries for technical information and advice from the public, States, and other Federal agencies.
- Continued development of the AMDTreat software and incorporated five new modules for a total of 25 and 18 tools included in Phase II of the project. The team worked extensively on quality control aspects of the very complex project.
- Prior to COVID-19 restrictions, ARRI partners conducted three events resulting in 5,000 tree plantings involving 66 volunteers.
- Celebrated 50 years of a national repository where hundreds of thousands of mine maps covering the entire United States are stored. Under limitations imposed by the COVID-19 pandemic, NMMR added thousands of new maps to the repository, conducted outreach resulted in acquisition of privately owned maps and collections from several States, and provided scanning service assistance to States.
- Conducted educational outreach opportunities regarding the OSMRE mission, coal mining and careers in science, technology, engineering, and mathematics for K-12 students across various schools and educational organizations, as local COVID-19 restrictions allowed, throughout the country.
- Held monthly Technology Transfer Team calls covering a variety of topics currently impacting mining and reclamation practices. Hosted presentations covering these topics at the regional level and solicited and reviewed proposals for the Applied Science Program at the national level.

**TAB**

**Financial Management**

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# FINANCIAL MANAGEMENT

## Financial Management Budget Request

(Dollars in Thousands)

	2020 Actual	2021 Enacted	Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2022 Request	Change From 2021 (+/-)
<b>Regulation and Technology</b>	<b>505</b>	<b>505</b>	<b>+13</b>	-	-	<b>518</b>	<b>+13</b>
Revenue Management	410	407	+9		-	416	+9
<i>FTE</i>	<i>1</i>	<i>2</i>			-	<i>2</i>	-
Grants Financial Management	95	98	+4		-	102	+4
<i>FTE</i>	<i>1</i>	<i>1</i>			-	<i>1</i>	-
<b>Abandoned Mine Reclamation Fund</b>	<b>5,191</b>	<b>5,277</b>	<b>+126</b>	-	<b>+82</b>	<b>5,485</b>	<b>+208</b>
Fee Compliance	5,081	5,164	+122		+82	5,368	+204
<i>FTE</i>	<i>31</i>	<i>28</i>			-	<i>28</i>	-
Grants Financial Management	110	113	+4		-	117	+4
<i>FTE</i>	<i>2</i>	<i>1</i>			-	<i>1</i>	-
<b>Total, Financial Management</b>	<b>5,696</b>	<b>5,782</b>	<b>+139</b>	-	<b>+82</b>	<b>6,003</b>	<b>+221</b>
<b>Total FTE</b>	<b>35</b>	<b>32</b>			-	<b>32</b>	-

**Summary of 2021 Program Changes for Financial Management**

<b>Request Component</b>	<b>(\$000)</b>	<b>FTE</b>
Replace Hydrocarbon-powered Vehicles with ZEVs	+82	-
<b>TOTAL Program Changes</b>	<b>+82</b>	<b>-</b>

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

**Justification of 2022 Program Changes**

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The 2022 budget request for Financial Management is \$6,003,000 and 32 FTE, a program change of +\$82,000 and +0 FTE from the 2021 enacted.

**Zero Emission Vehicle Fleet Conversions (+\$82,000):** The 2022 budget includes funding to convert approximately 35 percent of OSMRE’s sedan fleet to zero emission vehicles (ZEVs). This conversion will immediately reduce the Interior’s contributions to greenhouse gas emissions and dependence upon hydrocarbons.

## OVERVIEW

This Financial Management business line provides resources for OSMRE to carry out its financial management program responsibilities through three activities: fee compliance, revenue management, and grants management.

- Fee compliance covers the collection, accounting, audit and investment of abandoned mine reclamation fees, assistance to operators on compliance matters, and regulatory and policy development on fee compliance issues.
- Grants management includes accounting for, and reporting on, grants awarded to States and Tribes for Abandoned Mine Land (AML) and regulatory purposes.
- Revenue management involves the accounting and collection of revenue other than reclamation fees, such as civil penalties assessed under Federal citations for mining violations and Federal performance bonds forfeited by coal mine permittees.

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

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

**FINANCIAL MANAGEMENT  
ENCOMPASSES:**

Fee Compliance

Grants Management

Revenue Management

UMWA Transfers

- UMWAF Heal Care Plans
- 1974 UMWA Pension Plan

**Operational Processes (Program Activities):**

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

The outcome of OSMRE’s Financial Management program performance is measured primarily by the

success of the Surface Mining Program in carrying out the two major missions of the organization – Environmental Restoration and Environmental Protection. The Financial Management business line is an integral part and supports accomplishment of both missions. Workload indicators identified for this business line include the quarterly fee collection reports and fee collection rate for operators reporting coal tonnage, internal audits for fee collection and compliance, and accounting and reporting requirements.

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

In FYs 2021 and 2022, OSMRE will continue to maintain and improve its Coal Fee Collection Management System (CFCMS), which OSMRE uses to process and manage coal reclamation fees, compliance audit findings, and civil penalties. OSMRE continually looks for opportunities to automate processes and streamline coal operating company reporting through the consolidated coal data reporting system (Single Source Coal Reporting System). OSMRE will also continue to support State and Tribal program operations through the Grants Management activity. OSMRE has over 246 active grants and cooperative agreements with the States and Tribes, accounting for over \$1,045 million.

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

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

## 2022 PROGRAM PERFORMANCE

### 1. Fee Compliance

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

OSMRE's Fee Compliance Program carries out the Surface Mining Control and Reclamation Act's (SMCRA) requirements to ensure coal operators accurately report coal production and pay appropriate reclamation fees. The program goal is to maximize compliance by applying policy and collection procedures fairly and consistently at a reasonable cost. This request includes \$5,368,000 and 28 FTE for the Fee Compliance activity.

In FY 2020, OSMRE's Fee Compliance Program achieved a 98.1 percent collection rate resulting in \$123.3 million in total collections. Collections decreased from FY 2019 due to decreased coal production and several coal company bankruptcies. By working closely with the industry, the program achieved a 97 percent compliance rate for operators filing their tonnage reports. OSMRE maintained a high percentage of permits that filed Coal Reclamation Fee (OSM-1) Reports electronically, at 84.7 percent in FY 2020. During FY 2020, OSMRE also processed 83.2 percent of the coal reclamation fee reports automatically, and 85.0 percent of payments automatically.

The Fee Compliance Program is comprised of two integrated components – collections and audits – that work hand-in-hand to maximize compliance, minimize the burden on industry, and ensure the efficient use of resources. Key initiatives that OSMRE will pursue in FY 2021 include:

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

#### a. AML Fee Collection

The collection component assures that the AML Fee payment requirements of SMCRA are applied consistently and fairly across the country. In FY 2020, OSMRE collected 98.1 percent of the AML Fees due during the year. Total FY 2020 AML Fee collections were \$123.3 million.

To assist in managing AML Fee collections, OSMRE utilizes CFCMS. This computerized system provides subsidiary accounts receivable and management information needed to manage the fee compliance program. CFCMS is integrated with the AVS to track new permits from initial permitting through fee reporting. CFCMS tracks AML fee payments by permit number of producing coal companies each quarter. In addition, the system issues quarterly OSM-1 coal reclamation fee reports for industry coal sale reporting and fee computation. The reports are available on-line through OSMRE's E-filing website. Permit information is pre-filled and the system automatically calculates

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

On average, over 923 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 300 companies voluntarily use the E-filing system to report on approximately 782 permits and over 96.9 percent of the coal tonnage produced nationwide. The system significantly streamlines the reporting process, makes it easier for companies to report on time, reduces errors, and makes it easier for OSMRE to follow-up with companies that have not reported. The system also allows companies to make payments online, using the Treasury Department's Pay.Gov payment method. This feature saves companies time and wire transfer costs, while providing OSMRE with timely information about collections for investment purposes.

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

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

SMCRA requires OSMRE to conduct audits to ensure full compliance with the law's reclamation fee requirements, so funds are available for State, Tribal, and Federal reclamation efforts. To meet that mandate, the AML Fee Audit program is designed to promote timely and accurate reporting of coal tonnage and to ensure correct fee payments. In addition to conducting a comprehensive audit program, the audit staff also performs other activities to promote compliance; this includes identifying responsible parties for reclamation fee liability on new and transferred permits, providing the information and assistance operators need to comply, and taking appropriate enforcement action when non-compliance occurs.

The audit staff is strategically stationed in locations which minimize travel costs to coal companies' recordkeeping locations. Over 65 percent of the audit staff are remote workers, strategically located to be responsive to program needs while significantly reducing travel and overhead costs. To ensure quality, audits are performed in accordance with Generally Accepted Government Auditing Standards (GAGAS), and the continuing professional education and training of OSMRE's audit staff is conducted in accordance with those standards. The audit program maintains an internal control system and monitors it on an ongoing basis to provide reasonable assurance that the policies and quality controls are suitably designed and effectively applied. GAGAS requires an independent peer review of OSMRE's audit program every three years. During 2020, a peer review examined the period October 1, 2016 through September 30, 2019. The independent firm issued a final report with a rating of "Pass", the highest possible rating. This is consistent with the audit program's previous peer review results, indicating that OSMRE's audit function is performed in accordance with professional standards. The next peer review is scheduled for FY 2023.

With a highly visible and comprehensive audit presence, the small audit staff serves as an effective deterrent to noncompliance. To support the program goal of maximizing compliance, OSMRE auditors will conduct more than 150 reclamation fee compliance audits in FY 2022. In addition to deterrence, audits afford an opportunity to promote up-front compliance by providing direct assistance to the industry on accounting and reporting matters needed to meet their reclamation fee responsibilities. For example, when instances of non-compliance are identified, the auditors thoroughly explain the issues and the corrective actions needed to avoid recurrences.

