



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

and Performance Information  
Fiscal Year 2021

**OFFICE OF  
SURFACE MINING  
RECLAMATION AND  
ENFORCEMENT**

NOTICE: These budget justifications are prepared for the Interior, Environment and Related Agencies Appropriations Subcommittees. Approval for release of the justifications prior to their printing in the public record of the Subcommittee hearings may be obtained through the Office of Budget of the Department of the Interior.



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# TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
Overview .....	1
Budget Highlights .....	6
Appropriations Language .....	9
Summary of Requirements.....	14
Justification of Fixed Costs and Internal Realignments.....	15
<b>GOAL PERFORMANCE TABLES .....</b>	<b>17</b>
<b>BUDGET AT A GLANCE .....</b>	<b>23</b>
<b>ENVIRONMENTAL RESTORATION .....</b>	<b>29</b>
1. State Program Evaluation.....	34
2. Federal Reclamation Program.....	35
a. Federal Reclamation Projects .....	36
b. Program Staff (Operations).....	39
3. Program Development and Maintenance.....	39
a. AML Inventory .....	40
b. Grants Management.....	41
c. State Program Amendments .....	41
2020 Planned Program Performance .....	43
2019 Program Accomplishments .....	44
<b>ENVIRONMENTAL PROTECTION .....</b>	<b>45</b>
1. State and Tribal Funding .....	50
a. State Grants .....	50
b. Tribal Regulatory Development and Regulatory Program Grants.....	51
2. State Program Evaluation .....	51
a. Oversight Policy and Procedures .....	51
b. Oversight Inspections .....	52
c. Identifying and Correcting Violations of SMCRA .....	53
3. Federal and Indian Lands Program .....	54
a. States .....	54
b. Tribes .....	57
c. OSMRE Responsibility on Federal Lands.....	59
4. Program Development and Maintenance.....	60
a. Rulemaking .....	60
c. Grants Management.....	61
d. Special Projects .....	62

2020 Planned Program Performance .....	63
2019 Program Accomplishments .....	64
<b>TECHNOLOGY DEVELOPMENT AND TRANSFER.....</b>	<b>65</b>
1. Technical Assistance.....	69
a. Technical Policy Assistance .....	69
b. Site-Specific Technical Assistance.....	72
c. National Mine Map Repository.....	76
d. Coal Information Management System (CIMS) .....	77
e. Technical Innovation and Professional Services (TIPS).....	77
f. Applicant/Violator System (AVS) .....	79
2. Technical Training .....	80
a. National Technical Training Program .....	81
b. TIPS Software Application Training.....	82
c. Regional/Site Specific Training .....	83
3. Technology Transfer.....	83
a. Technology Development.....	84
b. Technology Transfer and Publications.....	84
c. Educational Outreach and Partnerships.....	86
2020 Planned Program Performance .....	88
2019 Program Accomplishments .....	90
<b>FINANCIAL MANAGEMENT.....</b>	<b>93</b>
1. Fee Compliance .....	97
a. AML Fee Collection .....	97
b. AML Fee Audit .....	98
2. Grant Financial Management.....	103
3. Revenue Management.....	105
4. United Mine Workers of America Health Benefit Plans (UMWAF) Transfers.....	105
2020 Planned Program Performance .....	108
2019 Program Accomplishments .....	108
<b>EXECUTIVE DIRECTION AND ADMINISTRATION .....</b>	<b>109</b>
1. Executive Direction .....	113
a. Office of the Director (DIR) .....	113
b. Office for Equal Opportunity (OEO).....	113
c. Office of Communications (OC) .....	114
d. Office of Planning, Analysis and Budget (OPAB).....	115
e. Information Resources Office (IRO).....	115
2. Administrative Support .....	116
a. Administration .....	116
b. Human Resources (HR) .....	117
c. Administrative Financial Management.....	118

d. Information Management and Technology (IMT) .....	118
3. General Services .....	119
2020 Planned Program Performance .....	120
2019 Program Accomplishments .....	121
<b>PERMANENT APPROPRIATIONS.....</b>	<b>123</b>
<b>BUDGET EXHIBITS .....</b>	<b>129</b>
Exhibit A: Section 403 Compliance <sup>4</sup> .....	129
Exhibit B: Employee Count by Grade (PER-4) .....	130
<b>Appendixes .....</b>	<b>131</b>
AML Reclamation Accomplishments.....	131
By State and Tribe Funding Data .....	133
Organizational Chart .....	134
Abandoned Mine Land Program States .....	135
Regulatory Programs and Office Locations .....	136

**TABLE INDEX**

Table 1 – State, Tribal, and Federal Responsibility for the AML Program.....34

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

Table 3 – Permit and Permit Revision Workload – OSMRE as Regulatory Authority .....58

Table 4 – Inspections Conducted by OSMRE in the Federal and Indian Lands Program .....59

Table 5 – Mining Plan Decision Document Workload on Leased Federal Coal, by Fiscal Year .....60

Table 6 – FY 2019 State Program Amendment Activity .....61

Table 7 – Deposits to the AML Fund and AML Production Fees .....100

Table 8 – Summary Status of Abandoned Mine Reclamation Fund.....101

Table 9 – AML Unappropriated Balance.....104

Table 10 – UMWA Transfer Requests.....107

Table 111 – Estimated General Services Costs.....119

Table 12 – Permanent Appropriation Estimates .....124

Table 13 – Mandatory Funding for States and Tribes, FY 2019-2021 .....128

TAB  
Executive Summary

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## EXECUTIVE SUMMARY

### Overview

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

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OSMRE's primary objectives are to:

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

Each coal mine operation in the United States must be permitted and regulated under the provisions of SMCRA. At publication of this document, there were over 5,000 permits on active and inactive coal mining sites covering 2.5 million acres Nationwide. These sites all require regulatory activity for permit approvals, monitoring, inspection, enforcement, and bond release approval.

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

OSMRE's FY 2021 budget supports the Presidential and Secretarial priority of supporting the environmentally responsible development of energy. It provides for the oversight of responsible coal production through the protection, preservation, and restoration of mined lands and the restoration of mined lands left unreclaimed from past mining operations. The FY 2021 budget focuses funding on OSMRE's core mission requirements, realigns available resources to support the highest priority efforts, and eliminates redundancies in funding for other programs and activities.

**Environmental Restoration**  
**Title IV (Abandoned Mine Land Reclamation)**

OSMRE supports the Department of the Interior’s (DOI) goal of Providing Stewardship of Land, Surface Water, Stream, and Shorelines under the mission area of “Conserving Our Land and Water” in its Strategic Plan for Fiscal Years 2018-2022 through its Environmental Restoration activities. SMCRA requires that all operators of coal mining operations pay an Abandoned Mine Land (AML) Reclamation fee, based on tons of coal produced, into the Abandoned Mine Reclamation Fund in order to hold producers and users of coal responsible for reclaiming lands mined for coal and left abandoned prior to August 3, 1977. OSMRE collects the AML fee, and then annually distributes the fee receipts to States and Tribes for reclamation activities based on a statutorily prescribed formula.

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

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

As of September 2019, an estimated \$9.7 billion of reported Priority 1, 2, and 3 unfunded coal abandoned mine land problems remain. OSMRE will concentrate its discretionary resources on State Program Evaluation and Federal Reclamation Program operations. These programs work directly on reclaiming abandoned mine lands and fulfill OSMRE’s Title IV obligations. The FY 2021 budget does not request funding for the discretionary AML Economic Development Pilot program, established in the Consolidated Appropriations Act, 2016 (Public Law 114-113) and continued in the Consolidated Appropriations Act, 2017 (Public Law 115-31), the Consolidated Appropriations Act, 2018 (Public Law 115-141), the Consolidated Appropriations Act, 2019 (Public Law 116-6), and the Further Consolidated Appropriations Act, 2020 (Public Law 116-94). The budget does not request funding for this program because the program exceeds OSMRE’s mission and overlaps with existing mandatory AML grants.

With its mandatory appropriations authority, OSMRE will continue to collect reclamation fees from operators<sup>1</sup>, allocate and distribute reclamation grant funds to States and Tribes, and make payments to the United Mine Workers of America (UMWA) health benefits plans and the 1974 UMWA Pension Plan, in accordance with the provisions of Title IV of SMCRA, as amended.

(See the Permanent Appropriations Section for more details)

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<sup>1</sup> Section 1232 of SMCRA authorizes OSMRE to collect reclamation fees from operators of coal mining operations through September 30, 2021.

## **Environmental Protection**

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

OSMRE supports DOI Secretarial priorities to “sustainably develop our energy and natural resources” and to “strike a regulatory balance” through its Environmental Protection activities. OSMRE’s statutory role is to promote and assist its partner States and Tribes in establishing and maintaining a stable regulatory environment for coal mining that is consistent with SMCRA and administered through primacy State programs, or directly by OSMRE as the regulatory authority. That regulatory stability enables all parties, including operators, regulators and citizens, to have a common understanding of applicable requirements and rights so that each can make informed decisions affecting their economic and personal interests with a minimum level of controversy.

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

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

Review of State permitting actions and inspections of mine sites are among the most effective ways to determine if a State’s mining law is being properly implemented. In FY 2019, States performed 23,530 complete and 38,242 partial mine inspections. OSMRE completed 562 partial and 404 complete inspections in its Federal and Indian Lands Programs. Nationwide, 89.2 percent of permitted sites inspected were free of off-site impacts. Off-site impacts are those that occur outside the permitted area and have the potential to harm the environment or the public as specified under the existing regulations. The off-site impacts associated with active sites are addressed through the inspection and enforcement processes. It is also important that the land is reclaimed properly and in a timely manner to return the land to its intended post-mining land use.

## **Training and Technological Advances**

OSMRE supports the coordination of science activities across bureaus which help achieve the DOI’s mission objectives, and has identified several key areas for investment where coordination with other Department bureaus will leverage results to more effectively achieve mission outcomes. The FY 2021 budget facilitates this coordination by supporting integrated efforts to achieve management efficiencies.

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

The 2021 budget provides the resources required to meet the demand from States, Tribes, public interest groups, and internal customers for OSMRE to provide technical support on coal mining activities. Activities include development of policy/guidance documents for technical issues, such as blasting, as well as onsite review and guidance on the application of regulations to specific permits and mine sites.

### **Management and Efficiencies**

OSMRE supports the DOI's and the Administration's initiative to improve programs through an evidence-based approach, while holding program managers accountable for improving performance. OSMRE's Performance Management Workgroup continues to monitor and comprehensively evaluate established performance measures. These efforts improve OSMRE's efficiency by providing better quality information for managers to make informed decisions and provide a better understanding of performance data. OSMRE is also embracing the provisions of the Foundations for Evidence-Based Policymaking Act of 2018, engaging with multiple actors within the Department of the Interior and key external stakeholders to build on longstanding policies supporting information quality, access, protection, and evidence building and use.

The budget request supports the President's Management Agenda Workforce Cross-Agency Priority Goal #3, Developing a Workforce for the 21<sup>st</sup> Century. The Department will support strategic recognition throughout the year, address workforce challenges, and recognize high performing employees with talent critical to mission achievement. The budget assumes agency pay for performance efforts increase one percentage point for non-Senior Executive Service (SES)/Senior Leader (SL)/Scientific or Professional (ST) salary spending.

The 2021 budget supports needed reforms to strengthen the culture of ethics within Interior. Over the last two years, Interior has taken several steps to enhance the emphasis on ethics in the Department, including increasing the number of ethics officers and vigilance regarding the obligation of the Department's leaders and employees to hold themselves and their colleagues accountable for ethical conduct. Ethics is a top priority in all decision making and operations.

This past summer, Secretary Bernhardt advanced his commitment to transform Interior's ethics program by signing Secretarial Order 3375, which restructures the ethics program by unifying disparate bureau ethics programs into a centrally-managed office under the Solicitor. The Order streamlines the reporting structure for ethics personnel, establishes the Departmental Ethics Office, and clarifies roles and responsibilities for the Department's employees. The FY 2021 budget implements this reorganization to restructure the ethics program by transferring bureau ethics funding and FTEs to the Departmental Ethics Office in the Office of the Solicitor budget.

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

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

## Budget Highlights

The FY 2021 Budget Request for OSMRE is \$116.17 million in current appropriations.<sup>2</sup>

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

In addition to discretionary appropriations, the budget includes \$918.18 million in mandatory funding for reclamation grants to States and Tribes, and for United Mine Workers of America (UMWA) health benefit plans and the 1974 UMWA pension plan, under current law. Mandatory funding is further described under the Permanent Appropriations Section.

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

### Total FY 2020 Budget Request

(Dollars in Thousands)

Budget Authority	2019 Actual	2020 Enacted	2021 Request
Regulation and Technology	115,844	117,768	93,102
<i>Civil Penalties (Indefinite Authority) Permit Fees (Offsetting Collections)</i>	<i>[20]</i>	<i>[100]</i> <i>[40]</i>	<i>[100]</i> <i>[40]</i>
Abandoned Mine Reclamation Fund	139,672	139,713	23,064
<i>Total Discretionary</i>	<i>255,516</i>	<i>257,481</i>	<i>116,166</i>
<i>Total Discretionary (with Offsetting Collections)</i>	<i>255,536</i>	<i>257,621</i>	<i>116,306</i>
Payments (or Grants) to States in Lieu of Coal Fee Receipts (Treasury Funds)	102,994	42,260	45,200
Mandatory Grants to Non-Certified States (AML Funds)	188,302	128,600	136,800
Funds Transferred to UMWA Health Benefit Plans and the 1974 UMWA Pension Plan (Treasury and AML Funds)	279,397	1,962,625	736,178
<i>Total Mandatory</i>	<i>570,693</i>	<i>2,133,485</i>	<i>918,178</i>
Total Discretionary and Mandatory	826,209	2,390,966	1,034,344
<i>Total Discretionary and Mandatory (with Offsetting Collections)</i>	<i>826,229</i>	<i>2,391,106</i>	<i>1,034,484</i>
<i>FTEs</i>	<i>376</i>	<i>398</i>	<i>398</i>

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

The FY 2021 budget provides \$43.1 million (37.1 percent) of OSMRE's total discretionary funds in grants to the States and Tribes for regulatory programs. OSMRE will use the balance of the budget to perform its statutory oversight responsibilities, administer Federal regulatory and reclamation programs, provide technical assistance to the States and Tribes, and carry out its fiscal responsibilities for collecting revenues and awarding grants.

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

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

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

### **Implementing SMCRA – Effective Partnerships**

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

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

OSMRE, in cooperation with the 25 States and three Tribes that have reclamation programs, will continue to clean up land and waters degraded by past mining practices. The funding provided will assist in the removal of existing health and safety hazards and restoration of areas to productive use. The cooperative process for restoring land and water affected by past mining is detailed further in the Environmental Restoration section of this document.

OSMRE will continue its efforts to establish partnerships to improve and increase outreach efforts that allow full participation from its stakeholders in addressing common problems. These initiatives will assist OSMRE in forging an enduring bond and partnership with its stakeholders.

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

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

## Appropriations Language

### **Regulation and Technology**

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, [\$117,768,000] \$93,102,000, to remain available until September 30, [2021] 2022: *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 [2020] 2021 appropriation estimated at not more than [\$117,768,000] \$93,102,000. (*Department of the Interior, Environment, and Related Agencies Appropriations Act, 2020.*)

### **Abandoned Mine Reclamation Fund**

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, [\$24,713,000] \$23,064,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95-87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That amounts provided under this heading may be used for the travel and per diem expenses of State and Tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

[In addition, \$115,000,000, to remain available until expended, for grants to States and federally recognized Indian Tribes for reclamation of abandoned mine lands and other related activities in accordance with the terms and conditions described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That such additional amount shall be used for economic and community development in conjunction with the priorities in section 403(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)): *Provided further*, That of such additional amount, \$75,000,000 shall be distributed in equal amounts to the 3 Appalachian States with the greatest amount of unfunded needs to meet the priorities described in paragraphs (1) and (2) of such section, \$30,000,000 shall be distributed in equal amounts to the 3 Appalachian States with the subsequent greatest amount of unfunded needs to meet such priorities, and \$10,000,000 shall be for grants to federally recognized Indian Tribes without regard to their status as certified or uncertified under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)), for reclamation of abandoned mine lands and

other related activities 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, 2020.*)

### **Justification for Proposed Language Changes**

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

Deletion of the following wording:

[In addition, \$115,000,000, to remain available until expended, for grants to States and federally recognized Indian Tribes for reclamation of abandoned mine lands and other related activities in accordance with the terms and conditions described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That such additional amount shall be used for economic and community development in conjunction with the priorities in section 403(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)): *Provided further*, That of such additional amount, \$75,000,000 shall be distributed in equal amounts to the 3 Appalachian States with the greatest amount of unfunded needs to meet the priorities described in paragraphs (1) and (2) of such section, \$30,000,000 shall be distributed in equal amounts to the 3 Appalachian States with the subsequent greatest amount of unfunded needs to meet such priorities, and \$10,000,000 shall be for grants to federally recognized Indian Tribes without regard to their status as certified or uncertified under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)), for reclamation of abandoned mine lands and other related activities 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.]

The change removes language included in the 2020 appropriation that provides funds to select States and Indian Tribes in addition to their mandatory grants from the Abandoned Mine Reclamation Fund under Title IV of SMCRA. The additional funds were originally provided by Congress in the 2016 appropriation as a pilot program to better understand the programmatic impacts of proposing criteria changes to the underlying law (H. Rept. 114-170). OSMRE is proposing to discontinue this pilot program in 2021 because the program exceeds OSMRE's mission and overlaps with existing mandatory AML grants.

## 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, [\$117,768,000] \$93,102,000, to remain available until September 30, [2021] 2022: *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 [2020] 2021 appropriation estimated at not more than [\$117,768,000] \$93,102,000.

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

### **Abandoned Mine Reclamation Fund**

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, [\$24,713,000] \$23,064,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95-87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That amounts provided under this heading may be used for the travel and per diem expenses of State and Tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

[In addition, \$115,000,000, to remain available until expended, for grants to States and federally recognized Indian Tribes for reclamation of abandoned mine lands and other related activities in accordance with the terms and conditions described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That such additional amount shall be used for economic and community development in conjunction with the priorities in section 403(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)): *Provided further*, That of such additional amount, \$75,000,000 shall be distributed in equal amounts to the 3 Appalachian States with the greatest amount of unfunded needs to meet the priorities described in paragraphs (1) and (2) of such section, \$30,000,000 shall be distributed in equal amounts to the 3 Appalachian States with the subsequent greatest amount of unfunded needs to meet such priorities, and \$10,000,000 shall be for grants to federally recognized Indian Tribes without regard to their status as certified or uncertified under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)), for reclamation of abandoned mine lands and other related activities 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.]

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

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

SMCRA provides for the use of the monies for the purpose of protecting public health, safety, and property from extreme danger of adverse effects of coal mining practices; restoration of land and water resources and the environment previously degraded by adverse effects of coal mining practices, and that are adjacent to a site that has been or will be remediated. It also provides that monies in the Abandoned Mine

Reclamation Fund will be used to cover the administrative expenses of the Federal government, accomplish abandoned mine reclamation and develop guidelines on the distribution of monies in the Fund.

## Summary of Requirements

### Office of Surface Mining Reclamation and Enforcement

(Dollars in Thousands)

	2019 Actual	2020 Enacted		Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)		2021 Request		Change from 2020 (+/-)	
	Amount	FTE	Amount			FTE	Amount	FTE	Amount	FTE	Amount
<b>REGULATION AND TECHNOLOGY</b>											
Environmental Protection	88,602	172	88,562	+505		-	-22,748	172	66,319	-	-22,243
Technology Development and Transfer	12,801	78	14,765	+229		-	-1,706	78	13,288	-	-1,477
Financial Management	505	3	505	+9		-	-12	3	502	-	-3
Executive Direction and Administration	13,936	45	13,936	-34		-	-909	45	12,993	-	-943
<b>TOTAL, REGULATION AND TECHNOLOGY</b>	<b>115,844</b>	<b>298</b>	<b>117,768</b>	<b>+709</b>	<b>0</b>	<b>-</b>	<b>-25,375</b>	<b>298</b>	<b>93,102</b>	<b>-</b>	<b>-24,666</b>
<i>Civil Penalties (Budget Authority)</i>	20	-	100	-		-	-	-	100	-	-
<i>Permit Fees (Offsetting Collections)</i>	-	-	40	-		-	-	-	40	-	-
<b>TOTAL, REGULATION AND TECHNOLOGY, with Civil Penalties and Offsetting Collections</b>	<b>115,864</b>	<b>298</b>	<b>117,908</b>	<b>+709</b>	<b>0</b>	<b>-</b>	<b>-25,375</b>	<b>298</b>	<b>93,242</b>	<b>-</b>	<b>-24,666</b>
<b>ABANDONED MINE RECLAMATION FUND</b>											
Environmental Restoration	9,480	35	9,480	+105		-	-1,404	35	8,181	-	-1,299
Technology Development and Transfer	3,544	15	3,576	+43		-	-11	15	3,608	-	+32
Financial Management	5,182	29	5,191	+86		-	-	29	5,277	-	+86
Executive Direction and Administration	6,466	21	6,466	-19		-	-449	21	5,998	-	-468
AML Economic Development Pilot Program	115,000	-	115,000	-		-	-115,000	-	-	-	-115,000
<b>TOTAL, ABANDONED MINE RECLAMATION FUND</b>	<b>139,672</b>	<b>100</b>	<b>139,713</b>	<b>+215</b>	<b>0</b>	<b>-</b>	<b>-116,864</b>	<b>100</b>	<b>23,064</b>	<b>-</b>	<b>-116,649</b>
<b>TOTAL, DISCRETIONARY (without Offsetting Collections)</b>	<b>255,516</b>	<b>398</b>	<b>257,481</b>	<b>+924</b>	<b>0</b>	<b>-</b>	<b>-142,239</b>	<b>398</b>	<b>116,166</b>	<b>-</b>	<b>-141,315</b>
<b>TOTAL, DISCRETIONARY (with Civil Penalties and Offsetting Collections)</b>	<b>255,536</b>	<b>398</b>	<b>257,621</b>	<b>+924</b>	<b>0</b>	<b>-</b>	<b>-142,239</b>	<b>398</b>	<b>116,306</b>	<b>-</b>	<b>-141,315</b>

## Justification of Fixed Costs and Internal Realignment

(Dollars in Thousands)

### Regulation and Technology Account (Net +709)

Fixed Cost Changes and Projections	2020 Total or Change	2020 to 2021 Change
Change in Number of Paid Days	+134	-161
This column reflects changes in pay associated with the change in the number of paid days (-1 day) between FY 2020 and FY 2021, from 2,096 hours in the FY 2020 to 2,088 hours in the FY 2021.		
Pay Raise	+0	+648
The President's Budget for FY 2021 includes one quarter of a planned 3.1% pay raise and three quarters of a planned 1% pay raise for 2021.		
Employer Share of Federal Employee Retirement System	+70	+388
The change reflects the directed 1.3% increase in the employer contribution to the Federal Employee Retirement System.		
Departmental Working Capital Fund	+1,462	-63
The change reflects the final FY 2021 Central Bill approved by the Working Capital Fund Consortium.		
Worker's Compensation Payments	+89	+3
The amounts reflects final chargeback costs of compensating injured employees and dependents of employees who suffer accidental deaths while on duty. Costs for the 2021 Request will reimburse the Department of Labor, Federal Employees Compensation Fund, pursuant to 5 U.S.C. 8147(b) as amended by Public Law 94-273.		
Unemployment Compensation Payments	+4	+0
The amounts reflect projected changes in the costs of unemployment compensation claims to be paid to the Department of Labor, Federal Employees Compensation Account, in the Unemployment Trust Fund, pursuant to Public Law 96-499.		
Rental Payments	+3,429	-106
The amounts reflect changes in the costs payable to General Services Administration (GSA) and others for office and non-office space as estimated by GSA, as well as the rental costs of other currently occupied space. These costs include building security; in the case of GSA space, these are paid to Department of Homeland Security (DHS). Costs of mandatory office relocations, i.e. relocations in cases where due to external events there is no alternative but to vacate the currently occupied space, are also included.		
Baseline Adjustments for O&M Increases	+27	+0
In accordance with space maximization efforts across the Federal Government, this adjustment captures the associated increase to baseline operations and maintenance requirements resulting from movement out of GSA or direct-leased (commercial) space and into Bureau-owned space. While the GSA portion of fixed costs will go down as a result of these moves, Bureaus often encounter an increase to baseline O&M costs not otherwise captured in fixed costs. This category of funding properly adjusts the baseline fixed cost amount to maintain steady-state funding for these requirements.		

