

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

and Performance Information  
Fiscal Year 2024

## **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.



Printed on  
Recycled Paper

# **TABLE OF CONTENTS**

## Table of Contents

<b>EXECUTIVE SUMMARY .....</b>	<b>2</b>
<b>Overview .....</b>	<b>2</b>
<b>Budget Highlights .....</b>	<b>6</b>
<b>Appropriation Language .....</b>	<b>8</b>
<b>Summary of Requirements.....</b>	<b>12</b>
<b>Justification of Fixed Costs and Internal Realignments.....</b>	<b>13</b>
<b>BUDGET AT A GLANCE .....</b>	<b>17</b>
<b>ENVIRONMENTAL RESTORATION .....</b>	<b>22</b>
<b>State and Tribal Funding .....</b>	<b>26</b>
<b>State Program Evaluation.....</b>	<b>27</b>
<b>Federal Reclamation Program.....</b>	<b>28</b>
<b>Federal Reclamation Projects.....</b>	<b>28</b>
<b>Federal Reclamation Program Operations .....</b>	<b>31</b>
<b>Program Development and Maintenance .....</b>	<b>32</b>
<b>AML Economic Revitalization (AMLER) Program.....</b>	<b>33</b>
<b>2023 Ongoing and Planned Program Activities .....</b>	<b>34</b>
<b>2022 Major Accomplishments .....</b>	<b>35</b>
<b>ENVIRONMENTAL Protection.....</b>	<b>37</b>
<b>State and Tribal Funding .....</b>	<b>40</b>
<b>State Program Evaluation.....</b>	<b>41</b>
<b>Federal and Indian Lands Programs .....</b>	<b>44</b>
<b>Program Development and Maintenance .....</b>	<b>49</b>
<b>2023 Ongoing and Planned Program Activities .....</b>	<b>52</b>
<b>2022 Program Accomplishments .....</b>	<b>53</b>
<b>TECHNOLOGY DEVELOPMENT AND TRANSFER .....</b>	<b>55</b>
<b>Technical Assistance .....</b>	<b>58</b>
<b>Technical Training.....</b>	<b>63</b>
<b>Technology Transfer.....</b>	<b>65</b>
<b>2023 Ongoing and Planned Program Activities .....</b>	<b>71</b>
<b>2022 Program Accomplishments .....</b>	<b>72</b>

<b>FINANCIAL MANAGEMENT .....</b>	<b>74</b>
<b>Fee Compliance .....</b>	<b>76</b>
<b>Grants Financial Management .....</b>	<b>81</b>
<b>Revenue Management .....</b>	<b>83</b>
<b>United Mine Workers of America Funds (UMWAF) Transfers .....</b>	<b>83</b>
<b>2023 Ongoing and Planned Program Activities .....</b>	<b>85</b>
<b>2022 Program Accomplishments .....</b>	<b>85</b>
<b>EXECUTIVE DIRECTION AND ADMINISTRATION .....</b>	<b>88</b>
<b>Executive Direction .....</b>	<b>91</b>
Office of the Director (DIR) .....	91
Office for Equal Opportunity (OEO) .....	92
<b>Office of Communications (OC) .....</b>	<b>93</b>
<b>Office of Planning, Analysis and Budget (OPAB) .....</b>	<b>94</b>
<b>Information Resources Office (IRO) .....</b>	<b>94</b>
<b>Office of Administration (OA) .....</b>	<b>96</b>
<b>Office of Human Resources (OHR) .....</b>	<b>96</b>
<b>Financial Management .....</b>	<b>97</b>
Information Management and Technology (IMT) .....	98
<b>General Services .....</b>	<b>99</b>
<b>2023 Ongoing and Planned Program Activities .....</b>	<b>101</b>
<b>2022 Program Accomplishments .....</b>	<b>102</b>
<b>PERMANENT APPROPRIATIONS .....</b>	<b>105</b>
<b>BUDGET EXHIBITS .....</b>	<b>112</b>
<b>AML Reclamation Accomplishments .....</b>	<b>114</b>
<b>By State and Tribe Funding Data .....</b>	<b>116</b>
<b>AML Reclamation Program Bipartisan Infrastructure Law Funding .....</b>	<b>120</b>
<b>FY2024 OSMRE Annual Spend Plan Update .....</b>	<b>120</b>

# **TABLE INDEX**

**TABLE INDEX**

**Table 1 – State, Tribal, and Federal Responsibility for the AML Program.....26**

**Table 2 – Inspections Conducted in Primacy States in FY 2022 .....43**

**Table 3 – Permit and Permit Revision Workload – OSMRE as Regulatory Authority.....48**

**Table 4 – Inspections Conducted by OSMRE in the Federal and Indian Lands Program.....48**

**Table 5 – Mining Plan Decision Document Workload on Leased .....49**

**Table 6 – FY 2022 State Program Amendment Activity .....51**

**Table 7 – Deposits to the AML Fund and AML Production Fees.....79**

**Table 8 – Summary Status of Abandoned Mine Reclamation Fund.....80**

**Table 9 – AML Unappropriated Balance .....82**

**Table 10 – UMWA Transfer Requests.....84**

**Table 11 – Estimated General Services Costs .....100**

**Table 12 – Permanent Appropriation Estimates .....105**

**Table 13 – Mandatory Funding for States and Tribes.....109**

# **Executive Summary**

## **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.

OSMRE's primary objectives are to:

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

---

OSMRE's FY 2024 budget supports the environmentally responsible development of energy by providing oversight of coal production through the protection and restoration of actively mined lands and the reclamation of mined lands left unreclaimed from legacy mining operations that occurred before SMCRA's enactment. The FY 2024 budget contributes to the Department's priorities of advancing 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 terrestrial carbon sequestration; supporting local, State, private, and Tribal restoration efforts; and creating good paying jobs with a free and fair chance to join a union.

OSMRE's statutory responsibilities include administering the program for regulating the environmental impacts of surface coal mining operations pursuant to Title V of SMCRA, as well as the program for the restoration of abandoned and unreclaimed mined areas pursuant to Title IV of SMCRA. OSMRE authorizes States and Tribes, upon approval of their regulatory and reclamation programs, to perform these responsibilities, subject to OSMRE oversight. In its oversight role, OSMRE provides to the State and Tribal programs funding, training, technical assistance, support, and tools to help ensure consistent, high quality, and effective regulatory and reclamation programs across the Nation.

Every coal mine operation in the United States must be permitted and regulated in compliance with the provisions of SMCRA. During FY 2022, OSMRE, States and Tribes issued more than 5,400 permits nationwide either on active mining operations or sites in various reclamation phases. These sites, covering 2.7 million acres of surface mining and support facilities are regulated using permits, inspection and enforcement actions, and reclamation bonding requirements.



## **Environmental Restoration**

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

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

The Tax Relief and Health Care Act of 2006 (Public Law 109-432) included amendments to SMCRA (2006 Amendments) that extended the fee authorization through September 30, 2021, made reclamation grants from the AML fund mandatory, and created new mandatory, unrestricted payments to States and Tribes that certified they had completed their coal reclamation work.

The Bipartisan Infrastructure Law (BIL) (Public Law 117-58) revised and extended the authority to collect the coal mine reclamation fee through September 30, 2034, and lowered the fee amounts by 20 percent, beginning in FY 2022. The BIL provided \$11.3 billion for reclamation grants to States and Tribes to address AML sites that pose health, safety, and environmental hazards to America's communities, create good-paying jobs, and generate economic opportunities.

OSMRE will direct discretionary AML resources from SMCRA to State Program Evaluation and Federal Reclamation Program operations. These programs work directly to reclaim abandoned mine lands and fulfill OSMRE's Title IV obligations. The FY 2024 budget also requests funding to continue support for AML Economic Revitalization (AMLER) program grants to States and Tribes. The AMLER program was initially established in the Consolidated Appropriations Act, 2016 (Public Law 114-113) as a pilot program to accelerate the cleanup of AML sites that would lead to new economic development and revitalization opportunities to assist surrounding communities. This program has been continued in each subsequent year's appropriation act through FY 2023 (Public Laws 115-31, 115-141, 116-6, 116-94, 116-260, 117-103, 117-328).

As noted above, OSMRE will continue to collect reclamation fees from operators through September 30, 2034, as authorized. These reclamation grant funds will be allocated and distributed to States and Tribes, and transfers made 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) Policy**

OSMRE's statutory role is to promote and assist its partner States and Tribes to establish and maintain a stable regulatory environment for coal mining consistent with SMCRA. OSMRE administers Title V either through oversight of primacy State programs, or directly where OSMRE is the regulatory authority. This regulatory stability ensures that all parties (regulators, operators, and citizens) have a common understanding of applicable requirements and rights to make informed decisions affecting their economic and personal interests.

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

To support primacy States with their regulatory programs, OSMRE provides regulatory grants for technical assistance and training. These grants provide up to 50 percent of a State's operating costs for regulating private coal mining, and up to 100 percent of a State's operating costs for regulating mining on Federal lands within the State. OSMRE also provides grants to Tribes to help them develop 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.

Among the most effective ways to determine if a State's mining laws are being properly implemented is to review State permitting actions and inspections of mine sites. For the 12-month period ending June 30, 2022, States performed 21,223 complete and 34,593 partial-mine inspections. In FY 2022, OSMRE completed 570 partial and 289 complete inspections through its Federal and Indian Lands Programs. Nationwide, 91.3 percent of permitted sites inspected were free of off-site impacts (i.e., those that occur outside the permitted area and have the potential to harm the environment, or the public as specified under the existing regulations). Off-site impacts associated with active sites are addressed through inspection and enforcement. These 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 to help achieve mission objectives and works within several key areas to coordinate and leverage investment to generate effective results. The FY 2024 budget facilitates this coordination by supporting integrated efforts to achieve management efficiencies.

OSMRE uses emerging technologies, tools, and methodologies to improve the understanding of natural resources and environmental quality related to coal mining. OSMRE's Technology Development and

Transfer business line focuses on 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 2024 budget provides the resources required to meet the demand from States, Tribes, public interest groups, and internal customers for OSMRE to provide technical support related to active coal mining. Activities include development of policy/guidance documents for technical issues and onsite review and guidance on the application of regulations to specific permits and mine sites.

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

Pursuant to the July 2020 decision by the U.S. Supreme Court in *McGirt v. Oklahoma* (140 S.Ct. 2452),<sup>1</sup> OSMRE established an Indian Lands program in Oklahoma under which OSMRE assumed responsibility for regulation of coal mining operations and reclamation activities on Muskogee (Creek) Nation 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 rulings similarly resulted in OSMRE assuming regulatory and reclamation responsibilities for two additional reservations in Oklahoma: the Choctaw and Cherokee Nations. The FY 2024 budget provides the resources required for OSMRE to effectively manage its Federal regulatory and reclamation responsibility on Indian lands within Oklahoma.

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

The Good Accounting Obligation in Government Act (GAO-IG Act, P.L. 115-414), enacted January 3, 2019, requires that Agencies report the status of each open audit recommendation issued more than one year prior to the submission of the Agency's annual budget justification to Congress. The Act requires Agencies to include the current target completion date, implementation status, and any discrepancies on closure determinations. Department of the Interior (DOI) leadership takes audit follow-up very seriously and considers our external auditors, including the Government Accountability Office (GAO) and Office of the Inspector General (OIG), valued partners in not only improving the Department's management and compliance obligations but also enhancing its programmatic and administrative operations. As stewards of taxpayer resources, the Department applies cost-benefit analysis and enterprise risk management principles in recommendation implementation decisions. The Department's GAO-IG Act Report will be available at the following link: <https://www.doi.gov/cj>.

---

<sup>1</sup> This decision involves recognizing the existence of the historic Muskogee (Creek) Reservation in Oklahoma and conferring Indian land status to land within the exterior boundaries of the Muskogee (Creek) Nation. OSMRE assumes jurisdiction in this situation pursuant to SMCRA's similar definition of "Indian Lands" and the requirement that OSMRE regulate such lands.

## **Budget Highlights**

The FY 2024 Budget Request for OSMRE is \$301.9 million in current appropriations, including an increase of \$4.0 million to fully fund fixed costs.

OSMRE will focus resources on its core mission functions essential to implementation of SMCRA, provide technical support and assistance to 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 AML program. Below is an outline of the requested changes.

In addition to discretionary appropriations, the budget includes \$1.3 billion 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 2024 budget provides \$65 million (22 percent of OSMRE's total requested discretionary funds) for regulatory grants to States and Tribes. The budget also provides \$135 million (45 percent of total requested discretionary funds) for AMLER grants to States and Tribes. OSMRE will use the balance of the budget (33 percent of total requested discretionary funds) to fulfill its statutory oversight responsibilities, administer Federal regulatory and reclamation programs, provide technical assistance to States and Tribes, and carry out its fiscal responsibilities for collecting revenues and awarding grants.

The 2024 budget proposes appropriations language to enable the OSMRE to use up to \$5,000 of appropriated amounts for courtesy and social responsibilities associated with official duties, primarily for outreach, engagement, and consultation with Tribal partners to honor traditions. This request would provide the Bureau similar authority provided to other agencies to extend hospitality to official visitors without bureau employees bearing expenses from their own personal funds.

OSMRE executes its mission through five Business Lines:

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

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

## Total FY 2024 Budget Request

(Dollars in Thousands)

Budget Authority	2022 Actual	2023 Enacted	2024 Request	Change from 2023 Enacted
<b>Discretionary Appropriations</b>				
Regulation and Technology	118,157	121,026	127,301	+6,275
<i>Civil Penalties (Indefinite Authority)</i>	<i>[-759]</i>	<i>[100]</i>	<i>[100]</i>	<i>[0]</i>
<i>Permit Fees (Offsetting Collections)</i>	<i>[0]</i>	<i>[40]</i>	<i>[40]</i>	<i>[0]</i>
Abandoned Mine Reclamation Fund	149,980	168,904	174,555	+5,651
<b>Total Discretionary</b>	<b>268,137</b>	<b>289,930</b>	<b>301,856</b>	<b>+11,926</b>
<b>Supplemental Appropriations</b>				
<i>Bipartisan Infrastructure Law (P.L.117-58)</i>	<i>11,293,000</i>	<i>0</i>	<i>0</i>	<i>0</i>
<i>Transfer to Office of Inspector General</i>	<i>-56,465</i>	<i>0</i>	<i>0</i>	<i>0</i>
<b>Total Discretionary w/Supplemental</b>	<b>11,504,672</b>	<b>289,930</b>	<b>301,856</b>	<b>+11,926</b>
<b>Mandatory Appropriations</b>				
Payments to States in Lieu of Coal Fee Receipts (Treasury Funds)	37,437	33,500	30,300	-3,200
<i>Mandatory Sequester</i>	<i>-2,134</i>	<i>-1,910</i>	<i>-1,727</i>	<i>+183</i>
Mandatory Grants to Non-Certified States (AML Funds)	115,668	106,500	102,100	-4,400
<i>Mandatory Sequester</i>	<i>-6,593</i>	<i>-6,071</i>	<i>-5,820</i>	<i>+251</i>
Funds Transferred to UMWA Health Benefit Plans and the 1974 UMWA Pension Plan (Treasury and AML Funds)	740,486	1,058,592	1,159,000	+100,408
<b>Total Mandatory</b>	<b>893,591</b>	<b>1,198,592</b>	<b>1,291,400</b>	<b>+92,808</b>
<i>Total Mandatory (after Mandatory Sequester)</i>	<i>884,864</i>	<i>1,190,592</i>	<i>1,291,400</i>	<i>+100,808</i>
<b>Total Discretionary and Mandatory</b>	<b>12,398,223</b>	<b>1,488,522</b>	<b>1,593,256</b>	<b>+104,734</b>
<i>Total Discretionary and Mandatory (Mandatory Sequester)</i>	<i>12,389,536</i>	<i>1,480,541</i>	<i>1,585,709</i>	<i>+105,168</i>
FTEs	354	427	429	+2

## **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, [\\$121,026,000]*\$127,301,000*, to remain available until September 30, [2024]2025, of which \$65,000,000 shall be available for State and tribal regulatory grants, *and of which not to exceed \$5,000 may be for official reception and representation expenses: Provided*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

In addition, for costs to review, administer, and enforce permits issued by the Office pursuant to section 507 of Public Law 95-87 (30 U.S.C. 1257), \$40,000, to remain available until expended: *Provided*, That fees assessed and collected by the Office pursuant to such section 507 shall be credited to this account as discretionary offsetting collections, to remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as collections are received during the fiscal year, so as to result in a fiscal year [2023]2024 appropriation estimated at not more than [\\$121,026,000]*\$127,301,000*.

(Department of the Interior, Environment, and Related Agencies Appropriations Act, 2023.)

### **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, [\\$33,904,000]*\$39,555,000*, 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: *Provided further*, *That of the amounts provided under this heading, not to exceed \$5,000 shall be available for official reception and representation expenses.*

In addition, \$135,000,000, 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, 0.75 percent shall be available to the Office of Surface Mining Reclamation and Enforcement for program*

*administration and 0.5 percent shall be available for transfer to the Office of the Inspector General of the Department of the Interior for oversight of funding provided under this heading: Provided further, That of such additional amount, [\$88,042,000]\$86,850,000 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, [\$35,218,000]\$34,740,000 shall be distributed in equal amounts to the three Appalachian States with the subsequent greatest amount of unfunded needs to meet such priorities, and [\$11,740,000]\$11,722,500 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.*

(Department of the Interior, Environment, and Related Agencies Appropriations Act, 2023.)

## **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; 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.
- Reception and Representation Authority: *“and of which not to exceed \$5,000 may be for official reception and representation expenses:”*

The 2024 budget proposes appropriations language to enable the OSMRE to use up to \$5,000 of appropriated amounts for courtesy and social responsibilities associated with official duties, primarily for outreach, engagement, and consultation with Tribal partners to honor traditions. This request would provide the Bureau similar authority provided to other agencies to extend hospitality to official visitors without bureau employees bearing expenses from their own personal funds.



### **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 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.
- Reception and Representation Authority: *“and of which not to exceed \$5,000 may be for official reception and representation expenses:”*

The 2024 budget proposes appropriations language to enable the OSMRE to use up to \$5,000 of appropriated amounts for courtesy and social responsibilities associated with official duties, primarily for outreach, engagement, and consultation with Tribal partners to honor traditions. This request would provide the Bureau similar authority provided to other agencies to extend hospitality to official visitors without bureau employees bearing expenses from their own personal funds.

**Summary of Requirements**  
**Office of Surface Mining Reclamation and Enforcement**  
*(Dollars in Thousands)*

	2022 Actual Amount	2022 Actual FTE	2023 Enacted	2023 Enacted FTE	Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-) Amount	2024 Request Amount	2024 Request FTE	Change from 2022 (+/-) Amount	Change from 2022 (+/-) FTE
<b>REGULATION AND TECHNOLOGY</b>											
Environmental Protection (w/ permit fee budget	87,239	127	88,900	181	+1,697		0	90,597	181	+1,697	0
Technology Development and Transfer	15,119	64	16,061	81	+759		0	16,820	81	+759	0
Financial Management	518	2	535	3	+28		0	563	3	+28	0
Executive Direction and Administration	15,281	46	15,530	47	+442		+3,349	19,321	49	+3,791	+2
<b>TOTAL, REGULATION AND TECHNOLOGY (w/o Civil Penalties and Permit Fees)</b>	<b>118,157</b>	<b>239</b>	<b>121,026</b>	<b>312</b>	<b>+2,926</b>	<b>0</b>	<b>+3,349</b>	<b>127,301</b>	<b>314</b>	<b>+6,275</b>	<b>+2</b>
<i>Civil Penalties (Budget Authority)</i>	759		100		0			100			
<i>Permit Fees (Offsetting Collections)</i>	0		40		0			40			
<b>TOTAL, REGULATION AND TECHNOLOGY (w/ Civil Penalties and Permit Fees)</b>	<b>118,916</b>	<b>239</b>	<b>121,166</b>	<b>312</b>	<b>+2,926</b>	<b>0</b>	<b>+3,349</b>	<b>127,441</b>	<b>314</b>	<b>+6,275</b>	<b>+2</b>
<b>ABANDONED MINE RECLAMATION FUND</b>											
Environmental Restoration	11,589	38	17,088	43	+408		+2,950	20,446	43	+3,358	0
Technology Development and Transfer	3,674	17	4,266	18	+170		0	4,436	18	+170	0
Financial Management	5,403	34	6,079	33	+313		0	6,392	33	+313	0
Executive Direction and Administration	6,814	26	6,471	21	+201		+1,609	8,281	21	+1,810	0
AML Economic Development Pilot Program	122,500	0	135,000	0	0		0	135,000	0	0	0
<b>TOTAL, ABANDONED MINE RECLAMATION FUND</b>	<b>149,980</b>	<b>115</b>	<b>168,904</b>	<b>115</b>	<b>+1,092</b>	<b>0</b>	<b>+4,559</b>	<b>174,555</b>	<b>115</b>	<b>+5,651</b>	<b>0</b>
<b>Supplemental Appropriations</b>											
Bipartisan Infrastructure Law	11,293,000	0	0	0	0	0	0	0	0	0	0
Transfer to OIG	-56,465	0	0	0	0	0	0	0	0	0	0
<b>TOTAL, DISCRETIONARY (w/o Civil Penalties and Offsetting Collections)</b>	<b>11,504,632</b>	<b>354</b>	<b>289,930</b>	<b>427</b>	<b>+4,018</b>	<b>0</b>	<b>+7,908</b>	<b>301,856</b>	<b>429</b>	<b>+11,926</b>	<b>+2</b>
<b>TOTAL, DISCRETIONARY (w/ Civil Penalties and Offsetting Collections)</b>	<b>11,505,431</b>	<b>354</b>	<b>290,070</b>	<b>427</b>	<b>+4,018</b>	<b>0</b>	<b>+7,908</b>	<b>301,996</b>	<b>429</b>	<b>+11,926</b>	<b>+2</b>

## Justification of Fixed Costs and Internal Realignments

(Dollars in Thousands)

<b>Regulation and Technology (Net +2,926)</b>			
<b>Fixed Cost Changes and Projections</b>	<b>2023 Enacted Change</b>	<b>2023 to 2024 Change</b>	<b>Description</b>
Change in Number of Paid Days	-180	+193	This column reflects changes in pay associated with the change in the number of paid days between 2023 and 2024. 2024 has one day more than 2023.
Pay Raise	+1,871	+2,436	The President's Budget for 2024 includes one quarter of the 4.6% pay raise for 2023 and three quarters of a planned 5.2% pay raise for 2024.
Employer Share of Federal Employee Retirement System (FERS)	-	-	This column reflects no budgeted increase to the employer contribution to the Federal Employee Retirement System and a 0.6% increase to the employer contribution for the Law Enforcement Federal Employees Retirement System.
Departmental Working Capital Fund	+47	+76	The change reflects the final 2024 Central Bill approved by the Working Capital Fund Consortium.
Worker's Compensation Payments	7	-8	The amounts reflect final chargeback costs of compensating injured employees and dependents of employees who suffer accidental deaths while on duty. Costs for 2024 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	-	-	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	+35	+229	The amounts reflect changes in the costs payable to General Services Administration (GSA) and others for office and non-office space as estimated by GSA, as well as the rental costs of other currently occupied space. These costs include building security. Costs of mandatory office relocations, i.e. relocations in cases where due to external events there is no alternative but to vacate the currently occupied space, are also included.
Baseline Adjustments for O&M Increases	-	-	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.

<b>Abandoned Mine Reclamation Fund (Net +1,092)</b>			
<b>Fixed Cost Changes and Projections</b>	<b>2023 Enacted Change</b>	<b>2023 to 2024 Change</b>	<b>Description</b>
Change in Number of Paid Days	-65	+72	This column reflects changes in pay associated with the change in the number of paid days between 2023 and 2024. 2024 has one day more than 2023.
Pay Raise	+677	+913	The President's Budget for 2024 includes one quarter of the 4.6% pay raise for 2023 and three quarters of a planned 5.2% pay raise for 2024.
Employer Share of Federal Employee Retirement System (FERS)	-	-	This column reflects no budgeted increase to the employer contribution to the Federal Employee Retirement System and a 0.6% increase to the employer contribution for the Law Enforcement Federal Employees Retirement System.
Departmental Working Capital Fund	+49	+27	The change reflects the final 2024 Central Bill approved by the Working Capital Fund Consortium.
Worker's Compensation Payments	+3	-1	The amounts reflect final chargeback costs of compensating injured employees and dependents of employees who suffer accidental deaths while on duty. Costs for 2024 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	-	-	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	-525	+81	The amounts reflect changes in the costs payable to General Services Administration (GSA) and others for office and non-office space as estimated by GSA, as well as the rental costs of other currently occupied space. These costs include building security. Costs of mandatory office relocations, i.e. relocations in cases where due to external events there is no alternative but to vacate the currently occupied space, are also included.
Baseline Adjustments for O&M Increases	-	-	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.