Auditors also provide several other services necessary to achieve a high level of compliance. The following are a few examples of the work planned for FY 2022 and beyond.

Increasing audit automation: By using an automated audit package designed and developed in-house and applying computer techniques to the data gathering, analysis, and reporting function, the audit staff has been able to maintain a high compliance level. To further improve efficiency, OSMRE will continue to increase the use of computer assisted auditing techniques and work with coal companies to increase the use of electronic transaction files in the audit process.

Examining all permit transactions recorded by regulatory authorities: The audit staff will need to review more than 1,000 newly issued coal mining permits and transactions (transfers and amendments), which can affect the parties responsible for paying fees. In FY 2020, the staff handled 899 permit transactions. By continuing these efforts, the program provides significant assurance that all producing permits are identified in a timely manner, and operators are informed of their reporting and payment responsibilities.

Promoting E-government: OSMRE's audit staff has been instrumental in the successful implementation of various E-government efforts. During FY 2022, the audit staff will continue to promote electronic tonnage reporting and fee payment by demonstrating how the systems work 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 that 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 will be a continued emphasis on improving compliance and customer service.

Table 7 shows annual production in tons and fees collected.

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

<b>Production*</b>	<b>2020 Actuals</b>	<b>2021 EIA Projections</b>	<b>2021 OSMRE Projections</b>	<b>2022 EIA Projections</b>	<b>2022 OSMRE Projections</b>
Underground	210	240	222	248	230
Surface	332	291	304	293	306
Lignite	50	36	40	33	37
<b>Collections</b>	<b>2020 Actuals</b>	<b>2021 Projections</b>		<b>2022 Projections</b>	
AML Fees **	\$123.3	\$115.4		\$116.8	

\* The projections are based on calendar year (CY) projections made by the Department of Energy's (DOE) Energy Information Administration (EIA) Annual Energy Outlook 2020, Reference Case Forecast, Table 66 (Coal Production by Region and Type). OSMRE tonnage uses the last reported production (Fiscal Year 2020) and then increases or decreases that value based on the percentage increase or decrease in DOE production for each coal type. The OSMRE projections are usually lower because AML fees are 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 \$0.08 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 provides a summary of the Abandoned Mine Reclamation fund from 1978.

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

Fiscal Year	Receipt Amount	Interest Earned	Cumulative Income	Amount Appropriated from AML Fund	Footnote	Appropriations from Other Sources	Transfer To UMWAF Health Benefit Plans	Cumulative Appropriated Balance	Cumulative Unappropriated AML Fund Balance
1978-99	4,984,248	472,032	5,456,282	3,819,485	/1, /2, /3	17,363	192,886	4,012,370	1,443,912
2000	274,297	94,369	5,824,949	195,873	/4		108,960	4,317,203	1,507,745
2001	284,044	103,496	6,212,489	215,038	/5		182,019	4,714,260	1,498,228
2002	287,066	43,278	6,542,833	203,455	/6		90,179	5,007,894	1,534,939
2003	282,555	23,620	6,849,007	190,499	/7		89,858	5,288,251	1,560,756
2004	287,023	45,695	7,181,725	190,591			14,967	5,493,809	1,687,916
2005	293,604	75,017	7,550,347	188,206			66,533	5,748,548	1,801,798
2006	302,992	95,687	7,949,025	185,248			59,004	5,992,800	1,956,225
2007	304,880	105,818	8,359,723	185,393			114,329	6,292,522	2,067,201
2008	286,272	83,764	8,729,759	139,334	/8		100,394	6,532,251	2,197,508
2009	272,764	55,465	9,057,988	142,977	/9		61,224	6,736,452	2,321,536
2010	251,784	55,193	9,364,964	177,502	/10		63,926	6,977,881	2,387,083
2011	259,935	54,881	9,679,781	185,649	/11		57,246	7,220,777	2,459,004
2012	249,725	54,789	9,984,295	247,595	/12		48,430	7,516,802	2,467,493
2013	213,675	36,634	10,234,603	237,544	/13		54,789	7,809,135	2,425,468
2014	202,872	34,928	10,472,403	206,726	/14		12,359	8,028,220	2,444,183
2015	197,973	29,426	10,699,802	208,403	/15		31,803	8,268,426	2,431,376
2016	158,807	32,175	10,890,784	202,356	/16		29,109	8,499,891	2,390,893
2017	159,499	33,922	11,084,205	171,873	/17		32,140	8,703,904	2,380,301
2018	155,475	49,236	11,288,916	232,436	/18		46,257	8,982,597	2,306,318
2019	147,436	59,335	11,495,687	225,420	/19		54,321	9,262,338	2,233,349
2020	123,261	55,436	11,674,384	161,376	/20		37,132	9,460,846	2,213,538
2021	115,357	17,576	11,807,316	161,513			29,220	9,651,579	2,155,737
2022	0	8,375	11,815,691	159,800			8,375	9,819,754	1,995,937
/1 FY 1988 total does not include \$7M transferred into the fund by supplemental authority, which does not affect the Unappropriated Balance.									
/2 FY 1994 total includes \$7.2M transferred into the fund by supplemental authority, which does not affect the Unappropriated Balance.									
/3 FY 1998 total does not include \$3.2M transferred into the fund by supplemental authority, which does not affect the Unappropriated Balance.									
/4 FY 2000 total includes one-time \$68M emergency appropriation, as well as the annual appropriation of \$41M.									
/5 FY 2001 total includes annual amount of \$102.9M, as well as \$81.6M of the one-time \$96.7M mandated under PL 106-291.									
/6 FY 2002 total includes annual amount of \$113.6M, less \$23.4M returned by UMWACBF trustees mandated under PL 106-291.									
/7 FY 2003 total includes annual amount of \$56M as well as \$33.8M mandated under PL108-7.									
/8 FY 2008 total includes annual amount of \$52M as well as \$87.4M mandated under PL 109-432.									
/9 FY 2009 total includes annual amount of \$52M as well as \$90M mandated under PL 109-432.									
/10 FY 2010 total includes annual amount of \$35.5M as well as \$141.9M mandated under PL 109-432.									
/11 FY 2011 total includes annual amount of \$35.5M as well as \$150.1M mandated under PL 109-432.									
/12 FY 2012 total includes annual amount of \$27.4M as well as \$220.2M mandated under PL 109-432.									
/13 FY 2013 total includes annual amount of \$27.4M as well as \$210.1M mandated under PL 109-432.									
/14 FY 2014 total includes annual amount of \$27.4M as well as \$179.3M mandated under PL 109-432.									
/15 FY 2015 total includes annual amount of \$27.4M as well as \$181.0M mandated under PL 109-432.									
/16 FY 2016 total includes annual amount of \$27.3M as well as \$175.1M mandated under PL 109-432.									
/17 FY 2017 total includes annual amount of \$27.2M as well as \$144.7M mandated under PL 109-432.									
/18 FY 2018 total includes annual amount of \$24.7M as well as \$207.8M mandated under PL 109-432.									
/19 FY 2019 total includes annual amount of \$24.7M as well as \$200.7M mandated under PL 109-432.									
/20 FY 2020 total includes annual amount of \$24.7M as well as \$136.7M mandated under PL 109-432.									

## Table 8 Notes:

- Annual figures for FY 1978-1999 are displayed in the FY 2015 Budget Justification, Table 9.
- FY 2021 and FY 2022 figures on this table are estimates. Projected interest is based on known investments earnings that will be paid out in FY 2021 and FY 2022.
- AML Fund balances in this table are as of September 30, 2020, and do not include the last two months of the AML fee collection cycle (i.e. October 1- November 30). The annual AML Grant distribution tables, published separately, will show AML Fund balances that will include the collection of AML fees, interest earned, and transactions through November 30, 2020.
- Although the billing cycle for coal produced ends on September 30<sup>th</sup> each fiscal year, OSMRE allows an extra two months for operators to make payments into the AML Fund. This additional collection time, along with interest payments to the UMWA that occurs during this two-month period, accounts for the variation in the AML Fund balances shown in Table 8 and the annual AML Grant distribution table.
- The AML Fund experiences a spike in fee collections during the final two months of the collection cycle and based on this consistent trend, OSMRE established protocols beginning in FY 2008 to ensure that State and Tribal AML programs receive the maximum amount of benefit from the AML Fund by calculating the annual formula-based AML grants after November 30<sup>th</sup> rather than at the end of the Federal fiscal year. Consequently, the FY 2021 AML Grant Distribution reports will vary slightly and include the amounts collected and interest earned in the AML Fund as of November 30, 2020, rather than the Federal fiscal year end of September 30, 2020.
- Sequestered funds are included in the annual amounts appropriated from the AML fund and not part of the unappropriated balance. AML Funds sequestered pursuant to 2 USC 901(a) remain unavailable for distribution and the statute requires those funds be accounted for in a separate account.

## 2. Grant Financial Management

This activity accounts for and disburses reclamation and regulatory grants to States and Tribes under OSMRE's Environmental Restoration and Environmental Protection business lines. The Grant Financial Management activity includes the disbursement, accounting, reporting, and recovery of grant funds. This request includes \$219,000 and two (2) FTE for Grant Financial Management.

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

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

Table 9 on the following page details the AML Unappropriated Balance as of September 30, 2020, by a description of its allocation.