## Justification of Fixed Costs and Internal Realignment

(Dollars in Thousands)

### Abandoned Mine Reclamation Fund (Net +215)

Fixed Cost Changes and Projections	2020 Total or Change	2020 to 2021 Change
Change in Number of Paid Days	+48	-55
This column reflects changes in pay associated with the change in the number of paid days (-1 day) between FY 2020 and FY 2021, from 2,096 hours in the FY 2020 to 2,088 hours in the FY 2021.		
Pay Raise	+0	+220
The President's Budget for FY 2021 includes one quarter of a planned 3.1% pay raise and three quarters of a planned 1% pay raise for 2021.		
Employer Share of Federal Employee Retirement System	+26	+132
The change reflects the directed 1.3% increase in the employer contribution to the Federal Employee Retirement System.		
Departmental Working Capital Fund	+720	-31
The change reflects the final FY 2021 Central Bill approved by the Working Capital Fund Consortium.		
Worker's Compensation Payments	+44	+2
The amounts reflects final chargeback costs of compensating injured employees and dependents of employees who suffer accidental deaths while on duty. Costs for the FY 2021 Request will reimburse the Department of Labor, Federal Employees Compensation Fund, pursuant to 5 U.S.C. 8147(b) as amended by Public Law 94-273.		
Unemployment Compensation Payments	+2	+0
The amounts reflect projected changes in the costs of unemployment compensation claims to be paid to the Department of Labor, Federal Employees Compensation Account, in the Unemployment Trust Fund, pursuant to Public Law 96-499.		
Rental Payments	+1,689	-53
The amounts reflect changes in the costs payable to General Services Administration (GSA) and others for office and non-office space as estimated by GSA, as well as the rental costs of other currently occupied space. These costs include building security; in the case of GSA space, these are paid to Department of Homeland Security (DHS). Costs of mandatory office relocations, i.e. relocations in cases where due to external events there is no alternative but to vacate the currently occupied space, are also included.		
Baseline Adjustments for O&M Increases	+13	+0
In accordance with space maximization efforts across the Federal Government, this adjustment captures the associated increase to baseline operations and maintenance requirements resulting from movement out of GSA or direct-leased (commercial) space and into Bureau-owned space. While the GSA portion of fixed costs will go down as a result of these moves, Bureaus often encounter an increase to baseline O&M costs not otherwise captured in fixed costs. This category of funding properly adjusts the baseline fixed cost amount to maintain steady-state funding for these requirements.		

TAB

Goal Performance Tables

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## GOAL PERFORMANCE TABLES

<b>Performance Overview Table - Environmental Restoration</b>							
<b>Mission Area 1: Conserving Our Land and Water</b>							
Strategic Objective Metrics	2015 Actual	2016 Actual	2017 Actual	2018 Actual	2019 Actual	2020 Enacted	2021 Request
<b>Strategic Plan Measures</b>							
Percent completion of abandoned coal mine lands restored by eliminating health, safety, and environmental concerns.	49%	50%	51%	53%	54%	56%	57%
Cumulative Acres Restored	463,118	475,250	487,569	503,707	519,106	534,107	548,107
Total Acres	954,290	954,290	954,290	954,290	954,290	954,290	954,290
<b>Comments:</b> This measure provides a comprehensive status for measuring overall progress of the program and illustrates the efforts in remediation and elimination of the high-priority threats to public health and safety that abandoned mine lands pose.							
<b>Contributing Programs:</b> Permanent Appropriations for Environmental Restoration							
<b>Efficiency or other Bureau-Specific Measures</b>							
Number of Federal, private and Tribal land and surface water acres reclaimed or mitigated annually from the effects of natural resource degradation from past mining.	12,339	12,132	12,321	16,138	15,400	15,000	14,000
<b>Comments:</b> Declining physical area (equivalent acres) is due in part to a greater share of funded projects with complex water-related problems, which tend to have higher costs per site but less acres to restore.							
<b>Contributing Programs:</b> Permanent Appropriations for Environmental Restoration							
Number of people with reduced exposure potential to safety risks from abandoned mine lands annually.	432,304	440,707	566,033	714,574	622,069	330,000	330,000
<b>Comments:</b> This measure covers sites for States and Tribes with approved reclamation programs. The number of people directly affected is calculated using Census data of the area surrounding the project. The population in the vicinity of an abandoned mine site largely determines the number of people affected by the project. Other population data, such as number of visitors if the area is situated near a national park, community center, or major highway, is also factored into the States' reports on the number of people affected.							
<b>Contributing Programs:</b> Permanent Appropriations for Environmental Restoration							

<b>Performance Overview Table - Environmental Restoration (cont.)</b>							
<b>Mission Area 1: Conserving Our Land and Water</b>							
<b>Strategic Objective Metrics</b>	<b>2015 Actual</b>	<b>2016 Actual</b>	<b>2017 Actual</b>	<b>2018 Actual</b>	<b>2019 Actual</b>	<b>2020 Enacted</b>	<b>2021 Request</b>
<b>Efficiency or other Bureau-Specific Measures</b>							
Number of new active partnering and leveraging agreements and amendments.	15	18	5	10	7	11	3
<p><b>Comments:</b> Watershed cooperative agreements are projects covering abandoned mine sites that would not otherwise be addressed, because they are not listed in the Abandoned Mine Land Inventory as priority 1 or 2 projects. In FY 2019 OSMRE experienced delays, such as publishing the Notice of Funding Opportunity, that led to fewer WCAPs awarded. Funding was appropriated for the program in FY 2020. OSMRE will continue to support the program in FY 2021 with funds carried over from previous years' appropriations.</p>							
<b>Contributing Programs:</b> Watershed Cooperative Agreement Program							
The amount of increased funds derived from new active partnering and leveraging agreements and amendments.	7,292,730	5,592,239	3,039,599	3,277,070	3,109,949	2,050,000	750,000
<p><b>Comments:</b> The amount of increased funds derived from active partnering and leveraging agreements indicates the watershed groups' successes at pooling together resources. In FY 2019 the total leveraged dollars were lower due to fewer WCAPs awarded, however are expected to return to previous levels in FY 2020. It is important to note that the leveraged dollars are significant to the success of the program because without the cooperation of various groups, the reclamation projects would not be undertaken.</p>							
<b>Contributing Programs:</b> Watershed Cooperative Agreement Program							
Provide timely grant funding to States/Tribes upon receiving a complete grant application for abandoned mine lands grants.	100%	100%	96%	100%	100%	96%	96%
<p><b>Comments:</b> This measure includes all States and Tribes that applied for AML grants during the fiscal year. It demonstrates OSMRE's ability to process all complete applications for AML grants within 60 calendar days of receipt. This measure was revised in FY 2019 to separate uncertified states (60 days) from certified States and Tribes (30 days).</p>							
<b>Contributing Programs:</b> Program Development and Maintenance - Grants Management							
Number of people with reduced exposure potential to safety risks from abandoned mine lands.	131,905	191,729	223,177	291,687	403,329	100,000	100,000
<p><b>Comments:</b> This measure covers abandoned sites where OSMRE has responsibilities for AML emergencies for states and tribes without approved reclamation programs.</p>							
<b>Contributing Programs:</b> Federal Reclamation Program Operations and Projects							

<b>Performance Overview Table - Environmental Restoration (cont.)</b>							
<b>Mission Area 1: Conserving Our Land and Water</b>							
<b>Strategic Objective Metrics</b>	<b>2015 Actual</b>	<b>2016 Actual</b>	<b>2017 Actual</b>	<b>2018 Actual</b>	<b>2019 Actual</b>	<b>2020 Enacted</b>	<b>2021 Request</b>
<b>Efficiency or other Bureau-Specific Measures</b>							
Percentage of declared emergencies abated within 6 months.	96%	95%	99%	97%	95%	95%	95%
<b>Comments:</b> This measure demonstrates how timely emergencies were abated during the fiscal year.							
<b>Contributing Programs:</b> Federal Reclamation Program Operations and Projects							

<b>Performance Overview Table - Environmental Protection</b>							
<b>Mission Area 1: Conserving Our Land and Water</b>							
<b>Strategic Objective Metrics</b>	<b>2015 Actual</b>	<b>2016 Actual</b>	<b>2017 Actual</b>	<b>2018 Actual</b>	<b>2019 Actual</b>	<b>2020 Enacted</b>	<b>2021 Request</b>
<b>Strategic Plan Measures</b>							
Percent of active coal mining sites that are free of off-site impacts.	89%	91%	90%	90%	89%	90%	90%
Inspectable Units Free of Impacts	6,034	5,995	5,785	5,596	5,390	5,386	5,359
Total Inspectable Units	6,775	6,608	6,414	6,190	6,045	5,985	5,955
<b>Comments:</b> The measure is an indicator of successful mining by minimizing negative impacts to the surrounding area of the site. An off-site impact is reported from inspections conducted and recorded in reports indicating if people, land, water, or structures are impacted from mining activity, as well the severity of the off-site impact (minor, moderate, major).							
<b>Contributing Programs:</b> State Grants, State Program Evaluation, and Federal and Indian Lands Program.							
Percent of coal mine acreage reclaimed to intended post-mining land use (acres).	38%	39%	40%	41%	42%	43%	44%
Acres Reclaimed	1,419,963	1,459,792	1,505,975	1,542,877	1,583,356	1,617,404	1,654,291
Total Acres	3,712,704	3,715,854	3,738,306	3,777,619	3,748,611	3,775,611	3,801,611
<b>Comments:</b> This measure represents success of contemporaneous reclamation of current coal mining operations.							
<b>Contributing Programs:</b> State Grants, State Program Evaluation, and Federal and Indian Lands Program.							

Performance Overview Table - Environmental Protection (cont.)							
Mission Area 1: Conserving Our Land and Water							
Strategic Objective Metrics	2015 Actual	2016 Actual	2017 Actual	2018 Actual	2019 Actual	2020 Enacted	2021 Request
<b>Efficiency or other Bureau-Specific Measures</b>							
Number of acres released from Phase I and II performance bonds.	55,227	80,860	98,911	59,322	54,832	68,093	68,454
<b>Comments:</b> This performance measure is the intermediate acreage released from Phases I & II which is in the process of reclamation.							
<b>Contributing Programs:</b> State Grants, State Program Evaluation, and Federal and Indian Lands Program.							
Number of acres released from Phase III performance bonds.	42,394	39,829	46,183	36,902	40,479	34,048	36,887
<b>Comments:</b> This measure is acreage that is released from the final Phase III bond release where it has achieved its approved post-mining land uses.							
<b>Contributing Programs:</b> State Grants, State Program Evaluation, and Federal and Indian Lands Program.							
Provide appropriate grant funding within 60 days of a complete grant application for regulatory grants.	93%	100%	96%	93%	100%	96%	96%
<b>Comments:</b> This measure includes all States and Tribes that applied for regulatory grants during the fiscal year. It captures the ability to process all complete applications for regulatory grant applications within 60 calendar days of receipt.							
<b>Contributing Programs:</b> State Grants, State Program Evaluation, and Federal and Indian Lands Program.							
Completion of the technical review of Federal and Indian Land permit actions within 90 days.	88%	100%	100%	NA	NA	--	--
<b>Comments:</b> The measure is an indication of the timeliness of the technical review process to review applications including determination if the application is administratively complete and complete the entire technical review within 90 days of submission by the operator. This measure was discontinued and replaced with the below revised measure in FY 2018.							
<b>Contributing Programs:</b> Federal and Indian Lands Program							
Identify initial application deficiencies associated with minor permit revisions, permit renewals and significant permit revisions, and new permits in 30-60-90 in-house days respectively.	--	--	--	56%	62%	70%	70%
<b>Comments:</b> The measure is an indication of the timeliness of the technical review process to review applications including determination if the application is administratively complete and complete the entire technical review. This measure divides the applications into categories with three separate completion times: (1) minor permit revisions - 30 days, (2) permit renewals - 60 days, and (3) significant permit revisions and new permits - 90 days.							
<b>Contributing Programs:</b> Federal and Indian Lands Program							

Performance Overview Table - Technology Development and Transfer							
Mission Area 1: Conserving Our Land and Water							
Strategic Objective Metrics	2015 Actual	2016 Actual	2017 Actual	2018 Actual	2019 Actual	2020 Enacted	2021 Request
<b>Efficiency or other Bureau-Specific Measures</b>							
Percent satisfaction with the scientific and technical products and assistance.	98%	98%	100%	100%	100%	97%	97%
<b>Comments:</b> This measure is a customer service standard for OSMRE's efforts towards the Technology Transfer activity.							
<b>Contributing Programs:</b> Technology Transfer/Technology Development							
Customer effectiveness rate in the quality of technical training – National Technical Training Program (NTTP).	99%	95%	93%	90%	100%	93%	93%
<b>Comments:</b> This measure rates the level of satisfaction that customers have with OSMRE-provided technical training.							
<b>Contributing Programs:</b> Technical Training/National Technical Training Program							
Number of students trained - NTTP.	667	649	701	973	601	650	650
<b>Comments:</b> Most training course offering are listed at the beginning of each fiscal year. Trained students are the number who attended NTTP training courses during the fiscal year reporting period.							
<b>Contributing Programs:</b> Technical Training/National Technical Training Program							
Customer satisfaction rate for Technical Innovation and Professional Services (TIPS) training.	100%	99%	99%	98%	98%	96%	96%
<b>Comments:</b>							
<b>Contributing Programs:</b> Technical Training/National Technical Training Program							
Customer satisfaction in the quality and timeliness of Applicant Violator System (AVS) provided services.	98%	98%	98%	99%	96%	96%	96%
<b>Comments:</b> AVS is a National information database OSMRE maintains to support many types of research and program efforts primarily for supporting permit eligibility.							
<b>Contributing Programs:</b> Technical Assistance							
Percent of active Forestry Reclamation Approach (FRA) compliant acreage planted.	49%	49%	49%	50%	50%	49%	49%
<b>Comments:</b> The measure is applied to active mining on reclamation sites in several Appalachian States for which data is collected.							
<b>Contributing Programs:</b> Technology Transfer/Technology Development							

<b>Performance Overview Table - Technology Development and Transfer (cont.)</b>							
<b>Mission Area 1: Conserving Our Land and Water</b>							
<b>Strategic Objective Metrics</b>	<b>2015 Actual</b>	<b>2016 Actual</b>	<b>2017 Actual</b>	<b>2018 Actual</b>	<b>2019 Actual</b>	<b>2020 Enacted</b>	<b>2021 Request</b>
<b>Efficiency or other Bureau-Specific Measures</b>							
Percent of target groups attending outreach training sponsored by the Appalachian Regional Reforestation Initiative (ARRI).	13%	14%	14%	15%	15%	14%	14%
<b>Comments:</b> Target groups are comprised of landowners, industry representatives, and environmental groups who are deemed key to the success of expanding the Forestry Reclamation Approach (FRA).							
<b>Contributing Programs:</b> Technology Transfer							
Customer service rate in the quality of technical assistance.	100%	100%	100%	100%	100%	97%	97%
<b>Comments:</b> Customers include state regulatory and reclamation staff and OSMRE staff that monitor State programs and develop rules or policy.							
<b>Contributing Programs:</b> Technical Assistance							

<b>Performance Overview Table – Financial Management</b>							
<b>Mission Area 1: Conserving Our Land and Water</b>							
<b>Strategic Objective Metrics</b>	<b>2015 Actual</b>	<b>2016 Actual</b>	<b>2017 Actual</b>	<b>2018 Actual</b>	<b>2019 Actual</b>	<b>2020 Enacted</b>	<b>2021 Request</b>
<b>Strategic Plan Measures</b>							
AML fee collection rate.	99.94%	99.90%	99.80%	99.84%	97.84%	99%	99%
<b>Comments:</b> The AML Fee Collection Rate captures the amount of coal fees received versus the amount of coal fees owed, calculated based upon the tons of coal produced and sold.							
<b>Contributing Programs:</b> Fee Compliance							
Percent of payments processed automatically.	78%	83%	86%	86.11%	83.75%	85%	85%
<b>Comments:</b> The measure, percentage of payments processed automatically, shows the percentage of operators who report coal tonnage in the form of an automatic payment from October 1 to September 30 of the fiscal year.							
<b>Contributing Programs:</b> Fee Compliance							

TAB

Budget at a Glance

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## BUDGET AT A GLANCE

### INTRODUCTION

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

#### **Regulation and Technology**

This appropriation finances the regulatory functions of SMCRA as administered by the States and OSMRE. Federal activities related to the administration and monitoring of State regulatory programs and OSMRE's technical training, assistance, and transfer activities related to environmental protection are also financed by this appropriation. The request is \$93,102,000.

#### **Abandoned Mine Reclamation Fund**

This appropriation supports the discretionary reclamation program functions carried out by the States and OSMRE. The Fund is derived from a fee levied on coal production sales, use, and transfers. The Fund also supports Federal activities related to the administration and monitoring of State programs, as well as OSMRE's technical training, assistance, and transfer activities related to environmental restoration. The request is \$23,064,000.