**Abandoned Mine Reclamation Fund (Net +1,092)**

<b>Fixed Cost Changes and Projections</b>	<b>2023 Enacted Change</b>	<b>2023 to 2024 Change</b>	<b>Description</b>
Change in Paid Days	-65	+72	Total paid days for FY2024 is 261 (2088 hours) which is one day more than FY2023. This information is reflected in the published OMB Circular A-11.
FY2023 Pay Raise	+677	+205	This estimate reflects one quarter (October-December) of the programmed 4.6% pay raise for 2024.
FY2024 Pay Raise		+708	This estimate reflects three quarters (January - September) of the 5.2% pay raise planned for 2024.
FERS Employer Contribution Increase	-	-	This column reflects no budgeted increase for the employer contribution to the Federal Employee Retirement System.
Departmental Working Capital Fund	49	+27	Amounts reflect the approved Working Capital Fund Consortium bill for FY 2024, including internal transfers that reflect the adjustment of charges between Working Capital Fund Direct Bill and Central Bill.
Worker's Compensation	3	-1	This reflects the final Workers Compensation bill from DOL for FY 2024.
Unemployment Compensation	-	-	This estimate reflects an applied annual inflation factor of 3.0% to the 5-year average of actuals between 2016-2020.
GSA and Non-GSA Rents	-525	+81	This estimate reflects the FY 2024 President's Budget Exhibit 54s as submitted.  Note: These estimates reflect MIB rent, Security, Federal Reserve Parking and Operations and Maintenance, distributed by bureau and office, based upon OFAS provided MIB occupancy levels.
Baseline Adjustments for O&M Increases	-	-	This estimate reflects the increased cost to O&M when moving from GSA space or direct leased (commercial) space into Bureau-owned space.

# **Budget at a Glance**

# **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 FY 2024 budget request for current appropriations for the Regulation and Technology account is \$127.3 million.

### **Abandoned Mine Reclamation Fund**

This appropriation supports the discretionary reclamation program functions carried out by States, Tribes, and OSMRE. The Fund is derived from a fee on each ton of coal produced for sale, transfer, or use. The Fund also supports Federal activities related to the administration and monitoring of State programs, as well as OSMRE's technical training, assistance, and transfer activities related to environmental restoration. The FY 2024 budget request for current appropriations for the Abandoned Mine Reclamation Fund account is \$174.6 million.

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

<b>Budget at a Glance</b> (Dollars in thousands)					
Appropriation: Regulation and Technology	2022 Actual	2023 Enacted	Fixed Cost (+/-)	Program Change (+/-)	2024 Request
<b>Environmental Protection</b>	<b>87,199</b>	<b>88,900</b>	<b>+1,697</b>		<b>90,597</b>
State and Tribal Funding	65,000	65,000			65,000
State Program Evaluation	8,444	8,905	+760		9,665
Federal Program	4,404	4,581	+290		4,871
Indian Lands Program	3,306	3,387	+216		3,603
Federal Lands	1,482	1,539	+94		1,633
Program Development and Maintenance	4,563	5,488	+337		5,825
<b>Technology Development and Transfer</b>	<b>15,119</b>	<b>16,061</b>	<b>+759</b>		<b>16,820</b>
Technical Assistance	10,886	11,657	+478		12,135
Training	2,146	2,254	+178		2,432
Technology Transfer	2,087	2,150	+103		2,253
<b>Financial Management</b>	<b>518</b>	<b>535</b>	<b>+28</b>		<b>563</b>
Revenue Management	416	428	+19		447
Grants Financial Management	102	107	+9		116
<b>Executive Direction and Administration</b>	<b>15,281</b>	<b>15,530</b>	<b>+442</b>	<b>+3,349</b>	<b>19,321</b>
Executive Direction	2,256	2,330	+151	+165	2,646
<i>Federal Sustainability Initiative Coordinator (1 FTE)</i>				[+165]	
Administrative Support	3,923	4,020	+291		4,311
General Services	9,102	9,180		+3,184	12,364
<i>IT - Data Center Migration, Hosting and Cyber Security</i>				[+2,476]	
<i>ZEV Funding (Coordinator, Charging Infrastructure, Vehicles &amp; AFE Premium)</i>				[+613]	
<i>Baseline Capacity</i>				[+95]	
<b>TOTAL, Regulation and Technology (w/o offsetting collections)</b>	<b>118,117</b>	<b>121,026</b>	<b>+2,926</b>	<b>+3,349</b>	<b>127,301</b>
<b>Offsetting Collections</b>					
Civil Penalties		100			100
Permit Fees	40	40			40
<b>TOTAL, Regulation and Technology (w/ offsetting collections)</b>	<b>118,157</b>	<b>121,166</b>	<b>2,926</b>	<b>+3,349</b>	<b>127,441</b>



Appropriation: Abandoned Mine Reclamation Fund	2022 Actual	2023 Enacted	Fixed Cost (+/-)	Program Change (+/-)	2024 Request
<b>Environmental Restoration</b>	<b>134,089</b>	<b>152,088</b>	<b>+408</b>	<b>+2,950</b>	<b>155,446</b>
State and Tribal Funding		500		+1,500	2,000
<i>Passive Treatment Protection Program Grants</i>				[+1,500]	
State Program Evaluation	2,773	2,866	+142		3,008
Federal Reclamation Programs - Projects	2,084	6,119		+1,000	7,119
<i>Fund Priority Federal Reclamation Projects (OK)</i>				[+1,000]	
Federal Reclamation Program - Operations	3,273	3,300	+123	+450	3,873
<i>Enhance Grants Solutions Capabilities</i>				[+450]	
Program Development and Maintenance	3,459	4,303	+143		4,446
AML Economic Development Grants	122,500	135,000			135,000
<i>AML Economic Development Grants Administration</i>					[1,688]
<b>Technology Development and Transfer</b>	<b>3,674</b>	<b>4,266</b>	<b>+170</b>		<b>4,436</b>
Technical Assistance	1,657	2,199	+95		2,294
Training	845	889	+66		955
Technology Transfer	1,172	1,178	+9		1,187
<b>Financial Management</b>	<b>5,403</b>	<b>6,079</b>	<b>+313</b>		<b>6,392</b>
Fee Compliance	5,286	5,458	+266		5,724
Grants Financial Management	117	621	+47		668
<b>Executive Direction and Administration</b>	<b>6,814</b>	<b>6,471</b>	<b>+201</b>	<b>+1,609</b>	<b>8,281</b>
Executive Direction	1,007	1,051	+67	+85	1,203
<i>Federal Sustainability Initiative Coordinator</i>				[+85]	
Administrative Support	2,011	2,097	+134		2,231
General Services	3,796	3,323		+1,524	4,847
<i>IT - Data Center Migration, Hosting and Cyber Security</i>				[+1,524]	
<b>Total, Abandoned Mine Reclamation Fund</b>	<b>149,980</b>	<b>168,904</b>	<b>+1,092</b>	<b>+4,559</b>	<b>174,555</b>
<b>Supplemental Appropriations</b>					
Bipartisan Infrastructure Law Transfer to OIG	11,293,000				
	-56,465				
<b>Total, Supplemental Appropriations</b>	<b>11,236,535</b>				
<b>Total, OSMRE Discretionary Funding (w/o offsetting collections)</b>	<b>11,504,632</b>	<b>289,930</b>	<b>+4,018</b>	<b>+7,908</b>	<b>301,856</b>
<b>Total, OSMRE Discretionary Funding (w/ offsetting collections)</b>	<b>11,504,672</b>	<b>290,070</b>	<b>+4,018</b>	<b>+7,908</b>	<b>301,996</b>

Budget-At-A-Glance

Mandatory Funding	2022 Actual	2023 Enacted	Program Change (+/-)	2024 Request
Payments to Certified States and Tribes In Lieu of Coal Fee Receipts	37,437	33,500	-3,200	30,300
Abandoned Mine Land Grants to States and Tribes	115,668	106,500	-4,400	102,100
Grants to Noncertified States				
State & Tribal Share	19,842	16,800		16,800
Historic Coal Fund	71,804	63,800	-5,100	58,700
Minimum Program Make Up	24,022	25,900	+700	26,600
<b>Subtotal Payments/Grants to States and Tribes (w/o Sequestration)</b>	<b>153,105</b>	<b>140,000</b>	<b>-7,600</b>	<b>132,400</b>
Less Sequestered Funds	-8,727	-7,981	+434	-7,547
<b>Total Payments to States and Tribes (w/ Sequestration)</b>	<b>144,378</b>	<b>132,019</b>	<b>-7,166</b>	<b>124,853</b>
<b>United Mine Workers of America Plans (UMWA)</b>	<b>740,486</b>	<b>1,058,592</b>	<b>+100,408</b>	<b>1,159,000</b>
Payments to UMWA Health Benefit Plans - AML Interest Fund	19,404	342,092	+97,208	439,300
Payments to UMWA Health Benefit Plans - Treasury	339,397	6,040	+2,360	8,400
Payments to the 1974 UMWA Pension Plan	381,685	710,460	+840	711,300
<b>Total, Mandatory Funding (w/o Sequestration)</b>	<b>893,591</b>	<b>1,198,592</b>	<b>+92,808</b>	<b>1,291,400</b>
<b>Total, Mandatory Funding (w/ Sequestration)</b>	<b>884,864</b>	<b>1,190,611</b>	<b>+93,242</b>	<b>1,283,853</b>

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

# **ENVIRONMENTAL RESTORATION**

## ENVIRONMENTAL RESTORATION

### Environmental Restoration Budget Request

(Dollars in Thousands)

	2022 Actual	2023 Enacted	2024				
			Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2024 Request	Change from 2023
State and Tribal Funding - Passive Treatment Protection Grants	-	500	-	-	+1,500	2,000	+1,500
State Program Evaluation	2,773	2,866	+142	-	-	3,008	+142
<i>FTE</i>	28	15	-	-	-	15	-
Federal Programs - Projects	2,084	6,119	-	-	+1,000	7,119	+1,000
Federal Programs - Operations	3,273	3,300	+123	-	+450	3,873	+573
<i>FTE</i>	2	13	-	-	-	13	-
Program Development and Maintenance	3,459	4,303	+143	-	-	4,446	+143
<i>FTE</i>	8	15	-	-	-	15	-
AML Economic Revitalization (AMLER) Grants	122,500	135,000	-	-	-	135,000	-
<b>Total, Environmental Restoration</b>	<b>134,089</b>	<b>152,088</b>	<b>+408</b>	<b>-</b>	<b>+2,950</b>	<b>155,446</b>	<b>+3,358</b>
<i>Total FTE</i>	38	43	-	-	-	43	-

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 FY 2024 Program Changes for Environmental Restoration

Request Component	(\$000)	FTE
Passive Treatment Protection Program	+1,500	-
Fund Priority Federal Reclamation Projects (Oklahoma)	+1,000	-
Enhance Grant Solutions Capabilities	+450	-
<b>TOTAL Program Changes</b>	<b>+2,950</b>	<b>-</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 (AMD). In FY 2024, the Environmental Restoration program plans to remediate 9,800 acres of abandoned coal mine lands with traditional mandatory AML grants and annual appropriations by eliminating health, safety, and environmental hazards. These remediation efforts will result in providing several hundred thousand people with reduced exposure to safety risks from abandoned mine lands.

#### Justification of 2024 Program Changes

The 2024 budget request for Environmental Restoration is \$155,446,000 and 43 FTE, a program change of +\$2,950,000.

**Passive Treatment Protection Program (PTPP) Grants (+\$1,500,000):** This request will increase grants to construct passive treatment systems to help protect the investments made in facilities designed to address water pollution discharges from abandoned mine lands. This program provides grants to non-governmental

organizations and to local and State governments to help operate, maintain, and rehabilitate abandoned mine land passive water treatment systems.

**Enhance Grant Solution Capabilities (+\$450,000):** Grant Solutions, DOI’s financial assistance management software platform, was deployed in FY 2021. Grants Solutions enables DOI to manage grants and cooperative agreements through the entire award life cycle including pre-award, award, post-award, and closeout. This proposal will fund OSMRE’s estimated share of the system’s management and operations costs and ensure effective and consistent management of grants across DOI.

**Priority Federal Reclamation Projects in Oklahoma (+\$1,000,000):** Pursuant to the Supreme Court decision in *McGirt v. Oklahoma*, OSMRE is charged with enforcing SMCRA on Tribal lands within Oklahoma, including accepting responsibility for an estimated \$90 million in unreclaimed priority 1 and priority 2 AML projects. OSMRE will be fully staffed to undertake additional reclamation projects in Oklahoma in FY 2024. This request of an additional \$1.0 million would build on the \$4.0 million in existing base funding to increase the number of AML projects that can be addressed in the State.

## OVERVIEW

As stewards of our Nation’s natural and cultural resources, DOI 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. OSMRE’s programs focus on resolving these problems, which leads to improvements in our land and water resources. These improvements also support local communities and other partners to make further investments that drive economic redevelopment—such as new businesses and recreation facilities—wildlife habitat improvements, and/or land conservation. Mine site reclamation improves our environment, safeguards people and property, and revitalizes communities through direct and indirect job creation.

OSMRE’s Environmental Restoration business line funds AML Program operations and projects. It focuses on State and Tribal AML program evaluations, abatement of high-priority coal mining-related hazards through the Federal Reclamation Program (where OSMRE has reclamation responsibility), and strategic partnerships to address AMD and other water pollution 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.
- **Priority 3:** Restoration of land and water resources and the environment previously degraded by adverse effects of coal mining practices.

As of September 30, 2022, OSMRE oversees a national inventory with more than 24,000 problem areas<sup>2</sup> associated with AMLs. The estimated cost to manage Priority 1 and 2 sites is \$8.7 billion, and \$2.9 billion to manage Priority 3 coal-related sites. Together, the aggregate cost to manage and resolve all Priority coal-related problems is \$11.6 billion.

Funding for the AML program is generated by mine reclamation fees assessed on annual coal production. The Bipartisan Infrastructure Law (BIL) (Public Law 117-58) revised this authority by lowering the mine reclamation fee and extending the authority to assess fees through September 30, 2034.

The BIL also appropriated \$11.3 billion for grants to States and Tribes over a 15-year period beginning in FY 2022 to fund abandoned coal mine land reclamation and address emergencies and water restoration projects.

The activities funded under the discretionary appropriation for the Environmental Restoration business line include State Program Evaluation, Federal Reclamation Program Projects, Program Development and Maintenance, and AML/AMLER Economic Revitalization Grants.

<p style="text-align: center;"><b>ENVIRONMENTAL RESTORATION ENCOMPASSES:</b></p> <p>State and Tribal Funding</p> <ul style="list-style-type: none"><li>• Passive Treatment Protection Program</li></ul> <p>State Program Evaluation</p> <p>Federal Reclamation Program – Projects</p> <ul style="list-style-type: none"><li>• Watershed Cooperative Agreements</li><li>• Civil Penalty Projects</li><li>• Federal Emergency Projects</li></ul> <p>Federal Reclamation Program – Operations</p> <p>Program Development and Maintenance</p> <p>AML Economic Revitalization (AMLER) Grants</p>
---

**Program Activities:** The 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. OSMRE’s Environmental Restoration program activities ensure the alleviation of past mining operations’ adverse impacts on land and water resources.

OSMRE’s State Program Evaluation coordinates evaluation and oversight of the State and Tribal AML reclamation operations.

Federal Reclamation Program Projects and Operations address issues for States and Tribes without an approved AML program.

This program also funds the Watershed Cooperative Agreement Program (WCAP) to support cooperative conservation with 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.

<sup>2</sup> A problem area is a geographical area that contains one or more abandoned mine land problems.

This business line also administers the AMLER program and provides eligible States and Tribes with AMLER grants and guidance on project eligibility criteria and reporting requirements.

**Actions Required to Achieve Annual Goals:** In FY 2024 and beyond, OSMRE will work with States’ and Tribes’ reclamation agencies and through private and grassroots associations and will guide reclamation partnerships. OSMRE will increase efforts to leverage funding from other government and non-government organizations to address abandoned mine sites. This emphasis on partnerships and leveraging of resources supports cooperative conservation efforts.

**Resources, Skills, and Technology Capacity:** OSMRE recruits, trains, and fosters a diverse and multidisciplinary scientific, engineering, information technology (IT), and analytically skilled workforce. Working as a team, OSMRE staff establish reclamation project designs, construction criteria, and review and monitor watershed cooperative agreements and civil penalty and bond forfeiture reclamation projects. Either directly or in conjunction with contractors for Federal programs, OSMRE IT staff and contractors maintain and improve the “enhanced-Abandoned Mine Land Inventory System” (e-AMLIS). E-AMLIS stores, manages, and reports the Inventory of Abandoned Mine Land Problems, some of which have been reclaimed. Program analysts, grant specialists, and other support personnel evaluate and manage the State and Tribal grants program and conduct program evaluations.

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

## **PROGRAM DETAILS AND 2024 REQUEST**

### **Abandoned Mine Reclamation Fund**

SMCRA established the Abandoned Mine Reclamation Fund (AML Fund) to receive the AML fees used to finance coal AML site reclamation. AML grants to States and Tribes are funded from permanent mandatory appropriations. The top of Table 1 identifies which States and Tribes have approved AML Programs and receive AML grants from permanent appropriations. A discussion of AML grant funding can be found in the Permanent Appropriations Tab.

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

Responsible Party	AML Program & Emergency Issues	
State and Tribal Responsibility	Alabama Alaska Arkansas Colorado Illinois Indiana Iowa Kansas Kentucky Louisiana Maryland Mississippi Missouri Montana New Mexico	North Dakota Ohio Pennsylvania Tennessee Texas Utah Virginia West Virginia Wyoming  Tribes: Crow Tribe Hopi Tribe Navajo Nation
Federal Responsibility	California Georgia Idaho Massachusetts Michigan North Carolina Oklahoma* Oregon Rhode Island South Dakota Washington	Tribes other than Crow, Hopi, and Navajo*
*OSMRE has conducted AML reclamation projects on Tribal lands across the Nation and assumed responsibility for AML reclamation projects on all Tribal lands in Oklahoma in FY 2021.		

The FY 2024 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 also covers Federal expenses requested and outlined in subsequent business line chapters on Technology Development and Transfer, Financial Management, and Executive Direction and Administration.

**1. State and Tribal Funding**

**Passive Treatment Protection Program (PTPP):** Passive Treatment System projects are investments that reduce water pollution discharges, and include aerobic or anaerobic wetlands, anoxic limestone drains, open limestone channels, alkalinity producing systems, and limestone ponds.



In the House Appropriations Committee report accompanying the FY 2021 Appropriations Act, Congress expressed its concern about protecting passive treatment system investments designed to address water pollution discharges from abandoned mine lands. In FY 2023, OSMRE was appropriated \$500,000 to begin a PTPP program. The FY 2024 budget request includes \$1,500,000 to continue the PTPP program and provide grants to non-governmental organizations and to local and State government agencies to help operate, maintain, and rehabilitate AML passive treatment systems that were previously constructed to address water pollution from mine drainage.

## **2. State Program Evaluation**

SMCRA requires OSMRE to monitor the progress and quality of each State and Tribal AML programs to confirm that the reclamation programs function effectively. These evaluations of State and Tribal reclamation programs help facilitate more efficient and effective use of program dollars for their intended purposes. The FY 2024 OSMRE budget request includes \$3,008,000 and 15 FTE for State Program Evaluation activities.

OSMRE reviews documents submitted by States and Tribes (e.g., grant applications, amendments, and reports), conducts periodic funding drawdown reviews, and completes on-site evaluations of selected reclamation projects. OSMRE also provides States and Tribes with expert technical assistance for these 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, OSMRE field offices work closely with each State or Tribe to develop a performance agreement, which identifies the areas to be reviewed and establishes performance measures. OSMRE reviews any performance agreements that last longer than a year to gauge the status of the program.

Performance agreements first address the overriding goals of the AML programs, which is successful reclamation. An effective State or Tribe AML program may include 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.

OSMRE guides States and Tribes on the importance of ongoing post-project monitoring programs. 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.

A recent example of a State AML program project is described below:

**Sass Abatement Project - Ohio County, KY:** The Sass Acid Mine Drainage (AMD) abatement project, located on 17 acres in Ohio County, Kentucky, addressed acidic discharge from the shaft of a pre-SMCRA mine. The abatement design included the installation of an anoxic limestone drain seep source that discharges into aerobic-filter wetlands lined with a compacted layer of mixed soil and bentonite. The wetland discharges into a constructed ditch into an existing pond. The project, with a \$358,867 total

reclamation cost, began construction in August 2021 and was completed in May 2022. The area is now used by the community for outdoor recreation



*Sass Abatement Project, Ohio County, KY.*

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

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

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

The FY 2024 request includes \$7,119,000 for Federal reclamation projects, including \$5,035,000 for Federal reclamation projects on Tribal lands in Oklahoma (an increase of \$1.0 million above FY 2023), \$785,000 for Federal emergency reclamation projects, and \$1,299,000 for watershed cooperative agreements. In addition to the requested funds, OSMRE will also continue to administer Federal reclamation projects in FY 2024 utilizing available civil penalty funds collected as authorized in SMCRA.

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

The Watershed Cooperative Agreement Project (WCAP) program supports projects with multiple funding sources to assist groups, such as small watershed organizations, complete local AMD reclamation projects. Eligible grantees are not-for-profit groups that plan to complete AMD stream clean up construction projects. Local organizations work with other partners to assemble funding or in-kind services project support to increase the reach and impact of Federal resources.

The maximum award amount for a WCAP grant is \$100,000, with a two-year performance period. Although funds are primarily used for the construction phase of the project, any administrative or construction cost associated with the completion of the project is allowable. The requested OSM funding must be the final amount necessary to complete the project.

The funding priority and technical focus of WCAP grants is to restore streams affected by AMD to a level that will support a diverse biological community and provide recreational opportunities for

the public. The project must produce tangible results, such as fishery restored, stream miles improved, educational and community benefit, or pollutants removed from streams. There also must be a plan to address any ongoing operation/maintenance considerations.

In June 2022, OSMRE announced \$1.3 million in WCAP grant awards to be awarded later in FY2023. <https://www.osmre.gov/news/watershed-cooperative-agreement-program-funding-2022>. In February 2023, OSMRE awarded \$300,000 to three WCAP projects in Iowa. <https://www.osmre.gov/news/OSMRE-provides-300000-to-IA-watersheds>.

#### **b. Civil Penalty Projects**

SMCRA authorizes Federal civil penalties collected under Section 518 of the Act to be used for reclaiming lands mined and abandoned sites. OSMRE is authorized to assess monetary civil penalties nationwide on active coal mining operations. These monetary assessments are available to fund reclamation of bond forfeiture sites and to fund projects proposed by both State and Federal regulatory authorities. An example of a civil penalty project is provided below.

**Buffalo Coal Permit 422 - Maryland:** The Pine Mountain Coal Company was provided \$315,965 in civil penalty funds to improve an active treatment system and remove accumulated sludge. The project eliminated two ponds and provided long-term and sustainable sludge handling and disposal using a drying bed and offsite disposal. The Maryland Bureau of Mines Supplemental Bond Fund supports the operation of the facility annually with \$12,000 for chemicals and operation and maintenance costs.

#### **c. Federal Emergency Projects**

Federal emergency projects are conducted to immediately abate emergency abandoned mine hazards in States and on Indian lands without an approved AML Program. Emergency projects are those involving abandoned coal mine lands that present an immediate danger to the public health, safety, or general welfare. Examples of emergencies include landslides near homes and across roads, subsidence occurring under houses and public buildings, mine and coal waste fires, and mine openings including vertical shafts discovered near populated areas.

When notified of an emergency, OSMRE personnel review available information and visit the site to perform an investigation, usually within 48 hours of the notification. If the emergency is determined to be AML related, OSMRE conducts remedial action as quickly as possible to abate the situation. The initial response does not always fully reclaim the site but does mitigate the immediate human health hazard. The remaining reclamation is completed after the emergency has been addressed.

Emergency projects can occur all over the country and these mining related hazards can take many forms. In FY 2022, OSMRE expended \$452,638 to address four AML emergency projects in the State of Washington. Recent examples of these Federal Emergency Projects are detailed below:

**Project WA-21-002 Carbonado - Washington:** This project involves one vertical opening (VO) and one hazardous facility located in a popular hiking area adjacent to a well-traveled Rails to Trails system in the town of Carbonado, Piece County, Washington. Trespassers had discovered an 800-foot-deep air shaft through the VO and were rappelling into it, exposing themselves to the risk of falling and dangerous mine gases. The area's approximately 15,000 trail users are now protected.



*WA-21-002 Project: Hazardous facility with temporary steel plate restricting access to vertical opening*



*WA-21-002 Project: Vertical opening*

**Project WA-21-005 Black Diamond, Washington:** This project consisted of remediating one VO in a residential area. The landowner pumped the water from the VO and identified wooden framing, believing the framing was likely coal mine related and contacted OSMRE. The VO was located between the resident's swimming pool and retaining wall. The project drained and disassembled the pool to create a safe working space for the construction of the permanent mine closure. OSMRE fabricated a reinforced steel bulkhead and poured a concrete plug into the VO. The pool was reassembled upon completion of the mitigation.