**Table 9 – AML Unappropriated Balance**

Office of Surface Mining AML Unappropriated Balance September 30, 2020 Prepared by the Division of Financial Management								
<b>Total Funds to be Allocated:</b>		<b>\$2,213,538,073.35</b>						
Description of Allocation	Balance as of 10/01/19	LESS: 2020 Appropriation/ Distribution	LESS: 2020 Treasury Funds	LESS: 2020 UMWBF Transfer <sup>3/</sup>	Post Appr. & Trans. Balance	Investment Int. 10/01/19-09/30/20	Collections for 10/01/19-09/30/20	Balance As Of 9/30/20
Federal Expense <sup>1/</sup>	\$350,731,391.78	(\$47,933,863.00)	\$0.00	\$0.00	\$302,797,528.78		\$24,719,289.80	\$327,516,818.58
Historic Coal <sup>2/</sup>	\$1,615,985,637.06	(\$87,450,437.00)	\$44,909,782.00	\$0.00	\$1,573,444,982.06		\$37,078,934.71	\$1,610,523,916.77
Investment Interest	\$158,612,383.80	\$0.00	\$0.00	(\$37,131,539.00)	\$121,480,844.80	\$55,436,485.18	\$0.00	\$176,917,329.98
<b>Total Fed Share <sup>3/</sup></b>	<b>\$2,125,329,412.64</b>	<b>(\$135,384,300.00)</b>	<b>\$44,909,782.00</b>	<b>(\$37,131,539.00)</b>	<b>\$1,997,723,355.64</b>	<b>\$55,436,485.18</b>	<b>\$61,798,224.51</b>	<b>\$2,114,958,065.33</b>
<b>Total State Share</b>	<b>\$108,018,681.14</b>	<b>(\$25,991,309.00)</b>	<b>(\$44,909,782.00)</b>	<b>\$0.00</b>	<b>\$37,117,590.14</b>		<b>\$61,462,417.88</b>	<b>\$98,580,008.02</b>
<b>Total</b>	<b>\$2,233,348,093.78</b>	<b>(\$161,375,609.00)</b>	<b>\$0.00</b>	<b>(\$37,131,539.00)</b>	<b>\$2,034,840,945.78</b>	<b>\$55,436,485.18</b>	<b>\$123,260,642.39</b>	<b>\$2,213,538,073.35</b>

1/ The Federal Expense Allocation is reduced by the annual appropriation in addition to the mandatory grant distribution.

2/ The Historical Coal balance is calculated based on the following: 1) 30% of fees collected increase the balance; 2) the current year mandatory grant distribution reduces the balance and; 3) state share funds from certified States are transferred into the Historic Coal share to increase the balance.

3/ \$37,131,539 is the amount transferred at the beginning of FY 2020 to the United Mine Workers Benefit Fund and the 1992 Benefit Plan for estimated expenses in FY 2020 and for adjustments to actual expenditures in FY 2018.

### **3. Revenue Management**

The FY 2022 budget request includes \$416,000 and two (2) FTE for the Revenue Management program activity. The Revenue Management activity involves managing a variety of non-fee revenues and receivables that come from the agency's operations. These include the following:

- Federal civil penalties issued for mining operation violations.
- Bond forfeitures by Federally permitted mining companies.
- Fees for mine permit reviews and administration.
- Other miscellaneous fees and receipts.

Civil penalty collections are used to reclaim post-SMCRA mine sites. During FY 2020, the amount of recorded civil penalties increased from FY 2019 (from \$4,853,552 to \$6,117,035). Three entities account for 95% of the civil penalties due.

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

The bonds and penalties assessed ensure responsible management practices in the extraction of coal resources. Levy of penalties and fees help to ensure operators' compliance with coal mining regulations and ensure the land is restored to beneficial use at the conclusion of mining operations.

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

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

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

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

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

During FYs 2021 and 2022, OSMRE will process the UMWAF transfer requests for the three UMWAF health plans, providing funding for an estimated 53,654 beneficiaries, and to the 1974 UMWA Pension Plan. OSMRE will work with the UMWAF's external auditors to plan the testing of selected internal controls and utilize existing audit work where practical. OSMRE will also work to implement recommendations from the DOI Inspector General to provide additional assurances that transfers conform to the authorizing legislation. The transfer requests for FYs 2020, 2021 and 2022 are outlined in Table 10 below. The FY 2020 transfers included required retroactive transfers to the 1974 UMWA Pension plan for fiscal years 2017, 2018, and 2019.

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

<b>Health Benefit Plan / Pension Plan</b>	<b>2020 Actual</b>	<b>2021 Projected</b>	<b>2022 Projected</b>
Combined Fund, including the Reachback Provision	\$50.6	\$40.3	\$42.6
1992 Plan	\$50.0	\$72.2	\$77.9
1993 Plan	\$276.2	\$305.0	\$319.0
1974 UMWA Pension Plan	\$1,568.0	\$322.2	\$284.3
<b>Total – All Plans</b>	<b>\$1,944.8</b>	<b>\$739.7</b>	<b>\$723.8</b>
<b>Funding Sources</b>	<b>2020 Actual</b>	<b>2021 Projected</b>	<b>2022 Projected</b>
• AML Fund Interest	\$37.1	\$29.2	\$10.3
• Treasury Funds	\$1,907.7	\$710.5	\$713.5

## **FINANCIAL MANGEMENT**

### **2021 Planned Program Performance**

In FY 2021, OSMRE will maintain a high rate of fee compliance. To help ensure that results continue to be achieved efficiently, OSMRE will:

- Look for opportunities to create efficiencies in the fee accounting and collection processes.
- Continue to promote electronic payments and E-filing.
- Continue to support the financing and accounting of the AML and Regulation and Technology Grants to States and Tribes.
- Process transfer requests from the UMWAF totaling \$417.1 million to provide funding of unreimbursed health care expenses for an estimated 53,654 coal miners and their dependents.
- Process a transfer of approximately \$295 million to the UMWA 1974 Pension Plan.
- Continue to analyze the reasonableness of the UMWAF health care plan transfers and work to implement DOI Inspector General recommendations to improve the oversight of the UMWAF transfer process.
- Continue to support the migration from Prism for Grants to Grant Solutions.
- Support efforts to provide financial data related to projected fees collections.

### **2020 Program Accomplishments**

In FY 2020, the major accomplishments in the Financial Management program activity include:

- Collected \$123.3 million in coal reclamation fees resulting in a collection rate of 98.1 percent on quarterly coal reclamation fees.
- Maintained an E-filing enrollment rate of 84.7 percent of the active reporting permits, which are reported electronically through OSMRE's internet-based reporting system.
- Processed automatically 85.0 percent of quarterly fee payments, or 2,008, fee payments.
- Processed automatically 83.2 percent of coal reclamation fee reports.
- Analyzed investment opportunities to maximize earnings on the Abandoned Mine Reclamation Fund.
- Processed transfers to the UMWAF Health Care Plans and 1974 Pension Plan totaling \$1,944.8 million and provided funding of unreimbursed health care expenses for an estimated 55,788 retired coal miners and their dependents.
- Implemented new legislation which added additional beneficiaries that are covered by the UMWAF Health Care transfers and transfers to the UMWA 1974 Pension Plan.
- Analyzed and implemented, as appropriate, the Office of the Inspector General recommendations to improve the oversight of the UMWAF transfer process.

**TAB**

**Executive Direction &  
Administration**

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# EXECUTIVE DIRECTION AND ADMINISTRATION

## Executive Direction and Administration Budget Request

(Dollars in Thousands)

	2020 Actual	2021 Enacted	Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2022 Request	Change From 2021 (+/-)
<b>Regulation and Technology</b>	<b>13,936</b>	<b>13,936</b>	<b>+1,087</b>	<b>-</b>	<b>+658</b>	<b>15,681</b>	<b>+1,745</b>
Executive Direction	2,054	2,054	+68		+134	2,256	+202
<i>FTE</i>	<i>16</i>	<i>15</i>			<i>+1</i>	<i>16</i>	<i>+1</i>
Administrative Support	3,575	3,663	+136		+124	3,923	+260
<i>FTE</i>	<i>29</i>	<i>30</i>			<i>+1</i>	<i>31</i>	<i>+1</i>
General Services	8,307	8,219	+883		+400	9,502	+1,283
<i>FTE</i>					-		-
<b>Abandoned Mine Reclamation Fund</b>	<b>6,466</b>	<b>6,466</b>	<b>+221</b>	<b>-</b>	<b>+227</b>	<b>6,914</b>	<b>+448</b>
Executive Direction	910	910	+31		+66	1,007	+97
<i>FTE</i>	<i>8</i>	<i>7</i>			-	<i>7</i>	-
Administrative Support	1,846	1,888	+62		+61	2,011	+123
<i>FTE</i>	<i>15</i>	<i>14</i>			-	<i>14</i>	-
General Services	3,710	3,668	+128		+100	3,896	+228
<i>FTE</i>					-		-
<b>Total, Executive Direction</b>	<b>20,402</b>	<b>20,402</b>	<b>+1,308</b>	<b>-</b>	<b>+885</b>	<b>22,595</b>	<b>+2,193</b>
<b>Total FTE</b>	<b>68</b>	<b>66</b>			<b>+2</b>	<b>68</b>	<b>+2</b>

Fixed Costs changes of +\$1,308,000 include increases for pay related items (+\$297,000), worker's compensation (+\$7,000) DOI working capital fund adjustments (+\$298,000), and GSA rental rates (+\$706,000).