#### Summary of 2020 Enacted and 2021 Request By Appropriation and Business Line

*(Dollars in Thousands)*

<b>Regulation and Technology</b>	<b>2020 Enacted</b>	<b>2021 Request</b>	<b>Change from 2020</b>
Environmental Protection	88,562	66,319	-22,243
Technology Development and Transfer	14,765	13,288	-1,477
Financial Management	505	502	-3
Executive Direction and Administration	13,936	12,993	-943
<b>Total, without Offsetting Collections</b>	<b>117,768</b>	<b>93,102</b>	<b>-24,666</b>
<i>Civil Penalties (Budget Authority)</i>	100	100	-
<i>Permit Fees (Offsetting Collections)</i>	40	40	-
<b>Total, Regulation and Technology with Civil Penalties and Offsetting Collections</b>	<b>117,908</b>	<b>93,242</b>	<b>-24,666</b>

<b>Abandoned Mine Reclamation Fund</b>	<b>2020 Enacted</b>	<b>2021 Request</b>	<b>Change from 2020</b>
Environmental Restoration	124,480	8,181	-116,299
Technology Development and Transfer	3,576	3,608	+32
Financial Management	5,191	5,277	+86
Executive Direction and Administration	6,466	5,998	-468
<b>Total, Abandoned Mine Reclamation Fund</b>	<b>139,713</b>	<b>23,064</b>	<b>-116,649</b>

<b>Total Appropriation (without Civil Penalties and Offsetting Collections)</b>	<b>257,481</b>	<b>116,166</b>	<b>-141,315</b>
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<b>Total Appropriation, with Civil Penalties and Offsetting Collections</b>	<b>257,621</b>	<b>116,306</b>	<b>-141,315</b>
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**Summary of 2020 Enacted and 2021 Request  
By Full-time Equivalent (FTE)**

<b>Regulation and Technology</b>	<b>2020 Enacted</b>	<b>2021 Estimate</b>	<b>Change from 2020</b>
Environmental Protection	172	172	-
Technology Development and Transfer	78	78	-
Financial Management	3	3	-
Executive Direction and Administration	45	45	-
Total, Regulation and Technology FTE	298	298	-
<b>Abandoned Mine Reclamation Fund</b>	<b>2020 Enacted</b>	<b>2021 Estimate</b>	<b>Change from 2020</b>
Environmental Restoration	35	35	-
Technology Development and Transfer	15	15	-
Financial Management	29	29	-
Executive Direction and Administration	21	21	-
Total, Abandoned Mine Reclamation Fund FTE	100	100	-
<b>Total FTE</b>	<b>398</b>	<b>398</b>	<b>-</b>

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

	<b>2019 Actual</b>	<b>2020 Enacted</b>	<b>Fixed Costs (+/-)</b>	<b>Internal Transfers (+/-)</b>	<b>Program Changes (+/-)</b>	<b>2021 Request</b>
<b>Discretionary</b>						
<b>Appropriation: Regulation and Technology</b>						
<b>Environmental Protection</b>	<b>88,602</b>	<b>88,562</b>	<b>+505</b>	<b>-</b>	<b>-22,748</b>	<b>66,319</b>
State and Tribal Funding	68,590	68,590			-25,487	43,103
Regulatory Grant Funding					<i>[-25,487]</i>	
State Program Evaluation	8,140	8,080	+238		-	8,318
Federal and Indian Lands Program	6,054	6,052	+135		+1,822	8,009
Improve Mine Plan Review Processes					<i>[+1,822]</i>	
Funded by Offsetting Collections		<i>[-40]</i>				<i>[-40]</i>
Federal Lands	1,414	1,436	+29		-	1,465
Program Development and Maintenance	4,404	4,404	+103		+917	5,424
Improve Mine Plan Review Processes					<i>[+773]</i>	
GrantSolutions Enterprise System					<i>[+144]</i>	
<b>Technology Development and Transfer (TDT)</b>	<b>12,801</b>	<b>14,765</b>	<b>+229</b>	<b>-</b>	<b>-1,706</b>	<b>13,288</b>
Technical Assistance	10,232	10,668	+141		-347	10,462
Coal Information Management System					<i>[-347]</i>	
Training	1,949	2,004	+56		-	2,060
Technology Transfer	620	2,093	+32		-1,359	766
GeoMine/AMDTreat					<i>[-889]</i>	
Applied Science Projects					<i>[-470]</i>	
<b>Financial Management</b>	<b>505</b>	<b>505</b>	<b>+9</b>		<b>-12</b>	<b>502</b>
Revenue Management	410	410	+6		-12	404
Grants Financial Management	95	95	+3			98
<b>Executive Direction and Administration</b>	<b>13,936</b>	<b>13,936</b>	<b>-34</b>	<b>-</b>	<b>-909</b>	<b>12,993</b>
Executive Direction	2,054	2,054	+44		-128	1,970
Transfer Ethics Program to Solicitor					<i>[-128]</i>	
Administrative Support	3,575	3,575	+88		-	3,663
General Services	8,307	8,307	-166		-781	7,360
General Program Activities					<i>[-781]</i>	
<b>TOTAL, Regulation and Technology</b>	<b>115,844</b>	<b>117,768</b>	<b>+709</b>	<b>-</b>	<b>-25,375</b>	<b>93,102</b>

## Budget at a Glance Table

(Dollars in Thousands)

	2019 Actual	2020 Enacted	Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2021 Request
<b>Appropriation: Abandoned Mine Reclamation Fund</b>						
<b>Environmental Restoration</b>	<b>124,480</b>	<b>124,480</b>	<b>+105</b>	<b>-</b>	<b>-116,404</b>	<b>8,181</b>
State Program Evaluation	2,662	2,662	+45		-	2,707
Federal Reclamation Programs - Projects	1,548	1,548			-1,548	-
Watershed Cooperative Agreement Program					<i>[-1,548]</i>	
Federal Reclamation Program - Operations	2,066	2,066	+15		-	2,081
Program Development and Maintenance	3,204	3,204	+45		+144	3,393
GrantSolutions Enterprise System					<i>[+144]</i>	
AML Economic Development Grants	115,000	115,000			-115,000	-
<b>Technology Development and Transfer (TDT)</b>	<b>3,544</b>	<b>3,576</b>	<b>+43</b>	<b>-</b>	<b>-11</b>	<b>3,608</b>
Technical Assistance	1,585	1,617	+20		-11	1,626
Coal Information Management System					<i>[-11]</i>	
Training	794	794	+20		-	814
Technology Transfer	1,165	1,165	+3		-	1,168
<b>Financial Management</b>	<b>5,182</b>	<b>5,191</b>	<b>+86</b>	<b>-</b>	<b>-</b>	<b>5,277</b>
Fee Compliance	5,081	5,081	+83		-	5,164
Grants Financial Management	101	110	+3		-	113
<b>Executive Direction and Administration</b>	<b>6,466</b>	<b>6,466</b>	<b>-19</b>	<b>-</b>	<b>-449</b>	<b>5,998</b>
Executive Direction	910	910	+21		-66	865
Transfer Ethics Program to Solicitor					<i>[-66]</i>	
Administrative Support	1,846	1,846	+42		-	1,888
General Services	3,710	3,710	-82		-383	3,245
General Program Activities					<i>[-383]</i>	
<b>TOTAL, Abandoned Mine Reclamation Fund</b>	<b>139,672</b>	<b>139,713</b>	<b>+215</b>	<b>-</b>	<b>-116,864</b>	<b>23,064</b>
<b>TOTAL, Discretionary Funding</b>	<b>255,516</b>	<b>257,481</b>	<b>+924</b>		<b>-142,239</b>	<b>116,166</b>

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

	<b>2019 Actual</b>	<b>2020 Enacted</b>	<b>Fixed Costs (+/-)</b>	<b>Internal Transfers (+/-)</b>	<b>Program Changes (+/-)</b>	<b>2021 Request</b>
<b>Total Regulation and Technology*</b>	<b>115,844</b>	<b>117,768</b>	<b>+709</b>	<b>-</b>	<b>-25,375</b>	<b>93,102</b>
Civil Penalties	20	100				100
Offsetting Collections - Permit Fees	0	40				40
<b>Total Regulation and Technology (with Civil Penalties and Offsetting Collections)</b>	<b>115,864</b>	<b>117,908</b>	<b>+709</b>	<b>-</b>	<b>-25,375</b>	<b>93,242</b>
<b>Total Abandoned Mine Reclamation Fund</b>	<b>139,672</b>	<b>139,713</b>	<b>+215</b>	<b>-</b>	<b>-116,864</b>	<b>23,064</b>
<b>Total, Budget Resources with Offsetting Collections</b>	<b>255,536</b>	<b>257,621</b>	<b>+924</b>	<b>-</b>	<b>-142,239</b>	<b>116,306</b>

\* FY 2019 Actual reflects actual Civil Penalties collections of \$19,768, \$0 actual Permit Fee collections, and \$40,000 in appropriated funds for Permit Fee activities in Environmental Protection.

	2019 Actual	2020 Enacted	Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2021 Request
<b>Mandatory</b>						
<b>Payments to States and Tribes in Lieu of Coal Fee Receipts (Treasury Funds)</b>	<b>102,994</b>	<b>42,260</b>	-	-	<b>+2,940</b>	<b>45,200</b>
In Lieu Payments to Certified States and Tribes	102,994	42,260			+2,940	45,200
<b>Mandatory Grants to States (AML Funds)</b>	<b>188,302</b>	<b>128,600</b>	-	-	<b>+8,200</b>	<b>136,800</b>
Grants to Noncertified States						
State & Tribal Share	25,522	24,458			+1,242	25,700
Historic Coal Fund	145,521	82,291			+5,409	87,700
Minimum Program Make Up	17,259	21,851			+1,549	23,400
<b>United Mine Workers of America Plans (UMWA)</b>	<b>279,397</b>	<b>1,962,625</b>	-	-	<b>-1,226,447</b>	<b>736,178</b>
Payments to United Mine Workers of America (UMWA) Health Benefit Plans (AML Fund Interest)	54,321	37,132			-5,754	31,378
Payments to UMWA Health Benefit Plans and 1974 UMWA Pension Plan (Treasury Funds)	225,076	1,925,493			-1,220,693	704,800
<b>TOTAL, Mandatory Funding</b>	<b>570,693</b>	<b>2,133,485</b>	-	-	<b>-1,215,307</b>	<b>918,178</b>

Mandatory Funding: FY 2019 and FY 2020 AML grants and UMWA payments reflect actual amounts paid. FY 2021 estimates are based on the Office of Management and Budget's economic assumptions as of November 5, 2019.

TAB

Environmental Restoration

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## ENVIRONMENTAL RESTORATION

### Environmental Restoration Budget Request

(Dollars in Thousands)

	2019 Actual	2020 Enacted	2021				Change From 2020 (+/-)
			Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2021 Request	
<b>Abandoned Mine Reclamation Fund</b>	<b>124,480</b>	<b>124,480</b>	<b>+105</b>	<b>-</b>	<b>-116,404</b>	<b>8,181</b>	<b>-116,262</b>
State Program Evaluation	2,662	2,662	+45		-	2,707	+45
<i>FTE</i>	27	15			-	15	-
Federal Programs - Projects	1,548	1,548			-1,548	-	-1,548
Federal Programs - Operations	2,066	2,066	+15		-	2,081	+15
<i>FTE</i>	6	5			-	5	-
Program Development and Maintenance	3,204	3,204	+45		+144	3,393	+189
<i>FTE</i>	8	15			-	15	-
AML Economic Development	115,000	115,000			-115,000	-	-115,000
<b>Total, Environmental Restoration</b>	<b>124,480</b>	<b>124,480</b>	<b>+105</b>	<b>-</b>	<b>-116,404</b>	<b>8,181</b>	<b>-116,299</b>
<b>Total FTE</b>	<b>41</b>	<b>35</b>			<b>-</b>	<b>35</b>	<b>-</b>

Note: 2019 FTE figures reflect actual usage. Fixed Costs of \$105,000 in pay related items.

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

**Summary of 2021 Program Changes for Environmental Restoration**

<b>Request Component</b>	<b>(\$000)</b>	<b>FTE</b>
AML Economic Development Pilot Program	-115,000	
Federal Watershed Cooperative Agreement	-1,548	
GrantSolutions Enterprise System	+144	
<b>TOTAL Program Changes</b>	<b>-116,404</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. In FY 2021, the Environmental Restoration program plans to remediate 14,000 acres of abandoned coal mine lands by eliminating health, safety, and environmental concerns. These remediation efforts will result in providing several thousand people with reduced exposure to safety risks from abandoned mine lands.

**Justification of 2021 Program Changes**

**AML Economic Development (-\$115,000,000):** No funds are requested for this program, which exceeds OSMRE’s mission and overlaps with existing mandatory AML grants.

**Federal Watershed Cooperative Agreement Program (-\$1,548,000):** No funds are requested for this program. OSMRE will continue to support the program with funds carried over from previous years’ appropriations.

**GrantSolutions Enterprise System (+\$144,000):** Funding supports the allocated share of operating costs for the GrantSolutions enterprise system to improve the processing and transparency of grants and cooperative agreements across Interior. Cost allocations are based on an algorithm of use factors. OSMRE’s share of the Department’s FY 2021 cost for this platform is \$288,000, with half funded in the Environmental Restoration business line and half in the Environmental Protection business line.

## OVERVIEW

As stewards of our Nation's natural and cultural resources, the Department of the Interior is entrusted with safeguarding these treasures for future generations. Environmental issues associated with abandoned mine sites, such as water pollution, open portals and pits, land stripped of natural vegetation, and refuse piles, degrade our natural resources and create public health and safety risks. Through the elimination of these problems, our land and water resources are improved so that other partners can make further investments in productive uses, such as agriculture, wildlife habitat, or development. Mine site reclamation not only improves our environment, but also safeguards people and property, and revitalizes communities by creating jobs.

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

Since 1977 under SMCRA's AML program, more than 14,000 equivalent acres per year of abandoned mine land problems have been addressed. SMCRA established priorities for AML problems ranging from extreme dangers to public health and safety to those associated with environmental related coal problems. Details on the types of problems that have been addressed can be found in the AML Reclamation Accomplishments section. OSMRE has developed a National inventory that contains information for over 21,000 problem areas associated with abandoned mine lands, mostly coal. A problem area is a uniquely defined geographical area that contains one or more abandoned mine land problems. AML problems are classified by priority:

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

The cost of addressing the remaining Priority 1 and 2 coal-related sites is estimated at \$7 billion. In addition, there is an estimated \$2.7 billion of Priority 3 unfunded problems, for a total of \$9.7 billion of unfunded AML problems.

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

**ENVIRONMENTAL RESTORATION  
ENCOMPASSES:**

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

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

Evaluation and oversight of the State and Tribal AML reclamation operations are coordinated by OSMRE through the State Program Evaluation program activity. Federal Reclamation Program Projects and Operations provide resources to address issues in States and Tribes without an approved AML program, as well as for the Watershed Cooperative Agreement Program, which supports cooperative conservation through local volunteer non-profit organizations. The Environmental Restoration business line also funds the Program Development and Maintenance Program activity, which provides policy direction, support, and services to States and Tribes, and ensures that State/Tribal programs are amended as needed.

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

**Actions Required to Achieve Annual Goals:** In FY 2021 and beyond, OSMRE will continue to encourage partnership participation by working with States and Tribes through their reclamation agencies, and through private and grass roots associations. In addition, OSMRE will increase efforts to leverage funding from other government and non-government organizations to address abandoned mine sites. This emphasis on partnership and leveraging of resources supports cooperative conservation efforts.

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

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

## **2021 PROGRAM PERFORMANCE**

### **Abandoned Mine Reclamation Fund**

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

The FY 2021 AML Fund appropriation for Environmental Restoration will cover discretionary spending for State Program Evaluation, Federal Reclamation Program Operations, and AML Program Development and Maintenance.

Funding appropriated from the AML fund will also cover Federal expenses requested and outlined in subsequent business line chapters to cover Technology Development and Transfer, Financial Management, and Executive Direction and Administration. Watershed Cooperative Agreements and high-priority and emergency coal projects under the Federal Reclamation Program in States and Tribes without approved AML programs are proposed to be covered in FY 2021 by the remaining funds appropriated for these programs from prior years.

### **Addressing AML Emergencies**

Emergencies are AML problems that occur suddenly and present a high probability of physical harm or threaten the health, safety, or general welfare of people. These problems must be addressed immediately. The process used for addressing emergencies that develop on AML sites, and allocating needed funds, is dependent on whether the State has an AML program. The 2006 Amendments created different sources of funding for addressing AML issues by allowing for the appropriation of both discretionary and mandatory grants. Prior to 2006, though a State would assume responsibility for addressing the AML issues within its borders, unless that State chose to address emergencies, OSMRE had been responsible for emergency projects. It was subsequently deemed more efficient and cost effective to combine responsibility for AML issues and AML emergencies issues under a single authority with a single source of funding. Thus, beginning in FY 2011, the responsibility for addressing emergencies utilizing the mandatory grant funds was transferred to States and Tribes with AML programs.

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

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

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

\*OSMRE has conducted AML reclamation projects on Tribal lands across the Nation, most recently on Cherokee Tribal lands in Oklahoma and the Fort Peck Reservation in Montana.

**1. State Program Evaluation**

SMCRA requires OSMRE to monitor the progress and quality of each State and Tribal program to ensure their reclamation programs function effectively. This program area is an integral part of the State and Tribal funding. Evaluation of State and Tribal reclamation programs ensures efficient and effective use of program dollars for the intended purpose. The FY 2021 budget request includes \$2,707,000 and 15 FTE for State Program Evaluation activities.

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

OSMRE utilizes topic-specific oversight reviews to monitor State and Tribal AML program operations. The current evaluation system does not require that the entire program be reviewed each year. Instead, the

system requires the appropriate field office, in consultation with each State or Tribe, to develop a performance agreement which addresses the areas to be reviewed, and establishes applicable performance measures. Since much of topic-specific oversight is trend analysis, and because the interaction between the programs and OSMRE is continual, the performance agreements can be for periods longer than one year. However, OSMRE reviews them each year to determine the progress being made.

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

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

One example of how OSMRE and States' collaboration on AML programs yields positive results is the restoration of a mine-impacted watershed in West Virginia. Polluted discharges from historic mining in the Muddy Creek watershed (a tributary of the Cheat River, located in Preston County WV) left the lower part of Muddy Creek stained orange from iron and devoid of life. Nearly 80 percent of the polluted mine drainage in the watershed is caused by pre-SMCRA coal mining and the remainder from post-SMCRA mining. Mining conducted under SMCRA requires bonding sufficient to reclaim land and water in the event of forfeiture. The West Virginia Department of Environmental Protection (WVDEP) Special Reclamation Program is the responsible agency to treat waters at bond forfeited sites and was treating at several forfeiture sites in the watershed (starting in 2004) with little improvement to overall stream quality. Through collaborative efforts of both State and Federal agencies including OSMRE and the Environmental Protection Agency (EPA), an innovative approach to treating acid mine drainage (AMD) was initiated while still meeting NPDES permitting requirements. The WVDEP worked closely with EPA to develop the first watershed-based NPDES permit allowing for one in-stream permit instead of requiring NPDES permits at multiple treatment sites throughout the watershed. This permitting structure allows the WVDEP to treat AMD in-stream, thereby addressing both pre and post-SMCRA AMD issues. Monies associated with operations of the numerous bond forfeiture AMD sites were reallocated toward in-stream treatment, in addition to other private partnership funds.

For decades, the lower section of Muddy Creek was acidic with typical pH readings of less than 4.5. Since initiation of this combined treatment approach, the WVDEP has been able to maintain a pH above 7, and Muddy Creek is now net alkaline. Most notably, the WVDEP and its partners have been successful in reestablishing biological connectivity throughout the entire 15.6 miles of Muddy Creek while saving significant funds.

## **2. Federal Reclamation Program**

OSMRE addresses environmental hazards on a priority basis when an emergency occurs in States or on Tribal lands without AML programs. It also administers projects funded by Federal civil penalties collected

from operators and projects funded from bonds forfeited by operators of Federally permitted sites; monitors watershed cooperative agreement projects; and provides technical assistance to States and Tribes specific to the above projects.

**a. Federal Reclamation Projects**

The request does not include any new funding for Federal reclamation projects. OSMRE will continue to administer Federal reclamation projects in FY 2021 utilizing civil penalty funding collected and available emergency, high priority project, and Watershed Cooperative Agreement Program (WCAP) funding provided in prior-year appropriations, as required.

**(1) Watershed Cooperative Agreement Projects**

The OSMRE designed the Watershed Cooperative Agreement Program (WCAP) to assist citizens affected by coalfields. This program, implemented in 1999, makes funds available directly to not-for-profit organizations, especially small local watershed organizations. These community-based organizations undertake local projects to clean streams affected by Acid Mine Drainage (AMD). The watershed organizations that apply for the funding, normally receive up to \$100,000 for each reclamation project. WCAP funds are primarily used for project construction. Agencies are required to have other partners contribute either funding or in-kind services. OSMRE's WCAP funding results in improvements of land and water resources and creates beneficial uses such as fish and wildlife habitat and recreational areas. Communities are strengthened and capacity increased due to the awareness, knowledge, and outreach that this program fosters.

A companion project, the Acid Drainage Technology Initiative (ADTI), is under the Technology Development and Transfer business line and contributes to the activities to abate AMD. See that business line section for further details on ADTI efforts.

The following are examples of projects that are funded under the WCAP:

Lamberts Run Phase 2: The Lamberts Run Phase 2 project, is located within the Lamberts Run basin, which is a tributary to Stonycreek River, in Somerset County, Pennsylvania. The project will ensure effective treatment of discharges and continuation of improvements in Lamberts Run. The Lamberts Run Phase 2 project will restore the last 1.3 miles of Lamberts Run before it converges with the Stonycreek River. The expected results will create the environment and water quality suitable for trout and other aquatic life in Lamberts Run and the receiving waters downstream. The Lamberts Run Phase 2 project has two deliverables to complete the project. Deliverable #1 is the construction of the new passive treatment system and includes all construction related activities including clearing grubbing, mobilization, and excavation of vertical flow ponds, sediment basins, and installation of limestone, pond liners, access road, project engineering design, permitting and any necessary recording of easements. Deliverable 2 will encompass water monitoring of the system and track the progression of downstream waters and the functions and operations of the newly constructed system. The applicant requested \$80,000 to be used with \$581,864 in partner funding.

Hartman Run: The Decker's Creek Watershed drains approximately 64 square miles within the Monongahela Watershed throughout Monongalia and Preston Counties in north-central West Virginia. Decker's Creek and its tributary, Hartman Run, are both on the EPA's 303(d) list of impaired waters. The project will target an unnamed tributary to Hartman Run, which leaks AMD into Decker's Creek, further polluting the last few miles of the stream as it runs through downtown Morgantown. In order to treat the two AMD sources identified in the proposal, Friends of Decker's Creek watershed association will utilize experienced engineers in AMD treatment to ensure the outcome will meet the goals of efficient remediation, operations, and maintenance (O&M). This proposal is based on the construction of a passive treatment system that will incorporate an auto-flushing limestone pond, two settling ponds, a vertical flow wetland, and limestone channels. The applicant requested \$100,000 to be used with \$208,000 in partner funding.

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

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

For the Federal Program in Tennessee, funds derived from civil penalties are used by OSMRE to reclaim mine sites that have been disturbed after the enactment of SMCRA and have either been abandoned or forfeited with insufficient or nonexistent bond funds available to complete the reclamation activities on the forfeited site. OSMRE prioritizes these sites by selecting the sites that have the most potential to cause environmental harm, if left unreclaimed, and expends the available funds on these sites. During FY 2019, no civil penalty funds were made available to OSMRE for reclamation work in Tennessee. However, in FY 2017 civil penalty funds were made available to OSMRE for reclamation work in Tennessee and four permits were selected for reclamation work. The four permits were A & W Auger Corporation, Area 18; Hood Coal Corporation, Tar Gap Mine; Faith Coal Company, Mine #1; and Industrial Processing Company, Refuse 1. All reclamation projects were completed in FY 2018 and are being monitored for success with the expectation to be released from OSMRE jurisdiction in FY 2020.