*WA-21-005 Project: Vertical opening between swimming pool and retaining wall.*



*WA-21-005 Project: Site hazards mitigated, and pool reassembled*

#### **4. Federal Reclamation Program 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 to make threshold determinations for each incident. OSMRE evaluates each incident by determining whether the situation is (1) suddenly occurring, (2) life threatening, and (3) related to a coal mine abandoned prior to August 3, 1977.

However, with emergency projects, projects move quickly with abatement activities beginning within hours of OSMRE's initial investigation. The process for Federal high priority projects is similar, but it begins with the determination of whether the condition is related to an abandoned coal mine. If so, OSMRE determines the priority for reclamation.

Once the determination is made, and the site is found 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 addresses emergencies and high priority projects in non-program States and Tribes in a similar manner and provides technical assistance to States and Tribes with approved AML Programs. OSMRE provides specialized expertise on various AML problems, including subsidence, mine fires, mine gases, and landslides to States that request assistance. OSMRE staff also administer projects funded by Federal civil penalties collected from operators and monitor WCAP projects under this activity. The total request for Federal Reclamation Program operations is \$3,873,000 and 13 FTE.

## **5. Program Development and Maintenance**

The Program Development and Maintenance activity is an integral part of the State and Tribal funding program. The FY 2024 budget proposes \$4,445,000 in funding and provides for 15 FTE for reclamation program management and programmatic guidance to States and Tribes. OSMRE maintains an ongoing process of reviewing existing policies in the Environmental Restoration business line. Policies are revised to meet existing program needs and new changes to the law. OSMRE helps States and Tribes build upon their reclamation successes, provides ongoing reclamation technical assistance, and improves the primacy grants process.

An important part of OSMRE's role in State and Tribal AML program operations is the review and approval of State/Tribal AML projects. All AML projects are considered "Major Federal Actions" under NEPA. Because of this, every project must be evaluated by OSMRE personnel under NEPA regulations prior to approval. While most States and Tribes conduct some or all 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 and 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 States, Tribal associations, and other Federal agencies to coordinate and enhance reclamation. These relationships foster coordination essential to land reclamation. New policies and changes to existing policies 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 (1) develop improved strategic plan measurements for the AML program; (2) conduct meetings/workshops with State and Tribal grantees to provide employee training and providing policy and procedure updates; and (3) soliciting input from States, Tribes, and other interested parties on AML issues to make informed decisions.

This activity also supports the Interagency Working Group (IWG) on Coal and Power Plant Communities and Economic Revitalization, which is advancing the Administration's priorities on economic revitalization of coal communities, such as including support for research and analysis to inform investments, interagency

coordination, and stakeholder engagement activities. OSMRE works closely with the IWG to help pursue the Administration's short- and long-term goals of supporting energy communities in the transition to a clean energy economy.

**The Enhanced AML Inventory System (e-AMLIS)** was created in 2011 in response to OSMRE's Directive AML-1 requiring development and maintenance of a computerized inventory of eligible lands and waters consistent with the requirements of SMCRA § 403(c). OSMRE's e-AMLIS tracks the national AML inventory and accomplishments in reclaiming AML problems. This mission-critical information system continues to be refined and improved every year.

OSMRE transitioned to the Grant Solutions financial assistance management software program with the rest of the Department in FY 2021. Additionally, OSMRE continues to support and participate in grants management via Grants.gov, which is the government-wide electronic grants announcement and application system. OSMRE uses the DOI Financial and Business Management System (FBMS) financial assistance module for internal processing of all grant and cooperative agreement obligations, de-obligations, and closeout transactions. FBMS is DOI/OSMRE's system of record that 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 staff at headquarters that manages grants. Grant managers in the regional and field offices perform day-to-day grant and program management activities. OSMRE and the State and Tribal grantees cooperate to maximize 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 and workshops with the State/Tribal grantees to provide training to grantees. 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 assists States and Tribes with development, administration, implementation, and maintenance of their approved AML programs. Changes to State programs must be reflected in plan amendments submitted to OSMRE for approval. OSMRE evaluates State-initiated program changes (statutory, regulatory, or changes in the program's provisions, scope, or objectives) and OSMRE-required modifications resulting from legal interpretations or changes to SMCRA and Federal regulations. OSMRE solicits public comments on State plan amendments through proposed rules published in the Federal Register, holds public meetings, maintains the administrative record, and then approves or does not approve proposed State plan amendments, publishes approval decisions as final rules in the Federal Register.

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

OSMRE continues to manage and monitor the progress of grants issued under the AMLER Program that was authorized and funded in prior-year Appropriations Acts. This program administers grants to six States and three tribal nations to accelerate the remediation of AML sites with the goal of economic and community development end uses. Between FY 2016 and FY 2022, the program has made available more than \$750 million to energy communities for the dual purpose of providing economic and community development and achieving reclamation of historic abandoned mine sites. The FY 2023 appropriation includes \$135.0 million for FY 2023 AMLER grants. The FY 2024 budget includes \$135.0 million for

AMLER grants and identifies 1.25 percent of AMLER appropriations for OSMRE administration (0.75 percent) and oversight by the DOI Office of Inspector General (0.5 percent). Providing OSMRE with dedicated funding for AMLER administration will allow the bureau to better support states and tribes develop projects and speed the Federal project approval process. In addition, authorizing the transfer of 0.5 percent of AMLER funding to the DOI Office of Inspector General will help ensure that program funding is put to effective and efficient use, maximizing the economic development and environmental benefits that the funding delivers to energy communities across Appalachia and eligible tribal recipients.

## **ENVIRONMENTAL RESTORATION**

### **2023 Ongoing and Planned Program Activities**

In FY 2023, the planned activities in the Environmental Restoration program activity include:

- Continuing partnerships with not-for-profit watershed and related reclamation groups by monitoring WCAP funded projects and awarding additional agreements to interested groups as funds are available.
- Responding to Federal AML emergencies in non-program States and Tribes within 48 hours of receiving a report and issuing findings within 10 business days.
- Continuing the development of an AML Emergency Project in Issaquah, WA to grout a mine tunnel under a residential road and remediate a subsidence feature in a residential back yard. Construction should begin in early CY2023.
- Continuing the development of an AML Emergency Project in Carbonado, WA on Pierce County Parks land to mitigate hazards related to five dangerous AML features, including 2 VO's with elevated mine gas readings that pose a danger to nearby trail users. Construction is planned to begin in June 2023.
- Providing AML grants to States and Tribes and continuing to use reclamation grants to eliminate hazards resulting from past mining activities.
- Supporting the Underground Mine Map Initiative, a component of the National Mine Map Repository, to minimize future subsidence risk by making information available on the location of mined out areas using maps and surface overlays and providing this critical information to local governments to identify risks.
- Providing 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.
- Continuing to administer the AMLER Program, monitoring projects funded by prior-year appropriations, and completing an updated report on project implementation.



- Conducting government-to-government consultations and maintaining responsibility for the reclamation of abandoned mine sites on Muskogee (Creek) Tribal lands in Oklahoma.
- Continuing work to implement OIG recommendations to improve the oversight and other aspects of the AML Program

### **2022 Major Accomplishments**

In FY 2022, the major accomplishments in the Environmental Restoration program activity included:

- Managing the \$144.4 million in mandatory AML grants provided to the 24 coal-producing States and two Tribes with approved AML programs.
- Making available \$122.5 million in AMLER Program sponsored grants to six States and three Tribes.
- Improving land and water health by reclaiming or mitigating the equivalent of 2,600 acres of land from the effects of natural resource degradation from past mining, resulting in 734,000 people with reduced exposure potential to safety risks from abandoned mine lands.
- Improving underground discharges of mine water and eliminating uncontrolled discharges by employing horizontal boring techniques.
- Using a combination of civil penalty funds and forfeited bonds to continue funding work on one project in Pennsylvania.
- Mitigating one AML emergency flooding incident in Michigan and abating four AML Emergency projects in Washington through the Federal Reclamation Program.

# **ENVIRONMENTAL PROTECTION**

# ENVIRONMENTAL PROTECTION

## Environmental Protection Budget Request

(Dollars in Thousands)

	2024						
	2022 Actual	2023 Enacted	Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2024 Request	Change From 2023 (+/-)
<b>Regulation and Technology</b>	<b>87,199</b>	<b>88,900</b>	<b>+1,697</b>	-	-	<b>90,597</b>	<b>+1,697</b>
State and Tribal Funding	65,000	65,000	-	-	-	65,000	-
<i>FTE</i>	-	-	-	-	-		-
State Program Evaluation	8,444	8,905	+760	-	-	9,665	+760
<i>FTE</i>	72	81	-	-	-	81	-
Federal Program	4,404	4,581	+290	-	-	4,871	+290
<i>FTE</i>	22	31	-	-	-	31	-
Indian Lands Program	3,306	3,387	+216	-	-	3,603	+216
<i>FTE</i>	13	23		-	-	23	-
Federal Lands	1,482	1,539	+94	-	-	1,633	+94
<i>FTE</i>	9	10	-	-	-	10	-
Program Development and Maintenance	4,563	5,488	+337	-	-	5,825	+337
<i>FTE</i>	15	36	-	-	-	36	-
<b>Total, Environmental Protection</b>	<b>87,199</b>	<b>88,900</b>	<b>+1,697</b>	-	-	<b>90,597</b>	<b>+1,697</b>
<b>Total FTE</b>	<b>131</b>	<b>181</b>	-	-	-	<b>181</b>	-

## OVERVIEW

The Environmental Protection business line provides resources to 23 primacy States to administer regulatory programs, as well as for the Federal and Indian Lands Programs. OSMRE administers a Federal Program in the States of Washington and Tennessee and an Indian Lands Program on Tribal Lands of the Navajo Nation, the Hopi Tribe, the Ute Mountain Ute Tribe, the Crow Tribe, and the Cherokee, Choctaw, and Muscogee (Creek) Nation in Oklahoma. 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 operations. At the end of FY 2022, surface coal mining operations encompassed 2.3 million acres nationwide.

**ENVIRONMENTAL PROTECTION  
ENCOMPASSES:**

State and Tribal Funding

- State Grants
- Tribal Regulatory Development Grants

State Program Evaluation

Federal and Indian Lands Programs

Federal Lands

Program Development and Maintenance

**Program Activities:** The program activities in 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 supports OSMRE’s work 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<sup>3</sup> 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.

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 funds OSMRE’s activities in preparing Mining Plan Decision Documents for leased Federal coal, as well as any other activities on Federal lands not covered by cooperative agreements with the primacy States.

OSMRE’s Environmental Protection mission supports the primary purpose of SMCRA by protecting the public, property, and environment from the adverse impacts of mining, and SMCRA provides assurance that adequate action is taken to reclaim surface areas as expeditiously as possible.

Program evaluation is carried out by reporting end-results from on-the-ground success summarizing both objectives:

**Off-site Impacts:** An off-site impact is anything resulting from a surface coal mining and reclamation activity that causes a negative effect on resources (e.g., people, land, water, structures) where the impact on the resource is (1) substantially related to the mining operation, and (2) the impact is outside the area authorized by the permit for conducting mining. The impacts to resources may be caused by blasting, land stability, hydrologic changes, unauthorized encroachments onto protected or non-permitted areas, etc. Degrees of impacts are classified as minor, moderate, or major.

<sup>3</sup> Primacy - A joint State/Federal relationship where States have elected to develop, administer, and enforce approved programs for regulating coal mining, exploration, and reclamation under the SMCRA. Currently, 23 States have primacy.

***Mined lands reclaimed:*** For mined lands to qualify as reclaimed and released from bond liability, the land’s capability is evaluated at successive phases in the reclamation process. Approved post-mining land use such as cropland, pasture, and forest are inspected, documented, and reported. In addition to the land’s condition and capability, an overall perspective of how successfully reclamation is staying current with mining operations is assessed. Contemporaneous reclamation on-the-ground is an important objective of SMCRA “to assure that adequate procedures are undertaken to reclaim surface areas as contemporaneously as possible with the surface coal mining operations.” The progress is evaluated by determining if on-the-ground reclamation is following the reclamation plan approved in the permits. The evaluation focuses on applicable performance standards of the State or Tribal program, the detailed timetable for the major steps in the reclamation plan (e.g., backfilling and grading, topsoil redistribution, planting and seeding), and the sequence of reclamation.

**Actions Required to Achieve Annual Goals:** OSMRE works with stakeholders to address concerns related to impacts from surface coal mining operations, AMD, other water pollution, and slurry and other impoundments. OSMRE also continues to evaluate its rules, encourage reforestation, ensure mines are properly bonded, and guide contemporaneous reclamation. In addition, OSMRE continues to practice cooperative conservation by working in partnership with States and Tribes to carry out the mission of 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 staff that are skilled in scientific and engineering areas needed 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. IT 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 2024, the President’s budget requests \$65.0 million to fund up to 50 percent of the costs for 23 primacy State regulatory programs and up to 100 percent of the costs of regulating mining on Federal lands within the borders of 14 of the primacy States through cooperative agreements. The budget request will also provide 100 percent of the regulatory program development costs for three Tribes.

The FY 2024 budget request includes \$9.7 million to improve implementation of existing laws and to support States and Tribes. The request also includes \$8.5 million to fund Federal regulatory programs in non-primacy States, including Tennessee and Washington, and on Indian Lands. Also included in the FY 2024 budget request is \$1.6 million for OSMRE to carry out mine plan reviews for Federal lands; and the budget has \$5.8 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 shows the details for each program activity and the funding and FTE resources required to meet the 2024 performance goals for the Environmental Protection business line. It also includes examples of cooperative work between OSMRE, States, and Tribes to regulate coal-mining activities.

## **PROGRAM DETAILS AND 2024 REQUEST**

### **1. State and Tribal Funding**

The \$65.0 million requested for FY 2024 is for State and Tribal regulatory program grants and may also be used to support the States and Tribes that are pursuing regulatory primacy. This request fully funds the projected 2024 requirements based on historical annual spending. OSMRE will also continue to support State regulatory grant requests by re-distributing the available de-obligated prior year funds. This activity supports responsible coal extraction using technology to minimize the impact of coal mining operations on people, structures, and the environment.

#### **State Grants**

The principal means of providing environmental protection within SMCRA is through primacy States that receive Federal grant funding. Currently, 23 States have achieved primacy and serve as regulatory authorities in the implementation and the on-going management 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. OSMRE provides up to 50 percent match on State funding in Federal grants to primacy States and ensures that regulations are consistent across the Nation. OSMRE provides the resources and encourages States to assume this responsibility of implementing SMCRA.

Cooperative agreements between OSMRE and primacy States with Federal lands provide States with 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. Section 705(c) of SMCRA sets the amount that a State may receive through a cooperative agreement at an amount approximately equal to the amount that the Federal government would have to pay to do the same work. The regulations further require that no grant may exceed the actual costs to the State for this activity. Currently, 14 States have entered into cooperative agreements with OSMRE to regulate surface coal mining and reclamation operations on Federal lands 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: (1) permit review and issuance and access to the Applicant Violator System (AVS) to ensure that permits will not be issued to operators with outstanding violations; (2) inspection and enforcement; (3) designation of lands unsuitable for mining; and (4) 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 56,462 inspections in FY 2022 (see Table 2).

### **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 Tribe, the Hopi Tribe, 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: (1) to develop a Tribal program (including Tribal laws, regulations, and policies); (2) to assist OSMRE with surface coal mine inspections and enforcement (including permitting activities, mine plan review and bond release); and (3) 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. An informal review of the Navajo Nation's Tribal primacy application is substantially complete, and the Navajo Nation has indicated plans to submit a formal application for Tribal primacy in FY 2023. The Crow Tribe and the Hopi Tribe continue to pursue Tribal primacy and have assisted OSMRE with surface coal mine inspections and enforcement; however, an anticipated date for submission of a formal application for Tribal primacy by those two Tribes has not been determined. The Oklahoma Cherokee, Choctaw, and Muscogee (Creek) Nations are also eligible to pursue Tribal primacy and to seek grant funding for development of their Tribal programs.

## **2. State Program Evaluation**

State Program Evaluation activities serve two purposes: to determine whether States are effectively implementing their approved regulatory programs, and to provide documentation to the public of the work that OSMRE and the States are doing. The \$9.7 million requested for FY 2024 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 stakeholders, including 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**

Inspections and site visits are an integral part of OSMRE's oversight activities. OSMRE uses a collaborative system of evaluation designed to build confidence in State, Tribal, and Federal programmatic efforts and enhance achievement of mutually shared environmental and public health and safety goals. OSMRE's oversight inspections maximize the use of State, Tribal, and OSMRE resources with a goal of creating efficiency to strengthen the performance of all parties and avoid duplication of effort and redundancy. Because the number of Inspectable Units (IUs) vary greatly in each State and on Indian Lands, OSMRE uses a three-tiered method to determine the targeted number of annual oversight inspections. For States and Tribes that have less than five IUs, OSMRE inspects a target number of two IUs annually. For States and Tribes with five to 1,000 IUs, OSMRE will inspect a target number of 25 percent of the IUs annually. For States and Tribes with more than 1,000 IUs, OSMRE use a statistical sampling formula to determine its target number of oversight inspections each year. Because the principal purpose of oversight inspections is to evaluate the overall effectiveness of a State or Tribal program, OSMRE counts all inspections that it conducts, including inspections conducted in response to a request for inspection (i.e., a citizen complaint), Federal enforcement inspections, and bond release inspections, toward the targeted numbers of inspections.

In FY 2022, OSMRE conducted 845 oversight inspections in primacy States (see Table 2). OSMRE will continue to perform oversight inspections in FY 2023 and FY 2024 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 number of newly issued permits or permits released due to achieving final reclamation status, the presence or absence of problems, input from the public, and the terms of the Performance Agreements in each State.



Table 2 – Inspections Conducted in Primacy States in FY 2022

<u>State</u>	<u>Partial State Inspections</u>	<u>Complete State Inspections</u>	<u>Total State Inspections</u>	<u>OSMRE Oversight Inspections</u>
Alabama	9	1,586	1,595	25
Alaska	57	30	87	6
Arkansas	8	52	60	2
Colorado	172	96	268	11
Illinois	615	284	899	25
Indiana	513	287	800	11
Iowa	0	0	0	0
Kansas	42	21	63	0
Kentucky	9,595	5,542	15,137	203
Louisiana	20	10	30	6
Maryland	472	240	712	14
Mississippi	24	12	36	6
Missouri	35	22	57	2
Montana	104	66	170	7
New Mexico	26	24	50	3
North Dakota	303	80	383	5
Ohio	891	558	1,449	40
Pennsylvania	5,590	3,863	9,453	217
Texas	256	128	384	3
Utah	128	96	224	7
Virginia	1,756	1,292	3,048	72
West Virginia	14,243	7,041	21,284	172
Wyoming	167	106	273	8
<b>Total</b>	<b>35,026</b>	<b>21,436</b>	<b>56,462</b>	<b>845</b>

OSMRE oversight inspections for FY 2022 include oversight document reviews, assistance inspections, citizen complaint site visits, and Federal action inspections, as needed (Source: OSMRE Inspection and Enforcement data system Management Reports). State inspection data is for the evaluation year beginning July 1, 2021, through June 30, 2022.

### **c. Identifying and Correcting Violations of SMCRA**

In primacy States, SMCRA requires that an OSMRE inspector provide the regulatory authority (RA) the opportunity to correct any violations observed during an oversight inspection or violations alleged by a citizen. OSMRE will issue a Ten-Day Notice (TDN) to the RA whenever the authorized representative has a reason to believe, based upon information readily available to him or her, that there has been a violation of SMCRA, 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. The State regulatory authority then has 10 days to take enforcement action, initiate another appropriate action to correct the violation, or demonstrate good cause for not taking such action. If OSMRE determines that the State response is not appropriate, an OSMRE inspector will conduct a Federal inspection of the site and take any necessary enforcement action. This procedure does not apply to situations in which there is an imminent danger to public health or safety or if the observed or alleged violation is causing or can reasonably be expected to cause significant imminent environmental harm. If a citizen complainant alleges that an imminent harm violation exists, the OSMRE inspector must issue a cessation order. OSMRE works with the States to resolve any outstanding issues and has procedures in place to monitor corrective actions. On most oversight inspections, OSMRE will not issue a TDN when it finds that the RA's inspector has already taken appropriate action or before the inspection is physically and administratively complete.

In FY 2022, OSMRE received 16 citizen complaints from five States resulting in nine violations. OSMRE issued five TDNs in FY 2022. The number and incidences of complaints were nontypical in part because four of the reported incidences were associated with the same mine site and all complaints involved alleged damage from water disposal as reported by landowners.

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 correct them. If a State or Tribal program does not show timely adequate improvements, OSMRE has other tools under 30 CFR Parts 732 (requiring program amendments) and 733 (compelling program change or substituting a Federal program) to ensure enforcement or a program change.

In addition to the corrective actions processes described above, OSMRE's AVS Office promotes the use of alternative enforcement actions to compel compliance with SMCRA. For example, the AVS Office provides training and investigative services, and identifies sites with outstanding violations so that regulatory authorities can consider pursuing alternative enforcement actions when primary enforcement is not enough. OSMRE will continue these enforcement activities throughout FY 2023 and FY 2024.

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

The FY 2024 request provides the resources required to conduct statutory activities in the Federal Program (\$4.9 million and 31 FTE) and Indian Lands Program (\$3.6 million and 23 FTE). The request also includes an additional \$40,000 for permitting activities that will be offset with collections for new permit application fees in the Federal and Indian Lands Programs.

### **a. States**

OSMRE regulates coal mining in States without approved regulatory programs. OSMRE's regulation ensures responsible coal extraction by using up-to-date science and technology.

The permit review process in federally administered programs consists of reviewing 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. The following information highlights key activities in the two States administered under the Federal Program:

**Tennessee:** The Knoxville Office of the Lexington Field Office (LFO/KO) conducts full Federal program functions in the state of Tennessee and has primary regulatory responsibilities for inspection, enforcement, and permitting of coal mines. During FY 2022, four Permanent Program permits at underground mines achieved final bond release with Jurisdiction Terminated. This reduced the number of permits from 91 at the start of the fiscal year to 87 permits at the end of FY 2022, with 20,000 permitted acres. Coal production is primarily from underground mine operations that produce about 140,000 tons per year. Tennessee did not receive any new permit applications during FY 2022 but processed and approved 6 permit renewals. Coal mining sites prior to SMCRA consist of two active sites and one abandoned site totaling 138 acres. In addition, OSMRE has five treatment trust funds covering six sites in Tennessee. Trust funds or annuities guarantee long-term treatment of postmining pollution discharges associated with sites permitted under the Tennessee Federal Program. The purpose of such trusts is to protect the environment and the health and welfare of the public. The trusts or annuities are invested and managed for the long-term operation of water control and treatment facilities associated with coal mine sites.

LFO/KO employs a Geographic Information System in coordination with Federal and State agencies providing data to support site visits, furnishing maps for threatened and endangered species evaluations, and conducting site investigations related to water quality testing. In part due to outreach efforts with industry, citizens, and academics interested in reforestation of mined land, the LFO/KO has successfully implemented a Forestry Reclamation Approach (FRA), which is a science-based method designed to help restore native hardwood forest habitat and enhance natural succession of native forest plants on previously mined land. The Appalachian Regional Reforestation Initiative (ARRI) is a cooperative effort among OSMRE, State, and other Federal agencies in the coal producing states of the Appalachian Region that includes the coal mining industry, environmental organizations, academic institutions, and local citizens. LFO/KO reclamation specialists serve as members of the ARRI Core Team.

An interagency group comprised of State and Federal agencies developed an interagency agreement to improve the coordination amongst key stakeholders in the process of managing coal mining permits. The interagency agreement includes OSMRE, the U.S. Army Corps of Engineers (USACE), the U.S. Environmental Protection Agency (EPA), the U.S. Fish and Wildlife Service

(USFWS), and the Tennessee Department of Environment and Conservation. The group meets regularly to review new applications and improve the established processes.

The State of Tennessee receives a development grant while working to establish an approved regulatory program to achieve primacy. The program will regulate coal mining and reclamation operations in the State.

**Washington:** There are two surface coal mines regulated under the Federal Program in Washington. The Centralia Mine and the John Henry Mine are located in Lewis County and King County, respectively. Both mines have permanently ceased mining operations and the sites are currently undergoing reclamation.

OSMRE did not issue any enforcement actions at the Centralia Mine in FY 2022, and there were no known off-site impacts. OSMRE issued 15 violations at the John Henry Mine in FY 2022 related to not properly handling sediment and drainage and for not protecting topsoil resources. Nine of the 15 violations resulted in failure to abate cessation orders but did not result in off-site impacts. The operator of the John Henry Mine has appealed the violations and cessation orders with the Office of Hearings and Appeals.