**Summary of 2021 Program Changes for Executive Direction and Administration**

<b>Request Component</b>	<b>(\$000)</b>	<b>FTE</b>
Build Zero Emission Vehicle Infrastructure	+500	-
Enhance Diversity, Equity, Inclusion, and Accessibility	+200	+1
Restructure Division of Acquisition	+185	+1
<b>TOTAL Program Changes</b>	<b>+885</b>	<b>+2</b>

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

**Justification of 2022 Program Changes**

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The 2022 budget request for Executive Direction and Administration is \$22,595,000 and 68 FTE, a program change of +\$885,000 and +2 FTE from the 2021 enacted.

**Zero Emission Vehicle Fleet Conversions (+\$500,000):** The 2022 budget includes funding to convert approximately 35 percent of OSMRE’s sedan fleet to zero emission vehicles (ZEVs) and provide approximately six charging stations and hydrogen fueling stations to support those vehicles and future ZEVs. This conversion will immediately reduce the Interior’s contributions to greenhouse gas emissions and dependence upon hydrocarbons. The investment in infrastructure will support these new vehicles and ensure charging infrastructure is available for subsequent ZEVs. This project is being coordinated across Interior and with other agencies to maximize utility of charging and hydrogen fueling stations in areas where multiple agencies operate. The funding also supports a small planning and coordination function to effectively deploy the fleet and charging infrastructure.

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

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

## OVERVIEW

The Executive Direction and Administration business line supports all the bureau's programs. This business line includes the Director's Office and staff offices, information technology, administration, human resources, and internal financial management for the organization. Executive Direction and Administration provides internal executive direction and administrative support to programs, regions, and field offices through the development and coordination of agency policy, budget, plans, and other guidance documents. Additionally, Executive Direction and Administration also oversees the implementation of Departmental and Administration initiatives in the Bureau.

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

<p><b>EXECUTIVE DIRECTION AND ADMINISTRATION ENCOMPASSES:</b></p>
Executive Direction
<ul style="list-style-type: none"><li>• Director's Office</li><li>• Staff Offices under the Director<ul style="list-style-type: none"><li>Office for Equal Opportunity</li><li>Office of Communications</li><li>Office of Planning, Analysis, and Budget</li><li>Information Resources Office</li></ul></li></ul>
Administrative Support
<ul style="list-style-type: none"><li>• Office of Human Resources</li><li>• Office of Administration</li><li>• Finance and Accounting</li><li>• Information Technology</li></ul>
General Services

**Operational Processes (Program Activities):** The funding request for this business line is to support the activities of Executive Direction, Administrative Support, and General Services. Executive Direction, which includes the immediate office of the Director, provides executive leadership and policy direction for the Bureau. Administrative Support provides all of the support services for day-to-day operations, including human resources information technology, procurement, and finance and accounting. General Services funds bureau-wide fixed costs such as office space, telephones, unemployment compensation, IT general support, regulation, publication, background investigations and other Department-wide fixed costs assessed to OSMRE.

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

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

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

**Resources, Skills, and Technology Needed:** OSMRE and its State and Tribal partners will continue to need a diverse and multi-disciplinary cadre of personnel to accomplish the mission and goals of SMCRA. These personnel will guide OSMRE through technical and policy decisions to ensure that coal-mining activities, including post-mining reclamation, are carried out in such a manner that the safety and health of coalfield citizens is protected, and the environment is not degraded.

**FY 2022 Budget Request:** The request includes \$22.4 million for Executive Direction and Administration activities. Of this total, \$3.1 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 \$5.9 million, and basic bureau-wide fixed costs in general services will cost \$13.4 million.

## 2022 PROGRAM PERFORMANCE

### 1. Executive Direction

This activity provides executive direction and leadership, and policy and program management guidance for all areas of responsibility for OSMRE. The Executive Direction activity includes the salaries and operating expenses for the Office of the Director and four immediate staff offices, which include Equal Opportunity; Communications; Planning, Analysis, and Budget; and the Information Resources Office. The request includes \$3,063,000 and 22 FTE for Executive Direction.

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

The Director of OSMRE, a Senate-confirmed position, is the Chief Executive. The Director provides the leadership and direction of OSMRE activities as required under SMCRA. The Director's primary objectives are to aggressively pursue the reclamation of abandoned mine lands (AML) and to prevent environmental problems in the coalfields during active mining by working collaboratively with the State regulatory agencies and other agencies with a role to play in the process. OSMRE makes every effort to ensure full public participation in the development and implementation of its regulatory responsibilities. An extensive outreach approach stimulates a more cooperative partnership not only with OSMRE's regulatory partners, but with other stakeholders as well, resulting in better and more effective implementation of the objectives of SMCRA.

In FYs 2021 and 2022, OSMRE will continue outreach efforts, which promote public participation in policy making. The arena for such participation includes public meetings on proposed rulemakings and conferences, which promote discussion and exchange of information on the current state of the coal industry. OSMRE will continue to take positive steps to collaborate with States, Tribes, citizens, other stakeholders, and industry and encourage their participation.

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

#### b. Office for Equal Opportunity

The Office for Equal Opportunity (OEO) is responsible for promoting equal employment opportunities for all OSMRE employees. The staff advises and assists the OSMRE Director in carrying out responsibilities relative to Titles VI and VII of the Civil Rights Act of 1964, as amended; the Age Discrimination in Employment Act of 1967; the Rehabilitation Act of 1973; as well as Executive Orders, regulatory guidelines, and other nondiscrimination laws within the Federal Government. The Office:

- Provides leadership, direction, and policy guidance for Equal Employment Opportunity (EEO) Program development;
- Provides for the prompt, fair, and impartial processing of complaints of discrimination;

- Provides technical assistance and advice to employees and managers on all equal opportunity issues;
- Communicates equal employment opportunity policy and program and its employment need to all sources of job candidates without regard to race, color, religion, sex, national origin, age or handicap;
- Ensures that a reasonable accommodation program is in place and is implemented in a fair and timely manner;
- Ensures that an alternative dispute resolution program is available for both the pre- complaint process and the formal complaint process;
- Develops, monitors, and evaluates EEOC MD-715 Affirmative Employment Program Plans to promote equal employment opportunities;
- Conducts studies on systemic employment problems, assesses the effect of policies and practices on equal employment, identifies employment barriers, recommends solutions, and develops written guidance for management; and
- Maintains a Civil Rights Complaints and Compliance program for federally assisted and conducted programs.

In addition, OEO is responsible for providing Special Emphasis programs and assisting the Bureau in creating a model equal employment program which ensures that all OSMRE employees and applicants for employment have equal access. It is responsible for implementing initiatives in response to Presidential Executive Orders, which provide for agencies to work more closely with HBCUs, Hispanic Serving Institutions and Tribal Colleges and Universities in an effort to enhance opportunities for minority serving institutions to participate and benefit from programs related to surface coal mining and reclamation activities.

### **c. Office of Communication**

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

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

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

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

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

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

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

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

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

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

In addition, the IRO manages all aspects of OSMRE's information management flow to ensure government transparency, accuracy, and responsiveness to information requests. OSMRE continues to develop a comprehensive information management capability that includes meeting the requirements for a responsive and compliant Privacy Act Program awareness and loss-mitigation strategy, responding to Freedom of Information Act requests, and a Federal Records Act 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. The activity includes the salaries and operating expenses for two immediate staff offices within the Office of the Director – the Office of Administration and the Office of Human Resources, as well as the Financial Management and Acquisition Management Divisions of the Finance and Acquisition Directorate. This request includes \$5,934,000 and 45 FTE to support these support activities.

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

### **a. Office of Administration**

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

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

OA provides required administrative support to headquarters offices. These support activities include office moves, provision of general supplies and services, and local transportation services.

OA also provides direction, coordination, and implementation of all aspects of OSMRE's emergency management program. This includes, but is 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 and recovery role to declared emergencies and/or disasters on a government-wide basis.

**b. Office of Human Resources**

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

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

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

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

Performance Management: OSMRE's current performance management process is labor intensive for supervisors and human resources. DOI rolled out an automated performance management tool in FY 2020. OSMRE will focus on training supervisors on effective standard development, roles and responsibilities, and employee performance awards to increase organization effectiveness moving into FY 2022.

Employee Relations: OSMRE has been engaged with Union activity and will be planning for contract negotiations with American Federation of Government Employees in FY 2021. This will include establishing a Collective Bargaining Agreement along with modified administrative processes aligned to the final CBA. OSMRE will continue an agency priority to enhance OSMRE's Conduct, Accountability, Respect, Employees Anti-Harassment program, which will improve accountability, communications, and transparency to ensure a workplace free from harassment. OSMRE will deliver targeted training and employee relations consultation service to managers and employees.

**c. Acquisition Management**

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

**d. 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, supporting DOI's audited financial statements, and maintaining financial systems and tools that support these functions.

**e. Information Management and Technology**

OSMRE is dependent upon information technology to provide efficient and accurate management information to assist OSMRE's program managers in accomplishing the agency's mission. Activities span all business lines and are funded under other business lines in the budget as well as Executive Direction.

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

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

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

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

### **3. General Services**

This funding activity includes essential fixed costs to support OSMRE's program missions. No personnel or operational activities are funded by this component. The costs are estimates for FY 2022 and reflect estimated Departmental fixed cost changes from FY 2021 levels and known future plans, including co-location, space reduction, anticipated contracting efficiencies, and investment in technologies and systems to yield additional efficiencies in the future.

Table 11 shows the projected General Services costs by category for FYs 2021 and 2022.