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

Federal Emergency Projects provides immediate relief from abandoned mine hazards in States and on Indian lands without an approved AML Program. Emergencies in States covered by the Federal Reclamation Program usually involve subsidence, vertical mine shaft collapse or sudden exposure of mine openings.

The most common emergencies in the States covered by Federal Reclamation Programs are subsidence events caused by the caving in of old underground mines. Subsidence events can impact man-made

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

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

During FY 2019, OSMRE expended \$767,654 to address six AML emergencies in Washington State:

Project WA-18-002, a subsidence feature in a residential driveway located in Enumclaw, WA where OSMRE expended \$55,485 for Architecture and Engineering and construction services to remediate the feature.

Project WA-18-003, a subsidence feature in a residential front yard located in Issaquah, WA where OSMRE expended \$52,738 for Architecture and Engineering and construction services to remediate the feature.

Project WA-18-005, a subsidence feature in a major street located in Renton, WA where OSMRE expended \$433,923 for Architecture and Engineering and construction services to remediate the feature.

Project WA-18-006, a subsidence feature in a residential driveway located in Carbonado, WA where OSMRE expended \$61,389 for Architecture and Engineering and construction services to remediate the feature.

Project WA-18-012, a subsidence feature near an apartment complex located in Issaquah, WA where OSMRE expended \$64,481 for Architecture and Engineering and construction services to remediate the feature.

Project WA-19-001, a subsidence feature located in Black Diamond, WA where OSMRE expended \$99,633 for Architecture and Engineering and construction services to remediate the feature.

During FY 2020, OSMRE will complete one known emergency project in Issaquah, WA. Based on historic trends, OSMRE expects to develop at least three additional AML projects during FY 2020.

OSMRE plans to utilize available carryover funding from prior year appropriations for Federal reclamation emergencies in FY 2021.

**b. Program Staff (Operations)**

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

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

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

OSMRE staff will address emergencies and high priority projects in non-program States and Tribes as described earlier, as well as provide technical assistance to States and Tribes with approved AML Programs. OSMRE will continue to provide specialized expertise on various AML problems, including subsidence, mine fires, mine gases, and landslides to States that request assistance. OSMRE staff will also administer projects funded by Federal civil penalties collected from operators and monitor watershed cooperative agreement projects under this activity. The request includes \$2,081,000 and 5 FTE for Federal Reclamation Program operations.

**3. Program Development and Maintenance**

The Program Development and Maintenance activity is an integral part of the State and Tribal funding program. The FY 2021 budget proposes \$3,393,000 in funding, and provides for 15 FTE for reclamation

program management and programmatic guidance to States and Tribes. OSMRE has an ongoing process of reviewing existing policies in the Environmental Restoration business line. Whenever necessary, policies are revised to meet the existing need of the programs and to keep abreast of changes to the law.

OSMRE assists States and Tribes to build on their reclamation successes by providing ongoing technical assistance on reclamation practices and by continually enhancing the primacy grants process.

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

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

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

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

The States and Tribes use the inventory to assist them in planning, to make funding decisions and to

report program accomplishments. OSMRE uses e-AMLIS to record and report AML program accomplishments under the Government Performance and Results Act (GPRA). States, Tribes, and OSMRE have access to enter and modify information in e-AMLIS electronically.

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

The two main sources of information for the AML Reclamation Program are the Financial Business Management System (FBMS) and e-AMLIS. e-AMLIS contains different information from FBMS and serves a different purpose. e-AMLIS only provides information on the direct construction cost to reclaim AML features and does not include design, engineering, or administrative costs. This system was never designed to be a project management tool. The majority of the data in e-AMLIS represents coal AML priorities which include, for example, features such as gob piles, subsidence, and highwalls.

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

OSMRE supports and participates in Grants.gov, the government-wide electronic grants announcement and application system, and in FY 2020 will transition to GrantSolutions with the rest of the Department. OSMRE uses the DOI Financial and Business Management System (FBMS) financial assistance module for internal processing of all grant and cooperative agreement obligation, deobligation 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 policy staff at headquarters. Regional and field offices perform day-to-day grants and program management. Accounting and reporting occurs under the Financial Management business line activity. OSMRE and the State/Tribal grantees cooperate to maximize the use of available funding and operate an effective program. Grantees provide input by participating on joint teams and by reviewing and commenting on changes in the program. In addition, OSMRE periodically holds meetings/workshops with the State/Tribal grantees to provide training for grantees and to keep them abreast of policies and procedures. This cooperative working relationship contributes to streamlined application and awards processes, faster obligation of Federal funds, program monitoring, and reporting and closeout of grants.

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

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

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

## **ENVIRONMENTAL RESTORATION**

### **2020 Planned Program Performance**

In FY 2020, the planned activities in the Environmental Restoration program activity include:

- Continue partnerships with not-for-profit watershed groups and related reclamation by awarding watershed cooperative agreements (WCAP) to interested groups, as funds are available. At the beginning of FY 2020, OSMRE had received several applications for WCAP assistance to abate the effects of AMD in local Appalachian watersheds.
- Respond to Federal AML emergencies in non-program States and Tribes within 48 hours of reported feature and issue findings within 10 business days.
- Remediate hazardous features within six months of emergency declaration and funding approval.
- Provide AML grants to States and Tribes.
- Monitor watershed cooperative agreement projects funded before or during FY 2019.
- Continue to use reclamation grants to eliminate hazards resulting from past mining activities.
- Achieve the goals for performance measures identified on the Performance Overview Table for this business line.
- Support the Underground Mine Map Initiative (UGMMI) to minimize future subsidence risk by making information available on the location of mined out areas using maps and surface overlays that can provide this critical information to local governments to account for risks. This initiative has historically been accomplished on a National level through competitive cooperative agreements awarded by OSMRE, leveraging matching State funds.
- Provide guidance and assistance in establishing benchmark standards in mine map preservation, including digital imaging and rectification, and creating and serving mine maps for safety, State and Tribal AML, local government, and public viewing and use.
- Continue monitoring the AML Economic Development Pilot Program projects funded in prior-year appropriations (FY 2016-2019) and complete an updated report on project implementation.
- Complete an AML P1 Project to reclaim a large subsidence feature related to historic coal mining at the Black Diamond Mines Regional Park in Antioch, CA. Project construction was rescheduled for June, 2020 due to dangerous conditions during the wildfire season in the Fall of 2019.

- Continue work to implement Office of the Inspector General recommendations to improve the oversight and aspects of the AML Program.

### **2019 Program Accomplishments**

In FY 2019, the major accomplishments in the Environmental Restoration program activity include:

- Managed the \$291 million in mandatory AML grants provided to the 25 coal-producing States and 3 Tribes with an approved AML program.
- Provided \$115 million in AML Economic Development Pilot Program sponsored grants to 6 States and 3 Tribes.
- Improved land and water health by reclaiming, or mitigating, the equivalent of 15,400 acres of land from the effects of natural resource degradation from past mining.
- Improved underground discharges of mine water, eliminating uncontrolled discharges, by employing horizontal boring techniques.
- Leveraged \$990,964 in partner funds for three new watershed cooperative agreements awards totaling \$331,025 in two States (Pennsylvania and West Virginia).
- Used civil penalty reclamation funds to complete the reclamation on three sites in Tennessee that were abandoned and left in an environmentally-degraded state. Work continued on two projects in Pennsylvania and one in Maryland.
- Completed the reclamation of one mine site abandoned that was left unreclaimed by the permittee in Tennessee utilizing a combination of performance bonds and civil penalty monies.
- The Federal Reclamation Program expended \$767,654.00 to address six AML emergencies in Washington State.

TAB

Environmental Protection

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## ENVIRONMENTAL PROTECTION

### Environmental Protection Budget Request (Dollars in Thousands)

	2019 Actual	2020 Enacted	2021				Change from 2019 (+/-)
			Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2020 Request	
<b>Regulation and Technology</b>	<b>88,602</b>	<b>88,562</b>	<b>+505</b>	<b>-</b>	<b>-22,748</b>	<b>66,319</b>	<b>-22,243</b>
State and Tribal Funding	68,590	68,590			-25,487	43,103	-25,487
<i>FTE</i>	-	-			-		-
State Program Evaluation	8,140	8,080	+238		-	8,318	+238
<i>FTE</i>	77	81			-	81	-
Federal and Indian Lands Program	6,054	6052	+135		+1,822	8,009	+1,957
Offsetting Collections	-	[+40]				[+40]	
<i>FTE</i>	42	46			-	46	-
Federal Lands	1,414	1,436	+29		-	1,465	+29
<i>FTE</i>	7	10			-	10	-
Program Development and Maintenance	4,404	4,404	+103		+917	5,424	-1,020
<i>FTE</i>	15	35			-	35	-
<b>Total, Environmental Protection</b>	<b>88,602</b>	<b>88,562</b>	<b>+505</b>	<b>-</b>	<b>-22,748</b>	<b>66,319</b>	<b>-22,243</b>
<b>Total FTE</b>	<b>139</b>	<b>172</b>			<b>-</b>	<b>172</b>	<b>-</b>

Note: 2019 FTE figures reflect actual usage.

FY 2019 Actuals include \$40,000 in additional appropriated funds for permitting activities. OSMRE did not collect any permit fees in FY 2019.

Fixed Costs of \$505,000 in pay related items.

**Summary of 2021 Program Changes for Environmental Protection**

<b>Request Component</b>	<b>(\$000)</b>	<b>FTE</b>
State and Tribal Funding	-25,487	
Improve Mine Plan Review Processes	+2,595	-
GrantSolutions Enterprise System	+144	-
<b>TOTAL Program Changes</b>	<b>-22,748</b>	<b>-</b>

Under the Environmental Protection program, OSMRE works with coal-producing States to ensure the environment is protected while there are active surface mining operations. In FY 2021, 90 percent of active coal mining sites will be free of off-site impacts, and 44 percent of past mining sites will be reclaimed to post-mining beneficial use. On Indian Lands, OSMRE is the regulatory authority and has the responsibility to protect Tribal resources. OSMRE works with the Tribes to ensure the protection of their resources while implementing SMCRA. OSMRE funds Tribal programs as they pursue SMCRA primacy.

**Justification of 2021 Program Changes**

**State and Tribal Funding (-\$25,487,000):** The Federal Government provides funding to States and Tribes to regulate the coal industry. This request supports \$43,103,000 in funding for this activity. Stable regulatory programs promote competition, allow for responsible development and protect the safety and welfare of citizens and the environment. OSMRE’s statutory role is to promote and assist its partner States in establishing a stable regulatory environment for coal mining. The proposed level of regulatory grant funding, together with expected carryover funding from FY 2020, provides for the efficient and effective operations of primacy programs at a level consistent with the anticipated obligations of State and Tribal regulatory programs to account for the Nation’s demand for coal mine permitting and production.

**Improve Mine Plan Review Processes (+\$2,595,000):** The process for reviewing and approving the permitting of coal operations is time-consuming and resource-intensive. The proposed level of funding will enable OSMRE to align its staff and fiscal resources across activities to better focus on developing initiatives that will streamline the NEPA process, enhance and accelerate the permitting process, and ensure that coal mine surface activities are operated in a manner that protects citizens and the environment during mining and that the land is restored to beneficial use following mining.

**GrantSolutions Enterprise System (+\$144,000):** Funding supports the allocated share of operating costs for the GrantSolutions enterprise system to improve the processing and transparency of grants and cooperative agreements across Interior. Cost allocations are based on an algorithm of use factors. OSMRE’s share of the Department’s FY 2021 cost for this platform is \$288,000, with half funded in the Environmental Restoration business line and half in the Environmental Protection business line.

OVERVIEW

The Environmental Protection business line provides resources to administer regulatory programs for 24 primacy States, as well as for the Federal and Indian Lands Programs which include two States and four Tribes where OSMRE is the regulatory authority. These programs address the protection of the public and environment from the adverse effects of current mining, and reclamation of land at the conclusion of mining. At the end of FY 2019, the surface permitted area of coal mining operations encompassed 2.5 million acres Nation-wide. During active mining, the potential risks from safety and environmental hazards exist both within and outside the permitted site. Effective implementation and enforcement of SMCRA minimizes those risks.

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

**ENVIRONMENTAL PROTECTION  
ENCOMPASSES:**

State and Tribal Funding

- State Grants
- Tribal Regulatory Development Grants

State Program Evaluation

Federal and Indian Lands Programs

Federal Lands

Program Development and Maintenance

**Operational Processes (Program Activities):** The program activities within this business line ensure the environment is protected during surface coal mining operations, and that coal operators adequately reclaim disturbed land after mining is completed.

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

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

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

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

mining and reclamation operations since the enactment of SMCRA in 1977. The performance measures for this goal are the protection of the environment and public from off-site impacts resulting from surface coal mining operations and successful reclamation on lands affected by surface coal mining operations. This goal is accomplished through the cooperative efforts of the OSMRE and State regulatory offices. The following measures are used by OSMRE as indicators of annual performance.

Percent of coal mining sites free of off-site impacts: Impacts are effects resulting from surface coal mining activities such as blasting or water runoff that affect people, land, water, or structures outside the permitted area of mining operations in violation of the existing regulations. The severity of the impacts is rated as minor, moderate, or major. Due to the nature of mining, it is inevitable that some impacts will occur, though they should be minimized, and offsite impacts prevented, when feasible.

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

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

Percent of mined acreage reclaimed: This performance measure is represented as a ratio of the cumulative number of acres released from Phase III bond release to the cumulative number of mined acres.

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

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

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

**Resources, Skills, and Technology Needed:** Program analysts, reclamation specialists, grant specialists, and various support personnel are needed to implement the State regulatory programs and to conduct program evaluations. OSMRE and the primary States also will continue to need a diverse and

multidisciplinary cadre of personnel skilled in scientific and engineering areas to review mine permits, determine whether performance bond coverage and amounts are sufficient to ensure reclamation, conduct mine site inspections, and implement enforcement actions when necessary. Computer systems personnel are needed to help maintain various data systems, such as the National Inspection and Enforcement Tracking System that contains data from OSMRE's oversight and regulatory program inspections.

For FY 2021, the President's budget requests \$43.1 million to fund up to 50 percent of the costs for 24 primacy State regulatory programs, and up to 100 percent of the costs of regulating mining on Federal lands within their borders for 14 of the primacy States through cooperative agreements. This amount will also provide 100 percent of the regulatory program development costs for three Tribes.

The FY 2021 budget request includes \$8.3 million to improve implementation of existing laws and to support States and Tribes. The request also includes \$8.0 million to fund regulatory programs in non-primacy States, including Tennessee and Washington, and on Indian Lands. Also included in the FY 2021 budget request is \$1.5 million for OSMRE to carry out mine plan reviews for Federal lands, and \$5.4 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. Appropriation language is requested to supplement this appropriation with \$40,000, which will be offset with collections for new permit application fees in the Federal and Indian Lands Programs.

The following section details, by program activity, the funding and FTE resources required to meet the annual performance measures. It also includes examples of cooperative work between OSMRE, States, and Tribes to regulate coal-mining activities that will continue in FY 2021 and support this budget request.

## **2020 PROGRAM PERFORMANCE**

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

The \$43,103,000 requested for FY 2021 for State and Tribal funding recognizes the need to support the State regulatory programs and Tribal programs pursuing primacy. This request fully funds the projected 2021 activity requirements, based on a downward trend in State grant execution and an historical return of unobligated appropriated funds at the end of the grant cycle each year. OSMRE will also continue to support State regulatory grant requests by re-distributing the available prior year funds as needed for this activity. This activity supports responsible coal extraction using technology to minimize the impact of operations on people, structures, and the environment.

#### **a. State Grants**

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

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

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

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 61,772 inspections in FY 2019 (see Table 2).

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

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

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

**2. State Program Evaluation**

State Program Evaluation activities serve two purposes: they determine whether States are effectively implementing their regulatory programs as approved, and they provide documentation to the public of the work that OSMRE and the States are doing. The \$8,318,000 requested for FY 2021 will fund 81 FTE to carry out these activities.

**a. Oversight Policy and Procedures**

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

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

**b. Oversight Inspections**

SMCRA requires the Secretary to conduct mine inspections to evaluate the administration of State programs. Inspections are conducted on a range of sites - from those actively producing coal to forfeited bond sites awaiting reclamation. Most OSMRE oversight inspections focus on areas in which there is a high level of activity or public concern or where systemic problems have been observed. In States with 1,000 or more inspectable units, OSMRE also conducts inspections of a random sample of those units to provide an objective evaluation of the effectiveness of the State program in ensuring compliance with program requirements. The vast majority of oversight inspections are joint inspections, in which the State or Tribal inspector accompanies the OSMRE inspector. However, Directive REG-8 provides that, at a minimum, OSMRE will conduct complete oversight inspections on 33 percent of the inspectable units selected for oversight inspections in each State or on Tribal lands, and that independent oversight inspections are permitted when OSMRE determines that such inspections are necessary and appropriate.

In FY 2019, OSMRE conducted 979 oversight inspections in primacy States (see Table 2). OSMRE intends to perform oversight inspections in FY 2020 and FY 2021 to assure the integrity of the regulatory program, to capture additional data, and to identify more conclusive findings and trends. The actual number may change depending on the program areas, the presence or absence of problems, input from the public, and the terms of the performance agreements in each State.

Table 2 – Inspections Conducted in Primacy States in FY 2019

State	State Inspections			OSMRE Oversight Inspections
	Partial	Complete	Total	
Alabama	21	1,936	1,957	38
Alaska	44	33	77	6
Arkansas	54	24	78	3
Colorado	184	115	299	14
Illinois	636	315	951	40
Indiana	553	302	855	21
Iowa	0	0	0	0
Kansas	52	28	80	2
Kentucky	11,259	5,722	16,981	280
Louisiana	24	12	36	10
Maryland	542	256	798	12
Mississippi	16	8	24	6
Missouri	58	31	89	3
Montana	92	80	172	9
New Mexico	24	23	47	3
North Dakota	596	100	696	12
Ohio	1,354	657	2,011	37
Oklahoma	235	247	482	16
Pennsylvania	6,853	4,511	11,364	243
Texas	256	128	384	10
Utah	159	109	268	8
Virginia	2,045	1,330	3,375	64
West Virginia	13,001	7,452	20,453	121
Wyoming	184	111	295	21
<b>Total</b>	<b>38,242</b>	<b>23,530</b>	<b>61,772</b>	<b>979</b>

Footnote: OSMRE inspections in primacy States include oversight inspections of all types, oversight document reviews, assistance inspections, citizen complaint site visits, and Federal action inspections, as needed. State data is for the time period of July 1, 2018, through June 30, 2019.

### c. Identifying and Correcting Violations of SMCRA

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

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

During Evaluation Year 2019, OSMRE observed 580 violations during oversight inspections. Of these, 344 were appropriately deferred to States for action either during the joint inspection process or as the final resolution of a TDN. OSMRE found the States' actions inappropriate on 193 violations from oversight inspections. OSMRE also received 8 citizen complaints which were transmitted to the regulatory authority through the TDN process.

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

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

In addition to the corrective actions processes described above, OSMRE's Applicant Violator System (AVS) Office promotes the use of alternative enforcement to compel compliance with SMCRA. As part of this effort, the AVS Office provides training, investigative services and identifies sites with outstanding violations for regulatory authorities to consider pursuing alternative enforcement when primary enforcement is not enough. These activities will continue throughout FY 2020 and FY 2021.

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

The FY 2021 request provides \$8,009,000 and 46 FTE to conduct required activities in the Federal and Indian Lands Program. The request also includes an additional \$40,000 for permitting activities that will be offset with collections for new permit application fees in the Federal and Indian Lands Program.

#### **a. States**

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

The permit review process in Federally administered programs consists of review of the permit application package for administrative completeness and technical adequacy, preparation of findings and supporting documentation, and conducting an environmental analysis. Review timeframes vary depending on the complexity of a permit application, the size of the mine, and the response times of applicants submitting additional information required to process the permit application.

At the end of FY 2019, the Federal program in Tennessee had 102 permits for coal mining operations, of which 58 permits were listed on the inspectable units list (IUL) in active status. There were two permitted mine sites for the State of Washington at the end of FY 2019, neither of which is currently mining coal by traditional means. One Washington mine site is, however, conducting reprocessing operations of previously-mined coal deposited in refuse impoundments, and the other site has submitted a permit revision application proposing to reinstate mining. Permitting actions in Federal Programs are shown in Table 3.

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

Tennessee (TN): At the end of FY 2019, the TN IUL indicated a total of 58 *Permanent Program* permits, listed as active. Three of these permits produced coal throughout the year. It also includes a total of 33 Inactive permits and eight abandoned permits under the Permanent Program. These consist of surface mines, underground mines, coal tipples, preparation plants, haulroads, and other ancillary facilities. The *Initial Program* permits consist of two active, zero inactive and one abandoned permit. The IUL *Site Status* indicates there are three active producing sites, 11 Active Non-Producing sites, 18 Mining Complete sites, 21 sites in Temporary Cessation, 20 sites in Phase I Bond Released, 12 Phase 2 Bond Released sites, one not disturbed site, seven no mining, four abandoned and five forfeited sites, for a total of 102 permits. There are also 8 coal exploration notices of intent on the TN IUL. The Lexington Field Office/Knoxville Office (LFO/KO) received one new permit application in FY 2019 and has six other applications in various stages of review. At the end of FY 2019, LFO/KO had not received any new Successor-In-Interest (SII) applications, had eleven SII applications pending submittal of bonds and issued one SII application. Over the past ten-year period, Tennessee's coal production has experienced a decline from 2.2 million tons in calendar year 2009 to 0.19 million tons in calendar year 2018. Although OSMRE has been the regulator of Tennessee's coal mining industry since 1984, TN is actively pursuing the promulgation of a TN program for the regulation of coal exploration and surface coal mining and reclamation operations in TN, i.e., achieve primacy.