In FY 2022, the Centralia Mine backfilled and contoured 231 acres, topsoiled and seeded 499 acres, and demonstrated compliance with all environmental performance standards including adequate establishment of permanent vegetation on 211 acres. OSMRE reviewed the applications for release of reclamation performance assurance bond and approved Phase I, Phase II, and Phase III liability release for these areas. In FY 2022, OSMRE completed 12 permit revisions and anticipates 16 permit revisions in FY 2023. OSMRE anticipates several Phase I and II bond release applications will be submitted in FY 2023 for over 2,000 acres at the Centralia Mine. While the John Henry Mine is actively being reclaimed, OSMRE does not expect to receive any applications for release of reclamation performance assurance bond in FY 2023. OSMRE will focus on resolving outstanding violations and ensuring environmental compliance at the John Henry Mine in FY 2023.

#### **b. Tribes**

OSMRE is responsible for regulating coal mining and reclamation activities on Indian Lands. The Indian Lands Program staff review and approve permit applications and revisions, calculate the amount of reclamation performance assurance bond required, conduct inspections and enforcement activities, and review and approve applications for release of reclamation performance assurance bonds. The proposed budget provides funds for activities to promote responsible mineral extraction on Indian Lands.

OSMRE coordinates closely with Indian Tribes and other resource management entities through the regulatory process. 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 coal mine permits on their lands. The coal mines on Indian Lands are among the largest in the United States,

with a total of about 100,500 acres regulated by OSMRE. The following information describes coal mining operations on tribal lands administered under the Indian Lands Program:

**Navajo Nation and Hopi Tribe:** The McKinley Mine and the Navajo Mine are large surface mines located in McKinley and San Juan Counties, New Mexico. These mines are on lands within the Navajo Nation. The Navajo Mine is an active mine and provides coal to the Four Corners Power Plant in New Mexico. Mining operations permanently ceased at the McKinley Mine in 2009, and it is currently undergoing final reclamation. The Kayenta Mine is a large surface mine located in Navajo County, Arizona, on lands within the Navajo Nation and Hopi reservation. The Navajo Nation owns most coal resources at this mine, but certain coal resources are jointly owned by the Navajo Nation and the Hopi Tribe. The Kayenta Mine permanently ceased mining in August 2019 after the Navajo Generating Station ceased operations in December 2019 and is currently undergoing final reclamation.

**Crow Tribe:** The Absaloka Mine is a large surface mine located in Big Horn County, Montana. The Absaloka (South) Mine operates within the boundaries of the Crow Reservation and is regulated by OSMRE. The Absaloka (North) Mine operates outside the boundaries of the Crow Reservation but includes Crow owned coal resources. The Absaloka (North Mine) is co-regulated by OSMRE and the State regulatory authority.

**Ute Mountain Ute Tribe:** The King II Mine is an underground mine located in La Plata County, Colorado. The mine extracts Federal coal beneath surface land owned privately by the Ute Mountain Ute. The OSMRE permit includes the lands above the underground mine workings including approximately nine acres of surface disturbance.

In FY 2022, OSMRE determined 1,965 acres of land on the Navajo Nation were adequately backfilled and contoured, topsoiled, and seeded. OSMRE approved Phase I and Phase II reclamation performance liability release for these areas. Additionally, OSMRE administered 90 permit revisions and completed 100 percent of required inspections in FY 2022. No off-site impacts were reported, and no enforcement actions were required. In FY 2023, OSMRE anticipates administering 86 permit revisions and several applications for reclamation performance liability release, and termination of jurisdiction, on approximately 3,000 acres. In FY 2022, OSMRE conducted one informal conference and one public meeting to support reclamation performance liability release on the Navajo Nation. OSMRE will conduct public meetings with the local communities as more land is being reclaimed and considered for release.

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

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

Activity	Federal Programs <sup>1</sup>	Federal Programs <sup>1</sup>	Indian Lands <sup>2</sup>	Indian Lands <sup>2</sup>
	FY 2022 Actual	FY 2023 Projected	FY 2022 Actual	FY 2023 Projected
In progress (prior FY)	37	37	25	29
Anticipated Submissions (current FY)	<u>22</u>	<u>17</u>	<u>65</u>	<u>65</u>
Total FY workload	59	54	90	94
Completed in FY	<u>22</u>	<u>21</u>	<u>68</u>	<u>73</u>
<b>Balance, end of FY</b>	<b>37</b>	<b>33</b>	<b>22</b>	<b>21</b>

Source: OSMRE Data for States and Tribes system (DST) FY 2022.

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

**Table 4 – FY 2022 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	451	262	713	26	12
Washington	<u>16</u>	<u>8</u>	<u>24</u>	<u>15</u>	<u>9</u>
<b>States Total</b>	<b>467</b>	<b>270</b>	<b>737</b>	<b>41</b>	<b>21</b>
Crow Tribe	16	8	24	0	0
Hopi Tribe	0	2	2	0	0
Navajo Nation	32	16	48	0	0
Ute Tribe	8	4	12	0	0
Cherokee Nation	24	12	36	0	0
Choctaw Nation	152	76	228	0	0
Muskogee Nation	<u>8</u>	<u>4</u>	<u>12</u>	<u>0</u>	<u>0</u>
<b>Tribes Total</b>	<b>240</b>	<b>122</b>	<b>362</b>	<b>0</b>	<b>0</b>

Source: Inspections from OSMRE Data for States and Tribes systems (DST) FY 2022. Violation data from OSMRE Inspection and Enforcement Tracking System (I&E) FY 2022

### c. OSMRE Responsibility on Federal Lands

As previously discussed, mining on Federal lands in primacy States is regulated by the respective State regulatory program through a cooperative agreement between the Governor and the Secretary of the Interior. However, SMCRA provides that the Secretary may not delegate to the State the responsibilities to approve mining plans on Federal lands. Until the Secretary (or designee) has approved the mining plan, no person may conduct surface coal mining and reclamation operations on lands containing leased Federal coal. OSMRE is responsible for preparing the decision document recommending approval, approval with conditions, or disapproval for all proposed mining plans and mining plan modifications on Federal lands. OSMRE is the regulatory authority for mining on Federal lands in States which have

not entered into a cooperative agreement and processes valid existing rights claims that involve certain Federal lands under this program activity.

As part of the Federal Lands program, OSMRE frequently conducts environmental impact analysis in accordance with NEPA. OSMRE prepares Environmental Assessments and Environmental Impact Statements in consultation with, when applicable, the following: State Historic Preservation Offices, the USFWS, the Bureau of Land Management (BLM), the U.S. Forest Service (USFS), the NPS, the Environmental Protection Agency, and the U.S. Army Corps of Engineers, as well as the State regulatory authorities.

In FY 2022, OSMRE administered the preparation of 11 mining plan recommendations and attendant environmental analysis. These analyses are ongoing and dependent in large part on rapidly evolving case law as it relates to approvals of surface coal mining projects. In collaboration with the DOI Office of the Solicitor and BLM, OSMRE intends to continue to finalize NEPA analyses and issue mining plan recommendations for a number of projects in FY 2023 and FY 2024.

**Table 5 – Mining Plan Decision Document Workload on Leased Federal Coal, by Fiscal Year**

**Mining Plans and Modifications to Existing Mining Plans**

Activity	FY 2022 Actual	FY 2023 Projected
In progress (prior FY)	10	12
Actual/Anticipated Submissions	<u>2</u>	<u>7</u>
Total FY workload	12	19
Completed in FY	<u>0</u>	<u>8</u>
<b>Balance, end of FY</b>	<b>12</b>	<b>11</b>

OSMRE frequently partners with BLM and USFS when preparing environmental impact analysis for coal leasing decisions. OSMRE’s participation in NEPA compliance analyses prepared at the leasing stage ensures the consideration of OSMRE mine plan approval concerns. This cooperative effort ensures comprehensive analysis is conducted, helps address common issues, eliminates duplication of effort, reduces resource conflicts, and incorporates a climate-smart approach. The FY 2024 request includes \$1.6 million and 10 FTE for the Federal Lands program.

**4. Program Development and Maintenance**

Work elements under this program are primarily policy actions (e.g., rulemaking), grants management, and special studies that support the other program activities in the Environmental Protection business line. This FY 2024 request provides \$5.8 and 36 FTE for Program Development and Maintenance.

**a. Rulemaking**

OSMRE issues Federal rules and prepares the associated information collection clearance packages. This program develops rules and analyzes the implication on other statutes. Additionally, this program

assesses conformity with executive orders, prepares environmental assessments and environmental impact statements as required under NEPA, and prepares regulatory impact analyses such as 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 2022, OSMRE completed two rulemaking actions resulting in publication of final rules:

- The first rule (published March 21, 2022) made inflation adjustments to civil monetary penalties (CMPs) for violations of SMCRA. This rule is in accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114–74) (2015 Act), which amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (codified, as amended, at 28 U.S.C. 2461 note) and required Federal agencies to promulgate rules to adjust the level of CMPs to account for inflation.
- The second rule (published August 22, 2022) reflects the extension of the statutory authority to collect reclamation fees through 2034 and the 20 percent reduction in fee rates prescribed by statute. The 2021 amendments, signed into law on November 15, 2021, are part of the Infrastructure Investment and Jobs Act (Pub. L. 117–58, 135 Stat. 429), commonly known as the BIL.

OSMRE is proposing a new rule amending delivery of TDNs to state regulatory authorities informing them of OSMRE’s receipt of alleged violations of states’ administration of their mining programs and requiring state responses demonstrating appropriate actions to address credible complaints. The proposed changes are intended to improve the effectiveness and coordination with State regulatory authorities to ensure consistency in the inspection and enforcement and implementation of SMCRA between OSMRE and the states. OSMRE plans to issue a notice of proposed rulemaking in FY 2023 and has set a goal of publishing a final rule in FY 2024.

In addition, OSMRE is proposing to revise its regulation to strengthen dam safety by incorporating appropriate elements from the Federal Guidelines for Dam Safety issued by the Federal Emergency Management Agency (FEMA) into its regulations. The proposed revisions would require an operator or permittee of any dam classified as a high hazard or significant hazard dam under our new classification system to prepare and gain approval of an emergency action plan (EAP) for the facility prior to the it being placed into service. The proposed revisions would also require regular updates and testing of the EAP and require that an after-action review (AAR) be conducted each time an EAP is activated or tested. The AAR would identify deficiencies that were discovered during the emergency or testing and recommend suggestions for EAP modification.

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



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

OSMRE developed a web-based application to manage State amendments and delivered it in FY 2021. OSMRE continues to provide training and support to end users.

**Table 6 – FY 2022 State Program Amendment Activity  
Number of Amendments**

<b>Amendment Type</b>	<b>Pending Oct. 1, 2021</b>	<b>Received FY 2022</b>	<b>Completed FY 2022</b>	<b>Pending Sept. 30, 2022</b>
Pre-Submission Assistance	1	0	0	1
Formal	<u>7</u>	<u>1</u>	<u>1</u>	<u>7</u>
<b>Total</b>	<b>8</b>	<b>1</b>	<b>1</b>	<b>8</b>

States may be required to amend their programs because 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 Department of Health and Human Services’ government-wide electronic grants application system, Grants.gov. OSMRE is currently using DOI’s 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 Grant Solutions in FY 2021.

**c. Special Projects**

OSMRE’s special projects include interpretation of SMCRA, reports to Congress, legislative analyses, responses to litigation, studies, and analyses in response to Departmental initiatives, and working with other DOI bureaus and Federal agencies whose activities can affect the surface coal mining regulatory program<sup>4</sup>

OSMRE implements the Biological Opinion and Conference Opinion on the SMCRA Title V Regulatory Program and oversees the State regulatory authorities’ implementing the Biological

---

<sup>4</sup> USFWS (Endangered Species Act), Advisory Council on Historic Preservation (National Historic Preservation Act), EPA (Clean Water Act, Resource Conservation and Recovery Act, and others), USACE (Section 404 of the Clean Water Act permits), Mine Safety and Health Administration, and the Small Business Administration (Small Business Regulatory Enforcement Fairness Act) and the Council on Environmental Quality (National Environmental Policy Act).

Opinion. OSMRE and the USFWS will periodically update the Biological Assessment/Biological Opinion to include newly listed/proposed species and critical habitat.

## **ENVIRONMENTAL PROTECTION**

### **2023 Ongoing and Planned Program Activities**

The Environmental Protection program will participate in the following activities in FY 2023:

- Continuing oversight steering committee conversations with State Regulatory Authorities to discuss impediments to meaningful and effective oversight, including revising current OSMRE oversight directions.
- Reviewing the formal Tribal primacy submission from the Navajo Nation.
- Continuing review of informal submissions from the Crow and Hopi Tribes.
- Reviewing the formal Tennessee primacy submission, should it decide to formally submit one, and assisting the Tennessee Department of Environment and Conservation with development of its program.
- Preparing rulemaking documentation and submission for public comment of proposed rules governing actions for TDNs and handling citizen complaint and EAPs for impoundment structures consistent with federal guidelines.
- Obtaining OMB approval for submission of 15 information collection clearance renewals and revisions for compliance with Paperwork Reduction Act requirements.
- 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 for protecting the environment and reclaiming lands to beneficial use.
- Publishing a proposed rule for Emergency Preparedness for Impoundments on mine sites.
- Continuing administration of the SMCRA program on Muscogee (Creek), Cherokee, and Choctaw Nation Reservations and establishing an Indian Lands program in Oklahoma.
- Continuing ongoing consultations with Muscogee (Creek), Cherokee, and Choctaw Nations.

## **2022 Program Accomplishments**

The Environmental Protection program accomplished the following in FY 2022:

- Implemented the Federal and Indian Lands Programs, conducted 392 complete and 707 partial inspections, and completed 59 permit actions.
- Conducted 845 oversight inspections on primacy States as they performed 21,436 complete mine inspections and 35,026 partial inspections to ensure coal mines are operated safely and in accordance with environmental laws.
- Submitted 13 information collection clearance renewals as notices in the Federal Register receiving 100 percent on time approvals from OMB in compliance with the Paperwork Reduction Act.
- Continued to promote utilization of the FRA on active mining operations, with 78 percent of all trees planted on Forestry Reclamation Approach (FRA) prepared areas. A total number of 1,734,345 trees were planted during FY 2022, with 1,347,955 utilizing FRA on 2,247 acres.
- Conducted formal Tribal consultations with the Muscogee (Creek), Cherokee, Choctaw, and Chickasaw Nations. These consultations will continue into FY 2023 as OSMRE administers SMCRA on Tribal lands and establishes an Indian Lands program in Oklahoma.
- Conducted three regional trainings with the USFWS, OSMRE, and the State Regulatory Authorities on the implementation of the Biological Opinion for Title V of SMCRA.

# **Technology Development & Transfer**

# TECHNOLOGY DEVELOPMENT AND TRANSFER

## Technology Development and Transfer Budget Request

(Dollars in Thousands)

	2022 Actual	2023 Enacted	2024				Change From 2023 (+/-)
			Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2024 Request	
<b>Regulation and Technology</b>	<b>15,119</b>	<b>16,061</b>	<b>+759</b>	<b>-</b>	<b>-</b>	<b>16,820</b>	<b>+759</b>
Technical Assistance	10,886	11,657	+478		-	12,135	+478
<i>FTE</i>	<i>50</i>	<i>51</i>			-	<i>51</i>	-
Training	2,146	2,254	+178		-	2,432	+178
<i>FTE</i>	<i>9</i>	<i>19</i>			-	<i>19</i>	-
Technology Transfer	2,087	2,150	+103		-	2,253	+103
<i>FTE</i>	<i>7</i>	<i>11</i>			-	<i>11</i>	-
<b>Abandoned Mine Reclamation Fund</b>	<b>3,674</b>	<b>4,266</b>	<b>+170</b>	<b>-</b>	<b>-</b>	<b>4,436</b>	<b>+170</b>
Technical Assistance	1,657	2,199	+95		-	2,294	+95
<i>FTE</i>	<i>11</i>	<i>10</i>			-	<i>10</i>	-
Training	845	889	+66		-	955	+66
<i>FTE</i>	<i>4</i>	<i>7</i>			-	<i>7</i>	-
Technology Transfer	1,172	1,178	+9		-	1,187	+9
<i>FTE</i>	<i>1</i>	<i>1</i>			-	<i>1</i>	-
<b>Total, Technology Development and Transfer</b>	<b>18,793</b>	<b>20,327</b>	<b>+929</b>	<b>-</b>	<b>-</b>	<b>21,256</b>	<b>+929</b>
<b>Total FTE</b>	<b>82</b>	<b>99</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>99</b>	<b>-</b>

The Technology Development and Transfer program supports necessary technical skills that States and Tribes need to operate their programs. The FY 2024 budget request provides resources for OSMRE's technical assistance, training, technology development, and technology transfer programs.

## OVERVIEW

**Program Activities:** OSMRE promotes Technology Development and Transfer (TDT) activities to meet environmental restoration and environmental protection goals for coal mining and AML restoration.

The TDT business line provides Federal resources to support technical assistance, training, technology development, and technology transfer activities for Federal, State, and Tribal regulatory and reclamation staffs. These program activities invest in and improve the necessary technical skills States and Tribes use to operate their regulatory and reclamation programs, while meeting SMCRA requirements. TDT funding also helps OSMRE implement effective partnerships with stakeholders to meet OSMRE’s restoration and protection goals.

**TECHNOLOGY DEVELOPMENT & TRANSFER  
ENCOMPASSES:**

Technical Assistance

Technical Training

Technology Transfer

In FY 2023 and FY 2024, OSMRE will continue to promote programs like the Technical Innovation and Professional Services (TIPS), providing training and technical assistance for States’ and Tribes’ technical decision-making related to SMCRA. In addition, OSMRE supports the remediation of adverse mine drainage through programs like the Mine Drainage Technology Initiative and the Applied Science Program.

OSMRE’s TDT programs offer interactive technical forums and related workshops for electronic permitting and mobile computing projects. OSMRE provides regional technical service, libraries, and more efficient access to COALEX (a computer-assisted library search service).

OSMRE’s technology transfer is a significant part of its cooperative effort with partner States and Tribes to solve environmental effects of coal mining problems. In addition, OSMRE provides multidisciplinary technical assistance and works with industry, States, Tribes, and the public on new or unique technical challenges or problems. Other OSMRE technology transfer with the States and Tribes includes TIPS and the Coal Information Management System (CIMS). OSMRE established an intergovernmental team, the National Technology Transfer Team (NTTT), to provide ongoing direction, communication, and coordination of these efforts. 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 measured by how well regulatory and reclamation programs meet OSMRE’s environmental restoration and protection mission. Performance for the business line is also measured by the number of technically trained staff (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 2024, the NTTP, TIPS, the National Mine Map Repository (NMMR), and AVS will expand user access with an improved OSMRE website investment.

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 provides States, Tribes, and staff with the best available technical data and information to support science-based decisions for mining plans, reclamation project design, permit reviews, blasting, and AMD remediation and prevention. The TDT programs support and enhance the technical skills that States and Tribes need to effectively operate their regulatory and reclamation programs. The total FY 2024 request for this business line is \$21.3 million. The request includes \$14.4 million for technical assistance (including the TIPS and AVS support); \$3.4 million for technical training; and \$3.4 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.

### **PROGRAM DETAILS AND 2024 REQUEST**

The following program activities support OSMRE's goal to strengthen the skill and knowledge capabilities of the States, Tribes, and OSMRE staff to implement SMCRA effectively. This goal, achieved through quality technical and scientific information, expertise, and training, is critical for the surface mining and reclamation programs' success. OSMRE also provides opportunities for students and recent graduates, either directly or through cooperative agreements, to engage in technical and natural resources activities. OSMRE's TDT activities include technical assistance, both technical policy and-site specific assistance, technical training, technical systems resources, and technology transfer.

OSMRE's stakeholders (States, Tribes, the public, and industry) continue to express support for TDT efforts and encourage OSMRE to provide the types of technical support needed to effectively and efficiently meet SMCRA, NEPA, 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 or ongoing for FY 2023 will identify FY 2024 activity needs. Adjustments within activities may be necessary during FY 2023 and FY 2024 to focus resources on the highest priority program needs.

#### Technical Assistance

OSMRE provides technical assistance to State and Tribal regulatory and reclamation staff, and to OSMRE staff, that review and oversee State programs, develops rules or policy, litigates SMCRA challenges or enforcement actions, or maintains other technical support infrastructure such as TIPS, AVS, and technical training programs.<sup>5</sup> The \$14.4 million requested for FY 2024 will fund 61 FTE to carry out these activities.

---

<sup>5</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.

OSMRE uses customer surveys to record OSMRE's technical assistance responsiveness to its customers. 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.

## **1. Technical Assistance**

OSMRE delivers technical assistance and site-specific technology support to assist States and Tribes with science and engineering expertise to regulate active mining operations, while restoring AML sites. The areas of assistance are wide-ranging and include:

- rulemaking
- citizen complaint investigations
- review of offsite impacts
- guideline development
- State program amendments
- State mining permit evaluation
- AML problem evaluation
- blasting policy
- prime farmland reclamation
- geomorphic reclamation
- soil substitution
- 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
- participation as technical experts on interagency committees
- AMD prevention and remediation
- acid and toxic forming materials handling
- surface and groundwater dewatering
- stream and underground mine flooding
- mountaintop mining and valley fills
- permit findings
- remining, impoundment stability
- subsidence caused by underground mining
- assistance in fostering Tribal primacy by helping Tribes develop technical capabilities.

### **a. Blasting Rules, Certification, and Response Policies**

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) requires that coal mining be conducted in a manner that prevents injury to people and damage to public or private property during blasting.



OSMRE's blasting rules, blaster certifications, and citizen complaint resolution policies are developed from existing policy from ongoing State and Federal blasting specialist information sharing. In FY 2022, OSMRE updated and rebuilt the OSMRE blasting webpages to support improved blasting policies, located here <https://www.osmre.gov/programs/regulating-active-coal-mines/blasting>:

In FY 2023 and FY 2024, OSMRE will continue to help States address technology issues related to the use of explosives and the control of adverse effects. OSMRE will also provide 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.

Examples of continual blasting technical assistance OSMRE provides to our customers:

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

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

Blast Induced Vibration Data Evaluation Program: Statistically evaluates blast log, ground vibration, and air blast data to determine site specific conditions for enhanced vibration control or modified scaled distance compliance.

Blast Design Rule of Thumb: A blast design tool that can be used to quickly design a blast hole or determine if an existing design is within typical industry standards and has potential to perform safely and compliantly.

**b. Dam Safety Program**

OSMRE's Dam Safety program reduces the probability of dam failures by implementing continuous program improvement plans. The OSMRE Dam Safety Team includes Regional Dam Safety Representatives and OSMRE's Dam Safety Officer. The team provides technical assistance to customers concerning current regulations, directives, and guidelines on Dam Safety to ensure that current best practices are employed.<sup>6</sup>

The Dam Safety Team completes inventory updates on OSMRE's dam safety database, tracking dam hazards on SMCRA sites. In addition, the team assists with data collection for the annual DOI Dam Safety Program Performance Report, the Biennial FEMA Dam report, and the annual USACE

---

<sup>6</sup> <https://www.osmre.gov/programs/dam-safety>.

Dam report. OSMRE's contributions to these reports are vital for dams on SMCRA sites to be properly maintained to avoid hazards to the public and the environment.

OSMRE leads DOI's Working Group on Dam Safety and Security and supports joint regulatory activities with the Mine Safety and Health Administration (MSHA) to review and improve dam safety processes where regulatory overlap exists. Team members stay current on industry standards by attending conferences, meetings, and work groups. OSMRE's dam safety program work is another way OSMRE reduces risk to the public and environment during the design, construction, and maintenance of dams located on SMCRA sites.

**c. Water-Quality**

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 coal mining regions. OSMRE provides technical expertise for its customers on water-quality issues impacting both active coal mines and abandoned mine lands. OSMRE is able to characterize and or mitigate adverse AMD impacts, benefiting the public and wildlife.

AMDTreat

One of OSMRE's primary tools used to help customers with assessing water-quality issues is the AMDTreat software program. AMDTreat was developed cooperatively by OSMRE, the [Pennsylvania Department of Environmental Protection](#) (PADEP), [U.S. Geological Survey](#), and the [West Virginia Department of Environmental Protection](#). The AMDTreat software treatment modules are continuously undergoing improvements and enhancements by OSMRE staff to keep it relevant with the issues that regulators and the public are concerned with regarding AMD.

AMDTreat is a computer application made available through the TIPS program. AMDTreat can help customers with estimating costs and sizing facilities to abate water pollution, using passive or chemical (active) treatment technologies. In addition, the software provides over 400 user modifiable variables for excavation, construction, revegetation, piping, road construction, land acquisition, system maintenance, labor, water sampling, design, surveying, pumping, sludge removal, chemical consumption, and other functions.

Non-profits, watershed associations, regulatory and abandoned mined land state programs, environmental groups and industry located in over 40 States and across 40 countries use AMDTreat. Most Appalachian States rely on AMDTreat to support regulatory and AML programs. For example, PADEP requires operators and permit reviewers to use AMDTreat to calculate or substantiate treatment costs for all 217 long-term discharges in the Commonwealth covered by 68 bonds and 76 trust funds. AMDTreat was used to calculate and substantiate \$548 million of treatment liability in Pennsylvania, a strong indicator of the reliability and usefulness of this software for State programs.