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

<b>Line Item</b>	<b>2021</b>	<b>2022 Estimate</b>	<b>Estimated Change 2021 – 2022</b>
DOI Working Capital Fund	2,088,000	2,386,000	+298,000
DOI Facilities & Administrative Services	1,000	1,000	-
Office of the Secretary Activities	59,000	58,000	-1,000
DOI IT Shared Services	938,000	931,000	-7,000
Interior Business Center Operations	84,000	90,000	+6,000
Unemployment Compensation	6,000	21,000	+15,000
Worker's Compensation	138,000	145,000	+7,000
Rent and Utilities	4,959,000	5,665,000	+706,000
Telecommunications	300,000	300,000	-
Postage	10,000	10,000	-
Bureau-wide Printing/Supplies	272,000	272,000	-
Operational & IT Support Contracts	2,857,000	2,844,000	-13,000
Service Contracts	170,000	170,000	-
GSA Work Authorizations	5,000	5,000	-
Electric Vehicle (EV) Charging Infrastructure	-	500,000	+500,000
<b>Total</b>	<b>11,887,000</b>	<b>13,398,000</b>	<b>+1,511,000</b>

## **EXECUTIVE DIRECTION AND ADMINISTRATION**

### **2021 Planned Program Performance**

In FY 2021, planned activities in the Executive Direction and Administration program activity include:

- Complete a major website modernization project to consolidate and reorganize content and migrate it into a content management system to improve overall OSMRE user experience.
- Maintain an up-to-date online Plain Language glossary of commonly used OSMRE terms.
- Continue to utilize training as a strategy to increase cultural competencies, reduce the number of Equal Employment Opportunities complaints filed, and conduct civil rights reviews on federally-assisted and conducted programs.
- Improve the availability of self-guided videos and instructions through a single application.
- Continue to review opportunities to reduce OSMRE's leased space footprint and expenditures.
- Continue to review opportunities to improve oversight of OSMRE's acquisition functions.
- Continue to improve the quality of Financial and Business Management System asset record data.
- Demonstrate Acquisition Category Management Capability for OSMRE's IMT Equipment Procurement.
- Continue to enhance the bureau's performance management program through enhanced standard operating procedures for collected and reporting performance data, and by regular review of and improvements to program performance measures.
- Finalize an OSMRE Directive on the bureau's performance management program to ensure consistent compliance with the Government Performance Results Act of 1993 and the Government Performance Results Modernization Act of 2010.
- Support DOI's Financial Audit Statements for FY 2020 and FY 2021.
- Continue to improve the delivery and accessibility of financial information.
- Conduct CPIC evaluations for all IMT programs and major investments.
- Continue to provide component-level IMT services and mission system support while supporting DOI information technology initiatives to include deployment of DHS Continuous Diagnostic and Mitigation capabilities consistent with applicable rules and regulations.
- Continue to provide administrative support across the bureau to enable mission success in the other OSMRE business lines.
- Develop new, and enhance existing, "Dashboards" to monitor key programmatic and administrative performance metrics.
- Continue to identify labor intensive administrative activities, and evaluate appropriate regulatory, policy and technology solutions to yield operational efficiencies.

## **2020 Program Accomplishments**

In FY 2020, the major accomplishments in the Executive Direction and Administration program activities include:

- Finalized OSMRE Directive OPM-1 (Directives Program Policy) improving the efficiency and effectiveness of OSMRE's directives program.
- Promulgated the OSMRE (Conduct Accountability Respect Employees) program to ensure that harassment in the workplace is reported, addressed, and eliminated, timely and appropriately.
- Exceeded DOI and OSMRE performance goals in the Interior Readiness (I-READ) assessment of the Bureau's Emergency Management Program.
- Developed a monthly undelivered orders dashboard to monitor past due orders.
- Improved the quality of OSMRE's Safety and Occupational Health program by enhancing the ability of OSMRE managers to identify and mitigate employee risk.
- Scored green in all areas of DOI's Financial Performance Metrics.
- Achieved 100 percent prompt pay on vendor payments.
- Completed required CPIC evaluations for all IMT programs and major investments.
- Provided educational and employment opportunities to youth in the areas of communications, budget, information technology, auditing, and general administration.
- Supported DOI's Audited Financial Statements for FYs 2019 and 2020.

**TAB**

**Permanent Appropriations**

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# **PERMANENT APPROPRIATIONS**

## **ALLOCATIONS TO STATES AND TRIBES**

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

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

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

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

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

Permanent Appropriation	2020 Actuals	2021 Enacted	2022 Estimates	Change from 2021 to 2022
<b>Payments to States in Lieu of Coal Fee Receipts (Treasury Funds)</b>	<b>44.9</b>	<b>40.0</b>	<b>36.5</b>	<b>-3.5</b>
• In Lieu Payments to Certified States and Tribes	44.9	40.0	36.5	
<i>Mandatory Sequester</i>	<i>[-2.6]</i>	<i>[-2.3]</i>	<i>[-2.1]</i>	
<b>Mandatory Grants to Noncertified States (AML Fund)</b>	<b>136.7</b>	<b>121.4</b>	<b>118.7</b>	<b>-2.7</b>
• State and Tribal Share	26.0	19.7	20.9	
• Historic Coal Share	87.5	75.7	71.1	
• Min Program Make Up	23.2	26.0	26.7	
<i>Mandatory Sequester</i>	<i>[-8.1]</i>	<i>[-6.9]</i>	<i>[-6.7]</i>	
<b>Subtotal- Payments to States and Tribes</b>	<b>181.6</b>	<b>161.4</b>	<b>155.2</b>	<b>-6.2</b>
<b>Subtotal- Payments to States and Tribes (after Sequestration) *</b>	<b>170.9</b>	<b>152.2</b>	<b>146.4</b>	<b>-5.8</b>
Payments to UMWA Health Benefit Plans (AML Fund Interest)	37.1	29.2	10.3	-18.9
Supplemental Payments to UMWA Health Benefit Plans (Treasury Funds)	339.7	388.3	429.2	+40.9
Supplemental Payments to 1974 UMWA Pension Plan (Treasury Funds)	1,568.0	322.2	284.3	-37.9
<b>Subtotal- Payments to UMWA Health Benefit and Pension Plans**</b>	<b>1,944.8</b>	<b>739.7</b>	<b>723.8</b>	<b>-15.9</b>
<b>Total Mandatory Funding</b>	<b>2,126.4</b>	<b>901.1</b>	<b>879.0</b>	<b>-22.1</b>
<i>Subtotal from AML Fund</i>	<i>173.8</i>	<i>150.6</i>	<i>129.0</i>	<i>-21.6</i>
<i>Subtotal from Treasury</i>	<i>1,952.6</i>	<i>750.5</i>	<i>750.0</i>	<i>-0.5</i>
<b>Total Mandatory Funding (after Sequestration)</b>	<b>2,115.7</b>	<b>891.9</b>	<b>870.2</b>	<b>-21.7</b>
<i>Subtotal from AML Fund</i>	<i>165.7</i>	<i>143.7</i>	<i>122.3</i>	<i>-21.4</i>
<i>Subtotal from Treasury</i>	<i>1,950.0</i>	<i>748.2</i>	<i>747.9</i>	<i>-0.3</i>

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

\*\* FY 2020 payments to the 1974 UMWA Pension Plan include \$1,202.6 million in retroactive transfers for FYs 2017, 2018, and 2019, as required by the Bipartisan American Miners Act of 2019. FYs 2021 and 2022 payments to the UMWA Health Benefit Plans include payments for additional beneficiaries of the 1993 plan impacted by bankruptcy proceedings in 2020, as authorized by the American Miner Benefits Improvement Act of 2020.

## OVERVIEW

One of the basic concepts of SMCRA is to charge a fee on coal production to finance the reclamation of abandoned mine lands across the country. Reclamation fees are deposited into the AML Fund and distributed through the annual appropriations process to States and Tribes for AML reclamation and to OSMRE for administrative expenses. In 2006, amendments to SMCRA extended the authority to collect the reclamation fee through September 30, 2021 and altered the distribution of payments beginning in 2008.<sup>5</sup>

### **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. Reclamation fee collections form the basis for mandatory grants to the certified and noncertified States and Tribes.

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

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

Generally, States must have an approved SMCRA regulatory (Title V) program and an approved reclamation (Title IV) program to be eligible to receive mandatory AML funding. Three Tribes (Crow, Hopi, and Navajo) are eligible for funding through the AML program, and each has an approved reclamation program. As part of the 2006 amendments to SMCRA, Tennessee also became eligible for AML program funding although it does not have an approved regulatory program. A total of 25 States and three Tribes received reclamation funding in FY 2021; of these, five States and all three Tribes have certified completion of coal abandoned mine land problems.

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

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

1. Half of reclamation fees collected in that State (known as the State Share);
2. A State's portion of 30 percent of all reclamation fees collected Nationwide and the amount of the State/Tribal Share forgone by certified States and Tribes; each State's portion is determined proportionally based on the amount of coal production in that State prior to 1977 (known as Historic Coal Share); and

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<sup>5</sup> OSMRE published regulations implementing the Act (November 14, 2008, 73 FR 67576), which became effective on January 13, 2009.

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 2021, noncertified States will receive \$114.6 million, after sequestration of 5.7% (\$18.6 million in State Share, \$71.3 million in Historic Coal Share, and \$24.7 million in Minimum Program Make Up Funds).

For FY 2022, OSMRE estimates that noncertified States will receive \$111.9 million in grants, after sequestration of 5.7% (\$19.7 million in State Share; \$67.0 million in Historic Coal Share; and \$25.2 million in Minimum Program Make Up Funds).