An interagency group comprised of State and Federal agencies, including OSMRE, the Army Corps of Engineers, the Environmental Protection Agency, the U.S. Fish and Wildlife Service (USFWS), and the Tennessee Department of Environment and Conservation, developed a local interagency working agreement (LIWA) in 2010, to improve permit coordination in Tennessee. The group continues to meet regularly to review new applications and improve the established processes,

resulting in more efficient and effective decisions related to coal mining activities.

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

Also, as a result of the 2015 lawsuit that was settled, LFO/KO conducted section 7 ESA consultations on three permits. Prior to the 2015 lawsuits, LFO/KO relied upon the 1996 biological opinion to satisfy its section 7 consultation requirements. However, as a part of the 2015 settlement agreement, the decision was made to conduct section 7 consultations in lieu of relying on the 1996 biological opinion to satisfy the section 7 requirements. LFO/KO made this decision because of the settlement agreement and the fact that LFO/KO was already conducting effects determinations on every permitting action involving threatened and endangered species since these effects determinations were very similar to the biological assessment required under section 7 consultation. Therefore, LFO/KO agreed to the section 7 consultation process for these three permits.

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

The LFO/KO did not forfeit any bonds during FY 2019. Bond forfeiture funds are monies collected from forfeited performance bonds associated with mining permits. These funds can only be used to reclaim lands on the permits for which the bond was posted and cannot be used to reclaim other permitted sites. If the bond forfeiture funds are adequate to reclaim the forfeited sites, and surplus amounts remaining must be returned to the operator.

In Tennessee, funds derived from civil penalties are used by OSMRE to reclaim mine sites that have been disturbed after the enactment of SMCRA and have either been abandoned or forfeited with insufficient or nonexistent bond funds available to complete the reclamation activities on the forfeited site. Since the availability of civil penalty funds is limited, OSMRE prioritizes these sites by selecting the sites that have the most potential to cause environmental harm, if left unreclaimed, and expends the available funds on these sites. During FY 2019, no civil penalty funds were made available to OSMRE for reclamation work in Tennessee. However, contracts awarded near the end

of FY 2017 were completed in FY 2018. The sites will continue to be monitored and are expected to be released from the IUL in 2020.

Washington: There are two surface coal mines regulated under the Federal Program. The Centralia Mine produced coal for the adjacent Centralia Power Plant beginning in 1971 until November 2006, when the parent company, Trans-Alta Corporation, halted mining because of the high costs to recover the remaining coal. Coal for the power plant now comes from the Powder River Basin. In July 2010, OSMRE denied a request to continue temporary cessation at the Kopiah Pit, and the decision was upheld on appeal. OSMRE approved Trans-Alta's operation plan for recovery of coal from coal mine waste impoundments in February 2012. Coal recovery operations began in November 2014. This operation plan facilitates reclamation of the coal mine waste impoundments after coal recovery. The recovered coal is sold to the Centralia Power Plant. Such coal recovery is considered active mining. Trans-Alta has committed to payment of all necessary fees (royalty and abandoned mine land) associated with the mining of this coal. Trans-Alta has submitted revised reclamation plans for five areas of the mine. In October 2012, OSMRE approved the reclamation plan for the Central Packwood pit area. OSMRE's review of the revised reclamation plans for the North Hanaford Pit, Pit 7, and the Kopiah Pit and coal mine waste impoundments 3A, 3B, 3C and 3D are ongoing at this time. OSMRE approvals of the revised plans for Pit 7 and the Kopiah Pit are anticipated in 2020.

The Pacific Coast Coal Company (PCC) mine near the City of Black Diamond has not produced coal since 2000. After completing an environmental assessment and concluding the NEPA process, a significant revision application to re-commence was approved in April 2018. As of November 2019, PCCC has not resumed mining because it cannot secure a customer. In addition, to the significant revision approval, OSMRE renewed the existing permit through December 2019. PCCC has submitted a permit renewal application, which is currently under review.

#### **b. Tribes**

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

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

Navajo Nation and Hopi Tribe: The McKinley Mine and the Navajo Mine are large surface mines on lands within the Navajo Nation. The Navajo Mine has two permits: the Navajo Permit and the Pinabete Permit. The Navajo and Pinabete Permits provide coal to the Four Corners Power Plant. Mining operations have ceased at the McKinley Mine, and it is currently undergoing final reclamation. Activities on the Kayenta Mine involve mining Navajo coal beneath Navajo Tribal

lands surface, and coal jointly owned by the Navajo Nation and the Hopi Tribe – all of which is beneath Navajo Tribal lands surface. OSMRE assisted the Bureau of Reclamation (lead agency) on the completion of the *Draft Environmental Impact Statement for the Navajo Generating Station and Kayenta Mine Complex*. The availability of the draft Environmental Impact Statement (EIS) for public review and comment was in the Federal Register on September 30, 2016. In early 2017, the owners of the Navajo Generating Station (NGS) announced they were no longer going to operate the plant beyond 2019. Due to this announcement, the lead agency has suspended the EIS. OSMRE prepared an environmental assessment on the Kayenta Mine Permit renewal which was noticed for public comment in August 2017. OSMRE then approved the permit renewal on October 3, 2017. The permit renewal term will end in 2020. The Kayenta Mine ceased producing coal in August 2019 to exhaust their current coal stockpiles and NGS ceased operations in December 2019.

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

Ute Mountain Ute Tribe: Regulated Ute Mountain Ute Tribal lands in New Mexico are limited to a haul road that crosses the Ute Mountain Ute Reservation. The haul road is fully reclaimed and has gone through the bond release process and OSMRE terminated its jurisdiction in August 2019. An underground mining operation in Colorado also extracts Federal coal beneath land owned privately by the Ute Mountain Ute, outside of the external boundaries of the Ute Mountain Ute Reservation.

The number of permitting actions processed by the Indian Lands Program during FY 2019 is shown in Table 3.

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

Activity	Federal Programs*		Indian Lands	
	FY 2019 Actual	FY 2020 Projected	FY 2019 Actual	FY 2020 Projected
In progress (prior FY)	56	57	15	24
Anticipated Submissions (current FY)	32	33	63	65
Total FY workload	88	90	78	89
Completed in FY	31	37	54	70
<b>Balance, end of FY</b>	<b>57</b>	<b>53</b>	<b>24</b>	<b>19</b>

Source: OSMRE Data for States and Tribes system (DST) FY 2019

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

OSMRE coordinates closely with Indian Tribes through the regulatory process. The Federal trust responsibility is a legal obligation under which the United States has charged itself with moral obligations of the highest responsibility and trust toward Indian Tribes. OSMRE ensures that the lands and trust

resources of federally-recognized Tribes and their members are identified, conserved, and protected. In fulfilling these responsibilities, OSMRE operates within a government-to-government relationship with Indian Tribes.

Table 4 provides inspection and enforcement data for the Federal and Indian Lands Program during FY 2019.

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

State/Tribe	Inspections			Violations	
	Partial	Complete	Total	Notice of Violations	Cessation Orders
Tennessee	493	360	853	20	2
Washington	16	6	22	0	0
<b>States Total</b>	<b>509</b>	<b>366</b>	<b>875</b>	<b>20</b>	<b>2</b>
Crow Tribe	14	8	22	0	0
Hopi Tribe	0	1	1	0	0
Navajo Nation	34	26	60	1	0
Ute Tribe	5	3	8	0	0
<b>Tribes Total</b>	<b>53</b>	<b>38</b>	<b>91</b>	<b>1</b>	<b>0</b>

Source: Inspections from OSMRE Data for States and Tribes systems (DST) FY 2019. Violation data from OSMRE Inspection and Enforcement Tracking System (I&E) FY 2019

**c. OSMRE Responsibility on Federal Lands**

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

As part of the Federal Lands program, OSMRE conducts environmental impact analysis in accordance with the National Environmental Policy Act (NEPA). OSMRE consults and coordinates, as applicable, with State Historic Preservation Offices, the Fish and Wildlife Service, the Bureau of Land Management (BLM), the U.S. Forest Service (USFS), the National Park Service, the Environmental Protection Agency, and the U.S. Army Corps of Engineers, as well as with State regulatory authorities.

Processing of mining plan decision documents constitutes the largest part of the workload under this program activity. Moreover, OSMRE is the regulatory authority for mining on Federal lands in States which have not entered into a cooperative agreement. As an example, BLM is working with a company to lease Federal coal for extraction via underground mining methods under a National Forest in Arkansas.

Currently, Arkansas does not have a cooperative agreement with OSMRE to regulate coal mining on Federal lands. Therefore, if BLM issues a lease in Arkansas, OSMRE becomes responsible for issuing the Federal lands permit. After permit issuance, OSMRE will conduct regular regulatory inspection activities.

This request includes \$1,465,000 and 10 FTE for the Federal Lands program.

Table 5 provides projected mining plan decision document workload data.

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

<b>Mining Plans and Modifications to Existing Mining Plans</b>		
<b>Activity</b>	<b>FY 2019 Actual</b>	<b>FY 2020 Projected</b>
In progress (prior FY)	6	8
Anticipated Submissions (current FY)	7	8
Total FY workload	13	16
Completed in FY	5	8
<b>Balance, end of FY</b>	<b>8</b>	<b>8</b>

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

**4. Program Development and Maintenance**

Work elements under this program are primarily related to policy actions, such as rulemaking, grants management and special studies that support the other program activities in the environmental protection business line. This request provides \$5,424,000 and 35 FTE.

**a. Rulemaking**

OSMRE issues Federal rules and prepares the associated information collection clearance packages. Functions under this program activity include rule development and preparation of environmental assessments, environmental impact statements, and cost benefit analyses for rules prepared by OSMRE.

Prior to and during the development of a proposed rule, OSMRE involves the public and interested parties. This stakeholder participation results in improved regulatory proposals. OSMRE also maintains the administrative record for rules and coordinates rule publication with the Office of the Federal Register. OSMRE had several rulemakings in progress at the time the President issued his *Regulatory Freeze Pending Review* memorandum on January 20, 2017. The primary rulemaking activity for OSMRE at publication of this document deals with State programs.

Rulemaking Associated with State Programs: OSMRE assists States with development, administration, implementation, and maintenance of their approved regulatory programs. Decisions to approve or disapprove State program amendments are Federal rulemaking actions. OSMRE evaluates State-initiated program changes (statutory, regulatory, or changes in the program’s provisions, scope, or objectives), as well as OSMRE required modifications that are a result of legal interpretations or changes to SMCRA and Federal regulations. In its evaluation, OSMRE solicits public comments through proposed rules published in the Federal Register, holds public meetings, maintains the administrative record, approves or does not approve proposed State program amendments, and publishes the decisions as final rules in the Federal Register.

During FY 2019, OSMRE completed activity on 17 State program amendments, as summarized in Table 6.

**Table 6 – FY 2019 State Program Amendment Activity  
Number of Amendments**

<b>Amendment Type</b>	<b>Pending Oct. 1, 2018</b>	<b>Received FY 2019</b>	<b>Completed FY 2019</b>	<b>Pending Sept. 30, 2019</b>
Pre-Submission Assistance	5	7	8	4
Formal	41	7	9	39
<b>Total</b>	<b>46</b>	<b>14</b>	<b>17</b>	<b>43</b>

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

**c. Grants Management**

OSMRE supports and participates in the Administration’s E-Government initiative, and Health and Human Services’ government-wide electronic grants application system (Grants.gov). OSMRE is currently using DOI’s Financial and Business Management System (FBMS) financial assistance module for internal processing of all grant and cooperative agreement transactions. OSMRE and the State/Tribal grantees cooperate to maximize the use of available funding and operate an effective program. This cooperative working relationship contributes to a streamlined application and awards process, faster obligation of Federal funds, innovative program monitoring, less paperwork, and intensive reporting and close-out of grants. OSMRE will transition to GrantSolutions in FY 2020.

**d. Special Projects**

OSMRE's special projects include interpretation of SMCRA, reports to Congress, legislative analyses, and assistance in response to litigation. OSMRE also conducts studies and analyses in response to Departmental initiatives, and coordinates with other DOI bureaus and Federal agencies whose activities can affect the surface coal mining regulatory program. Such agencies include the Fish and Wildlife Service (Endangered Species Act), Advisory Council on Historic Preservation (National Historic Preservation Act), EPA (Clean Water Act, Resource Conservation and Recovery Act, and others), Army Corps of Engineers (Section 404 of the Clean Water Act permits), Mine Safety and Health Administration, and the Small Business Administration (Small Business Regulatory Enforcement Fairness Act). OSMRE will continue to streamline the NEPA process for consistency with DOI guidelines and policies in compliance with Secretarial Order 3355. In addition, OSMRE will continue the development and implementation of a Biological Opinion for Title V of SMCRA by completing a formal programmatic consultation with the Fish and Wildlife Service.

## **ENVIRONMENTAL PROTECTION**

### **2020 Planned Program Performance**

In FY 2020, the planned activities in the Environmental Protection program activity include:

- OSMRE will continue its oversight steering committee with State Regulatory Authorities to discuss impediments to meaningful and effective oversight including revising current OSMRE oversight directions.
- Continued review of the formal Tribal primacy submission from the Navajo Nation and assistance to the Navajo Nation Minerals Department with their primacy presentation to the Navajo Nation Council.
- Continue the review of informal submissions from the Crow and Hopi Tribes.
- Review the formal Tennessee primacy submission and assist the Tennessee Department of Environment and Conservation with development of its program.
- Complete six mining plan decision documents on Federal lands including associated environmental effects analysis in compliance with the National Environmental Policy Act (NEPA).
- Complete analyses, assembly and submission of 15 information collection clearance packages to OMB for renewed approval per Paperwork Reduction Act of 1995 (PRA) requirement.
- OSMRE will monitor the implementation of Kentucky's program amendments related to its bonding program for effectiveness through oversight studies and monitoring.
- Achieve the goals for performance measures identified in the Goal Performance Table for this business line, and engage youth by providing educational and employment opportunities to young adults in fields associated with surface coal mining regulation and reclamation.

### **2019 Program Accomplishments**

In FY 2019, the major accomplishments in the Environmental Protection program activity included:

- Implemented the Federal and Indian Lands Programs; conducted 404 complete and 562 partial inspections, and completed 63 permit revisions.
- States performed 23,530 complete mine inspections and 38,242 partial inspections to ensure coal mines are operated safely and in accordance with environmental laws.
- OSMRE continued to promote utilization of the Forestry Reclamation Approach (FRA), with 70 percent of all trees planted on FRA prepared areas. A total number of 4,447,721 trees were planted during FY 2019 with 3,123,940 utilizing FRA on 5,635 acres.
- Completed five mining plan decision documents recommending approval of the mining plan modification including the preparation of eight environmental assessments analyzing the environmental effects of the mining plan modification in compliance with NEPA.
- Completed analyses and received OMB approval for 16 information collection clearance packages per PRA requirement.
- OSMRE completed a significant review and revision of the Oversight of State and Tribal Regulatory Programs (REG-8) and the Ten-Day Notices (INE-35) directives in collaboration with IMCC and the state regulatory authorities. The result is more clarity and consistency in how oversight is conducted, inspections made, and citizen complaints are received and reviewed.
- Initiated two Action Plans with Pennsylvania Department of Environmental Protection. One is to establish a new time table for completion of its responsibilities to have permits forfeited under the previous alternative bonding system, reclaimed. Alternative Bonding System permits with land reclamation needs, and post mining pollutional discharges are in the action plan, which follows up on a program amendment. The other action plan is to establish and update reclamation plans and schedules for inactive coal refuse disposal permits. The Action Plans will help assure reclamation of bond forfeited permits, and improve Pennsylvania's coal mining regulatory program, and reclamation of dormant permits.
- Completed a joint study of the methods used to predict final elevations of post underground mine pool elevations in Pennsylvania. Based on study findings, Pennsylvania Department of Environmental Protection modified its methodology to enable more accurate predictions, thus improving ability to prevent post mining pollutional discharges, and also enable coal companies to mine all the coal reserves they can, without the risk of long term environmental damage requiring costly treatment. Based on the results of this study, a TIPS class is being developed for predicting final mine pool elevations.

TAB  
Technology Development &  
Transfer

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## TECHNOLOGY DEVELOPMENT AND TRANSFER

### Technology Development and Transfer Budget Request

(Dollars in Thousands)

	2019 Actual	2020 Enacted	2021				Change From 2020 (+/-)
			Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2021 Request	
<b>Regulation and Technology</b>	<b>12,801</b>	<b>14,765</b>	<b>+229</b>	<b>-</b>	<b>-1706</b>	<b>13,288</b>	<b>-1,477</b>
Technical Assistance	10,232	10,668	+141		-347	10,462	-206
<i>FTE</i>	52	48			-	48	-
Training	1,949	2,004	+56		-	2,060	+56
<i>FTE</i>	12	19			-	19	-
Technology Transfer	620	2,093	+32		-1,359	766	-1,327
<i>FTE</i>	9	11			-	11	-
<b>Abandoned Mine Reclamation Fund</b>	<b>3,544</b>	<b>3,576</b>	<b>+43</b>	<b>-</b>	<b>-11</b>	<b>3,608</b>	<b>+32</b>
Technical Assistance	1,585	1,617	+20		-11	1,626	+9
<i>FTE</i>	9	7			-	7	-
Training	794	794	+20		-	814	+20
<i>FTE</i>	5	7			-	7	-
Technology Transfer	1,165	1,165	+3		-	1,168	+3
<i>FTE</i>	1	1			-	1	-
<b>Total, Technology Development and Transfer</b>	<b>16,345</b>	<b>18,341</b>	<b>+272</b>	<b>-</b>	<b>-1,717</b>	<b>16,896</b>	<b>-1,445</b>
<b>Total FTE</b>	<b>88</b>	<b>93</b>			<b>-</b>	<b>93</b>	<b>-</b>

Note: 2019 FTE figures reflect actual usage.

Fixed Costs of \$272,000 in pay related items.

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

<b>Request Component</b>	<b>(\$000)</b>	<b>FTE</b>
Applied Science Projects	-470	
Coal Information Management System	-358	
GeoMine/AMDTreat	-889	
<b>TOTAL Program Changes</b>	<b>-1,717</b>	<b>-</b>

The Technology Development and Transfer program supports technical skills that States and Tribes need to operate their programs. In FY 2021, OSMRE provides resources for technical assistance, training, technology development, and technology transfer.

**Justification of 2021 Program Changes**

**Applied Science Projects (-\$470,000):** No new funding is requested for this activity. OSMRE will continue to invest in applied science projects, or studies, advanced technologies and practices specific to coal mined sites for more comprehensive ecosystem restoration in FY 2021 with available carryover funds.

**Coal Information Management System (-\$358,000):** Development and testing of the Coal App application within the Coal Information Management System is expected to be completed in FY 2020.

**GeoMine/AMDTreat (-\$889,000):** No new funding is requested for these activities. Enhancements are expected to be completed in FY 2020.

## OVERVIEW

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

**TECHNOLOGY DEVELOPMENT & TRANSFER  
ENCOMPASSES:**

Technical Assistance  
Technical Training  
Technology Transfer

In FY 2020 and FY 2021, OSMRE will continue to promote, to the extent possible, the use of Technical Innovation and Professional Services (TIPS) in technical decision-making processes related to SMCRA. OSMRE will address the remediation of acid mine drainage through participation in the Acid Drainage Technology Initiative and finalize changes and provide training and technical assistance to meet identified needs of States and Tribes.

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

**Operational Process (Program Activities):** The TDT program activities enhance the technical skills that States and Tribes need to operate their regulatory and reclamation programs in order to more effectively implement SMCRA. These program activities are an integral part of accomplishing Environmental Restoration and Environmental Protection to achieve OSMRE's goals and outcomes.

OSMRE provides technical assistance and training to OSMRE staff, and States and Tribes on a variety of topics. To solve problems related to the environmental effects of coal mining, OSMRE provides multidisciplinary technical assistance, and works with industry, States, Tribes and the public on new or unique technical challenges or problems. Other technical assistance efforts include the TIPS, the Applicant Violator System (AVS), and Coal Information Management System (CIMS). OSMRE also established an intergovernmental team, the National Technology Transfer Team (NTTT), to provide direction, communication, and coordination of efforts related to technology transfer and development. This team is permanent and will continue throughout FY 2020 and FY 2021. New technologies, changes in regulations, and staff turnover necessitate the need for continued technical training. OSMRE provides this required training through the National Technical Training Program (NTTP). Technology transfer is a major part of OSMRE's cooperative effort with States and Tribes.

The outcome of TDT program performance is ultimately measured by the success of the regulatory and

reclamation programs in carrying out their environmental restoration and protection missions. In addition, performance for the business line is measured through the number of staff technically trained (including knowledge and skills taught and applied), the utilization of automated technologies (such as TIPS), and the quality and timeliness of technical assistance provided by OSMRE, determined via evaluations and customer service surveys.

**Actions Required to Achieve Annual Goals:** In FY 2021, OSMRE plans for continued improvements in this business line. The NTTP, TIPS, the National Mine Map Repository (NMMR), and AVS will increase access to users by continuing to provide material via the Internet and supporting the Administration's E-Government initiative. In addition, the NTTP and TIPS will continue to work with technical leadership to provide direction, communication, and coordination efforts related to technical issues and studies.

**Resources, Skills, and Technology Needed:** An ongoing goal for FY 2021 is to continue ensuring States, Tribes, and OSMRE have the best available technical data and information needed to make good science-based decisions regarding mining plans, reclamation project design, permit reviews, and acid mine drainage remediation and prevention. To implement the surface mining regulatory and reclamation programs, OSMRE, as well as the States and Tribes, must maintain multi-disciplinary staffs that are fully competent in addressing a wide variety of technical issues that affect these programs.

The total FY 2021 request for this business line is \$16.9 million. The request includes \$12.1 million for Technical Assistance (including the TIPS and AVS support); \$2.9 million for Technical Training; and \$1.9 million for Technology Transfer efforts to meet the annual goals set forth above.