AMDTreat also contains several financial and scientific tools to help select and plan treatment systems. These tools include a long-term financial forecasting module, an acidity calculator, a sulfate reduction calculator, a Langelier saturation index calculator, a mass-balance calculator, and iron oxidation tools.<sup>7</sup>

**d. Rare Earth Elements and Critical Metals Evaluations**

Coal mine AMD and associated metal precipitates are being evaluated nationwide as a potential source of rare earth elements (REEs) and critical minerals (CMs). OSMRE assists academic, State, and Federal researchers to plan and conduct field activities and to conduct limited in-house REE-related research where it is coincident with ongoing AMD studies. This includes an ongoing reconnaissance of REE and CM levels at AMD sites in the Western Interior Coal Basin.

**e. Reforestation**

OSMRE continues its effort to encourage proper reforestation practices to expand reclaimed mined land as healthy, productive forests. This reforestation initiative effort increased the use of FRA, held technical and policy symposia, and introduced a reforestation website to explain the methods and benefits of reforestation. As a team member of ARRI, OSMRE provides technical assistance to the 33-member science team made up of university researchers from across the country and members of the American Bird Conservancy, the American Chestnut Foundation, the U.S. Geological Survey, and the U.S. Forest Service, and publishes bulletins on state-of-the-art reforestation practices. In FY 2022, ARRI and partners organized 27 planting events, involving professional and volunteer tree planters and volunteer tree planters, reforesting 1,023 acres. In total, 41,725 volunteers helped plant 695,699 trees on post-bond release mine sites across Appalachia.

**f. Technical Assistance – Site Specific**

As part of overall Technical Assistance, OSMRE specialists work on Site-Specific 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, threatened and endangered species determinations, 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.

Technical Assistance to States or Tribes is provided at their request. Technical Assistance is also available to OSMRE Field Offices upon request and is provided by Technical Support Divisions or Branches located in the Regional Offices. The following are examples of the types of site-specific technical assistance provided to States and Tribes.

- 1. Proposed Banning AMD Treatment Facility Remediation:** An OSMRE/PADEP workgroup was formed during FY 2022 to develop technical criteria and specifications to acquire engineering design services for the Banning AMD Treatment Facility. Existing

---

<sup>7</sup> <https://www.osmre.gov/programs/reclaiming-abandoned-mine-lands/amdtreat>

facility operations are currently administered by the Clean Streams Foundation, but the existing treatment facility has been in operation since the late 1960's and is nearing the end of its serviceable lifespan. The workgroup's task is to first develop a Request for Proposal (RFP) to obtain engineering services for the design of the new facility and then to assist in evaluating the proposed design. OSMRE personnel took the lead role to develop the comprehensive RFP, writing a detailed description of the site history, existing treatment plants, and creating a conceptual design for a new treatment facility. The RFP also outlines the tasks to be completed by a design consultant and the milestones to manage the project. The team expects a consultant will be selected to develop the design and bid package in FY 2023, with a design completed in FY 2024.

**2. Mine Drainage Treatment and Resource Recovery Project – TrueTown, Ohio:**

OSMRE continues to provide technical assistance to the Ohio AML program (Ohio AML) for an innovative mine drainage treatment using precipitated iron as the base for commercial grade paint pigment. The TrueTown discharge flows from an abandoned underground mine at 1,000 gallons-per-minute (gpm) and contains up to 400 mg/L of iron that pollutes seven miles of stream near Athens, Ohio.

Over the past decade, OSMRE, Ohio AML, Ohio University's Engineering and Art Departments, and the nonprofit organization Rural Action worked together to develop technology to use discharge/precipitated iron to create a marketable commodity. This led to the "True Pigments project", where this team works together to share their knowledge in engineering, art, watershed restoration, and community development. The True Pigments project is generating opportunity for the local community and the environment.

Multiple approaches were used to develop a pure iron precipitate to create the paint pigment. Long reaction times were making the technology unrealistic. However, OSMRE technical staff suggested another approach: use a hydrogen peroxide treatment method to cause a rapid oxidation at low pH, thus creating a highly pure iron precipitate in a short amount of time. OSMRE's approach was successful and now the collaborative technical team is working on field testing de-watering technologies to identify the best method to dewater sludge. OSMRE will continue to assist this Ohio AML project by developing aspects of the "Request For Proposal" to design the full-scale treatment plant.

**3. Mine Water Treatment Systems Efficiency Evaluation:** OSMRE often are asked on an ongoing basis to conduct efficiency evaluations on active and abandoned mine water treatment systems exist throughout the Appalachian region. The efficacy of these systems is often well below optimum conditions due to a variety of reasons. Abandoned mine water treatment systems are generally operated by State agencies or local non-government organizations and require continual funding for ongoing operations and maintenance. Water treatment at active mine sites has the statutory requirement of treating to meet National Pollutant Discharge Elimination System effluent standards. Sufficient bonding is required to assure that treatment continues until the water quality meets effluent standards without treatment, which in many instances requires decades. Characterization of the mine water treatment systems allows for determination of the estimated time period that

treatment may be necessary, methods for improvement of the existing treatment system efficiency, and the cost to construct and operate new or replacement treatment systems as well as the potential for employing new innovative technologies to save capital, labor, and materials costs. Many existing treatment systems were designed and constructed based on technology developed many years ago. New technologies and methods (e.g., use of high-strength hydrogen peroxide as an oxidant for iron removal) have been shown to greatly reduce treatment costs and diminish the volume of residual sludge created during treatment.

## **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 \$3,387,000 and 26 FTE for this program activity.

### **a. National Technical Training Program (NTTP)**

OSMRE established the NTTP in 1985 to answer the need for an ongoing educational program for Federal, State, and Tribal personnel, developed in cooperation with State, Tribal, and OSMRE offices. Training is provided in each of the disciplines involved in SMCRA implementation, including aquatic biology, geology, engineering, hydrology, blasting, agronomy, and botany. NTTP also delivers training related to permit approval, bond release, reclamation, and enforcement. In addition, training builds upon and updates technical expertise and establishes standards.

NTTP updates course curriculum and presentation materials to capture changes and advances. For example, NTTP recently revised the Permitting Hydrology (PHY) course to include more content on bond release requirements. This class revision provides the States, Tribes, and SMCRA partners with an improved, updated, and more relevant PHY course for Title V permit reviewers.

In FY 2023, NTTP will continue to develop online courses to offer on-demand learning opportunities for regulatory and reclamation staff who have limited access to in-person training opportunities. This year NTTP developed online courses for Applied Engineering Principles and Soils and Re-vegetation.

Also, in FY 2023, NTTP is developing a curriculum for new employees hired using BIL funding. This curriculum includes four self-paced introductory online courses in SMCRA and the BIL, e-AMLIS, NEPA, and an overview of AML Reclamation Plans. The online curriculum will be supplemented with follow-on virtual instructor led training sessions, for individuals who require more advanced training in the specific subject areas.

In FY 2023 and FY 2024, NTTP will design, develop, and implement the online course focused on SMCRA and the Endangered Species Act and NEPA Fundamentals. These online course offerings will supplement the in-person course offerings as part of NTTP's enhanced, flexible, and robust training schedule.

NTTP conducts surveys each summer to build courses and plan for student attendance. Ensuring students receive the latest technical and programmatic information, NTTP, partnering with instructors and subject

matter experts, continually reviews courses based on student, supervisor, and instructor feedback and revises or adds courses accordingly in consultation with the NTTP/TIPS Steering Committee.

**b. TIPS Software Application Training Program**

Providing established technology and researching emerging technologies and their application to SMCRA are foundational to TIPS. Therefore, providing software application training courses geared towards engineering, scientific, hydrologic, and mapping computer software tools, not commonly offered by vendors and universities, ensure States, Tribes, and OSMRE offices with SMCRA responsibilities are trained on the same advanced software, as well as field equipment tools, to perform their regulatory and AML duties.

The TIPS Training Program is a joint effort among States, Tribes, and OSMRE. Reclamation experts are the course developers and instructors, using TIPS software to solve complex permitting, enforcement and AML related matters. TIPS software application training is tailored towards using current/emerging technologies to answer mining and reclamation questions to meet the requirements of SMCRA. TIPS courses are delivered online on site at the customer's request, and in training centers located at OSMRE's offices in Alton, Illinois, and Pittsburgh, Pennsylvania, and at vendor training centers in Denver, Colorado.

In FY 2022, the TIPS Training Program received a customer satisfaction rating of 97 percent, exceeding the annual Government Performance and Results Act (GPRA) goal of 96 percent. Although in-person instructor-led classes were limited due to COVID guidelines, TIPS offered 12 virtual instructor-led classes and 127 students attended and completed the class series. Twenty States and Tribes were served by TIPS Training in FY 2022.

During FY 2023, the TIPS Training Program plans to hold 35 mostly virtual instructor-led courses with some in-person instructor-led courses. These classes, like in the previous year, will be vendor-hosted instructor-facilitated courses utilizing the vendor's on-line platform easily accessible to State, Tribal, and OSMRE customers. In FY 2023, TIPS will accept training by request and work diligently to provide "just-in-time" training resources for our customers.

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

OSMRE conducts courses and workshops at OSMRE, State, and Tribal locations to address specific needs. These custom, on-the-job trainings are wide ranging and include 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 unique needs of the audience. Examples of such tailored training include:

Statewide Blaster Training: In FY 2022, Kentucky, New York, and West Virginia received specialized online blasting training for more than 60 inspectors. In the past, designated blasting specialists conducted all blasting inspections; now States have transferred these duties to the general inspection staff to manage their dwindling resources. The OSMRE-developed State specific

training ensures that the inspectors have the knowledge and tools to effectively regulate the blasting aspects of coal mining. The classes were delivered weekly at each of the State's regional offices over a period of three months to ensure that required inspections frequencies were not impacted by training attendance.

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 2022 due to the COVID-19 pandemic, these courses will resume when conditions allow. As industry and governments continue to develop new technologies in photogrammetry and terrestrial scanning, OSMRE expects requests for specialized training will increase over the coming 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 \$3.4 million and 12 FTE for these activities. State technical representatives communicate frequently with OSMRE regional staff to share resources whenever practicable to resolve regional technical issues. Although many activities remained as virtual platforms due to the ongoing COVID-19 pandemic, some in-person or hybrid-setting activities took places in FY 2022. As recovery from the pandemic moves forward, OSMRE will sponsor and/or participate in more in-person or hybrid interactive technical forums, workshops, and seminars to address mining and reclamation environmental issues. OSMRE partners with other Federal agencies, States, Tribes, and industry to develop technology transfer priorities.

Technology transfer is accomplished through a variety of activities including workshops and technical forums; publication of workshop and forum proceedings, handbooks, and other materials; maintenance of the OSMRE technical library, and various information websites. The OSMRE national and regional technology transfer teams meet monthly to evaluate initiatives or on-going activities 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 extended technology transfer opportunities to other Federal agencies, such as MSHA. When seats are available in OSMRE training classes, they are offered to Mine Safety and Health Administration personnel. When applicable, OSMRE also informs MSHA personnel about funded Applied Science projects, inviting their participation in site and laboratory visits, and inviting comments regarding conduct and results of these studies.

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

OSMRE advances these technologies through technology transfer by ensuring that the most current and relevant scientific information and technologies are available to our customers, through funding research and through the TIPS Program. OSMRE funds research, primarily with universities, through our Applied Science Program and the Mine Drainage Technology Initiative Program (formally known as the Acid Mine Drainage Initiative). Research conducted under these programs are made available to the public.

a. Applied Science Program

The Applied Science Program provide funds, primarily to universities, to help the development of new reclamation science and technology. Under the program, OSMRE selects, and funds applied science proposals (typically 2-year cooperative agreements) that have the potential for improving the effectiveness of both the coal industry and the regulatory authority to conduct and regulate surface coal mining and reclamation activities that protect the environment and the public. In FY 2023, OSMRE announced the awarding of approximately \$1.6 million for a total of eight (8) applied science proposals to address legacy pollution and promote the sustainable and responsible extraction of critical minerals from coal waste and AMD. Four of the eight proposals awarded in FY 2023 focus on recovery of REE.

b. Mine Drainage Technology Initiative (MDTI) Program

The MDTI program provides funds, primarily to universities, to help them gain a better understanding of issues related to acidic and toxic mine drainage to better predict, avoid, monitor, and remediate mine drainage. Under the MDTI program, OSMRE has been able to fund proposals (under 2-year cooperative agreements) beginning in FY 2000 through the present that enhanced our understanding of acidic and toxic mine drainage.

c. Technical Innovation and Professional Services (TIPS)

TIPS is a national program that supplies established emerging technologies and applications to SMCRA primacy programs. TIPS obtains off-the-shelf technological software and makes them available to States, Tribes, and OSMRE offices in support of SMCRA initiatives, as well as offering technical assistance and training on the software.

The goal of TIPS is to provide State, Tribal, and OSMRE personnel with a comprehensive set of analytical core software to aid in technical decision-making processes related to the SMCRA. The services provided are centered on commercial off-the-shelf engineering, scientific, hydrologic, and mapping computer software 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 available via the Internet and/or through an OSMRE wide area network – TIPS License Server.

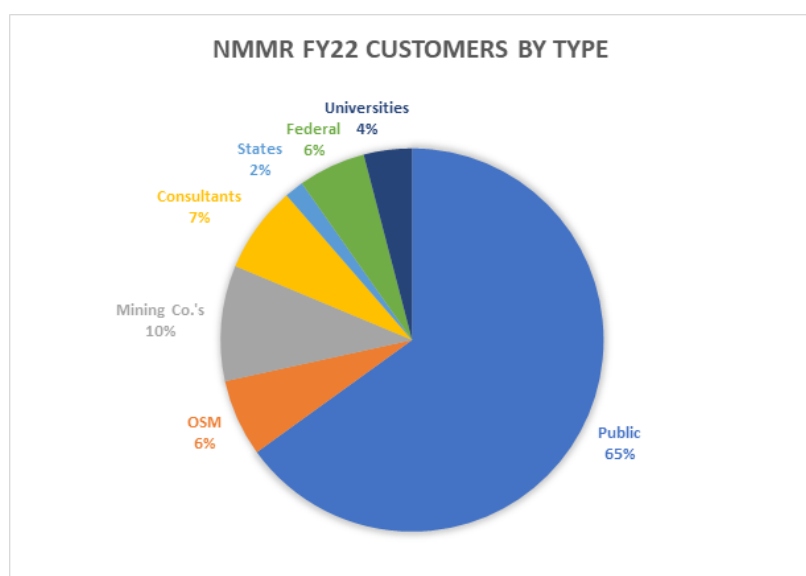
d. The National Mine Map Repository (NMMR) Program

The NMMR Program, established under the Federal Coal Mine and Safety Act of 1969, is currently maintained by OSMRE at its regional office in Pittsburgh, Pennsylvania. Its primary role is to ensure the information within the NMMR is available to the public. The program acquires maps



for the NMMR through public outreach with State and Federal environmental agencies as well as mining companies, engineering and consulting firms, surveying companies, universities, and private citizens. OSMRE compiles and maintains mine map information for all types of mines in the United States.

The NMMR is a repository for both underground and surface mine maps. The NMMR’s servers contain over 60 terabytes of imagery and data. The data encompasses geographic, topographic, and commodity-specific information searchable spatially and through over 50 text fields through its proprietary SQL database. It contains mine maps from 47 States spanning the past 230 years, consisting of more than 319,000 mine map scans covering 266,162 mines. The database may be searched online; in FY 2022, 123 clients contacted the repository for research guidance or map requests.



Requests benefit the public and private sectors by helping to assess underground voids for health and safety purposes. These maps are used by industries such as insurance, transportation, and mining. The maps are also useful for historical research, ancestry, and land development.

The NMMR continuously expands and upgrades its collection. During FY 2022, 1,202 new map documents were added to the NMMR. Additionally, 8,552 records were collected or modified in the database. The records edited this year included coverage in 27 different states. Continued funding for this program is vital to the health and safety of the public and the environment.

e. Coal Information Management System Program

Beginning in FY 2018, OSMRE and the Montana Department of Environmental Quality (MTDEQ) began working on a convenient, efficient, and cost-effective method of applying for and monitoring the status of permit applications issued under SMCRA. The program, Coal Information Management System (CIMS), was developed to modernize and upgrade Montana’s electronic permitting system. The CIMS was designed for other States and Tribes to easily adopt the system

at no or low cost. Under the CIMS, mine operators can plan and monitor multiple phases of applications and permits in an interactive, geospatial manner. The CIMS automates the workflow between operators and regulatory authorities and provides accountability and project tracking 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 can modify the system to fit their unique needs, realize economies of scale associated with system development costs, and improve effectiveness through lessons learned. OSMRE is planning on developing four additional modules to the CIMS: (1) Inspection and Enforcement, (2) Bond Calculation, (3) Public Interface Utility (read only version hiding confidential information), and (4) National Photo Archive. This work is projected to continue through FY 2026.

f. Geographical Information Mapping System Programs

**GeoMine:** GeoMine is an interactive web-based mapping application of coal mining and reclamation activities within the United States <https://geomine.osmre.gov/>. It is an ongoing effort to provide the best available data for surface coal mining operations across the country. The project merges data from numerous sources to create standardized, seamless layers that cross state boundaries. A new application/widget was recently added to GeoMine from EagleView Pictometry, which provides additional high-resolution birds-eye view aerial imagery over high-priority mines. All GeoMine layers include data compiled from state and federal partners and are publicly available. GeoMine averaged 125 users per month during FY 2022, with over 180 data downloads during that time. In FYs 2023 and 2024, the hosting infrastructure will undergo several improvements and the application itself will be updated and modified to match the OSMRE website. As collaboration across regions within OSMRE increases, data from additional states will be incorporated when possible. Participation is largely reliant upon continuing good-faith relationships OSMRE has developed with its state counterparts and the greater SMCRA community.

**Remote Sensing:** In FY 2022, 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 used in conjunction with these photogrammetric models to allow for accurate surface modeling for enforcement and reclamation design. In FY 2024, more SMCRA States will adopt programs to make greater use of these technologies. Ongoing training and support will serve to leverage SMCRA partners' use of these technologies.

States and Tribes use of satellite data and similar technologies is expanding. New monthly high-resolution satellite imagery requests continue to grow rapidly and, in FY 2022, OSMRE saw more than 100,000 downloads of remotely sensed imagery across the U.S. These and other requests are prioritized first through online digital archives, examined through acquisitions conducted by various Federal agencies, and then through private entities via contracts where necessary and contribute to

effective development of reclamation project proposals. Once the satellite images are processed, they are imported into a web map application that is accessible to mine team members. With access to previously collected imagery (e.g., hi-res. birds-eye view/oblique imagery) and current imagery, users can easily observe changes at mine sites over time – this ranges from tracking the extent of current mining to viewing the progression of mining reclamation and re-vegetation success leading up to bond releases. Field personnel frequently use the imagery to strategically plan their time and work in the field. They are also able to load the images and maps onto a mobile device for offline use to assist with new data collections on the mine.

OSMRE members also provide more advanced remote sensing analysis to support mine teams on a project-to-project basis. Satellite images have several bands that allow analyst to better visualize features not easily seen by the naked eye in the visible spectrum. Visualizing different band combinations helps with determining vegetation health, distinguishing between new vegetation growth and old growth, soil moisture, and more accurate classification of land features. Other satellite-based earth observations are made to determine or create elevation data, which is derived from specialized sensors/satellites including Satellite Aperture Radar that can see through clouds. This, along with what is called stereo-imagery, allows OSMRE to verify elevation values provided by mining operators to determine the elevation gains and losses from datasets collected on different dates.

**ArcGIS Online:** ArcGIS Online is an important cloud-based interactive web-mapping platform for OSMRE. ArcGIS helps OSMRE manage the growing needs to track active accounts and encourage State and Tribal affiliate usage. Most recent analytics show nearly 600 accounts, about 400 active users, 266 Federal employee accounts, and 331 State and Tribal affiliate accounts. OSMRE uses this software to collaborate with other agencies and build StoryMaps and dashboards to present immersive data. OSMRE anticipates that additional growth in the user base will take place in FY 2024 and 2025.

**Mobile GIS:** OSMRE’s strategy has been to empower each Region and field personnel to assist in the enhancement of field mapping software and solutions. This dual approach of software and solutions run on tablets and smartphones utilizing internal Bluetooth or GPS to pinpoint a device’s location. For FY 2023-2024, an enterprise-wide approach will be deployed to enable greater Mobile GIS applications that focus on the field teams and SMCRA centered solutions (e.g., inspections).

**CIMS Photos:** The CIMS underwent new enhancements and upgrades in FY 2022 to help coal mine permitting and compliance. OSMRE staff are integrating the Mobile GIS solutions to feed into the photo archive portion of the CIMS. ArcGIS Online also is leveraged to bring custom mapping and dashboard analytic solutions to the photos. Currently the CIMS archives over 176,000 photos. This year over 5,000 photos have been added by these staff members using Mobile GIS solutions.

g. Educational Outreach

OSMRE staff provide educational outreach to science teacher associations, science classes, educational fairs, Earth Day events, career days, foreign visitors, grassroots organizations, and

professional associations and societies to explain OSMRE's responsibilities and to create a conservation stewardship legacy. These programs help to engage and encourage our future workforce.

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).

#### h. Internships

OSMRE supports professional environment internships through AmeriCorps every year on semester and year-term bases. This program yields great benefit for the intern, OSMRE, and the entire SMCRA community. Ten AmeriCorps members served during FY 2022, including members who started service in FY 2021 and finished in FY 2022. About 8 AmeriCorps Members will perform service in FY 2023, and 10 AmeriCorps Members are expected to serve in FY 2024. AmeriCorps Members served for all OSMRE regions in FY 2022, on-site, remotely, and teleworking:

- Division of Regulatory Support (Washington, DC)
- National Technical Training Program (Washington, DC)
- Birmingham Field Office (Birmingham, AL)
- Charleston Field Office (Charleston, WV)
- Technical Support Division, Engineering and Mine Mapping Services Branch (Pittsburgh, PA)
- Technical Support Division, Water, Geological, and Geospatial Branch (Pittsburgh, PA)
- Program Assistance Division (Pittsburgh, PA)
- Technology Management Division, Technical Innovation and Professional Services (Denver, CO)

These interns leveraged their experience to move forward to permanent jobs to begin their professional careers. In FY 2022, OSMRE sponsored an AmeriCorps Intern who developed a first draft of the AMLER Program Handbook and assisted with the drafting a report to Congress on the feasibility of revegetation of reclaimed mine sites.

## **TECHNOLOGY DEVELOPMENT AND TRANSFER**

### **2023 Ongoing and Planned Program Activities**

In FY 2023, planned activities in Technology Development and Transfer include:

- Providing technical assistance to States and Tribes, making use of emerging technologies for field data collection and in-house information processing capabilities.
- Supporting and substantially contributing to finding and developing domestic sources of critical minerals.
- Continuing to coordinate blaster certificate activities with State personnel, Federal agencies (MSHA, OSHA, and ATF), and professional organizations (International Society of Explosives Engineers, Institute of Makers of Explosives and National Fire Protection Association).
- Supporting State and Tribal coal reclamation programs with direct technical support. OSMRE GIS will continue to support field data collection both internally and with States and Tribes by upgrading data collection applications and methodologies so that data collected in the field is better used and shared.
- Continuing to expand partnering opportunities for students and recent graduates in science, technology, engineering, and mathematics. OSMRE staff plan to participate in virtual or face-to-face outreach events at several K-12 grade schools and educational organizations. In FY 2023, OSMRE staff will again participate in the Carnegie Science Center National Engineer's Week and National Chemistry Week in Pittsburgh, PA.
- Developing course materials and topics that are relevant, useful, and technically sound.
- Issuing a solicitation for Applied Science proposals that will help use science-based solutions to address mining and reclamation issues, selecting the best proposals to achieve the highest valued outcomes, and continuing to track projects to verify value of results.
- Serving customers needing information from the NMMR. NMMR will continue its outreach efforts to better target map collections, enhance its database management systems, and coordinate with the states' mapping programs to synchronize efforts. NMMR will also work towards allowing digital downloads of map scans.
- Continuing the AVS modernization effort, including re-design of the AVS to address its outdated IT architecture and programming language.

## **2022 Program Accomplishments**

In FY 2022, the major accomplishments in TDT include:

- Provided technical assistance to SMCRA partners on subjects such as blasting, dam safety, water-quality, and reforestation issues.
- Maintained NMMR and ensured that the maps held in the NMMR are available to the public
- Continued work on enhancing the CIMS to help modernize and upgrade the electronic permitting system used by States and Tribes.
- Completed enhancements of the AMDTreat software package, including academic and industry beta testing.
- Provided funds for research under the ASP and MDTI Program to improve the effectiveness and efficiency of the science of coal mining and mine land reclamation.
- Enhanced GeoMine and other web-based mapping applications in 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.
- Provided training through the NTTP and TIPS program.
- Conducted numerous educational outreach events to science teachers associations, science classes, educational fairs, Earth Day events, career days, foreign visitors, grassroots organizations, and professional associations and societies to explain OSMRE's responsibilities and to create a conservation stewardship legacy.