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

Mandatory payments in lieu of coal receipts from the Treasury to certified States and Tribes are also allocated by formula. In lieu payments to certified States and Tribes are equal to half of the reclamation fees collected in that State or Tribe in the previous fiscal year. Certified States and Tribes will receive \$37.7 million, after sequestration of 5.7%, in FY 2021. These payments can be used to address the priorities as prescribed in 30 CFR 874 for coal reclamation projects that currently exist or that occurred after certification, as well as non-coal reclamation projects such as hardrock AML problems and infrastructure impacted by mineral leasing and mining.

Under current law, total mandatory payments to States and Tribes from Treasury funds in FY 2022, after sequestration of 5.7%, are estimated to be \$34.4 million.

Treasury funds paid to the States and Tribes and transfers to the UMWA Health Benefit Plans and the 1974 UMWA Pension Plan are subject to an overall \$750 million cap<sup>6</sup> on all annual transfers from the Treasury under SMCRA, as amended.

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<sup>6</sup> The \$750 million dollar limitation shall be increased by the amount of payments to the UMWA Health Benefit Plan which are made solely for the cost to provide benefits by reason of the amendments made by the American Miner Benefits Improvement Act of 2020 (i.e., for beneficiaries whose health benefits confirmed in any bankruptcy proceeding commencing in 2020 or later, would be subsequently denied or reduced).

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

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

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

In FY 2021, the UMWA Health Benefit Plans will receive \$29.2 million in interest payment from the AML fund and \$388.3 million from the Treasury (including \$0.4 million for additional beneficiaries authorized by the American Miner Benefits Improvement Act of 2020). The 1974 UMWA Pension Plan will receive \$322.2 million from the Treasury.

For FY 2022, based on current economic assumptions, OSMRE estimates that \$10.3 million in interest from the AML fund and \$429.2 million from the Treasury will be transferred to the UMWA Health Benefit Plans, and \$284.3 million from the Treasury will be transferred to the 1974 UMWA Pension Plan.

**Table 13 – Mandatory Funding for States and Tribes, FY 2020-2022**  
(Dollars Rounded in Millions)

State/Tribe	2020 Mandatory Distribution	2020 Sequester (-5.9%)	2020 Grants	2021 Mandatory Distribution	2021 Sequester (-5.7%)	2021 Grants	2022 Hypothetical Distribution	2022 Sequester (-5.7%)	2022 Hypothetical Grants
Alabama	3.6	-0.2	3.4	3.0	-0.2	2.8	3.0	-0.2	2.8
Alaska	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Arkansas	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Colorado	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Illinois	12.4	-0.7	11.7	10.3	-0.6	9.7	10.1	-0.6	9.5
Indiana	6.1	-0.4	5.7	4.7	-0.3	4.4	4.6	-0.3	4.3
Iowa	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Kansas	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Kentucky	12.0	-0.7	11.3	9.8	-0.6	9.3	9.6	-0.5	9.1
Maryland	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Missouri	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
New Mexico	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
North Dakota	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Ohio	6.4	-0.4	6.0	5.3	-0.3	5.0	5.1	-0.3	4.8
Oklahoma	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Pennsylvania	34.2	-2.0	32.2	29.1	-1.7	27.4	27.7	-1.6	26.1
Tennessee	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Utah	0.9	-0.1	0.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Virginia	3.8	-0.2	3.6	3.2	-0.2	3.0	3.1	-0.2	2.9
West Virginia	24.3	-1.4	22.9	20.1	-1.1	18.9	19.5	-1.1	18.4
<b>Sub-total for noncertified States</b>	<b>136.7</b>	<b>-8.1</b>	<b>128.6</b>	<b>121.5</b>	<b>-6.9</b>	<b>114.5</b>	<b>118.7</b>	<b>-6.8</b>	<b>111.9</b>
Louisiana	0.1	-0.0	0.1	0.0	-0.0	0.0	0.0	-0.0	0.0
Mississippi	0.1	-0.0	0.1	0.1	-0.0	0.1	0.1	-0.0	0.1
Montana	3.5	-0.2	3.3	3.1	-0.2	2.9	3.3	-0.2	3.1
Texas	1.1	-0.1	1.0	0.8	-0.0	0.8	0.7	-0.0	0.7
Wyoming	38.0	-2.2	35.8	35.0	-2.0	33.0	31.4	-1.8	29.6
Crow	0.5	-0.0	0.5	0.3	-0.0	0.3	0.3	-0.0	0.3
Hopi	0.4	-0.0	0.4	0.0	-	0.0	0.1	-0.0	0.1
Navajo Nation	1.2	-0.1	1.1	0.6	-0.0	0.6	0.6	-0.0	0.6
<b>Sub-total for certified States and Tribes</b>	<b>44.9</b>	<b>-2.6</b>	<b>42.3</b>	<b>40.0</b>	<b>-2.3</b>	<b>37.7</b>	<b>36.5</b>	<b>-2.1</b>	<b>34.4</b>
<b>Total for All States/Tribes</b>	<b>181.6</b>	<b>-10.7</b>	<b>170.9</b>	<b>161.4</b>	<b>-9.2</b>	<b>152.2</b>	<b>155.2</b>	<b>-8.8</b>	<b>146.4</b>

**Source of Mandatory Funding:**

• AML Fund	136.7	-8.1	128.6	121.5	-6.9	114.5	118.7	-6.8	111.9
• Treasury	44.9	-2.6	42.3	40.0	-2.3	37.7	36.5	-2.1	34.4

Noncertified States are those that have remaining coal AML problems to address. Certified States and Tribes have certified that there are no remaining coal AML problems. Amounts of less than \$50 thousand round to zero.

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**Budget Exhibits**

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# BUDGET EXHIBITS

## Exhibit A: Section 403 Compliance<sup>7</sup>

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

	<b>2022 Request</b>
External Administrative Costs	
WCF Centralized Billings	\$2,385,500
WCF Direct Billing/Fee for Service	\$1,080,400

### External Administrative Costs

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

### Bureau Administrative Costs

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

Support functions at the regional and field offices ensure various activities are integrated so the mission is accomplished. The majority of these costs are comprised of the salary and benefits for field office directors, regional directors and their administrative staff. These costs are not identified under Executive Direction and Administration, but rather included in the program funding requested in the respective business lines.

Activity Based Costing allows OSMRE to internally track the indirect costs associated with its various organizational units and program activities. This is important in determining the full cost of program activities for evaluation purposes. By having employees report and track costs at the lowest work

<sup>7</sup> Department of the Interior, Environment, and Related Agencies Appropriations Act, 2021 (Division G, Public Law 116-260)

breakdown structure level, managers are able to assess both the direct and indirect costs of programs and activities.

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

### Office of Surface Mining Reclamation and Enforcement

#### Employee Count by Grade (Total Employment)

	FY 2020 Actual	FY 2021 Estimate	FY 2022 Estimate
Executive Level V .....	1	1	1
SES.....	6	6	6
<b>Subtotal.....</b>	<b>7</b>	<b>7</b>	<b>7</b>
GS/GM-15.....	22	23	23
GS/GM-14.....	45	55	55
GS/GM-13.....	104	112	114
GS-12.....	123	146	146
GS-11.....	19	30	30
GS-10.....	0	0	0
GS-9.....	17	17	17
GS-8.....	5	7	7
GS-7.....	11	13	13
GS-6.....	3	4	4
GS-5.....	0	1	1
GS-4.....	0	0	0
GS-3.....	0	0	0
GS-2.....	0	0	0
<b>Subtotal.....</b>	<b>349</b>	<b>408</b>	<b>410</b>
<b>Total employment (actuals &amp; estimate).....</b>	<b>356</b>	<b>415</b>	<b>417</b>

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

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**TAB**

**Appendixes**

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# Appendixes

## AML Reclamation Accomplishments

Historical Data through September 30, 2020  
Priority 1, 2, and 3 Problems

Problem Type	Units	Number of Units	GPRA Acres	Cost of Completed Reclamation	Remaining Reclamation Costs
Bench **	Acres	785	783	3,669,644	17,596,222
Clogged Streams	Miles	2,672	13,288	95,971,185	79,982,160
Clogged Stream Lands	Acres	24,437	39,638	265,456,693	230,263,980
Dangerous Highwalls	Feet	5,368,540	77,730	712,855,253	1,423,698,363
Dangerous Impoundments	Count	2,519	13,501	85,027,114	37,877,505
Industrial/Residential Waste (Priority 1 &2)	Acres	1,859	1,856	49,342,676	57,091,385
Dangerous Piles & Embankments	Acres	38,380	28,323	448,523,657	364,105,533
Dangerous Slides	Acres	5,200	5,287	1,127,400,508	111,731,205
Equipment/Facilities **	Count	866	92	6,849,203	5,209,944
Gases: Hazardous Explosives	Count	89	83	23,728,399	2,352,792
Gobs (Coal waste piles) **	Acres	8,042	7,543	82,884,336	62,027,513
Highwall **	Feet	346,146	4,946	17,653,311	1,178,125,774
Hazardous Equipment & Facilities	Count	5,849	1,293	41,346,240	35,622,063
Haul Road **	Acres	4,380	4,316	11,507,443	5,280,737
Hazardous Water Body	Count	2,337	11,882	87,222,361	120,163,559
Industrial/Residential Waste (Priority 3)	Acres	276	275	1,358,259	800,998
Mine Opening **	Count	1,374	138	5,152,150	15,380,928
Other (*)(**)	----	5,703	N/A	25,542,511	24,571,663
Polluted Water: Agricultural & Industrial	Count	589	2,916	54,015,382	80,578,769
Polluted Water: Human Consumption	Count	57,775	272,095	438,876,778	3,026,720,080
Portals	Count	22,807	2,311	113,984,236	71,636,523
Pits **	Acres	9,814	9,815	61,441,330	46,626,127
Subsidence	Acres	10,083	10,018	610,760,942	594,013,884
Spoil Area **	Acres	101,242	98,905	137,599,796	291,711,979
Surface Burning	Acres	2,220	2,216	96,634,846	22,372,616
Slurry **	Acres	2,537	2,541	26,789,478	5,973,345
Slump	Acres	863	844	7,044,494	79,058,397
Underground Mine Fire	Acres	9,122	9,322	121,214,676	932,464,036
Vertical Opening	Count	21,156	3,850	132,025,514	75,402,949
Water Problems (*)(**)	Gal/Min	275,496	N/A	76,788,692	958,708,013
<b>Total</b>			<b>625,807</b>	<b>\$ 4,968,667,107</b>	<b>\$ 9,957,149,042</b>

\* Not converted to GPRA Acres.