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

## **2021 PROGRAM PERFORMANCE**

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

OSMRE's stakeholders (States, Tribes, the public, and industry) continue to express support for Technology Development and Transfer efforts and encourage OSMRE to provide the types of technical support needed to effectively and efficiently meet SMCRA, the National Environmental Policy Act, and other environmental and safety laws. Helping the States, Tribes and industry achieve up-front compliance will reduce the need for additional regulatory resources. The TDT program area described in the following pages represents those activities where OSMRE staff provides direct technical support and ongoing efforts in other business lines. Many activities not yet conducted in FY 2020 will identify the needs for activities in FY 2021. In addition, adjustments in activities may be necessary during FY 2020 and FY 2021 in order to focus resources on the highest priority program needs. Therefore, the discussions are representative of the types of activities that will be conducted in the future.

### **1. Technical Assistance**

This program activity provides assistance to State and Tribal regulatory and reclamation staff, and to OSMRE staff that review and monitor State programs, develop rules or policy, litigate SMCRA challenges or enforcement actions, or maintain other technical support infrastructure such as TIPS, AVS, and technical training programs. The \$12,088,000 requested for FY 2021 will fund 55 FTE to carry out these activities.

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

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

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

OSMRE specialists provide technical assistance to State and OSMRE regulatory and reclamation policy staffs. The areas of assistance include rulemaking, citizen complaint investigations, review of offsite impacts, guideline development, State program amendments, State mining permit evaluation, and AML problem evaluation. It also deals with blasting policy, prime farmland reclamation, geomorphic

reclamation, soil substitution, placement of coal combustion residue, reclamation bonding sufficiency and bond release, threatened and endangered species, restoration of mined land with native vegetation, land unsuitability determinations, and participation as technical experts on interagency committees. Additionally, the assistance includes acid mine drainage (AMD) prevention and remediation, acid and toxic forming materials handling, surface and groundwater dewatering, stream and underground mine flooding, mountaintop mining and valley fills; permit findings, remining, impoundment stability, subsidence caused by underground mining, and assistance in fostering Tribal primacy by helping Tribes develop technical capabilities.

Examples of activities for FY 2020–FY 2021 include:

**Blasting:** Annually, OSMRE facilitates discussions between State and Federal blasting specialists to foster a better understanding of blasting issues and technology that result in consistent defensible application of blasting rules, National certification of blasters, and resolution of citizen complaints. To achieve these goals in FY 2019, OSMRE conducted State-specific blasting inspection training, utilized Excel tools to predict and evaluate the adverse effects of blasting, maintained the OSMRE Blasting webpage, hosted monthly Blasting Technical Chat conference calls (15-20 participants monthly), facilitated State regulatory discussions at State coordinated workshops, and responded to numerous State inquiries for technical information and advice.

OSMRE continues to issue OSMRE Blaster Certificates (recognized by many States for certificate/license reciprocity), provide continuing education for blasters, and maintain the Blaster Certification Tracking System (BCTS), used to track Federally certified blasters. Currently, 49 blasters possess OSMRE Blaster Certificates in the Federal and Indian Lands Program, in the States of Tennessee and Washington and in the Navajo and Crow Nations, respectively. In addition, OSMRE facilitates discussions of the Appalachian Blaster Certification Delegation (ABCD) whose aim is to standardize training, experience requirements, and testing of blasters and coordinates the ABCD Blasting Inspectors' Workshop. The goal of the ABCD is to develop consistent certification procedures and enforcement actions for blasters, the only other entities besides permit holders that OSMRE and the states regulate.

In FY 2020 and FY 2021, OSMRE will continue to help the States address technology issues related to the use of explosives. Included will be support for new products, new design techniques, interpretation of seismic and acoustic monitoring information, the proper deployment of blasting seismographs, consistent development of blasting plans, blast area security assurances, establishing safe vibration limits, control of flyrock, minimization of blast fumes, and proper record keeping. Blaster certification programs will continue to be supported to ensure adequate training, improved work experience opportunities, consistent testing, and uniform certificate issuance and reciprocity across the Nation. Support will also continue at National continuing education events that provide technological and regulatory updates to blasters in need of continuing education credits. To ensure that OSMRE continues to promote the best technologies currently available, OSMRE will also assist the International Society of Explosives Engineers' Standards Committee develop and maintain performance and field deployment standards for blasting seismographs and participate on the National Fire Protection Association's Technical Committee on Explosives that develop standards on the safe use of explosives.

Dam Safety Program: OSMRE's Dam Safety program has achieved notable accomplishments through implementation of newer standards of oversight to help reduce the probability of dam leaking or breaks. OSMRE's Dam Safety Team is comprised of Regional Dam Safety Representatives and OSMRE's Dam Safety Officer. The team works to review current regulations, directives, guidelines and other mechanisms to ensure that current best practices are employed.

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

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

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

OSMRE will continue to participate in the Mine Drainage Technology Initiative (MDTI) (formally known as Acid Drainage Technology Initiative (ADTI)) in FY 2020 and FY 2021. MDTI is a collaborative effort among Federal agencies, industry, State environmental agencies, academia, and the National Mine Land Reclamation Center to promote communication and technology enhancement in the fields of emerging mine water issues, particularly AMD, selenium and specific conductance prediction, prevention and treatment, and biological impacts.

AMDTreat Software: AMDTreat is a computer application developed by OSMRE that is the industry standard for estimating long-term treatment costs for polluted mine water drainage, commonly referred to as acid mine drainage (AMD). Users include watershed associations, regulatory and abandoned mined land state programs, environmental groups and industry located in over 40 States and across 40 countries. As a result, most Appalachian States rely on AMDTreat to help support various aspects of their regulatory and abandoned mine land programs. For example, Pennsylvania Department of Environmental Protection requires operators and permit reviewers to use AMDTreat to calculate or substantiate treatment costs for all 217 long-term discharges covered by 54 bonds and 68 trust funds. The fact that AMDTreat has been used to calculate and substantiate in excess of \$400 million of treatment liability in Pennsylvania is a testament to the importance of the software in supporting State programs.

Since FY 2016, OSMRE has invested over \$614,000 on a cooperative project to update the computer coding and enhance treatment modules of AMDTreat, completing all 16 modules in Phase I of the project as of the end of FY 2019. Coding for Phase II of the project has been competitively bid and awarded. Phase II work includes 6 advanced treatment modules and 17 tools, along with a report utility and help function. Phase II work will continue through FY2020 and into FY2021 with an estimated completion date of April 2021. The cooperative effort to perform the recoding and enhancement includes OSMRE, the United States Geological Service (USGS), and the regulatory authorities of Pennsylvania and West Virginia.

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

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

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

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

OSMRE specialists assist in the technical aspects of compliance monitoring (including inspection and enforcement assistance), experimental practice reviews, reclamation cost estimate calculation, bond release application reviews, bond approval reviews, bond forfeiture reclamation designs, land unsuitability determinations, surveying, revegetation, geologic sampling, AML designs, subsidence and AMD abatement, and any technical assistance on citizen complaints and ten-day notices. The following are examples of the types of assistance provided to States and Tribes.

The Wilds Ohio Mine Drainage and Impoundment Assessment, Ohio: OSMRE is working cooperatively with The Wilds, a 9,000-acre park that fosters numerous rare and endangered species from around the world. The focus of this work is to remove a series of AML impoundments and to develop passive treatment systems to treat legacy acidic, metal-laden mine drainage. Encompassing much of the northern portion of the park are numerous abandoned, poorly constructed impoundments with degraded mine water posing safety hazards. Ohio Department of Natural Resources, Division of Water Resources plans to remove several hazardous dams that were created decades ago when the site was surface mined (pre-law). The Wilds requested our technical support to determine the hydrologic impacts (mainly quality) that might occur once the dams are removed. Initially, an overall assessment was conducted of the water

quality both in the impoundments and in receiving streams. Based on what was learned, OSMRE was able to discern the impact removal would cause by the construction of low maintenance passive treatment systems developed to manage the numerous mine drainage sources. One of the larger impoundments known as “Dead Lake” has been targeted as the first impoundment to be dewatered and a treatment system is under design to handle the mine drainage. Several options are being developed to allow The Wilds to select the one(s) that best suit their long-term objectives.

West Virginia and OSMRE Cooperative Assistance Plan: OSMRE scientists are working with West Virginia Department of Environmental Protection (WVDEP) to gather measurements of turbidity, temperature, Specific Conductance, and TSS in streams located within watersheds of known threatened and endangered crayfish presence. Major tributaries will be monitored for sediment-loading contributions from coal mining activity and other anthropogenic activities. Coal-mining facilities will be evaluated, directly, by bracketing permitted areas and through direct deployment of monitors to assess contributions from sediment control structures.

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

OSMRE activities conducted in FY 2019 included design and oversight of the construction and operation of an emergency dewatering system to prevent catastrophic failure of the impoundment embankment. Additional efforts included installation of flow monitoring equipment (flumes) and water sampling of the primary mine drainage sources, and hydrologic/hydraulic analysis of the impoundment drainage area to enable completion of conceptual designs of the outlet/spillway. As part of the planned actions, it was determined that multiple utilities exist within the site including pressurized natural gas lines and a non-potable water line for nearby gas well pads. Planned activities for FY 2020 include completion of conceptual designs of the principal and emergency impoundment outlets/spillways, reclamation of coarse and fine coal refuse areas, and design of a complex passive treatment system for the multiple mine drainage sources, along with other continued support to PADEP.

Sediment Impacts to Receiving Streams with Threatened and Endangered Crayfish Species, West Virginia: OSMRE is working in cooperation with the WVDEP to ascertain the impacts of sediment on stream habitat of the recently listed as threatened or endangered Guyandotte and Big Sandy crayfish. Water quality and flow measurements are being collected in response to precipitation events and are being augmented by continuous in-stream monitoring with data turbidity logging meters. The study will determine the origin(s) of the sediment and if existing erosion and sedimentation controls used by the mining operations and approved by the WVDEP are effective in protecting these species. The effort will assist the WVDEP to better manage mine sites to minimize impacts to habitats where threatened and endangered crayfish live.

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

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

Germantown AML Passive Treatment System Design and Performance Evaluation, Missouri: During FY2019, Missouri Department of Natural Resources Land Reclamation Program (MDNR-LRP) requested assistance for the post-construction operation and monitoring of six AMD passive treatment systems constructed at the Germantown AML site in western Missouri. OSMRE assisted in the site investigation, design and construction of these facilities between 2016 and 2018. Operational enhancements are ongoing which will improve AMD remediation in this large 4 square mile site.

Monahan AML Passive Treatment System Design, Kansas: Kansas Department of Health and Environment (KDHE) requested OSMRE to review an engineering proposal for the Monahan AML project site and for UAS flights over the project site to showcase the project before/during/post construction. Water sampling may also be conducted during OSMRE's next visit as part of a rare earth element study.

Illinois AML Emergency Assistance: Technical support was provided to the Illinois Land Reclamation Division (LRD) concerning Illinois AML Emergency - Oleander Mine Shaft Collapse 2018 Phase III. Substantively, the project involves remediating the partial collapse of a vertical mine shaft having caused a large diameter hole to form that threatens public safety including nearby high speed railroad tracks. Adding to the complexity of the project is that the manner and completeness in which the shaft was previously filled in unknown and, very thick overburden comprised of unconsolidated glacial outwash materials that are highly mobile. Under such conditions an extremely large hole can rapidly form with

little or no advanced warning. Investigative techniques and stabilization design were established collaboratively and implemented successfully.

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

In FY 2019, OSMRE continued evaluating numerous mine water treatment facilities in West Virginia, Virginia, Pennsylvania, Kentucky, and Tennessee. Approximately 21 active permit sites in Tennessee are being evaluated by OSMRE and technical support has been provided for the long-term treatment liability of perpetual mine water discharges. Upon request, operators have provided mapping of the permit area including treatment facilities, water quality and flow data, and long-term costs for O&M of the existing treatment facilities. Based on the information provided by the operator, OSMRE evaluates the current treatment approach and provides suggested improvements or new treatment technologies along with the associated capital and annual (O&M) costs for each mine discharge. In Tennessee, OSMRE uses the establishment of long-term financial assurances financed by the operator to provide perpetual funding for the O&M and capital improvements of mine water treatment facilities. OSMRE has provided technical assistance in the form of conceptual passive treatment system layouts for four different civil penalty sites with perpetual mine water discharges. The passive treatment systems at each site either have been constructed or are currently under construction through contracts administered by OSMRE.

In FY 2019, OSMRE provided technical assistance to Pennsylvania Department of Environmental Protection (PADEP) and Virginia Department of Mines, Minerals, & Energy related to existing passive treatment systems for mine water discharges that are not functioning as intended. OSMRE personnel conducted site visits, sampled waters within each system to evaluate performance, measured flows, conducted flow tracer tests, and reviewed information provided by the agencies related to the engineering design and historic water quality and flow data. Based on all of this information OSMRE is able to provide the respective agency with recommendations and, where applicable, an improvement plan to rebuild the entire system or replace specific components of a system to improve the treatment effectiveness and minimize future issues. Specifically, OSMRE recommended improvements to an existing passive treatment system at the Flight 93 Memorial, Monastery Run and Shade Creek in

Pennsylvania in order to improve collection of the mine water and the passive treatment system components to improve the receiving streams.

Kittanning Run Image Processing Assistance, Pennsylvania: The PADEP Bureau of Abandoned Mine Reclamation requested technical assistance from OSMRE to process existing scanned aerial photographs to create a composite aerial image related to the hydrology of Kittanning Run.

Engineering Evaluations, Analyses, and Investigations: OSMRE continues to provide engineering support to OSMRE field offices and State regulatory authorities in support of SMCRA. Field investigations and recommendations are provided to assist with citizen complaints, Ten-Day Notices, and Deficiency Letters. Site investigations are performed to obtain field data to support engineering evaluations and analyses for slurry impoundments, oversight studies, and off-site impacts resulting from mining activities. Engineering support is provided through evaluations of design calculations, slope stability analyses, soil mechanics, surface water hydrology, seepage analyses, erosion and sediment control, cost estimating, and the preparation of Engineering Reports. OSMRE is currently providing engineering assistance on the following projects in West Virginia, Tennessee, and Kentucky: Slurry impoundments requiring engineering assistance to address staging issues and slope stability concerns for upstream construction and a proposed downstream buttress. Evaluation of proposed remediation plans continued throughout FY 2019. OSMRE also provided engineering support by evaluating engineering aspects of two experimental practices involving highwall retention which involve long term rock stability concerns.

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

In FY 2020, OSMRE is celebrating the 50<sup>th</sup> Anniversary of the National Mine Map Repository (NMMR). NMMR was authorized under the former U.S. Bureau of Mines and subsequently transferred to OSMRE in the mid-1980s. This repository, located in Pittsburgh, Pennsylvania, maintains the only National inventory of mine maps and includes more than 178,000 abandoned coal and non-coal underground mines from throughout the United States. These maps, and the associated information, are used to fulfill customer requests for unique information that can range from rare maps for small projects to National collections for large interstate infrastructure projects such as high speed rail or electricity transmission lines. The maps bring great value to any project that depends on knowing the subsurface conditions of the earth for infrastructure design or public safety projects. Underground voids resulting from past mining have the potential to induce subsidence damage to homes, businesses, infrastructure, and to endanger underground miners. NMMR customers include State regulatory and reclamation staff, local government agencies, developers, engineering and mining companies, architects, universities, law firms, insurance companies, environmental consultants, pollution control boards, realtors, law-enforcement agencies, historical societies, drilling companies, and homeowners. The NMMR also provides scanning of mine maps for its clients; these maps are then placed into the NMMR archives. Receipts from the sale of maps and charges for NMMR research services are minimal and support the program.

The NMMR continues to pursue the acquisition, digitizing, geo-referencing and archiving of mine maps located throughout the United States. During FY 2019, OSMRE significantly increased collection of Texas, Kentucky, Pennsylvania, West Virginia, and Idaho mine map scans. Through this effort, the

NMMR increased the archives by scanning 616 new mine maps. New software has been purchased to enable timelier scan processing and greater accessibility of maps in the collection. During FY 2019, the NMMR received 173 client requests consisting of 5,409 mine maps.

**d. Coal Information Management System (CIMS)**

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

In FY 2018, Release 1 of the electronic permit system (ePermit), an application within the CIMS suite of tools, was developed, tested, underwent final development, and was deployed for OSMRE's Federal Programs in the western United States. Release 2 of ePermit was completed in FY 2019, is currently operational and provides enhanced capability to meet the needs of the Federal Programs in the western United States and the State of Tennessee. In FY 2020, the Coal App, another application within CIMS, will be developed and tested. This application will track permitting and enforcement timeframes, issue assignments, and report on permit, bond, and enforcement information. The MTDEQ version of Coal App is complete and undergoing beta testing. The Federal Programs version of Coal App is currently under development and will refine the MTDEQ version to meet the specific needs of the Federal Programs.

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

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

TIPS is a National program that continues to research and apply emerging technologies to SMCRA

workflows. Currently, TIPS assistance consists of providing commercial software applications and hardware to State, Tribal, and OSMRE offices at considerable cost savings by sharing the commercial licenses for the software via the Internet and OSMRE Wide Area Network. The 27 commercially available software applications cover a wide range of regulatory and AML subjects. The customer base covers over 90 State, Tribal, and OSMRE office locations throughout the country – about 2,000 users.

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

Demand for TIPS tools and support continues to increase, especially in geospatial data, and mobile computing tools for field use. TIPS is offering more on-site training to accommodate the use of mobile computing devices by inspectors. Mobile computing allows inspectors to be more efficient in the field in resolving issues with primacy State staff and industry. TIPS software users in States, Tribes and OSMRE logged into TIPS core software servers to check out licenses to aid in the permitting process and achieve abandoned mine land reclamation.

Examples of TIPS related activities include:

GeoMine Project (Geographic Information System): A new web interface for GeoMine was released to the public in 2019. This new version of GeoMine integrated new data layers from State and Federal governments and was redesigned to work with new web browsers. In FY 2019, OSMRE continued to collaborate with the DOI Cloud team to host GeoMine geospatial data services through a secure, FedRAMP-approved vendor.

GIS Mobile Computing: In FY 2019, OSMRE continued the use of tablets and smartphones that can display and collect geospatial data while at the mine site. The base data for the systems comes from GeoMine allowing field personnel to display data along with their Global Positioning System (GPS) location. Data collected in the field is synchronized to the GIS server and was made available to anyone in the OSMRE network via a web map.

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

Emerging Technology Testing (Survey123 Forms): Survey123 is a simple and intuitive form-centric data gathering application that makes creating, sharing, and analyzing surveys or geospatial dataset possible in just few steps. Survey123 forms are designed to answer questions; geo point locations, select from prepopulated answers, show more options based on previously answered question, take geo tagged pictures, and record other useful attributes. The forms can be submitted as completed in realtime or later at the user's convenience. The data generated from Survey123 can be used in other GIS Apps or software platforms such as ArcMap, ArcGIS Pro, Global Mapper, AutoCad, and more.

Emerging Technology Testing (Photogrammetry, Cloud-based Data Processing and Ground-Based LiDAR Scanners): Photogrammetry software has been utilized successfully to create fully rendered surface models taken from satellites, manned aircraft, unmanned aircraft, and ground-based imagery. Cloud-based data processing of data and imagery is being piloted through the DOI GeoPlatform to realize efficiencies of server-side processing of large datasets. Ground-based Light Detection and Ranging (LiDAR) scanners are also being used in conjunction with these photogrammetric models to allow for accurate surface modeling for enforcement and reclamation design. In FY 2019 most SMCRA States had adopted or were in the process of setting up programs to make use of these systems and the variety of sensors.

ArcGIS Online: In 2019, the ArcGIS Online web mapping system continued to be available to SMCRA States. Twenty-seven States are participating in the web mapping system allowing States and OSMRE to share geospatial data. In 2019 adoption of this web mapping platform for Title IV and Title V projects continued to grow with over 450 individual users.

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

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

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

The purpose of the AVS is to serve as a database for all ownership and control, and violation history for all owners and controllers of permitted coal operations across the country. The AVS assists the SRAs with the required background checks to ensure no owner or controller, or AML contractor, with unabated violations receives a permit. The AVS produces a report that outlines the current O&C information and violation activity for each owner, controller, and/or entity associated with a coal mine permit. SRAs then use these evaluations to assist in their determination of coal mining permit issuance or denial and

authorities to proceed for AML projects.

During FY 2019, the AVS Office processed over 600 requests for data evaluations from State and Federal regulatory authorities and State abandoned mine land program officials to assist in identifying permit and AML-project eligibility problems.

In FY 2019, the AVS Office also facilitated the collection of \$8,349,896 from entities trying to remedy unabated Federal civil penalty and reclamation fee violations tracked in the AVS.

In line with the Department's intent in pursuing IT efficiencies, the AVS's virtualized database uses Cloud infrastructure services from a third-party contractor. In FY 2020, the AVS office is reviewing proposals to continue the cloud-based hosting service for the AVS. This effort will secure a long-term environment for the AVS and ensure the hosting environment meets all federal and Department IT requirements.

Also in FY 2020, the AVS will begin the process of modernization. An enhancement project in FY 2019 is intended to increase the system's functionality, improve reliability, and correct some of the known issues of the system. While the enhancement project made certain aspects of the AVS more user friendly, it has exposed other system functionality issues. To avoid concerns with system inoperability, the modernization effort will continue with an expected contractual obligation in late FY 2020. The development and testing team will include OSMRE staff and State users to develop the final product.

The AVS office will continue to work with system users throughout the modernization process to identify and implement system improvements during FY 2020. To ensure that customers can continue to rely on accurate data, and a stable IT environment, in support of their efforts with implementing section 510(c) of SMCRA, OSMRE's AVS staff will continue to conduct data studies in FY 2020 and FY 2021. These studies will ensure data contained in the AVS is accurate, timely, of high quality and in accordance with applicable regulations and data standards.