# **FINANCIAL MANAGEMENT**

# FINANCIAL MANAGEMENT

## Financial Management Budget Request

(Dollars in Thousands)

	2022 Actual	2023 Enacted	2024				Change From 2023 (+/-)
			Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2024 Request	
<b>Regulation and Technology</b>	<b>518</b>	<b>535</b>	<b>+28</b>	<b>-</b>	<b>-</b>	<b>563</b>	<b>+28</b>
Revenue Management	416	428	+19		-	447	+19
<i>FTE</i>	<i>1</i>	<i>2</i>			-	<i>2</i>	-
Grants Financial Management	102	107	+9		-	116	+9
<i>FTE</i>	<i>1</i>	<i>1</i>			-	<i>1</i>	-
<b>Abandoned Mine Reclamation Fund</b>	<b>5,403</b>	<b>6,079</b>	<b>+313</b>	<b>-</b>	<b>-</b>	<b>6,392</b>	<b>+313</b>
Fee Compliance	5,286	5,458	+266		-	5,724	+266
<i>FTE</i>	<i>31</i>	<i>28</i>			-	<i>28</i>	-
Grants Financial Management	117	621	+47		-	668	+47
<i>FTE</i>	<i>2</i>	<i>5</i>			-	<i>5</i>	-
<b>Total, Financial Management</b>	<b>5,921</b>	<b>6,614</b>	<b>+341</b>	<b>-</b>	<b>-</b>	<b>6,955</b>	<b>+341</b>
<b>Total FTE</b>	<b>35</b>	<b>36</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>36</b>	<b>-</b>

### OVERVIEW

The 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 accounting management. While not an explicit activity, OSMRE also manages the UMWA transfers to the Health Benefit Plans and 1974 Pension Plan and AML fund investment management.

- Fee compliance covers the collection, accounting, and audit of abandoned mine reclamation fees, assistance to operators on compliance matters, and regulatory and policy development on fee compliance issues.
- 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.



- Grants management includes accounting for, and reporting on, grants awarded to States and Tribes for AML and regulatory purposes
- AML fund management includes developing and executing investment strategies to maximize interest earnings and administering all annual transfers under SMCRA to the UMWA Health Benefit Plans and 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 disbursement for the administration of regulatory activities and reclamation cleanup projects is managed through this program activity. The funds are provided through annual mandatory grants distributed to States and Tribes.

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

**Program Activities:** OSMRE carries out its program financial management responsibilities through three program activities: fee compliance; grants accounting management; and revenue management. Financial management also includes activities to support administering transfers to the UMWAF health benefit plans and the 1974 Pension Plan.

**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 coal company reporting burden, receive quarterly coal production reports, provide information to companies, and allow companies to make payments online.

In FY 2023 and FY 2024, OSMRE will conduct a fit gap analysis to modernize the existing Coal Fee Collection Management System (CFCMS) used to process and manage coal reclamation fees, compliance audit findings, and civil penalties. Additionally, OSMRE will look for opportunities to improve coal operating reporting through the Single Source Coal Reporting System (SSCR). Such modernization is necessary given the extension of OSMRE’s fee collection authority under Section 402 of SMCRA through September 30, 2034. OSMRE will also continue to support State and Tribal program operations through the Grants Accounting Management activity. OSMRE has over 284 active grants awards and cooperative agreements with the States and Tribes.

**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.

## **PROGRAM DETAILS AND 2024 REQUEST**

### **1. Fee Compliance**

The fees collected from active coal operators provide the funding used by OSMRE, States, and Tribes to restore the land to beneficial use following mining and mitigate the effects of historic mining by pursuing reclamation of AMLs. OSMRE collects the fee from active coal operators based on tons of coal produced for sale, use, or transfer.

The FY 2024 budget request includes \$5.7 million and 36 FTE for the OSMRE Fee Compliance Program 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

In FY 2022, OSMRE's Fee Compliance Program achieved a 99.8 percent collection rate, resulting in \$101.1 million in total collections. Collections decreased from FY 2021 due to decreased coal production and several coal company bankruptcies. By working closely with the industry, the program achieved a 99 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 84.3 percent in FY 2022. During FY 2022, OSMRE also processed 83.6 percent of the coal reclamation fee reports automatically, and 83.4 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 2023 include:

- Maintaining the Single Source Coal Reporting System (SSCR) and the Coal Fee Collection Management System (CFCMS).
- Increasing the use of automation in conducting fee compliance audits to further improve efficiency.
- Conducting a CFCMS and SSCR fit gap analysis for future modernization.

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

The collection component assures the AML fee payment requirements of SMCRA are applied consistently and fairly across the country. In FY 2022, OSMRE collected 99.8 percent of the AML Fees due during the year. Total FY 2022 AML Fee collections were \$101.1 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.

On average, over 784 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 258 companies voluntarily use the E-filing system to report on approximately 661 permits and over 99.4 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 consists of workers who are 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). The continuing professional education and training of OSMRE's audit staff is conducted in accordance with those standards. The audit program maintains an internal control system and monitors it on an ongoing basis to provide reasonable assurance that the policies and quality controls are suitably designed and effectively applied. GAGAS requires an independent peer review of OSMRE's audit program every three years. The most recent peer review of the audit program issued a final report with a rating of "Pass", the highest possible rating. This is consistent with the audit program's previous peer review results, indicating that OSMRE's audit function is performed in accordance with professional standards.

With a highly visible and comprehensive audit presence, the small audit staff serves as an effective deterrent to noncompliance. To support the program goal of maximizing compliance, OSMRE auditors

will conduct more than 130 reclamation fee compliance audits in FY 2024. 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 during the audit, 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 2024.

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 files in the audit process.

Examining all permit transactions recorded by regulatory authorities: The audit staff will need to review more than 1,000 permit transactions (newly issued, transfers, and amendments), which can affect the parties responsible for paying fees. In FY 2022, the staff evaluated 1,168 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 2024, the audit staff will continue to promote electronic tonnage reporting and fee payment by discussing the benefits of the systems and demonstrating how the systems work for companies during audits, as well as notifying OSMRE's collection staff of those interested in enrolling in E-filing and Pay.Gov.

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

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

<b>Production*</b>	<b>2022 Actuals</b>	<b>2023 EIA Projections</b>	<b>2023 OSMRE Projections</b>	<b>2024 EIA Projections</b>	<b>2024 OSMRE Projections</b>
Underground	214	276	237	275	236
Surface	316	300	305	222	248
Lignite	48	46	48	45	47
<b>Collections</b>	<b>2022 Actuals</b>	<b>2023 Projections</b>		<b>2024 Projections</b>	
AML Fees **	\$101.1	\$94.6		\$81.5	

\* The projections are based on calendar year projections made by the Department of Energy's (DOE) Energy Information Administration Annual Energy Outlook 2022, Reference Case Forecast, Table 65 (Coal Production by Region and Type). OSMRE tonnage uses the last reported production (Fiscal Year 2021) and then increases or decreases that value based on the percentage increase or decrease in DOE production for each coal type. The OSMRE projections are usually lower because AML fees are determined by the weight of the coal at the time of initial sale, transfer, or use.

\*\* AML Fees are calculated based on the OSMRE tonnage estimates multiplied by the applicable current fee rate: \$0.096, \$0.224, and \$0.064 for underground, surface, and lignite, respectively. The calculations are adjusted for moisture content, reduced coal prices and fees, administrative fees, and uncollectible fee estimates.

**Table 8 – Summary Status of Abandoned Mine Reclamation Funding Since 1978**  
(Dollars in Thousands)

Fiscal Year	Receipt Amount	Interest Earned	Cumulative Income	Amount Appropriated from AML Fund	Footnote	Appropriations from Other Sources	Transfer To UMWAF Health Benefit Plans	Cumulative Appropriated Balance	Cumulative Unappropriated AML Fund Balance
1978-99	4,984,248	472,032	5,456,282	3,819,485	/1, /2, /3	17,363	192,886	4,012,370	1,443,912
2000	274,297	94,369	5,824,949	195,873	/4		108,960	4,317,203	1,507,745
2001	284,044	103,496	6,212,489	215,038	/5		182,019	4,714,260	1,498,228
2002	287,066	43,278	6,542,833	203,455	/6		90,179	5,007,894	1,534,939
2003	282,555	23,620	6,849,007	190,499	/7		89,858	5,288,251	1,560,756
2004	287,023	45,695	7,181,725	190,591			14,967	5,493,809	1,687,916
2005	293,604	75,017	7,550,347	188,206			66,533	5,748,548	1,801,798
2006	302,992	95,687	7,949,025	185,248			59,004	5,992,800	1,956,225
2007	304,880	105,818	8,359,723	185,393			114,329	6,292,522	2,067,201
2008	286,272	83,764	8,729,759	139,334	/8		100,394	6,532,251	2,197,508
2009	272,764	55,465	9,057,988	142,977	/9		61,224	6,736,452	2,321,536
2010	251,784	55,193	9,364,964	177,502	/10		63,926	6,977,881	2,387,083
2011	259,935	54,881	9,679,781	185,649	/11		57,246	7,220,777	2,459,004
2012	249,725	54,789	9,984,295	247,595	/12		48,430	7,516,802	2,467,493
2013	213,675	36,634	10,234,603	237,544	/13		54,789	7,809,135	2,425,468
2014	202,872	34,928	10,472,403	206,726	/14		12,359	8,028,220	2,444,183
2015	197,973	29,426	10,699,802	208,403	/15		31,803	8,268,426	2,431,376
2016	158,807	32,175	10,890,784	202,356	/16		29,109	8,499,891	2,390,893
2017	159,499	33,922	11,084,205	171,873	/17		32,140	8,703,904	2,380,301
2018	155,475	49,236	11,288,916	232,436	/18		46,257	8,982,597	2,306,318
2019	147,436	59,335	11,495,687	225,420	/19		54,321	9,262,338	2,233,349
2020	123,261	55,436	11,674,384	161,376	/20		37,132	9,460,846	2,213,538
2021	112,379	24,316	11,811,079	146,303	/21		29,220	9,636,369	2,174,710
2022	101,074	98,245	12,010,398	143,148	/22		19,404	9,798,921	2,211,477
2023	94,582	241,644	12,346,624	133,980	/23		334,994	10,267,895	2,078,729
/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-/22 FY 2008-FY 2022 total includes annual appropriated and mandated amounts under PL 109-432.									
/23 FY 2023 totals are estimates									

## Table 8 Notes:

- Annual figures for FY 1978-1999 are displayed in the FY 2015 Budget Justification, Table 9.
- FY 2023 figures on this table are estimates. Projected interest is based on known investments earnings that will be paid out in FY 2023.
- AML Fund balances in this table are as of September 30, 2021, and do not include the last two months of the AML fee collection cycle (i.e., October 1- November 30). The annual AML Grant distribution tables, published separately, will show AML Fund balances that will include the collection of AML fees, interest earned, and transactions through November 30, 2022.
- 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 2022 AML Grant Distribution reports will vary slightly and include the amounts collected and interest earned in the AML Fund as of November 30, 2021, rather than the Federal fiscal year end of September 30, 2022.
- 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. Grants Financial Management**

This activity accounts for and disburses reclamation and regulatory grants to States and Tribes under OSMRE's Environmental Restoration and Environmental Protection business lines. The Grants Financial Management activity includes the disbursement, accounting, reporting, and recovery of grant funds. 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, 2022, by a description of its allocation.

Table 9 – AML Unappropriated Balance

Office of Surface Mining Reclamation and Enforcement  
AML Unappropriated Balance as of September 30, 2022

Description of Allocation	Balance as of 10/01/21	LESS: 2022 Appropriation	LESS: 2022 Treasury Funds	LESS: 2022 UMWBF Transfer <sup>3/</sup>	Post Appr. & Trans. Balance	Investment Int. 10/01/21-9/30/22	Collections for 10/01/21-9/30/22	Balance as of 9/30/22
Federal Expense <sup>1/</sup>	\$299,161,521.91	(\$51,502,649.00)	\$0.00	\$0.00	\$247,658,872.91	\$0.00	\$20,241,740.10	\$267,900,613.01
Historical Coal <sup>2/</sup>	\$1,608,516,573.76	(\$71,803,731.00)	\$37,436,537.00	\$0.00	\$1,574,149,379.76	\$0.00	\$30,362,610.14	\$1,604,511,989.90
Investment Interest	\$172,012,444.94	\$0.00	\$0.00	(\$19,404,401.00)	\$152,608,043.94	\$98,245,488.81	\$0.00	\$250,853,532.75
<b>Subtotal - Federal Share</b>	<b>\$2,079,690,540.61</b>	<b>(\$123,306,380.00)</b>	<b>\$37,436,537.00</b>	<b>(\$19,404,401.00)</b>	<b>\$1,974,416,296.61</b>	<b>\$98,245,488.81</b>	<b>\$50,604,350.24</b>	<b>\$2,123,266,135.66</b>
<b>Subtotal - State Share</b>	<b>\$95,018,559.58</b>	<b>(\$19,842,118.00)</b>	<b>(\$37,436,537.00)</b>	<b>\$0.00</b>	<b>\$37,739,904.58</b>	<b>\$0.00</b>	<b>\$50,469,792.75</b>	<b>\$88,209,697.33</b>
<b>Total <sup>4/</sup></b>	<b>\$2,174,709,100.19</b>	<b>(\$143,148,498.00)</b>	<b>\$0.00</b>	<b>(\$19,404,401.00)</b>	<b>\$2,012,156,201.19</b>	<b>\$98,245,488.81</b>	<b>\$101,074,142.99</b>	<b>\$2,211,475,832.99</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.

3/ \$19M was transferred at the beginning of FY 2022 to the United Mine Workers Combined Benefit Fund for estimated expenses in FY 2022 and for adjustments to actual expenditures for FY 2020.

4/ Does not include appropriations provided by the Bipartisan Infrastructure Law.



### **3. Revenue Management**

The FY 2024 budget request includes \$447,000 and 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.

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 the Treasury, litigation through the Department of Justice, and referral to the Department of the 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 the 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 UMWAF Health Benefit Plans and 1974 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 Government 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 American Miners Act (P.L. 116-94) amended SMCRA expanded UMWA health plan eligibility to receive federal funding and authorized payments to the UMWA pension plan from the Treasury. The amendments established a \$750 million annual cap on the aggregate of payments from the Treasury to certified states and tribes, UMWA health plans, and the UMWA pension plan. Payments to certified states and tribes are provided first, supplemental payments to UMWA health plans are made second, and any funds necessary for the UMWA pension plan are made with any remaining room under the cap. The American Miner Benefits Improvement Act of 2020 (P.L. 116-260, Division Y) further amended SMCRA, authorizing additional eligible beneficiaries of the UMWA 1993 Health Benefit Plan impacted by bankruptcy proceedings in 2020 and beyond, and increasing the \$750 million annual limitation on Treasury funds by the amount of the cost to provide benefits.

During FYs 2023 and 2024, OSMRE will process the UMWAF transfer requests for the three UMWAF health plans, providing funding for an estimated 47,992 beneficiaries, and to the 1974 Pension Plan. OSMRE will work with the UMWAF’s external auditors to plan the testing of selected internal controls and utilize existing audit work where practical. The transfer requests for FY 2022 through FY 2024 are outlined in Table 11 below.

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

<b>Health Benefit Plan / Pension Plan</b>	<b>2022 Actual</b>	<b>2023 Projected</b>	<b>2024 Projected</b>
Combined Fund, including the Reachback Provision	\$31.0	\$19.7	\$31.5
1992 Plan	\$39.4	\$30.5	\$56.2
1993 Plan	\$288.4	\$297.8	\$352.9
1974 UMWA Pension Plan	\$381.7	\$710.5	\$711.37
<b>Total – All Plans</b>	<b>\$740.5</b>	<b>\$1,058.5</b>	<b>\$1,151.9</b>

<b>Funding Sources</b>	<b>2022 Actual</b>	<b>2023 Projected</b>	<b>2024 Projected</b>
• AML Fund Interest	\$19.4	\$342.1	\$439.3
• Treasury Funds	\$721.1	\$716.5	\$719.7

## **FINANCIAL MANAGEMENT**

### **2023 Ongoing and Planned Program Activities**

In FY 2023, 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 and improve effectiveness in the fee accounting and collection processes.
- Develop and execute on long-term investment opportunities to maximize earnings on the Abandoned Mine Reclamation Fund.
- 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 \$335 million to provide funding of unreimbursed health care expenses for an estimated 47,992 coal miners and their dependents.
- Process a transfer of approximately \$710 million to the 1974 Pension Plan.
- Continue to analyze the reasonableness of the UMWAF health care plan transfers and work closely with the Pension Benefit Guarantee Corporation to review supporting documents from the UMWAF over the 1974 Pension Plan transfer.

### **2022 Program Accomplishments**

In FY 2022, the major accomplishments in the Financial Management program activity include:

- Collected \$101.1 million in coal reclamation fees resulting in a collection rate of 99.8 percent on quarterly coal reclamation fees.
- Maintained an E-filing enrollment rate of 84.3 percent of the active reporting permits, which are reported electronically through OSMRE's internet-based reporting system.
- Automatically processed 83.4 percent of quarterly fee payments, or 1,662 fee payments.
- Automatically processed 83.6 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 \$740.5 million and provided funding of unreimbursed health care expenses for an estimated 50,553 retired coal miners and their dependents.
- Continued support for Grant Solutions.

- Successfully implemented additional safety protocols and controls to enable onsite mission critical audits to be conducted.
- Refined the new web-based Audit Information Management System, which provides valuable information to manage audit resources, by utilizing existing framework, accomplishing agency objectives of saving over a hundred thousand dollars and consolidating existing systems.

# **EXECUTIVE DIRECTION & ADMINISTRATION**

# EXECUTIVE DIRECTION AND ADMINISTRATION

## Executive Direction and Administration Budget Request

(Dollars in Thousands)

	2022 Actual	2023 Enacted	2024				Change From 2023 (+/-)
			Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2024 Request	
<b>Regulation and Technology</b>	<b>15,281</b>	<b>15,530</b>	<b>+442</b>	<b>-</b>	<b>+3,349</b>	<b>19,321</b>	<b>+3,791</b>
Executive Direction	2,256	2,330	+151	-	+165	2,646	+316
<i>FTE</i>	<i>16</i>	<i>16</i>	-	-	<i>+1</i>	<i>17</i>	<i>+1</i>
Administrative Support	3,923	4,020	+291	-	-	4,311	+291
<i>FTE</i>	<i>29</i>	<i>31</i>	-	-	<i>+1</i>	<i>32</i>	<i>+1</i>
General Services	9,102	9,180	-	-	+3,184	12,364	+3,184
<i>FTE</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>
<b>Abandoned Mine Reclamation Fund</b>	<b>6,814</b>	<b>6,471</b>	<b>+201</b>	<b>-</b>	<b>+1,609</b>	<b>8,281</b>	<b>+1,810</b>
Executive Direction	1,007	1,051	+67	-	+85	1,203	+152
<i>FTE</i>	<i>8</i>	<i>7</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>7</i>	<i>-</i>
Administrative Support	2,011	2,097	+134	-	-	2,231	+134
<i>FTE</i>	<i>15</i>	<i>14</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>14</i>	<i>-</i>
General Services	3,796	3,323	-	-	+1,524	4,847	+1,524
<i>FTE</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>
<b>Total, Executive Direction</b>	<b>22,095</b>	<b>22,001</b>	<b>+643</b>	<b>-</b>	<b>+4,958</b>	<b>27,602</b>	<b>+5,601</b>
<b>Total FTE</b>	<b>68</b>	<b>68</b>	<b>-</b>	<b>-</b>	<b>+2</b>	<b>70</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.

**Summary of 2024 Program Changes for Executive Direction and Administration**

<b>Request Component</b>	<b>(\$000)</b>	<b>FTE</b>
Federal Sustainability Initiative Coordinator	+250	+1
IT Data center Migration, Hosting and Cyber Security	+4,000	-
ZEF funding Coordinator, Charging Infrastructure, Vehicles and AFE premium	+ 613	+1
Baseline capacity	+95	
<b>TOTAL Program Changes</b>	<b>+4,958</b>	<b>+2</b>

**Justification of 2024 Program Changes**

The 2024 budget request for Executive Direction and Administration is \$27,602,000 and 70 FTE, a program change of +\$4,958,000 and +2 FTE from FY 2023 enacted.

**Zero Emission Fleet Modernization (+\$613,000 / +1 FTE)** – The request includes \$613,000 to fully transition the Department’s light duty fleet acquisitions to zero emission vehicles. This funding will provide critical planning and coordination capabilities, utility build-out and charging infrastructure, and zero emission vehicles. The planning includes prioritizing locations for deployment, determining infrastructure needs such as increased electrical supply and access for electric vehicle supply equipment, and coordinating installation to ensure Interior can maximize the use of these charging stations. By leveraging the buying power of the Federal government and transforming its fleet of more than 600,000 cars and trucks to an all-electric fleet, the Administration can both save money for American taxpayers and accelerate the Nation’s industrial capacity to supply domestically produced zero emission vehicles and electric batteries to create new good-paying jobs.

**IT Data Center Migration, Hosting and Cyber Security (+\$4,000,000)** – In FY 2023, the OSMRE will begin migrating the bureau’s applications, services, and associated workloads to the cloud. The overarching objective is to improve IT support for OSMRE employees and OSMRE stakeholders, which includes operational efficiencies the bureau will gain through cloud hosting while providing enhanced cyber resiliency capabilities (e.g., redundancy, data integrity, and data backups). The migration of OSMRE’s data center includes hardware and contractor costs to build out the new hosting environment. Additionally, and in response to OMB M-22-16, “*Administration Cybersecurity Priorities for the FY 2024 Budget*” and OMB M-22-09, “*Moving the U.S. Government Toward Zero Trust Cybersecurity Principles*” OSMRE intends to establish cybersecurity audit logging, Security Event and Incident Management (SEIM), Privilege Access Management (PAM), and Enhanced Endpoint Security capabilities.

**Establish a Dedicated Sustainability Program (+\$250,000/+1 FTE):** The 2024 budget supports OSMRE’s dedicated sustainability program, including one FTE to coordinate the required comprehensive sustainability policy analysis and development, staff coordination, data collection and analysis, and external reporting in traditional sustainability focus areas.

**Baseline Capacity (+\$95,000):** This request will provide additional operational capacity needed to maintain a strong, talented workforce and adapt to changes in mining and reclamation technology and practices.

## 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, IT, administration, human resources, and internal financial management for the organization. Executive Direction and Administration provides internal executive direction and administrative support to programs, regions, and field offices through the development and coordination of agency policy, budget, plans, and other guidance documents. Additionally, Executive Direction and Administration also oversees the implementation of Departmental and Administration initiatives in the Bureau.

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

<p style="text-align: center;"><b>EXECUTIVE DIRECTION AND ADMINISTRATION ENCOMPASSES:</b></p> <p>Executive Direction Director’s Office Staff Offices under the Director</p> <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>• Office of Information Resources</li><li>• Office of Human Resources</li><li>• Office of Administration</li></ul> <p>Administrative Support Financial Management</p> <ul style="list-style-type: none"><li>• Acquisition Management</li><li>• Information Management &amp; Technology</li></ul> <p>General Services</p>
---

**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 the support services for day-to-day operations, including human resources, IT, 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; Technology Development and Transfer; and the Financial Management support functions.



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

**Actions Required to Achieve Annual Goals:** The Executive Direction and Administration business line continuously monitors OSMRE's 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 are protected, and the environment is protected.

**FY 2024 Budget Request:** The request includes \$27.6 million for Executive Direction and Administration activities. Of this total, \$3.8 million will be used to provide executive direction and effective policy guidance for the overall program and liaison efforts with States, Tribes, energy communities, Congress, and other Federal agencies.

## **2024 PROGRAM PERFORMANCE**

### **1. Executive Direction**

This activity provides executive direction, 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 six immediate staff offices, which include Equal Opportunity; Communications; Planning, Analysis, and Budget; Information Resources; Administration; and Human Resources.

#### **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 AML sites and to prevent environmental problems in the coalfields during active mining by working collaboratively with the State regulatory agencies and other agencies with a role to play in the process. OSMRE makes every effort to ensure full public participation in the development and implementation of its regulatory responsibilities. An extensive outreach approach stimulates a more cooperative partnership not only with OSMRE's regulatory partners, but with other stakeholders as well, resulting in efficient and more effective implementation of the objectives of SMCRA.

In FY 2023 and FY 2024, OSMRE will continue outreach efforts such as public meetings on proposed rulemakings, which promote public participation in policy making and facilitate 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, as well as 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.