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

\*\* Priority 3 Problems

### Notes:

1. The enhanced Abandoned Mine Land Inventory System (e-AMLIS) only provides information on the direct construction costs to reclaim AML features. This system is not a project management tool but a central electronic database for recording the national inventory of AML priorities for the AML Program. The information contained in e-AMLIS is primarily provided by the States and Tribes.
2. The AML Reclamation Accomplishments Table only reports on the direct construction costs to reclaim AML features expended from the AML Fund and U.S. Treasury Funds (e.g., Certified in Lieu Funds and Prior Balance Replacement

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

3. The two main sources of information for the AML Reclamation Program are the Financial Business Management System (FBMS) and e-AMLIS. FBMS is DOI/OSMRE's financial system of record that contains comprehensive information on AML grant allocations and expenditures for the SMCRA Title IV Reclamation Program. E-AMLIS provides information primarily on direct construction costs such as estimates for reclaiming AML features once they are discovered and entered into the inventory, as well as completed costs when AML features are actually reclaimed in the field, at which time the inventory is updated.
4. GPRA Acres are non-acre measures (feet of highwall or number of portals) that are converted by formula to acres and used to measure program performance.
5. The e-AMLIS inventory is not a fixed target that declines each year by the amount of reclamation accomplished. Instead, the inventory is dynamic and updated by States and Tribes on an ongoing basis. New AML problems are added to the inventory as they are identified, and cost data on existing AML problems are updated to reflect current reclamation costs.
6. Reproducing the data in this table from the public-facing e-AMLIS webpage may be problematic. The public-facing webpage has limits on the type and amount of query capabilities which affect the ability of the public to replicate OSMRE published e-AMLIS tables. An approved e-AMLIS account holder has more query functions than what is available to the public. Additionally, the OSMRE e-AMLIS Coordinator performs a rigorous quality control and quality assurance process on the data before it is published. This is required due to complexities in the coding system of the e-AMLIS program and retrieval of information that was historically entered differently (e.g. not georeferenced) and placed on a different system platform within the e-AMLIS program.
7. The dataset used in the preparation of the *AML Reclamation Accomplishments* table as of September 30, 2019, was expanded to include other applicable e-AMLIS programs (Rural Abandoned Mine Program, Federal and State Emergency Programs, stand-alone Priority 3 problems and, non-coal priorities). These changes in the FY 2020 reporting of the table account for the overall increase in each reported category. Prior to FY 2019, the dataset only included certain coal programs such as Acid Mine Drainage, Coal Interim Site Funding, Coal Insolvent Surety Site Funding, and Pre-SMCRA Coal State/Tribe Programs, Water Supply Restoration Program, and Certified Program Coal Reclamation [411 (h)1 and 411 (h)2].
8. The *AML Reclamation Accomplishments* table does not include completion data for certain AML problems reclaimed under SMCRA prior to the 2006 Amendments, including Priority 4 and Priority 5 projects, certain non-mining related activities, and water supply restoration projects not linked to higher AML priorities. Priority 4 is designated for the protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation, and conservation facilities adversely affected by coal mining practices. Priority 5 is designated for the development of publicly owned land adversely affected by coal mining practices including land acquired as provided in Title IV for recreation and historic purposes, conservation, and reclamation purposes and open space benefits. Expenditures on non-mining related activities, such as transportation, education, or energy development were also recorded as completed costs in e-AMLIS. Water supply restoration relates to protecting, replacing, constructing, or enhancing facilities relating to water supply, including water distribution facilities and treatment plants that replace water supplies adversely affected by coal mining practices. This work was previously authorized by SMCRA even if there was no health, safety, or environmental priority associated with the work.
9. The dataset was extracted for the 25 States and 3 Tribes that have an approved AML Reclamation Plan and the Federal Reclamation Program administered by OSMRE for States and Tribes that do not have approved AML Program as of September 30, 2020.
10. The dataset does not include projects funded under the Abandoned Mine Land Reclamation Economic Development Pilot Program (i.e., AML Pilot).

11. Some problem types saw a slight reduction in Number of Units and GPRA Acres due to minor revisions to Problem Area Descriptions and completed project accomplishment figures.

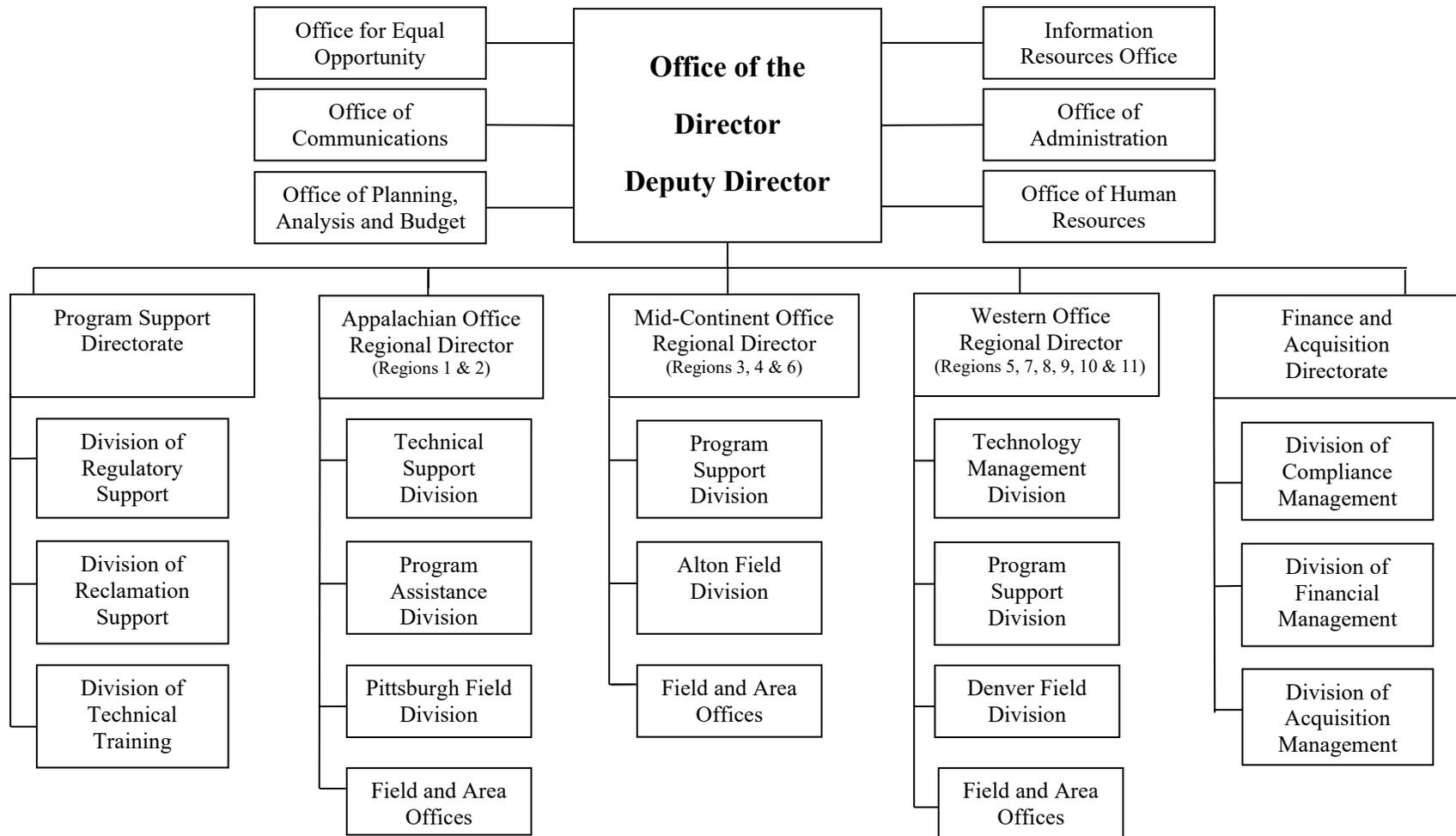
## By State and Tribe Funding Data

### FY 2020 Obligations for Grants, Cooperative Agreements, and Federal Projects (DOLLARS IN THOUSANDS)

STATE/TRIBE	Environmental Restoration				Environmental Protection (Regulatory)		TOTAL
	AML Funding	Federal Reclamation			Grants/Agreements*		
	Emergency Projects	Watershed Cooperative Agreements	High Priority Projects	Emergency Projects	Non- Federal Lands	Federal Lands	
Alabama					1,244	176	1,420
Alaska					373		373
Arkansas					120		120
California							0
Colorado					488	1,836	2,324
Georgia							0
Illinois					3,340		3,340
Indiana					1,603		1,603
Iowa		600			47		47
Kansas					64		64
Kentucky					12,503	994	13,497
Louisiana					266		266
Maryland					949		949
Michigan							0
Mississippi					265		265
Missouri					210		210
Montana					449	1,688	2,137
New Mexico					228	616	844
North Dakota					366	650	1,016
Ohio					1,450		1,450
Oklahoma					757	570	1,327
Oregon							0
Pennsylvania		1,033			13,174		13,174
Rhode Island							0
South Dakota							0
Tennessee					2,111		2,111
Texas					2,575		2,575
Utah					136	2,408	2,544
Virginia					3,670		3,670
Washington			172	1,529			0
West Virginia		200			10,488		10,488
Wyoming					297	2,171	2,468
Cherokee Nation							0
Crow					575		575
Hopi					390		390
Navajo					1,500		1,500
N. Cheyenne							0
<b>Total</b>	<b>0</b>	<b>1,833</b>	<b>172</b>	<b>1,529</b>	<b>59,638</b>	<b>11,109</b>	<b>70,747</b>