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

Customer surveys are used to document the responsiveness of AVS services provided to its customers. During FY 2019, the AVS Office received a customer satisfaction rating of 98 percent with a returned survey rate of 55 percent. OSMRE attributes the high 98 percent customer service rating to a shared conviction by all AVS staff that responding to customers' needs in a timely manner is a high priority

## **2. Technical Training**

Technical Training provides OSMRE, State, and Tribal staff the necessary information and skills to

implement the surface mining reclamation and enforcement program. This request includes

\$2,874,000 and 26 FTE for this program activity. The various training program components are explained below.

**a. National Technical Training Program**

OSMRE established the National Technical Training Program (NTTP) in 1985, recognizing the need for an ongoing educational program to increase the technical competence and professionalism of Federal, State, and Tribal personnel. The program delivers training related to permit approval, bond release, reclamation, and enforcement. The training serves to build and update technical expertise and fosters consistent application of standards. Training is provided in each of the disciplines involved in implementation of SMCRA, which include chemistry, geology, engineering, hydrology, blasting, agronomy, and botany.

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

Meeting Office Specific Needs of Mining and Reclamation Staff through Special Sessions: In addition to regularly scheduled FY 2019 courses, NTTP presented a special session on Bonding: Cost Estimation-91, held in New Stanton, PA with 25 students.

Course Enhancements: The Bonding: Cost Estimation course was enhanced through the update of course curriculum and presentations. Additionally, work was undertaken to update the handbook for calculation of reclamation bond amounts. The AML Realty and AML Design Workshop: Dangerous Highwalls courses were revised to provide course participants with updated course and presentation materials. The Acid Forming Materials: Fundamentals & Applications course underwent an update and eliminated redundancy of training materials, creating an improved sequential course addressing the needs of the course participants.

Plans for FY 2020 and FY 2021: NTTP received 1,631 requests for spaces in FY 2020, and anticipates it will receive additional requests for special sessions during the year. To keep travel costs down and to provide the maximum experience of field conditions most like those that students work in, courses will be scheduled as close to home offices as possible in both FY 2020 and FY 2021. In FY 2019, courses were held in 23 locations in 10 States.

Annual Program Planning to Identify Training Needs: Each spring, OSMRE conducts a Training Needs Survey for the upcoming fiscal year to determine the training needs of the almost 2,000 State and Tribal regulatory and reclamation staff, as well as over 400 OSMRE regulatory and reclamation staff. NTTP analyzes the annual survey results to determine if there is sufficient interest to justify a course, and if so, how many sessions of the course are needed. Students are assigned to classes that are closest to their office to minimize travel costs and to provide students with field experience most similar to their geographic working conditions. The number of requests for courses usually exceeds the number that NTTP can offer. Students who are not assigned to classes are put on a waiting list. Those on the waiting

list are notified 30 days prior to class if space becomes available. To address changing on-the-ground needs, NTTP staff continues to work with offices to meet subject specific needs that arise subsequent to the annual needs survey. To assure that students are receiving the latest technical and programmatic information, NTTP continually reviews courses based on student, supervisor, and instructor feedback, and revises or add courses accordingly in consultation with the NTTP Steering Committee.

Course Revisions: FY 2020 and FY 2021 course revisions are planned for Advanced NEPA, Wetlands Awareness, Applied Engineering Principles, Erosion and Sediment Control, Passive Treatment and Historical and Archeological Resources, Quantitative Hydrology, and SMCRA and ESA.

On Line Program Planning: FY 2020 and FY 2021 planning includes development for on-line components of the Coalfield Communication course.

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

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

In FY 2019, the TIPS training program received a customer satisfaction rating of 98 percent, exceeding the annual GPRA goal of 96 percent. Eleven instructor-led classes were held in FY 2019 with 118 students completing class sessions. Additionally, 32 students attended three on-line self-study training classes sponsored by TIPS, bringing the FY 2019 total to 150 students. Two of the 11 on-site training classes were conducted at Kentucky State University's GIS Lab and one was held at a commercial training center in Albuquerque, NM to meet the specific training needs of particular groups of students throughout the SMCRA community. Additionally in FY 2019 and continuing into FY2020, there was course development for a combined NTTP/TIPS class: Mine Pool Predictions Using Global Mapper. In FY 2020, TIPS plans to hold 23 instructor-led classes (including several special sessions: Window Rock, AZ; Jasper, AL; Austin, TX; Ebensburg, PA; and New Stanton, PA), and one on-line training courses. Also, in FY 2020, there are course revisions planned for Aqtesolv, Groundwater Vistas, ArcGIS Pro 200, and course development for Remote Sensing Fundamentals.

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

**c. Regional/Site Specific Training**

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

Kansas GIS Training: Kansas submitted a technical assistance request for basic GIS and mobile computing application training for their two new employees. OSMRE agreed to provide the training. Training Support staff arranged a training session in December 2018 at Kansas' state office in Frontenac, Kansas. Kansas also requested technical assistance and project design review for Emergency backfilling operations intending to remediate pit subsidence having formed in the road surface of a major highway and to prevent future subsidence. The Highway 7 has had reoccurring subsidence problems associated with an underground coal mine having unknown extent. Geophysical investigative techniques and geotechnical solutions were provided the state.

Statewide Blasting Training: West Virginia and Kentucky received specialized blasting training for over 150 inspectors. Until recently, designated blasting specialists conducted blasting inspections. These duties have been transferred to the general inspection staff as a way to manage dwindling resources. The OSMRE-developed State specific training ensures that the inspectors have the knowledge and tools to effectively regulate the blasting aspects of coal mining. The classes were delivered at each state regional office over a period of three months in a way that required inspection frequencies were not impacted by class attendance.

West Virginia Blast Plan Workshop: West Virginia requested a workshop to guide State personnel in consistent and clear statewide development of permit blast plans. Nineteen permit reviewers participated in the workshop that addressed consistent application of the performance standards: preblasting surveys, blasting schedules, warning signals, blast area security, signage, ground vibrations, airblast, flyrock, fumes and blasting records. Blast plans are the primary guide that blasters and inspectors use in the field to achieve safe and compliant blasting.

Site-specific classes allow State, Tribal and OSMRE managers to respond quickly to changing technology and workforce. OSMRE plans to continue providing this specific training in FY 2020 and FY 2021. With rapidly developing technologies in photogrammetry and terrestrial scanning, OSMRE expects the requests for specialized training to increase over the next few fiscal years. As the varying programs acquire their own systems in these fields, training on operation, data collection, processing and using the results in enforcement processes will be essential to the efficient enforcement of SMCRA in coming years.

**3. Technology Transfer**

Technology Transfer is an integral component of OSMRE's Restoration and Protection business lines providing National support to State and Tribal programs. Technology Transfer is accomplished through a variety of activities. This request includes \$1,934,000 and 12 FTE for these activities. State technical representatives meet frequently with OSMRE regional staff to share resources whenever practicable to resolve regional technical issues. OSMRE sponsors or participates in interactive technical forums, computer applications workshops, and technical seminars to address mining and reclamation environmental issues. OSMRE partners with the States, Tribes and industry to develop technology transfer priorities.

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

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

2019 American Society of Mining & Reclamation (ASMR) Conference: OSMRE staff attended the 36<sup>th</sup> annual ASMR conference held on June 3-7, 2019 in Big Sky Resort, Montana. During the event, staff members from several OSMRE offices managed the OSMRE booth. The conference attendance was around 200 and included exhibitors.

2019 National Association of Abandoned Mined Lands (NAAML) Conference: OSMRE staff assisted with the 41<sup>st</sup> annual ASMR conference held September 9-12, 2019 in Pittsburgh Pennsylvania. OSMRE assisted in the planning and execution of this marquee event for the technological transfer of up-to-date information and techniques of mine land reclamation. The conference had over 400 attendees, attracting the largest attendance ever at the yearly event.

#### **a. Technology Development**

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

#### **b. Technology Transfer and Publications**

Technology Transfer is accomplished through a variety of activities including: conducting workshops and technical forums; publication of workshop and forum proceedings, handbooks, and other materials;

maintenance of the OSMRE technical library and various information websites. Examples of activities include:

Reforestation: OSMRE continues its effort to encourage proper reforestation practices to increase the amount of mined land reclaimed as healthy, productive forests. The reforestation initiative effort has resulted in not only increased use of the Forestry Reclamation Approach (FRA), but also technical and policy symposia and a reforestation website to explain the methods and benefits of reforestation. The Appalachian Regional Reforestation Initiative (ARRI) team members give presentations at professional meetings, and the 33-member Science Team (made up of university researchers from across the country and members of the American Bird Conservancy, The American Chestnut Foundation, the U.S. Geological Survey, and the U.S. Forest Service) publish bulletins on state-of-the-art reforestation practices. In August 2019, ARRI brought together landowners, industry representatives, environmental groups, researchers, regulatory personnel, and citizens groups to the 13th annual Mined Land Reforestation Conference in Cambridge, Ohio, to learn about advancements regarding the use of the FRA to reclaim coal mine sites. In FY 2019, ARRI partners organized over 2,600 volunteers to plant approximately 319,000 trees on post-bond release mine sites across Appalachia. The volunteers learned about planting trees using FRA and the positive environmental and economic impacts of forests in their State.

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

Examples of National and regional events that occurred in FY 2019 were OSMRE's participation in the American Society of Mining and Reclamation conference held at Big Sky Resort, Montana and the joint National Association of Abandoned Mine Lands Programs and National Association of State Land Reclamationists conference held in Williamsburg, Virginia. One example of National and regional events that occurred in FY 2019 is OSMRE's presentation at the 2019 National Association of Abandoned Mine Land Program (NAAML) conference held in Pittsburgh, Pennsylvania during the week of September 9, 2019. OSMRE staff presented a paper titled "Abatement of AMD at the Germantown AML site in West Central Missouri." The paper identifies the principle difficulties with implementation of AMD passive treatment systems in the Western Interior Coal Field of the Mid-Western U.S. The paper also provides several promising technologies that have been successfully implemented in the Western Interior Coal Field.

The Appalachian Regions Technology Transfer (ARTT) team sponsored a workshop titled "Water

Treatment Financial Liability Calculation Workshop.” Thirty-four staff with water treatment backgrounds from Appalachian state SMCRA programs attended this workshop held September 24-26, 2019 at the Mine Safety and Health Administration National Mine Health and Safety Academy in Beckley, WV. The workshop centered on the processes States use for identifying and ensuring financial security for treatment of post-mining discharges and discussion of best practices. The ARRT team is considering holding a follow-up workshop for FY 2020.

OSMRE held a workshop on June 4 and 5, 2019, at the same location in Beckley, West Virginia. Twenty attendees from the various Appalachian States discussed current regulatory changes and challenges related to protecting Threatened and Endangered Species (T&E) on active and abandoned mine sites. Topics discussed included species-specific protection measures and coordination with the U.S. Fish and Wildlife Service.

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

### **c. Educational Outreach and Partnerships**

To make the public and students aware of OSMRE’s responsibilities and to create a conservation stewardship legacy, OSMRE staff provides educational outreach to science teachers associations, science classes, educational fairs, Earth Day events, career days, foreign visitors, grassroots organizations, and professional associations and societies. Additional outreach is provided through publications and distribution of forum proceedings. Outreach efforts will continue in FY 2020 with OSMRE’s participation in local activities supporting such events as college and university seminars, high school career days, and primary grade school presentations that provide age-appropriate information and workshops about environmental stewardship and promote careers in science, technology, engineering, and math to over 10,000 students across the country.

OSMRE actively pursued youth engagement in FY 2019 with 14 separate outreach efforts, all involving technical expertise shared with students of all ages from elementary school to college. The number of students reached was well over 1,500. A few of the events involved youth outreach at engineering and chemistry events, science and technology innovation project judging, science and career days at elementary schools as well as Job Shadow days. OSMRE participated in the World Scout Jamboree and demonstrated stream health, acid mine drainage, field geology, and engineering.

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

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

Colleges and Universities (HACU), the Minorities in Agriculture, Natural Resources and Related Sciences (MANRRS), the White House Initiative on HBCU's, and the Society of American Indian Government Employees (SAIGE).

Student Collaborations: Throughout FY 2019, OSMRE staff conducted an ongoing partnership with students from STEM schools providing coursework related to science and engineering activities that are located near OSMRE field offices.

## **TECHNOLOGY DEVELOPMENT AND TRANSFER**

### **2020 Planned Program Performance**

In FY 2020, in addition to activities previously mentioned, the planned activities in Technology Development and Transfer include:

- OSMRE will continue to provide technical assistance to States and Tribes, making use of emerging technologies for field data collection, and in-house information processing capabilities.
- OSMRE is working with the Pennsylvania Department of Environmental Resources, Bureau of Abandoned Mine Reclamation, on the Isabella Mine site to design a passive treatment system to remediate mine drainage discharges, reclaim abandoned coal refuse piles, and partially dewater a large impoundment to prevent flooding of a nearby road and ensure public safety. This project is a combination site with both Title IV and forfeited Title V lands.
- OSMRE is partnering with “The Wilds,” an animal park for rare and endangered species in southcentral Ohio. The 9,000-acre park has large areas of surface mined lands with acidic metal laden discharges and unsafe earthen dam impoundments that originated prior to enactment of SMCRA. OSMRE specialists are working to determine the best means by which to dewater the impoundments and passively treat the mine water. This is a multiyear project with geologists, hydrologist, engineers and GIS specialists involved.
- The OSMRE Blaster Certificate Coordinator will continue to coordinate blaster certificate activities with State personnel, Federal agencies (MSHA, OSHA, and ATF) and professional organizations (International Society of Explosives Engineers, Institute of Makers of Explosives and National Fire Protection Association).
- OSMRE, States, and Tribes will continue to work on development of e-Permitting solutions for their legacy coal permitting systems. Strides have been made on this issue and will continue in FY 2020.
- OSMRE will continue to support State and Tribe coal reclamation and AML programs with direct technical support. OSMRE has multiple requests for use of the terrestrial LiDAR system to develop accurate data models of existing conditions. These data are then used for analysis and reclamation planning. 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.
- NTTP and TIPS will continue to develop course materials and topics that are relevant, useful, technically sound and impressive. Course revisions are planned for six NTTP courses. NTTP and TIPS will continue to recruit instructors from the States, Tribes, and OSMRE who are confident, knowledgeable, and fluent in the subjects presented, articulate in answering questions, thorough, concise, and accurate in presentation methods.

- Issue a solicitation for Applied Science proposals that will help to use science-based solutions to mining and reclamation issues. OSMRE will select the best proposals to achieve the highest valued outcomes. Funded proposals will continue to be tracked to verify value of results.
- Continue to expand partnering opportunities for students and recent graduates in science, technology, engineering, and mathematics. OSMRE staff plan to attend outreach events at several K-12 grade schools and educational organizations. In FY 2020, OSMRE staff will once more participate in the Carnegie Science Center, National Engineer's Week and National Chemistry Week in Pittsburgh, PA. OSMRE staff will attend and participate in the Junior Achievement Career Fair at the Monroeville Convention Center in Monroeville, PA similar to past fiscal years.
- OSMRE is working with West Virginia Department of Environmental Protection to gather measurements of turbidity, temperature, Specific Conductance, and TSS in streams located within watersheds of known threatened and endangered crayfish presence. This effort will monitor major tributaries for sediment-loading contributions from coal mining activity and other anthropogenic activities. Coal-mining facilities will be evaluated to assess contributions from SMCRA required sediment control structures and reclamation areas. OSMRE commenced this study in 2019 and will continue it during 2020.
- Serve customers needing information for our National Mine Map Repository (in FY 2019 NMMR served 173 clients).
- In FY 2020, the AVS Office is undertaking two contracting efforts; one to provide a cloud-based hosting environment for the AVS, a second to modernize the AVS. The modernization effort will re-design the AVS due to its outdated IT architecture and programming language.
- OSMRE will host a workshop in the spring of 2020 to provide additional technical assistance and technology transfer related to long-term water treatment financial liability concerns. This will be a follow up to a similar workshop held by OSMRE in FY 2019.

## 2019 Program Accomplishments

In FY 2019, in addition to accomplishments previously mentioned, the major accomplishments in Technology Development and Transfer include:

- Provided blasting technical assistance including:
  - State specific blasting inspection training for over 200 employees and continuing education training for over 500 certified blasters across the Nation;
  - Maintenance of the ARblast webpage that continues to be one of the most used OSMRE webpages;
  - Monthly “Blasting Technical Chat” conference calls with 15 to 20 participants per month to discuss blasting technology applications in the field;
  - Held a Blasting Inspectors Workshop with participants from six States;
  - Facilitating regulatory discussions at the Appalachian Blaster Certification Delegation meeting; and
  - Responding to numerous inquiries for technical information and advice from the public, States, and other Federal agencies.
  
- Supported the Utah Department of Natural Resources (DNR) with a multispectral sensor. The Utah DNR has been able to use the sensor to create 3D maps of previously mined areas and monitor vegetation growth. Much of the monitoring by the DNR has built on the LiDAR data created in previous years by the OSMRE GIS branch.
  
- Collected LiDAR at the Horizon Mine in Utah, capturing pre-reclamation on the left image (May, 2018) and post reclamation on the right (September 2019) documenting the removal of the road and establishment of drainage and vegetation.



LiDAR images of the Horizon Mine in Utah, before and after reclamation

- Assisted the New Mexico Energy, Minerals and Natural Resources Department (EMNRD) by capturing UAS data over the La Plata mine haul road. OSMRE conducted two separate flights collecting data and demonstrating UAS capabilities for bond release. OSMRE also continues to support the EMNRD with satellite imagery data from both Digital Globe and the European Space Agency.

- Appalachian Region Reforestation Initiative (ARRI) partners organized 2,000 volunteers to plant approximately 200,000 trees on post-bond release mine sites across Appalachia.
- Developed and piloted a TIPS class to teach a popular updated version of software, ArcGIS Pro.
- Completed software development and initial testing for e-permitting, Release 2, which enhances the previous software release by incorporating Federal-specific rules for Federal Program States and Tribes.
- Enhanced the National Mine Map Repository (NMMR):
  - Completed 616 new map scans;
  - Added 5,619 new document numbers to the database consisting of 14,285 mines;
  - Updated and improved 22,875 mine map entries;
  - Produced aperture card backups for 18,000 mine maps;
  - Fulfilled 173 client requests consisting of 1,896 mine maps.
- Conducted a workshop highlighting long-term water treatment financial liability concerns, which was attended by OSMRE technical staff and State members from OH, PA, MD, WV, VA, TN, and KY.
- Conducted a workshop to discuss Threatened and Endangered (T&E) Species, which was attended by OSMRE technical staff and State members from OH, PA, MD, WV, VA, TN, and KY.
- Conducted educational outreach opportunities regarding the OSMRE mission, coal mining and careers in science, technology, engineering, and mathematics for K-12 students across various schools and educational organizations throughout the country.

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Financial Management

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## FINANCIAL MANAGEMENT

### Financial Management Budget Request

(Dollars in Thousands)

	2019 Actual	2020 Enacted	2021				Change From 2020 (+/-)
			Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2021 Request	
<b>Regulation and Technology</b>	<b>505</b>	<b>505</b>	<b>+9</b>	<b>-</b>	<b>-12</b>	<b>502</b>	<b>-3</b>
Revenue Management	410	410	+6		-12	402	-6
<i>FTE</i>	2	2				2	-
Grants Financial Management	95	95	+3			98	+3
<i>FTE</i>	0	1				1	-
<b>Abandoned Mine Reclamation Fund</b>	<b>5,182</b>	<b>5,191</b>	<b>+86</b>	<b>-</b>	<b>-</b>	<b>5,277</b>	<b>+86</b>
Fee Compliance	5,081	5,081	+83			5,164	+83
<i>FTE</i>	34	28				28	-
Grants Financial Management	101	110	+3			113	+3
<i>FTE</i>	1	1				1	-
<b>Total, Financial Management</b>	<b>5,687</b>	<b>5,696</b>	<b>+95</b>	<b>-</b>	<b>-12</b>	<b>5,779</b>	<b>+83</b>
<b>Total FTE</b>	<b>37</b>	<b>32</b>			<b>-</b>	<b>32</b>	<b>-</b>

Note: 2019 FTE figures reflect actual usage.

Fixed Costs of \$95,000 in pay related items.

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

<b>Request Component</b>	<b>(\$000)</b>	<b>FTE</b>
Operational Efficiencies	-12	-
<b>TOTAL Program Changes</b>	<b>-12</b>	<b>-</b>

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

**Justification of 2021 Program Change**

**Operational Efficiencies (-\$12,000):** The FY 2021 budget maintains Financial Management operational activities at FY 2020 levels. The requested funding level reflects operational efficiencies that are expected to be realized from prior investments in financial management technologies.

## **OVERVIEW**

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

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

The Financial Management business line also provides for United Mine Workers of America Fund (UMWAF) Transfers, which involves reviewing the annual transfer request, supporting documentation, audited financial statements, reconciling true-up from prior-year transfers; estimating future interest earnings; preparing various budgetary estimates and projections; and planning annual audit procedures for the unreimbursed health care expenses for coal miners and their dependents.

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

**FINANCIAL MANAGEMENT  
ENCOMPASSES:**  
Fee Compliance  
Grants Management  
Revenue Management  
UMWAF Transfers

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

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

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

In FY 2020 and FY 2021, OSMRE will continue to improve its Coal Fee Collection Management System (CFCMS), which OSMRE uses to process and manage coal reclamation fees, compliance audit findings, and civil penalties. CFCMS supports the continued success of the fee compliance program. OSMRE continually looks for opportunities to automate processes and streamline coal operating company reporting through the consolidated coal data reporting system (Single Source Coal Reporting System). OSMRE will also continue to support State and Tribal program operations through the Grants Management activity. OSMRE has over 209 grants and cooperative agreements with the States and Tribes, accounting for over \$999 million.