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

The Office for Equal Opportunity (OEO) promotes equal employment opportunities for all OSMRE employees. OEO manages OSMRE's responsibilities relative to Titles VI and VII of the Civil Rights Act of 1964, as amended; the Age Discrimination in Employment Act of 1967; the Rehabilitation Act of 1973; as well as Executive Orders, regulatory guidelines, and other nondiscrimination laws within the Federal Government. The office:

- Provides leadership, direction, and policy guidance for Equal Employment Opportunity (EEO) program development.
- Provides for the prompt, fair, and impartial processing of discrimination complaints.
- Provides effective pre-complaint and formal complaint process including an alternative dispute resolution program; provides equal opportunity technical assistance and advice to employees and managers.
- Conducts EEO compliance and diversity training, while communicating and sharing with employees and employment applicants the EEO policy, process, and program without regard to race, color, religion, sex, national origin, age, or disability.
- Manages reasonable accommodation programs in a fair and timely manner.
- To promote equal employment opportunities, the office develops, monitors, and evaluates EEOC MD-715 Affirmative Employment Program Plans.
- 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.
- Maintains a Civil Rights Complaints and Compliance program for federally assisted and conducted programs.
- Implements OSMRE's Diversity, Equity, Inclusion and Accessibility (DEIA) Strategic Plan and additional functions of the Diversity & Inclusion Strategist to address high priority needs in support of advancing Department and Bureau-wide DEIA initiatives across Interior.
- Provides Special Emphasis Programs.
- Develops Model Equal Employment Programs.
- Works closely with HBCUs, Hispanic Serving Institutions, and Tribal Colleges and Universities to share surface coal mining and reclamation career opportunities

### **Office of Communications (OC)**

The Office of Communications (OC) staff apply their experience in mass communication; digital communications, including web design and development; social media; multimedia, including graphic design, photography, and video creation; journalism; political science; media and public engagement; accessibility; correspondence; and brand management to accurately share OSMRE activities and information. OC creates content that informs external audiences—including the public, stakeholders, and other governing bodies—and internal stakeholders about OSMRE programs and policies. The information is distributed through digital platforms such as the OSMRE website, social media, video, infographics, and traditional printed materials. The OC also administers OSMRE’s AML Reclamation Awards and Excellence in Surface Coal Mining Reclamation Awards, recognizing excellence in reclaiming active and abandoned mine lands. The OC also leads the Bureau towards ensuring that letters, documents, drafts, graphics, newsletters, and other media meet accessibility standards to enhance internal and external stakeholder engagement and understanding of the Bureau.

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

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

OSMRE’s homepage, <https://www.osmre.gov/>, is managed by OC. The 21st Century IDEA Act and U.S. web standards are continuously incorporated, ensuring that the public, industry, Congress, and other stakeholders are well-informed of OSMRE’s activities through digital media.

OC supports BIL implementation using many of the same communication channels. In addition, OC manages a web page dedicated to the BIL to inform the public, governing bodies, Congress, and internal stakeholders of current information at <https://www.osmre.gov/bil>.

### **Office of Planning, Analysis and Budget (OPAB)**

The Office of Planning, Analysis and Budget (OPAB) performs nationwide planning, program analysis, and budget administration for OSMRE. OPAB coordinates efforts to promote compliance with major management legislation including the Government Performance and Results Act of 1993, the 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 Office of Inspector General, the Government Accountability Office, and the Department in response to audit reports. The Office:

- Supports the development of OSMRE's and DOI's strategic plans;
- Manages \$11.3 billion BIL funding;
- 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 findings throughout the process of resolution and implementation.

### **Information Resources Office (IRO)**

The Information Resources Office (IRO) delivers 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 guide IT acquisition, utilization, and management within 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 and coordination of OSMRE's nationwide IMT Capital Planning and Investment Control (CPIC) activities, including approval of IMT expenditures within OSMRE.
- Developing and implementing IMT strategic plans to ensure that all OSMRE information systems are administered and developed in accordance with policies 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.
- Ensuring integrity of IMT systems and databases through cybersecurity programs. 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 to meet the requirements for a responsive and compliant Privacy Act Program, awareness, and loss-mitigation strategy, responding to Freedom of Information Act (FOIA) requests, and a Records Management Program compliant with the Federal Records Act.

OSMRE's IRO is performing cloud-readiness assessments of the bureau's mission applications. These assessments will guide cloud migration approaches compared with on-premises hosting services at a DOI-authorized hosting location.

OSMRE will continue to evaluate shared service opportunities and technology to meet OSMRE mission needs, increase operational efficiencies, and harden its cyber security posture.

OSMRE's cyber security program ensures the security of IT systems and data asset integrity. The ACIO and OSMRE's IRO staff provide system assessment, accreditation services, and continuous monitoring of security controls and security compliance. The security program includes virus filtering and continuous traffic monitoring systems. To ensure cybersecurity hygiene, the IRO also maintains vulnerability, configuration management, and incident responses to support timely installation of software patches and fixes, while strengthening incident handling responses.

The IRO manages OSMRE's Capital Planning and Investment Control (CPIC) process to ensure the Bureau's IMT investment portfolio represents the best 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.

The IRO also manages the OSMRE Records program to ensure that proper care is taken by staff and offices to manage federal records. The National Archives and Records Administration has mandated the migration to 100 percent electronic records management, creating the need to digitize records maintained in the OSMRE offices. The types of records that will need to be digitized include Federal Reclamation Program project files, State Programs and Amendment regulations and files, and administrative correspondence files. OSMRE will need to contract with a consultant to support the development of an electronics records management and data file storage plan and implementation.

IRO also manages OSMRE's FOIA program to ensure timely and transparent response to public requests for information. The FOIA program works closely with the OSMRE Privacy office and Records office to ensure compliance with applicable privacy, records, and FOIA laws and regulations.

Finally, 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.

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

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

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

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

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

### **Office of Human Resources (OHR)**

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 a decline in coal production and impacts from COVID-19. 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 EOs 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 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 2024.

Employee Benefits/Worklife Program: This HR program area is undergoing review, assessment, and analysis in FY 2023 to improve operational efficiency necessary to address COVID-19 related issues. Re-entry activities will include remote work and new telework considerations. The review will include alignment of the benefits program with HR operations and address reasonable accommodations program challenges under new religious accommodation policies. EO 14043 resulted in several program policy changes for reasonable accommodations. The program changes resulted in increased workloads and the need for, additional resources and enhanced skills and competencies,

## **2. Financial Management**

This program includes the functions necessary to support the program activities of OSMRE. The activity includes the salaries and operating expenses for the Financial Management and Acquisition Management Divisions of the Finance and Acquisition Directorate. This function is responsible for managing OSMRE's financial and administrative activities.

The Financial Management activity funded in this business line provides OSMRE's program offices with accounting and financial services for operational funds to implement SMCRA. Additionally, such services

include improved access and presentation of financial data to improve the management of operations and allow for more informed decision making. These services include timely bill pay, recording of receipts and expenditures, issuing financial guidance and management reports, collecting administrative debts, managing the organization charge card program, development of financial management operating procedures and tutorials, ensuring compliance of Federal travel regulations, supporting DOI's audited financial statements, and maintaining financial systems and tools that support these functions.

### **Acquisition Management**

The Acquisition Management Division, under the direction of the Head of Contracting Activity, is responsible for providing guidance to ensure OSMRE meets its competitive sourcing goals. The Acquisition Management Division also maintains a presence on the Departmental Acquisition Committees and 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.

### **Information Management and Technology (IMT)**

To meet its statutorily mandated mission, the OSMRE relies on Information Management and Technology (IMT) services and maintains a portfolio of mission applications to oversee coal mining regulatory and AML reclamation programs, assist States and Tribes in meeting the objectives of SMCRA, and regulating coal mining and reclamation activities on Federal and Tribal lands and in those states opting not to assume primacy for regulating coal mining and reclamation activities within their borders. Activities span all business lines and are funded under other business lines in the budget as well as Executive Direction.

OSMRE operates under a centralized IMT program and leverages IMT shared services and services provided under reimbursable agreements to supplement its IMT service offerings. Commencing in FY 2023, the OSMRE IRO has begun migrating the bureau's applications, services, and associated workloads to the cloud. The overarching objective is to improve IMT services to OSMRE employees, mission owners, and OSMRE stakeholders.

OSMRE IT system support enhancements will support the following primary mission information systems:

- Applicant Violator System (AVS).
- Abandoned Mine Land Inventory System (eAMLIS).
- Coal Fee Collection Management System (CFCMS).
- Coal Information Management System (CIMS).
- National Mine Map Repository (NMMR)
- AMDTreat



### **3. General Services**

This funding activity includes essential costs to support OSMRE’s program missions. No personnel or operational activities are funded by this component. The cost estimates for FY 2024 reflect estimated Departmental fixed cost changes from FY 2023 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 2023 and 2024.

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

<b>Line Item</b>	<b>2023 Estimate</b>	<b>2024 Estimate</b>	<b>Change from 2023</b>
DOI Working Capital Fund - Central Bill	2,470,904	2,559,000	+88,096
DOI Working Capital Fund - Direct Bill	1,610,100	1,800,000	+189,900
Unemployment Compensation	21,210	26,000	+4,790
Worker's Compensation	156,000	168,000	+12,000
Rent and Utilities	5,080,004	5,335,000	+254,996
Telecommunications	156,103	175,000	+18,897
Postage	7,500	15,000	+7,500
Bureau-wide Printing/Supplies	208,000	242,000	+34,000
Operational & IT Support Contracts	709,085	855,000	+145,915
Service Contracts	525,000	686,200	+161,200
Other Interagency Agreements	379,802	453,800	+73,998
GSA Work Authorizations & Administration	8,000	16,000	+8,000
Electric Vehicle (EV) Charging Infrastructure	0	267,000	+267,000
Zero Emission (ZEV) Fleet Modernization	0	613,000	+613,000
IT-Data Center Migration, Hosting, & Cyber Security	0	4,000,000	+4,000,000
<b>Total</b>	<b>11,331,708</b>	<b>17,211,000</b>	<b>+5,879,292</b>

## **EXECUTIVE DIRECTION AND ADMINISTRATION**

### **2023 Ongoing and Planned Program Activities**

In FY 2023, planned activities in the Executive Direction and Administration program activity include:

- Completing a major website modernization project to consolidate and reorganize content and migrating it into a content management system to improve the overall OSMRE user experience.
- Maintaining an up to date online plain language glossary of commonly used OMSRE terms.
- Continuing to utilize training as a strategy to increase cultural competencies, reduce the number of EEO complaints filed, and conduct civil rights reviews on federally assisted and conducted programs.
- Improving the availability of self-guided videos and instructions through a single application.
- Begin converting the Bureau's fleet to ZEVs and working closely with intra- and inter-agency partners to improve ZEV charging infrastructure.
- Continuing to review opportunities to reduce OSMRE's leased space footprint and expenditures.
- Continuing to identify opportunities to promote new and existing acquisition requirements.
- Continuing to improve the quality of FBMS asset record data.
- Continuing 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.
- Finalizing 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.
- Supporting DOI's Financial Audit Statements for FY 2022 and FY 2023.
- Continuing to improve the delivery and accessibility of financial information for risk mitigation and decision making.
- Identifying a complete set of consolidation targets for closure and beginning planning to fund migration of the respective computing environments to a Cloud computing environment or to a Major-Tiered Data Center.
- Continuing to provide adequate resource levels needed to maintain current telecommunications services while fully transitioning data and voice services from legacy telecommunications contracts to Environmental Impact Statement.
- Assessing current IMT-related HR staffing and capabilities to address the goal of developing and maintaining a talented and knowledgeable IMT workforce. This includes assessing current capacity to translate the Department's competency models into skill gaps for bureau and office IT employees, accelerating the time to hire new employees, and developing professional development plans that provide career paths for bureau IT employees.

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

### **2022 Program Accomplishments**

In FY 2022, the major accomplishments in the Executive Direction and Administration program activities include:

- Implemented a new support agreement with the DOI Office of Wildland Fire (OWF) allowing qualified OSMRE personnel to support and collaborate with OWF in support of incident responses for DOI's Wildland Fire Management program.
- Promulgated the OSMRE CARE (Conduct Accountability Respect Employees) program to ensure that harassment in the workplace is reported, addressed, and eliminated, timely and appropriately.
- Improved the quality of OSMRE's Safety and Occupational Health program by enhancing the ability of OSMRE managers to identify and mitigate employee risk.
- Scored green in all areas of DOI's Financial Performance Metrics.
- Achieved 100 percent prompt pay on vendor payments.
- Completed required CPIC evaluations for all IMT programs and major investments.
- Provided educational and employment opportunities to youth in the areas of communications, budget, information technology, auditing, and general administration.

- Supported DOI's Audited Financial Statements for FYs 2021 and 2022.
- Successfully completed a pilot program for the purchase charge card to test the online review and approve process within CitiManager, Citibank's global online tool. This will support the Department's efforts to improve controls in charge card compliance.
- Propagated financial guidance and management reports to support strategic initiatives.
- Supported DOI's Business Integration Office (BIO)'s initial conversion efforts of the upgrades for the FBMS and Data Warehouse.
- Supported DOI's efforts to implement the use of the Department of Treasury's G-Invoicing, a long-term solution for Federal Program Agencies (FPAs) to manage their intragovernmental (IGT) Buy/Sell transactions.
- Developed acquisition policy and procedures for Emergency Acquisitions to improve program delivery.
- Eliminated backlog of undelivered orders (excess funding) of approximately \$600,000.
- Implemented quarterly contract auditing for acquisitions

# **PERMANENT APPROPRIATIONS**

# PERMANENT APPROPRIATIONS

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

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

The Bipartisan American Miners Act of 2019 (P.L. 116-94, Division M) amended SMCRA, increasing the annual Treasury funds limit from \$490 million to \$750 million. The SMCRA update also mandated that any difference between the \$750 million cap and the aggregate amount transferred to the certified State and Tribes and the UMWA Health Benefit must be transferred to the 1974 UMWA Pension Plan.

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

**Table 12** below illustrates allocations to States and Tribes and transfers to the UMWA for FY 2022 to FY 2024.

Permanent Appropriations	2022 Actuals	2023 Enacted	2024 Estimate	Change from 2023
<b>Payments to States and Tribes</b>				
<b>Payments to States in Lieu of Coal Fee Receipts (Treasury Funds)</b>				
In Lieu Payments to Certified States and Tribes	37.4	33.5	30.3	-3.2
<i>Mandatory Sequester</i>	-2.1	-1.9	-1.7	+0.2
<b>Subtotal</b>	<b>35.3</b>	<b>31.6</b>	<b>28.6</b>	<b>-3.0</b>
<b>Mandatory Grants to Noncertified States (AML Fund)</b>				
State and Tribal Share	19.8	16.8	16.8	-
Historic Coal Share	71.8	63.8	58.7	-5.1
Minimum Program Make Up	24.0	25.9	26.6	+0.7
<i>Mandatory Sequester</i>	-6.6	-6.1	-5.8	+0.3
<b>Subtotal</b>	<b>109.0</b>	<b>100.4</b>	<b>96.3</b>	<b>-4.1</b>
<b>Total - Payments to States and Tribes</b>	<b>144.3</b>	<b>132.0</b>	<b>124.9</b>	<b>-7.1</b>
<b>Payments to UMWA Health Benefit and Pension Plans</b>				
Payments to UMWA Health Benefit Plans (AML Fund Interest)	19.4	342.0	439.3	+97.3
Supplemental Payments to UMWA Health Benefit Plans (Treasury Funds)	339.4	6.0	8.4	+2.4
Supplemental Payments to 1974 UMWA Pension Plan (Treasury Funds)	381.7	710.5	711.3	+0.8
<b>Total - Payments to UMWA Health Benefit and Pension Plans</b>	<b>740.5</b>	<b>1,058.5</b>	<b>1,159.0</b>	<b>+100.5</b>
<b>Total - Permanent Appropriations</b>	<b>884.8</b>	<b>1,190.5</b>	<b>1,283.9</b>	<b>+93.4</b>
<i>Subtotal from AML Fund</i>	<i>128.4</i>	<i>442.4</i>	<i>535.6</i>	<i>+93.2</i>
<i>Subtotal from Treasury</i>	<i>756.4</i>	<i>748.1</i>	<i>748.3</i>	<i>+0.2</i>

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

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

## OVERVIEW

One of the foundations of SMCRA is to charge a fee on coal production to finance the reclamation of AML sites 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. The BIL (P.L. 117-58) extended the authority to collect the reclamation fee at a reduced rate through September 30, 2034.<sup>8</sup>

### Collection of Reclamation Fees

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

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

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

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

#### a. AML Fund

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

1. Half of reclamation fees collected in that State (known as the State Share).
2. A State's portion of 30 percent of all reclamation fees collected Nationwide and the amount of the State/Tribal Share forgone by certified States and Tribes; each State's portion is determined proportionally based on the amount of coal production in that State prior to 1977 (known as Historic Coal Share); and
3. Any amount needed to ensure that each noncertified State receives at least \$3 million annually (known as the Minimum Program Make Up Funds).

---

<sup>8</sup> OSMRE published the final rule revising the regulations for the Abandoned Mine Reclamation Fund to be consistent with the Infrastructure Investment and Jobs Act (87 FR 2341) on August 24, 2022.



SMCRA specifies the eligible uses of each 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 often use their reclamation funds to address high priority hardrock AML sites, for which there is often no other source of Federal funding.

For FY 2023, OSMRE projects \$106.5 million for total grants to noncertified States (Table 12). However, after applying a 5.7% sequestration, this total decreases to \$100.4 million, providing the following share: \$15.8 million in State Share, \$60.2 million in Historic Coal Share, and \$24.4 million in Minimum Program Make Up Funds.

Similarly, for FY 2024, OSMRE projects that the noncertified States grants distribution total will be \$102.1 million, decreasing to \$96.3 million after applying the 5.7% sequestration rate. This adjusted total would provide the following shares: \$15.8 million in State Share; \$55.4 million in Historic Coal Share; and \$25.1 million in Minimum Program Make Up Funds.

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

Mandatory payments from the Treasury, in lieu of coal receipts, 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 \$31.6 million, after sequestration of 5.7%, in FY 2023. 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, or 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 2024, after sequestration of 5.7%, are estimated to be \$28.6 million.

## **Transfers to the UMWA Health Benefit Plans and 1974 Pension Plan**

Sections 402(h) and (i) of SMCRA require OSMRE to transfer funds to three UMWA Health Benefit Plans that are part of the UMWA Health and Retirement Funds:

- the UMWA Combined Benefit Fund (CBF),
- the UMWA 1992 Benefit Plan, and
- the Multiemployer Health Benefit Plan (aka, the 1993 Benefit Plan).

Section 402(i) of SMCRA, as amended by the Bipartisan American Miners Act of 2019 (P.L. 116-94, Division M), further requires OSMRE to transfer the difference between the aggregate amounts transferred to the UMWA Health Benefit Plans and the States and Tribes and the \$750 million cap to the 1974 Pension Plan. These transfers are as follows:

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

In FY 2023, OSMRE estimates that the UMWA Health Benefit Plans will receive \$342.1 million in interest payments from the AML fund and \$6.0 million from the Treasury. The 1974 Pension Plan will receive \$710.5 million from the Treasury.

For FY 2024, based on current economic assumptions, OSMRE estimates that \$439.3 million in interest from the AML fund and \$8.4 million from the Treasury will be transferred to the UMWA Health Benefit Plans, and \$711.3 million from the Treasury will be transferred to the 1974 Pension Plan.

**Table 13 – Mandatory Funding for States and Tribes, FY 2022-2024**  
(Dollars Rounded in Millions)

State/Tribe	2022			2023 Estimate			2024 Hypothetical		
	Mandatory Distribution	Sequester (-5.7%)	Grants	Mandatory Distribution	Sequester (-5.7%)	Grants	Mandatory Distribution	Sequester (-5.7%)	Grants
<b>Noncertified States</b>									
Alabama	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Alaska	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Arkansas	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Colorado	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Illinois	10.3	-0.6	9.7	8.8	-0.5	8.3	8.3	-0.5	7.8
Indiana	4.2	-0.2	4.0	3.8	-0.2	3.6	3.6	-0.2	3.4
Iowa	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Kansas	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Kentucky	9.4	-0.5	8.9	8.4	-0.5	7.9	7.9	-0.5	7.4
Maryland	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Missouri	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
New Mexico	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
North Dakota	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Ohio	5.0	-0.2	4.8	4.4	-0.3	4.1	4.1	-0.2	3.9
Pennsylvania	28.1	-1.5	26.6	24.6	-1.4	23.2	22.8	-1.3	21.5
Tennessee	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Utah	3.0	-0.2	2.8	3.0	-0.2	2.8	3.0	-0.2	2.8
Virginia	3.1	-0.2	2.9	3.0	-0.2	2.8	3.0	-0.2	2.8
West Virginia	19.6	-1.0	18.6	17.5	-1.0	16.5	16.4	-0.9	15.5
<b>Subtotal, Noncertified States</b>	<b>115.7</b>	<b>-6.6</b>	<b>109.1</b>	<b>106.5</b>	<b>-6.1</b>	<b>100.4</b>	<b>102.1</b>	<b>-5.8</b>	<b>96.3</b>
<b>Certified States and Tribes</b>									
Louisiana	0.0	0.0	0.0	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	3.4	-0.2	3.2	2.8	-0.2	2.6	2.5	-0.1	2.4
Texas	0.8	0.0	0.8	0.6	0.0	0.6	0.6	0.0	0.6
Wyoming	32.3	-1.9	30.4	29.2	-1.7	27.5	26.4	-1.5	24.9
Crow	0.2	0.0	0.2	0.2	0.0	0.2	0.2	0.0	0.2
Hopi	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Navajo Nation	0.6	0.0	0.6	0.6	0.0	0.6	0.5	0.0	0.5
<b>Subtotal, Certified States and Tribes</b>	<b>37.4</b>	<b>-2.1</b>	<b>35.3</b>	<b>33.5</b>	<b>-1.9</b>	<b>31.6</b>	<b>30.3</b>	<b>-1.7</b>	<b>28.6</b>
<b>Total, All States and Tribes</b>	<b>153.1</b>	<b>-8.7</b>	<b>144.4</b>	<b>140.0</b>	<b>-8.0</b>	<b>132.0</b>	<b>132.4</b>	<b>-7.5</b>	<b>124.9</b>

**Source of Mandatory Funding:**

AML Fund	115.7	-6.6	109.1	106.5	-6.1	100.4	102.1	-5.8	96.3
Treasury	37.4	-2.1	35.3	33.5	-1.9	31.6	30.3	-1.7	28.6

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



# BUDGET EXHIBITS

# BUDGET EXHIBITS

## Exhibit A: Section 403 Compliance

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

	<b>2024 Request</b>
External Administrative Costs	
WCF Centralized Billings	\$2,559,000
WCF Direct Billing/Fee for Service	\$1,800,000

### 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. Most of these costs are comprised of the salary and benefits for field office directors, regional directors, and their administrative staff. These costs are not identified under Executive Direction and Administration, but rather included in the program funding requested in the respective business lines.

Activity Based Costing allows OSMRE to internally track the indirect costs associated with its various organizational units and program activities. This is important in determining the full cost of program activities for evaluation purposes. By having employees report and track costs at the lowest work breakdown structure level, managers can 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 2022 Actual	FY 2023 Estimate	FY 2024 Estimate
Executive Level V .....	1	1	1
SES.....	4	6	6
<b>Subtotal.....</b>	<b>5</b>	<b>7</b>	<b>7</b>
GS/GM-15.....	26	23	23
GS/GM-14.....	47	57	57
GS/GM-13.....	99	113	115
GS-12.....	128	154	154
GS-11.....	19	30	30
GS-10.....	0	0	0
GS-9.....	20	17	17
GS-8.....	7	8	8
GS-7.....	8	13	13
GS-6.....	2	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>356</b>	<b>420</b>	<b>422</b>
<b>Total employment (actuals &amp; estimate)</b>	<b>361</b>	<b>427</b>	<b>429</b>

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

**AML Reclamation Accomplishments  
Historical Data Through September 30, 2022  
Includes Priority 1, 2, and 3 Problems**

<b>Problem Type</b>	<b>Units</b>	<b>Number of Units</b>	<b>GPRA Acres</b>	<b>Cost of Completed Reclamation</b>	<b>Remaining Reclamation Costs</b>
Bench **	Acres	1,611	1,607	7,454,289	49,399,424
Clogged Streams	Miles	2,401	11,936	97,753,127	86,521,079
Clogged Stream Lands	Acres	24,472	42,495	268,619,797	322,127,556
Dangerous Highwalls	Feet	55,564,520	79,378	739,539,013	1,683,104,233
Dangerous Impoundments	Count	2,602	13,914	91,931,860	49,694,465
Industrial/Residential Waste (Priority 1 & 2)	Acres	1,867	1,864	49,394,832	57,210,134
Dangerous Piles & Embankments	Acres	28,908	28,850	441,330,771	373,613,496
Dangerous Slides	Acres	5,288	5,375	441,012,366	156,974,217
Equipment/Facilities **	Count	1,759	186	14,858,141	12,423,910
Gases: Hazardous Explosives	Count	95	89	24,052,983	2,315,127
Gobs (Coal waste piles) **	Acres	20,271	19,273	197,803,361	146,685,705
Highwall **	Feet	853,365	12,193	43,867,369	2,537,370,715
Hazardous Equipment & Facilities	Count	5,873	1,295	40,043,974	36,050,977
Haul Road **	Acres	8,886	8,759	27,416,826	11,510,462
Hazardous Water Body	Count	2,388	12,145	90,706,442	126,427,716
Industrial/Residential Waste (P3)	Acres	670	669	4,983,255	1,840,055
Mine Opening **	Count	2,766	278	11,448,497	36,138,722
Other (*) (**)	----	11,435	N/A	51,476,430	51,315,934
Polluted Water: Agricultural & Industrial	Count	590	2,921	56,176,592	80,966,811
Polluted Water: Human Consumption	Count	58,105	273,745	441,294,209	3,039,356,612
Portals	Count	23,903	2,419	116,533,090	76,300,391
Pits **	Acres	19,857	19,863	127,740,501	105,640,969
Subsidence	Acres	11,926	11,863	721,472,988	800,749,334
Spoil Area **	Acres	11,353	206,679	311,043,622	1,245,117,650
Surface Burning	Acres	2,261	2,257	108,504,100	25,538,783
Slurry **	Acres	5,685	5,693	65,113,723	14,320,899
Slump **	Acres	1,767	1,729	15,232,971	353,963,319
Underground Mine Fire	Acres	8,561	8,761	81,557,099	940,249,100
Vertical Opening	Count	22,980	4,032	139,645,179	78,605,681
Water Problems (*) (**)	Gal/M in	563,606	N/A	182,948,999	2,204,168,671
<b>Total</b>			<b>780,266</b>	<b>\$5,010,956,406</b>	<b>\$14,705,702,148</b>

\* Not converted to GPRA Acres, \*\* Priority 3 Problem Type

Note: GPRA Acres are non-acre measures (e.g. - feet of highwalls or number of portals are converted by formula to acres. GPRA acres are used to measure program performance).