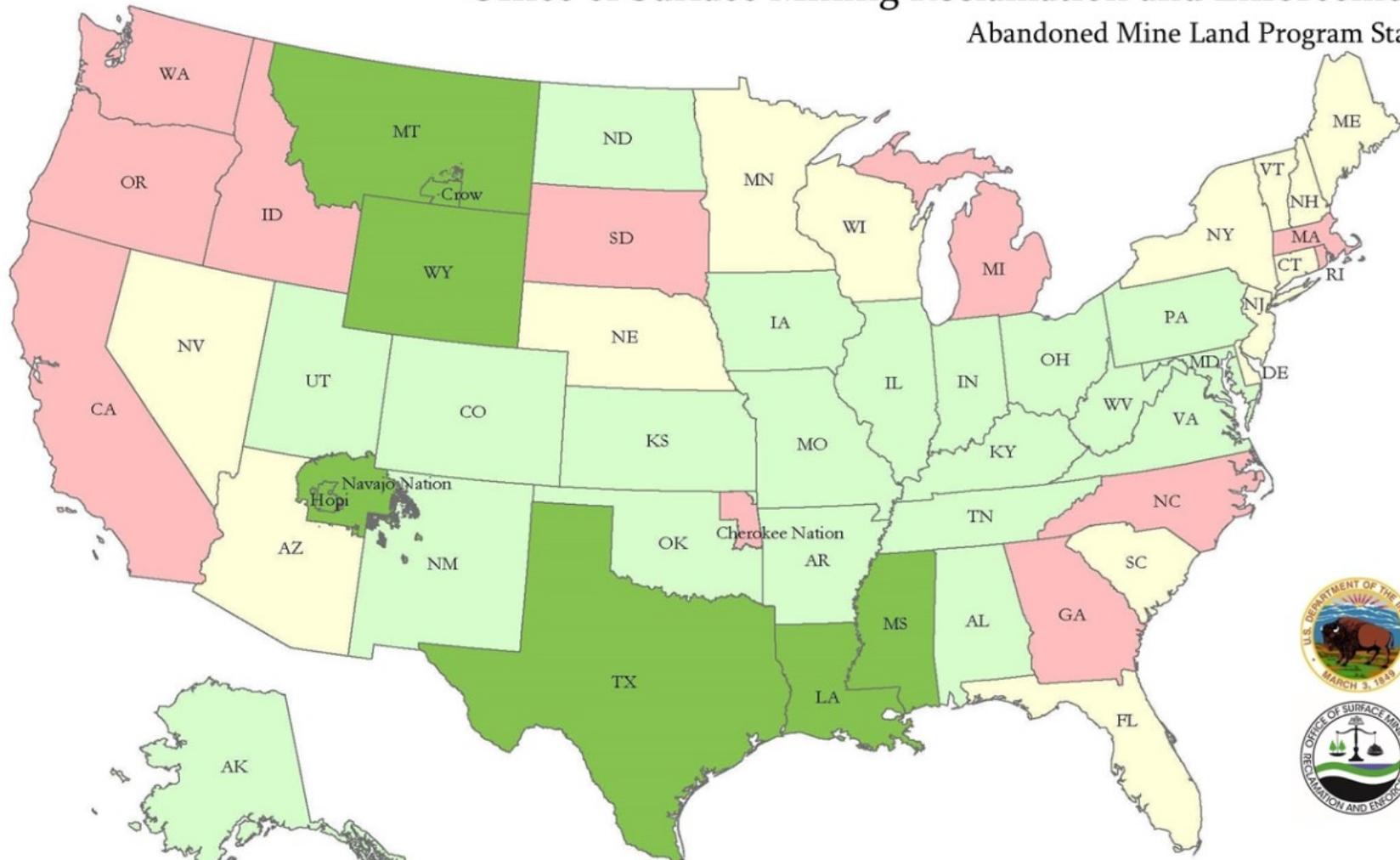
\* Regulatory Grant figures are the total funds obligated on FY 2020 grants *during* the fiscal year, and do not reflect any subsequent deobligation that may occur at grant closure.

## Office of Surface Mining Reclamation and Enforcement Organizational Chart



# Office of Surface Mining Reclamation and Enforcement

## Abandoned Mine Land Program States



**US AML Programs**

**AML Status**

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

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

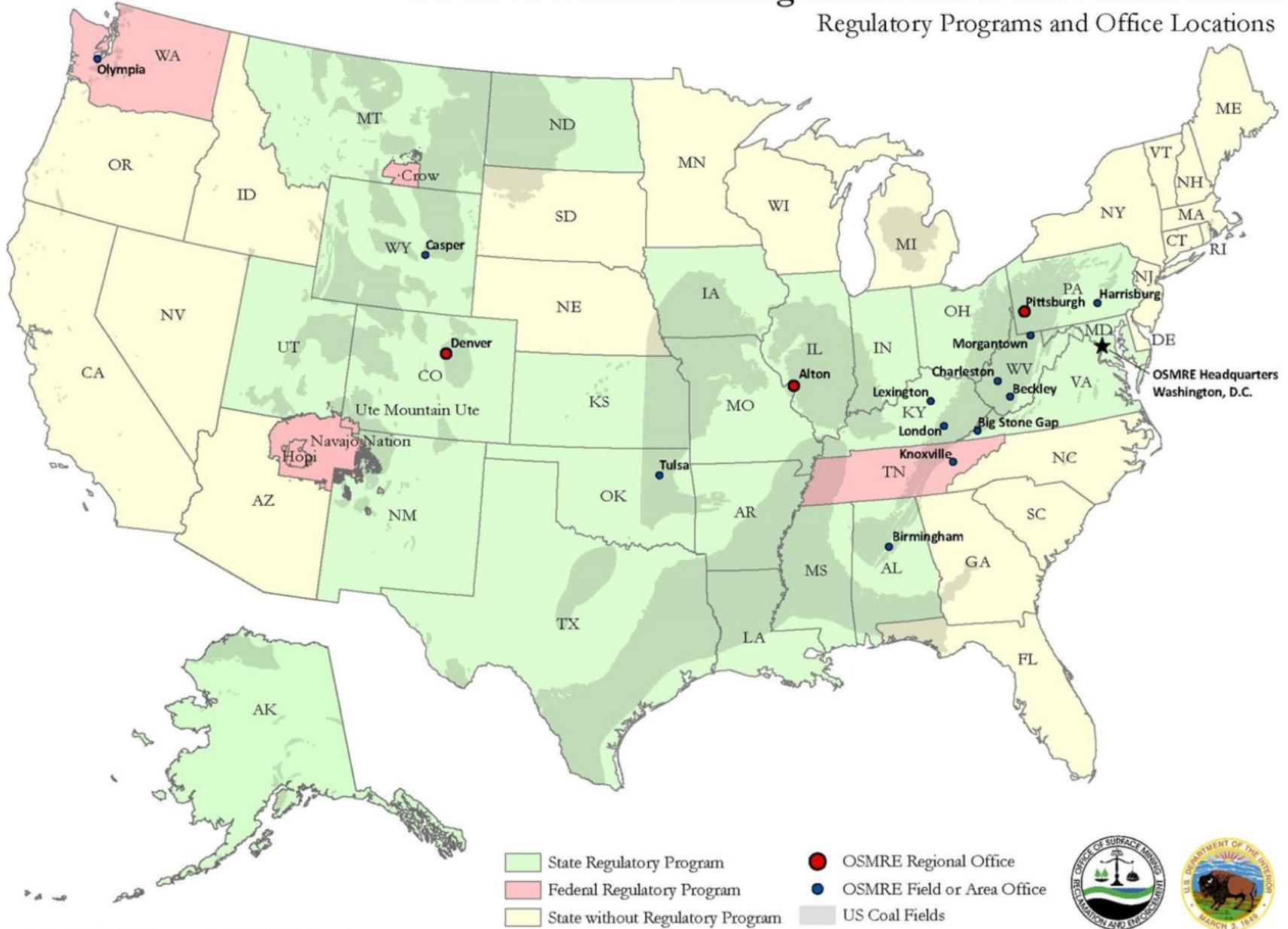
Certified State or Tribe: Crow Tribe, Hopi Tribe, Louisiana, Mississippi, Montana, Navajo Nation, Texas, Wyoming

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



## Office of Surface Mining Reclamation and Enforcement

### Regulatory Programs and Office Locations



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