All AML Programs (except the AMLER Pilot) are included in this table.

Source: Abandoned Mine Land Inventory System (AMLIS).



**Notes:**

1. The enhanced Abandoned Mine Land Inventory System (e-AMLIS) only provides information on the direct construction cost to reclaim AML features. This system was never designed to be a project management tool. E-AMLIS is the central electronic database for recording the national inventory of AML priorities for the AML Program. The information contained in e-AMLIS is provided by States and Tribes.
2. The AML Reclamation Accomplishments Table only reports on the direct construction costs to reclaim AML features expended from the AML Fund and U.S. Treasury Funds (e.g. Certified in Lieu Funds and Prior Balance Replacement Funds). These construction costs do not include design, engineering or administrative costs necessary for the State and Tribal AML programs to apply that construction cost effectively and efficiently.
3. The two main sources of information for the AML Reclamation Program are the Financial and Business Management System (FBMS) and e-AMLIS. FBMS is DOI/OSMRE's official system of record that contains comprehensive information on AML grant allocations and expenditures for the SMCRA Title IV AML Reclamation Program. E-AMLIS contains different information from FBMS and serves a different purpose. For example, e-AMLIS provides information primarily on direct construction cost such as estimates for reclaiming AML features once they are discovered and entered into the inventory, as well as completed costs when AML features are actually reclaimed in the field at which time the inventory cost is updated.
4. GPRA Acres are non-acre measures (e.g., feet of highwall or number of portals) that are converted by formula to acres and used to measure program performance.
5. The e-AMLIS inventory is not a fixed target that declines each year by the amount of reclamation accomplished. Instead, the inventory is dynamic and updated by States and Tribes on an ongoing basis. New AML problems are added to the inventory as they are identified, and cost data on existing AML problems are updated to reflect current reclamation costs.
6. Reproducing the data in this table from the public-facing e-AMLIS webpage may be problematic. The public-facing webpage has limits on the type and amount of query capabilities which affect the ability of the public to replicate OSMRE published e-AMLIS tables. An approved e-AMLIS account holder has more query functions than what is available to the public. Additionally, the OSMRE e-AMLIS Coordinator performs a rigorous quality control and quality assurance process on the data before it is published. This is required due to complexities in the coding system of the e-AMLIS program and retrieval of information that was historically entered differently (e.g. not georeferenced) and placed on a different system platform within the e-AMLIS program.
7. The dataset used in the preparation of the *AML Reclamation Accomplishments* table was expanded to include other applicable e-AMLIS programs (Rural Abandoned Mine Program, Federal and State Emergency Programs, stand-alone Priority 3 problems and, non-coal priorities). These changes account for the overall increase in each reported category in the FY 2021 reporting of the table. Prior to FY 2019, the dataset only included certain coal programs such as Acid Mine Drainage, Coal Interim Site Funding, Coal Insolvent Surety Site Funding, and Pre-SMCRA Coal State/Tribe Programs, Water Supply Restoration Program, and Certified Program Coal Reclamation [411 (h)1 and 411 (h)2].
8. The *AML Reclamation Accomplishments* table does not include completion data for certain AML problems reclaimed under SMCRA prior to the 2006 Amendments, including Priority 4 and Priority 5 projects, certain non-mining related activities, and water supply restoration projects not linked to higher AML priorities. Priority 4 is designated for the protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation, and conservation facilities adversely affected by coal mining practices. Priority 5 is designated for the development of publicly owned land adversely affected by coal mining practices including land acquired as provided in Title IV for recreation and historic purposes, conservation, and reclamation purposes and open space benefits. Expenditures on non-mining related activities, such as transportation, education, or energy development were also recorded as completed costs in e-AMLIS. Water supply restoration relates to protecting, replacing, constructing, or enhancing facilities relating to water supply, including water distribution facilities and treatment plants that replace water supplies adversely affected by coal mining practices. This work was previously authorized by SMCRA even if there was no health, safety, or environmental priority associated with the work.
9. The dataset was extracted for the 25 States and 3 Tribes that have an approved AML Reclamation Plan and the Federal Reclamation Program administered by OSMRE for States and Tribes that do not have approved AML program.
10. The dataset does not include projects funded under the Abandoned Mine Land Reclamation Economic Development Pilot Program (i.e., AML Pilot).

## By State and Tribe Funding Data

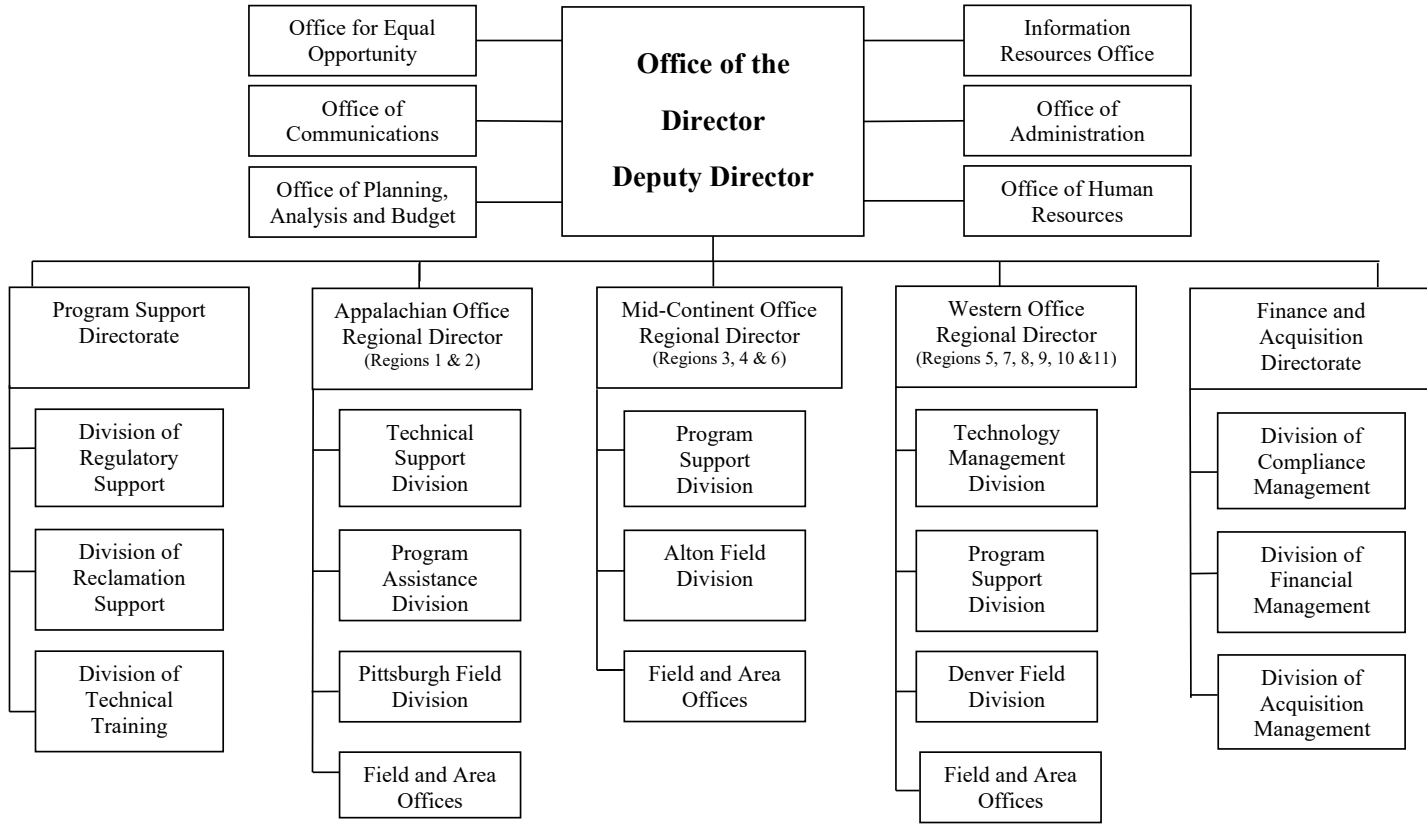
### FY 2022 Obligations for Grants, Cooperative Agreements, and Federal Projects

(DOLLARS IN THOUSANDS) (updated 2.14.23)

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					1,126	234	1,360
Alaska					362		362
Arkansas					98		98
California							0
Colorado					476	1,791	2,267
Georgia							0
Illinois					3,243		3,243
Indiana					1,180		1,180
Iowa		300			45		345
Kansas					44		44
Kentucky					12,262	1,033	13,295
Louisiana					256		256
Maryland					866		866
Michigan							0
Mississippi					243		243
Missouri					200		200
Montana					364	1,790	2,154
New Mexico					220	596	816
North Dakota					356	634	990
Ohio		100			1,453		1,553
Oklahoma							0
Oregon							0
Pennsylvania		502			12,960		13,462
Rhode Island							0
South Dakota							0
Tennessee							0
Texas					2,686		2,686
Utah					194	1,801	1,995
Virginia					3,496		3,496
Washington				539			320
West Virginia		100			10,199		10,299
Wyoming					206	2,195	2,401
Cherokee Nation							0
Crow					0		0
Hopi					354		354
Navajo					1,475		1,475
N. Cheyenne							0
<b>Total</b>	<b>0</b>	<b>1,002</b>	<b>0</b>	<b>320</b>	<b>54,364</b>	<b>10,074</b>	<b>65,760</b>

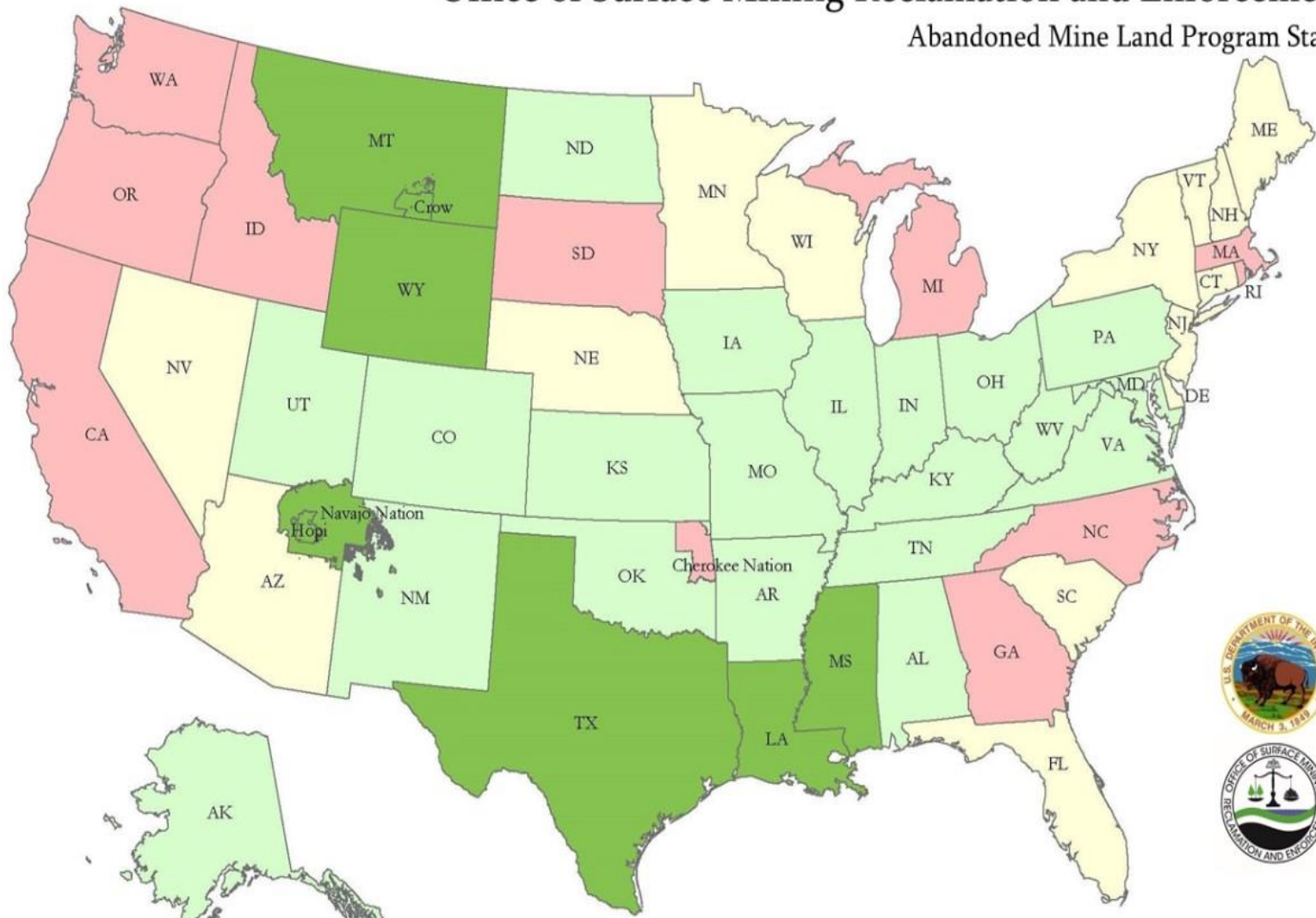
\* Regulatory Grant figures are the total funds obligated on FY 2022 grants *during* the fiscal year, and do not reflect any subsequent deobligations that may occur at grant closure.

### Office of Surface Mining Reclamation and Enforcement Organizational Chart



# Office of Surface Mining Reclamation and Enforcement

## Abandoned Mine Land Program States



### US AML Programs

#### AML Status

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

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

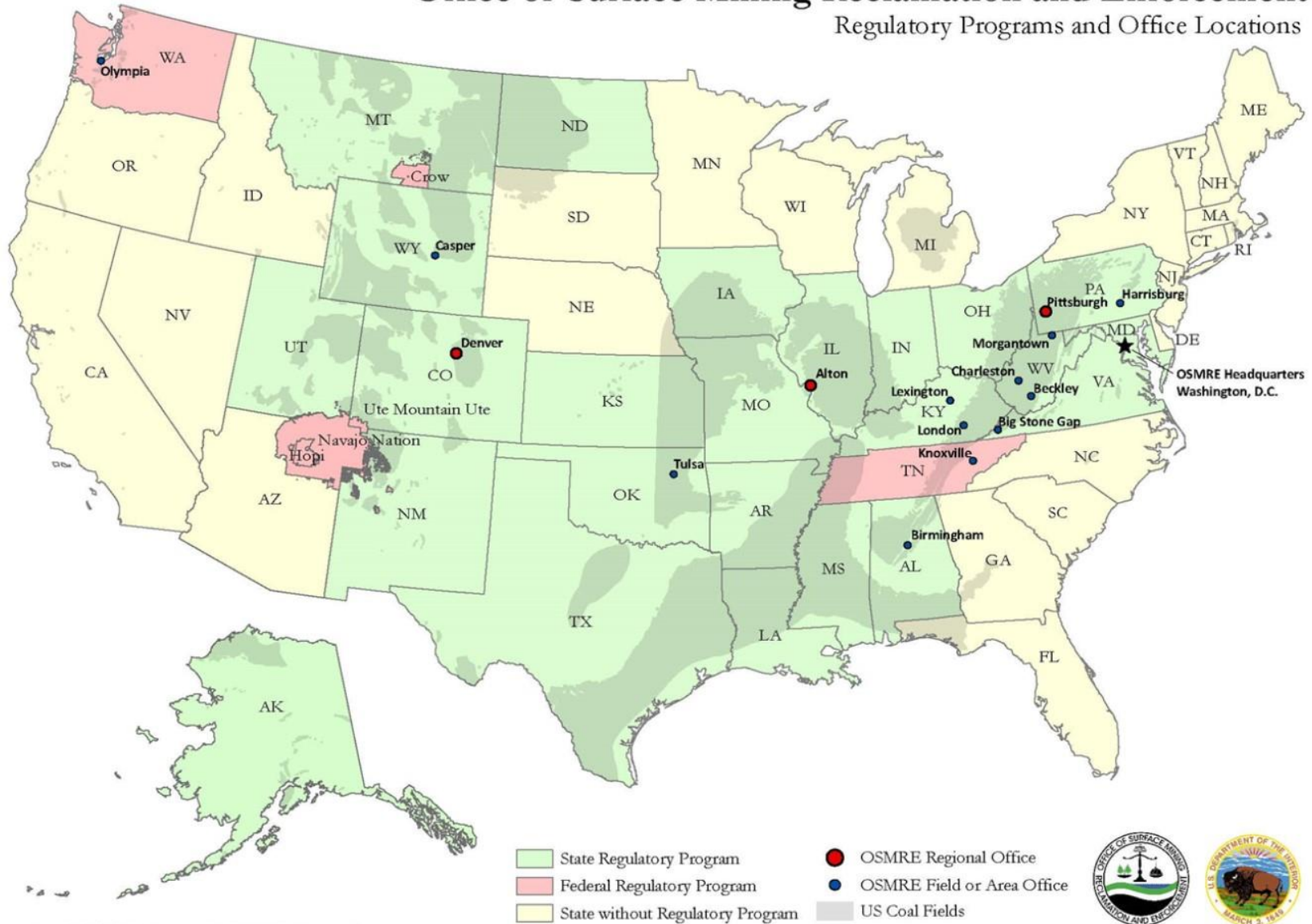
Certified State or Tribe: Crow Tribe, Hopi Tribe, Louisiana, Mississippi, Montana, Navajo Nation, Texas, Wyoming

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



# Office of Surface Mining Reclamation and Enforcement

## Regulatory Programs and Office Locations



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



# **AML Reclamation Program Bipartisan Infrastructure Law Funding Appendix**

## **FY 2024 OSMRE Annual Spend Plan Update**

### **Introduction**

The BIL provides OSMRE a total of \$11.293 billion to be spent over a period of 15 years. OSMRE will distribute amounts made available in the appropriation on an equal annual basis over a 15-year period, beginning in FY 2022, in accordance with the provisions of the BIL. In FY 2024, OSMRE will administer a total of \$749,103,000 comprised of:

- AML Reclamation Project Grants - \$724,850,000
- Financial and Technical Assistance for AML Inventory - \$1,667,000
- Administration - \$22,586,000

BIL funds will expand the AML Reclamation Program to meet the priorities described in the BIL and SMCRA, as amended. States and Tribes may use BIL AML grants to address coal AML problems, including:

- Hazards resulting from legacy coal mining that pose a threat to public health, safety, and the environment within their jurisdictions (including, but not limited to, dangerous highwalls, waste piles, subsidence, open portals, features that may be routes for the release of harmful gases, acid mine drainage, etc.);
- Water supply restoration (infrastructure); and
- Coal AML emergencies.

As required by the provisions of the BIL, OSMRE will calculate the amounts of the FY 2024 BIL AML grants to be distributed to eligible States and Tribes based on the number of tons of coal historically produced in the States or the applicable Indian lands before August 3, 1977. OSMRE will ensure the BIL AML grant amount for each State and Tribe does not exceed the need of the State or Tribe based on the e-AMLIS unfunded coal problem amounts prior to allocating funding to eligible States and Tribes.

### **BIL Funding Plan**

OSMRE will distribute amounts made available in the appropriation on an equal annual basis over a 15-year period, beginning in FY 2022, in accordance with the provisions of the BIL and continue to do so in FY 2023 and FY 2024, and ensuing years. The process for allocating FY 2023 and FY 2024 BIL AML funding will not change from the FY 2022 process.

**OSMRE Bipartisan Infrastructure Law -- Initial Obligation Plan**

<i>(\$ in 000s)</i>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2026 - FY 2036</b>	<b>Total</b>
<b>Abandoned Mine Reclamation Fund</b>							
AML Grants	724,850	724,850	724,850	724,850	724,850	7,248,495	10,872,745
Financial/Technical Assistance	1,667	1,667	1,667	1,667	1,667	16,665	25,000
Administration	22,586	22,586	22,586	22,586	22,586	225,860	338,790
Transfer to OIG	56,465	-	-	-	-	-	56,465
Abandoned Mine Reclamation Fund, Total	805,568	749,103	749,103	749,103	749,103	7,491,020	11,293,000
<b>OSMRE, Total</b>	<b>805,568</b>	<b>749,103</b>	<b>749,103</b>	<b>749,103</b>	<b>749,103</b>	<b>7,491,020</b>	<b>11,293,000</b>

**BIL Program Implementation Status**

The FY 2023 BIL AML guidance document will build on the FY 2022 BIL AML guidance document to support implementation of the FY 2023 BIL AML grants. OSMRE anticipates publication of the Notice of Funding Opportunity (NOFO) and FY 2023 BIL AML fund availability in the third quarter of FY 2023. OSMRE will prioritize communications with States, Tribes, and involved stakeholder organizations in the development of updated FY 2023 BIL AML guidance and in support of preparation of applications for BIL AML resources being submitted by eligible States and Tribes.

**FY 2022 Accomplishments**

The following items are major accomplishments of the BIL AML program in FY 2022:

- OSMRE notified eligible States and Tribes of their eligibility for approximately \$725 million dollars in first year funding for BIL AML projects, and published the NOFO making funds available to States and Tribes for grant applications.
- OSMRE finalized policy guidance for the BIL AML Program and conducted approximately 10 stakeholder engagement sessions to inform, receive feedback, and answer questions from stakeholders impacted by the BIL AML Program.
- OSMRE identified, prioritized, and developed a 3-phased approach to hire additional employees and build out the capacity of the BIL workforce. OSMRE has completed Phase I and has added new grants management specialists, environmental protection specialists, supervisors, and human resources staff to stand up the BIL AML Program.
- OSMRE published the AML Reclamation Fee Final Rule that revises regulations for the AML Fund to be consistent with the BIL requirements (i.e., reclamation fee extension and fee reduction).

**FY 2023 Planned Activities and Milestones**

Milestones and accomplishments for the BIL AML Program are:

- OSMRE finalized a Revegetation Feasibility Study and submitted it to Congress as required by the Section 40802 of the BIL.
- OSMRE established a BIL Training curriculum to educate, inform, and train new and existing State and Tribal AML staff and OSMRE staff on the BIL statutory provisions, the new BIL AML

policy guidance document, the e-AMLIS inventory of AML problems, and differences between the BIL Program and the existing AML fee-based and AMLER programs.

- OSMRE provided an informational webinar for States and Tribes on the process for updating AML Reclamation Plans and began conducting informal meetings with each State and Tribe to review and update AML Reclamation Plans. These plans describe the strategy that AML grant recipients will use to implement BIL deliverables and enhance the benefits to the environment and impacted coal communities.
- OSMRE held training update sessions for States and Tribes on implementation of Davis-Bacon requirements in the BIL.
- OSMRE will publish the FY 2023 BIL AML Grant Distribution Announcement and NOFO.
- OSMRE plans to complete e-AMLIS cloud rehosting and GIS enhancements.
- OSMRE will issue formal letters to States and Tribes regarding necessary updates to AML Reclamation Plans (when applicable).

**FY 2024 Planned Activities and Milestones**

- In FY 2024, OSMRE will continue to follow the processes for BIL AML grant distributions including:
  - Notifying eligible States and Tribes that approximately \$725 million is available to fund BIL AML projects.
  - Publishing the FY 2024 BIL AML NOFO making funds available to States and Tribes for grant applications.
  - Awarding FY 2024 BIL AML grants.