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

## 2021 PROGRAM PERFORMANCE

### 1. Fee Compliance

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

OSMRE's Fee Compliance Program carries out the Surface Mining Control and Reclamation Act's (SMCRA) requirements to ensure coal operators accurately report coal production and pay appropriate reclamation fees. The program goal is to maximize compliance by applying policy and collection procedures fairly and consistently at a reasonable cost. This request includes \$5,164,000 and 28 FTE for the Fee Compliance activity.

In FY 2019, OSMRE's Fee Compliance Program achieved a 97.8 percent collection rate resulting in \$147.4 million in total collections. Collections decreased from FY 2018 due to decreased coal production and several coal company bankruptcies. By working closely with the industry, the program achieved a 99.2 percent compliance rate for operators filing their tonnage reports. OSMRE maintained a high percentage of permits that filed Coal Reclamation Fee (OSM-1) Reports electronically, at 84.7 percent in FY 2019. During FY 2019, OSMRE also processed 80.6 percent of the coal reclamation fee reports automatically, and 83.6 percent of payments automatically. Further automation of payment processing is constrained by the inability of some companies to use the Treasury Department's Pay.Gov system.

The Fee Compliance Program is comprised of two highly integrated components – collections and audits – that work hand-in-hand to maximize compliance, minimize the burden on industry, and ensure the efficient use of resources. For example, key initiatives that these components will pursue in FY 2020 include:

- Maintaining the Single Source Coal Reporting (SSCR) system and the Coal Fee Collection Management System (CFCMS).
- Increasing the use of automation in conducting fee compliance audits to further improve efficiency.

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

#### a. AML Fee Collection

The collection component assures that the AML Fee payment requirements of SMCRA are applied consistently and fairly across the country. In FY 2019, OSMRE collected 97.8 percent of the AML Fees due during the year. Total FY 2019 AML Fee collections were \$147.4million.

To assist in managing AML Fee collections, OSMRE utilizes CFCMS. This computerized system

provides subsidiary accounts receivable and management information needed to manage the fee compliance program. CFCMS is integrated with the Applicant Violator System (AVS) to track new permits from initial permitting through fee reporting. CFCMS tracks AML fee payments by permit number of producing coal companies each quarter. In addition, the system issues quarterly OSM-1 coal reclamation fee reports for industry coal sale reporting and fee computation. The reports are available on-line through OSMRE's E-filing website. Permit information is pre-filled and the system automatically calculates the coal reclamation fees due, based on the data entered by the company. For the permits that are not filed on-line, OSMRE mails a paper reporting package.

On average, over 1,076 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 333 companies voluntarily use the E-filing system to report on approximately 911 permits and over 93.8 percent of the coal tonnage produced nationwide. The system significantly streamlines the reporting process, makes it easier for companies to report on time, reduces errors, and makes it easier for OSMRE to follow-up with companies that have not reported. The system also allows companies to make payments online, using the Treasury Department's Pay.Gov payment method. This feature saves companies time and wire transfer costs, while providing OSMRE with timely information about collections for investment purposes.

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

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

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

The audit staff is strategically stationed in locations which minimize travel costs to coal companies' recordkeeping locations. Over 75 percent of the audit staff are remote workers, strategically located to be responsive to program needs while significantly reducing travel and overhead costs. To ensure quality, audits are performed in accordance with Government Auditing Standards issued by the Comptroller General of the United States, and the continuing professional education and training of OSMRE's audit staff is 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. This ensures consistency and fairness in the

application of SMCRA reclamation fee requirements.

With a highly visible and comprehensive audit presence, the small audit staff serves as an effective deterrent to noncompliance. To support the program goal of maximizing compliance, OSMRE auditors will conduct more than 150 reclamation fee compliance audits in FY 2021. In addition to deterrence, audits afford an opportunity to promote up-front compliance by providing direct assistance to the industry on accounting and reporting matters needed to meet their reclamation fee responsibilities. For example, when instances of non-compliance are identified, the auditors thoroughly explain the issues and the corrective actions needed to avoid recurrences.

Auditors also provide several other services necessary to achieve a high level of compliance. The following are a few examples of the work planned for FY 2021.

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

Examining all permit transactions recorded by regulatory authorities: The audit staff will need to review more than 1,200 newly issued coal mining permits and transactions (transfers and amendments), which can affect the parties responsible for paying fees. In FY 2019, the staff handled 1,199 permit transactions. By continuing these efforts, the program provides significant assurance that all producing permits are identified in a timely manner, and operators are informed of their reporting and payment responsibilities.

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

Promoting E-government: OSMRE's audit staff has been instrumental in the successful implementation of various E-government efforts. During FY 2021, the audit staff will continue to promote electronic tonnage reporting and fee payment by demonstrating how the systems work for companies during audits and notifying OSMRE's collection staff of those interested in enrolling in E-filing and Pay.Gov.

Coordinating work with the Internal Revenue Service (IRS): OSMRE will continue working with the IRS to ensure the fee compliance and coal excise tax compliance programs function together more efficiently. SMCRA requires OSMRE to forward audit results to the IRS and both agencies coordinate issues affecting the industry. Overall, there also will be a continued emphasis on improving compliance and customer service in FY 2021 and beyond.

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

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

	2019 Actuals	2020 Projections		2021 Projections	
		EIA	OSMRE	EIA	OSMRE
Production*					
Underground	267	267	259	244	240
Surface	405	370	379	365	374
Lignite	56	56	52	53	49
AML Fees **	\$147.4	\$141.6		\$137.6	

*\*The projections are based on calendar year (CY) projections made by the Department of Energy's (DOE) Energy Information Administration (EIA) Annual Energy Outlook 2019, Reference Case Forecast, Table 67 (Coal Production by Region and Type). OSMRE tonnage uses the last reported production (Fiscal Year 2019) and then increases or decreases that value based on the percentage increase or decrease in DOE production for each coal type. The OSMRE projections are usually lower because AML fees are assessed on the tonnage sold, used, or transferred while the DOE figures are based on the tonnage produced.*

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

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

Fiscal Year	Receipts and Interest Income			Appropriations			Transfer To UMWA Health & Retirement Funds	Cumulative Appropriated Balance	Cumulative Unappropriated AML Fund Balance
	Amount	Interest Earned	Cumulative	Amount Appropriated from AML Fund	Footnote	Appropriations from Other Sources			
1978-99	4,984,248	472,032	5,456,282	3,819,485	/1,/2,/3	17,363	192,886	4,012,370	1,443,912
2000	274,297	94,369	5,824,949	195,873	/4		108,960	4,317,203	1,507,745
2001	284,044	103,496	6,212,489	215,038	/5		182,019	4,714,260	1,498,228
2002	287,066	43,278	6,542,833	203,455	/6		90,179	5,007,894	1,534,939
2003	282,555	23,620	6,849,007	190,499	/7		89,858	5,288,251	1,560,756
2004	287,023	45,695	7,181,725	190,591			14,967	5,493,809	1,687,916
2005	293,604	75,017	7,550,347	188,206			66,533	5,748,548	1,801,798
2006	302,992	95,687	7,949,025	185,248			59,004	5,992,800	1,956,225
2007	304,880	105,818	8,359,723	185,393			114,329	6,292,522	2,067,201
2008	286,272	83,764	8,729,759	139,334	/8		100,394	6,532,251	2,197,508
2009	272,764	55,465	9,057,988	142,977	/9		61,224	6,736,452	2,321,536
2010	251,784	55,193	9,364,964	177,502	/10		63,926	6,977,881	2,387,083
2011	259,935	54,881	9,679,781	185,649	/11		57,246	7,220,777	2,459,004
2012	249,725	54,789	9,984,295	247,595	/12		48,430	7,516,802	2,467,493
2013	213,675	36,634	10,234,603	237,544	/13		54,789	7,809,135	2,425,468
2014	202,872	34,928	10,472,403	206,726	/14		12,359	8,028,220	2,444,183
2015	197,973	29,426	10,699,802	208,403	/15		31,803	8,268,426	2,431,376
2016	158,807	32,175	10,890,784	202,356	/16		29,109	8,499,891	2,390,893
2017	159,499	33,922	11,084,205	171,873	/17		32,140	8,703,904	2,380,301
2018	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	141,625	51,309	11,688,621	153,300			37,132	9,452,770	2,235,851
2021	137,641	12,187	11,838,449	161,500			35,939	9,650,209	2,188,240
/1 FY 1988 total does not include \$7M transferred into the fund by supplemental authority, which does not affect the Unappropriated Balance.									
/2 FY 1994 total includes \$7.2M transferred into the fund by supplemental authority, which does not affect the Unappropriated Balance.									
/3 FY 1998 total does not include \$3.2M transferred into the fund by supplemental authority, which does not affect the Unappropriated Balance.									
/4 FY 2000 total includes one-time \$68M emergency appropriation, as well as the annual appropriation of \$41M.									
/5 FY 2001 total includes annual amount of \$102.9M, as well as \$81.6M of the one-time \$96.7M mandated under PL 106-291.									
/6 FY 2002 total includes annual amount of \$113.6M, less \$23.4M returned by UMWACBF trustees mandated under PL 106-291.									
/7 FY 2003 total includes annual amount of \$56M as well as \$33.8M mandated under PL108-7.									
/8 FY 2008 total includes annual amount of \$52M as well as \$87.4M mandated under PL 109-432.									
/9 FY 2009 total includes annual amount of \$52M as well as \$90M mandated under PL 109-432.									
/10 FY 2010 total includes annual amount of \$35.5M as well as \$141.9M mandated under PL 109-432.									
/11 FY 2011 total includes annual amount of \$35.5M as well as \$150.1M mandated under PL 109-432.									
/12 FY 2012 total includes annual amount of \$27.4M as well as \$220.2M mandated under PL 109-432.									
/13 FY 2013 total includes annual amount of \$27.4M as well as \$210.1M mandated under PL 109-432.									
/14 FY 2014 total includes annual amount of \$27.4M as well as \$179.3M mandated under PL 109-432.									
/15 FY 2015 total includes annual amount of \$27.4M as well as \$181.0M mandated under PL 109-432.									
/16 FY 2016 total includes annual amount of \$27.3M as well as \$175.1M mandated under PL 109-432.									
/17 FY 2017 total includes annual amount of \$27.2M as well as \$144.7M mandated under PL 109-432.									
/18 FY 2018 total includes annual amount of \$24.7M as well as \$207.8M mandated under PL 109-432.									
/19 FY 2019 total includes annual amount of \$24.7M as well as \$200.7M mandated under PL 109-432.									

Notes:

- Annual figures for FY 1978-1999 are displayed in the FY 2015 Budget Justification, Table 9.
- FY 2020 and FY 2021 figures on this table are estimates. Projected interest is based on known investments earnings that will be paid out in FY 2020 and FY 2021.
- AML Fund balances in this table are as of September 30, 2019, 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, 2019.
- 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 Fiscal Year 2020 AML Grant Distribution reports will vary slightly and include the amounts collected and interest earned in the AML Fund as of November 30, 2019, rather than the Federal fiscal year end of September 30, 2019.
- Sequestered funds are included in the annual amounts appropriated from the AML fund and not part of the unappropriated balance. AML Funds sequestered pursuant to 2 USC 901(a) remain unavailable for distribution and the statute requires those funds be accounted for in a separate account.

## **2. Grant Financial Management**

This activity accounts for and disburses reclamation and regulatory grants to States and Tribes under OSMRE's Environmental Restoration and Environmental Protection business lines. The Grant Financial Management activity includes the disbursement, accounting, reporting, and recovery of grant funds. This request includes \$211,000 and two FTE for Grant Financial Management.

Most Abandoned Mine Reclamation Fund (AML) grant activity was made mandatory, and no longer part of OSMRE's discretionary budget, by the amendments to SMCRA enacted at the beginning of FY 2007. Starting in FY 2008, OSMRE has calculated grant distribution based on the amendments to SMCRA included in Public Law 109-432.

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

Table 9 on the following page details the AML Unappropriated Balance as of September 30, 2019, by a description of its allocation.

**Table 9 – AML Unappropriated Balance**

**Office of Surface Mining  
AML Unappropriated Balance  
September 30, 2019  
Prepared by the Division of Financial Management**

**Total Funds to be Allocated: \$2,233,348,093.78**

Description of Allocation	Balance as of 10/01/18	LESS: 2019 Appropriation/ Distribution	LESS: 2019 Treasury Funds	LESS: 2019 UMWBF Transfer <sup>3/</sup>	Post Appr. & Trans. Balance	Investment Int. 10/01/18-9/30/19	Collections for 10/01/18-9/30/19	Balance As Of 9/30/19
Federal Expense <sup>1/</sup>	\$364,284,714.28	(\$43,071,305.00)	\$0.00	\$0.00	\$321,213,409.28		\$29,517,982.50	\$350,731,391.78
Historic Coal <sup>2/</sup>	\$1,617,047,017.67	(\$155,140,159.00)	\$109,801,804.64	\$0.00	\$1,571,708,663.31		\$44,276,973.75	\$1,615,985,637.06
Investment Interest	\$153,598,554.54	\$0.00	\$0.00	(\$54,321,455.78)	\$99,277,098.76	\$59,335,285.04	\$0.00	\$158,612,383.80
<b>Total Fed Share <sup>3/</sup></b>	<b>\$2,134,930,286.49</b>	<b>(\$198,211,464.00)</b>	<b>\$109,801,804.64</b>	<b>(\$54,321,455.78)</b>	<b>\$1,992,199,171.35</b>	<b>\$59,335,285.04</b>	<b>\$73,794,956.25</b>	<b>\$2,125,329,412.64</b>
<b>Total State Share</b>	<b>\$171,387,859.81</b>	<b>(\$27,208,636.00)</b>	<b>(\$109,801,804.64)</b>	<b>\$0.00</b>	<b>\$34,377,419.17</b>		<b>\$73,641,261.97</b>	<b>\$108,018,681.14</b>
<b>Total</b>	<b>\$2,306,318,146.30</b>	<b>(\$225,420,100.00)</b>	<b>\$0.00</b>	<b>(\$54,321,455.78)</b>	<b>\$2,026,576,590.52</b>	<b>\$59,335,285.04</b>	<b>\$147,436,218.22</b>	<b>\$2,233,348,093.78</b>

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

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

3/ \$54,321,455.78 is the amount transferred at the beginning of FY 2019 to the United Mine Workers Benefit Fund and the 1992 Benefit Plan for estimated expenses in FY 2019 and for adjustments to actual expenditures in FY 2017.

### **3. Revenue Management**

The FY 2021 budget request includes \$404,000 and two FTE for the Revenue Management program activity. The Revenue Management activity involves managing a variety of non-fee revenues and receivables that come from the agency's operations. These include the following:

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

Civil penalty collections are used to reclaim post-SMCRA mine sites. During FY 2019, the amount of recorded civil penalties more than doubled from FY 2018 (from \$1,852,817 to \$4,853,552), due largely to coal operator bankruptcies.

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

Additionally, delinquent civil penalties are reported to the Applicant Violator System (AVS) to preclude violators and debtors from obtaining permits to mine coal until the outstanding debt and violations have been resolved. These are the same tools used in the AML Fee collection program. However, because the majority of the companies that incur AML Fees are viable, the collection rate for AML Fees is higher than the collection rate for civil penalties.

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 Health Benefit Plans (UMWAF) Transfers**

While not considered a separate OSMRE program activity, the transfers to the UMWAF activity 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. The process involves reviewing the UMWAF annual transfer requests, the annual UMWAF financial statements audit reports, and true-up calculations from prior-year transfers. It also entails estimating future interest earnings; preparing various budgetary estimates, projections and transfer requests for funding from the Treasury; and

planning annual audit procedures to provide reasonable assurance that the transfers conform to the authorizing legislation and General Accountability Office principles.

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

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

During FY 2020 and 2021, OSMRE will process the UMWAF transfer requests for the three UMWAF health plans, providing funding for an estimated 53,899 beneficiaries, and to the 1974 UMWA Pension Plan. OSMRE will work with the UMWAF's external auditors to plan the testing of selected internal controls and utilize existing audit work where practical. OSMRE will also work to implement recommendations from the Department of the Interior's Inspector General to provide additional assurances that transfers conform to the authorizing legislation. The transfer requests for FY 2019, 2020 and 2021 are outlined in Table 10 below. The FY 2020 transfers include required retroactive transfers to the 1974 UMWA Pension plan for FYs 2017, 2018, and 2019

**Table 10 – UMWA Transfer Requests**

<b>Health Benefit Plan / Pension Plan</b>	<b>Fiscal Year Transfer Amounts</b> <i>(Dollars in Millions)</i>		
	<b>2019 Actual</b>	<b>2020 Actual</b>	<b>2021 Projected</b>
Combined Fund including the Reachback Provision	\$ 46.8	\$ 50.6	\$ 49.2
1992 Plan	\$ 40.0	\$ 50.0	\$ 62.2
1993 Plan	\$ 192.6	\$ 261.8	\$ 296.0
1974 UMWA Pension Plan	-	\$1,600.2	\$ 328.8
<b>Total – All Plans</b>	<b>\$ 279.4</b>	<b>\$1,962.6</b>	<b>\$ 736.2</b>
<b>Funding Sources</b>			
• AML Fund Interest	\$ 54.3	\$ 37.1	\$ 31.4
• Treasury Funds	\$ 225.1	\$1,925.5	\$ 704.8

## **FINANCIAL MANAGEMENT**

### **2020 Planned Program Performance**

In FY 2020, OSMRE will maintain a high rate of fee compliance. To help ensure that results continue to be achieved efficiently, OSMRE will:

- Look for opportunities to create efficiencies in the fee accounting and collection processes.
- Continue to promote electronic payments and E-filing.
- Continue to support the financing and accounting of the AML and Regulation and Technology Grants to States and Tribes.
- Process transfer requests from the UMWAF totaling \$283.4 million to provide funding of unreimbursed health care expenses for an estimated 40,899 coal miners and their dependents.
- Continue to analyze the reasonableness of the UMWAF transfer and work to implement Office of the Inspector General recommendations to improve the oversight of the UMWAF transfer process.

### **2019 Program Accomplishments**

In FY 2019, the major accomplishments in the Financial Management program activity include:

- Collected \$147.4 million in coal reclamation fees resulting in a collection rate of 97.8 percent on quarterly coal reclamation fees.
- Maintained an E-filing enrollment rate of 84.7 percent of the active reporting permits, which are reported electronically through OSMRE's internet-based reporting system.
- Processed automatically 83.6 percent of quarterly fee payments, or 2,336 fee payments.
- Processed automatically 80.6 percent of coal reclamation fee reports.
- Continued to analyze investment opportunities to maximize earnings on the Abandoned Mine Reclamation Fund.
- Processed transfer requests from the UMWAF totaling \$279.4 million and provided funding of unreimbursed health care expenses for an estimated 41,848 retired coal miners and their dependents.
- Implemented seven Office of the Inspector General recommendations to improve the oversight of the UMWAF transfer process.

TAB

Executive Direction &  
Administration

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## EXECUTIVE DIRECTION AND ADMINISTRATION

### Executive Direction and Administration Budget Request

(Dollars in Thousands)

	2019 Actual	2020 Enacted	2021				Change From 2020 (+/-)
			Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2021 Request	
<b>Regulation and Technology</b>	<b>13,936</b>	<b>13,936</b>	<b>-34</b>	<b>-</b>	<b>-909</b>	<b>12,993</b>	<b>-943</b>
Executive Direction	2,054	2,054	+44		-128	1,970	-84
<i>FTE</i>	<i>17</i>	<i>15</i>			-	<i>15</i>	-
Administrative Support	3,575	3,575	+88		-	3,663	+88
<i>FTE</i>	<i>30</i>	<i>30</i>			-	<i>30</i>	-
General Services	8,307	8,307	-166		-781	7,360	-947
<i>FTE</i>							
<b>Abandoned Mine Reclamation Fund</b>	<b>6,466</b>	<b>6,466</b>	<b>-19</b>	<b>-</b>	<b>-449</b>	<b>5,998</b>	<b>-468</b>
Executive Direction	910	910	+21		-66	865	-45
<i>FTE</i>	<i>9</i>	<i>7</i>			-	<i>7</i>	-
Administrative Support	1,846	1,846	+42		-	1,888	+42
<i>FTE</i>	<i>15</i>	<i>14</i>			-	<i>14</i>	-
General Services	3,710	3,710	-82		-383	3,245	-465
<i>FTE</i>							
<b>Total, Executive Direction</b>	<b>20,402</b>	<b>20,402</b>	<b>-53</b>	<b>-</b>	<b>-1,358</b>	<b>18,991</b>	<b>-1,411</b>
<b>Total FTE</b>	<b>71</b>	<b>66</b>			<b>-</b>	<b>66</b>	<b>-</b>

Note: 2019 FTE amounts reflect actual usage.

Fixed Costs changes of -\$53,000 include increases for pay related items (+\$195,000) and worker's compensation (+\$5,000), and decreases in the DOI working capital fund adjustments (-\$94,000) and GSA rental rates (-\$159,000).

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

<b>Request Component</b>	<b>(\$000)</b>	<b>FTE</b>
Transfer Ethics Program to Solicitor	-194	-
General Program Activities	-1,164	-
<b>TOTAL Program Changes</b>	<b>-1,358</b>	<b>-</b>

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

**Justification of 2021 Program Change**

**Transfer Ethics Program to Solicitor (-\$194,000):** The Bureau’s Deputy Ethics Counsellor was reassigned to the Department of the Interior’s Office of the Solicitor in FY 2020. The position was funded out of the OSMRE FY 2020 budget through a reimbursable support agreement. OSMRE’s FY 2021 budget is reduced to offset an increase to the Office of the Solicitor’s budget to allow direct funding of the position in FY 2021.

**General Program Activities (-\$1,164,000):** The FY 2021 budget maintains Executive Direction and Administration operational activities at FY 2020 levels. The requested funding levels reflects operational efficiencies that are expected to be realized in the General Services sub-activity as a result of prior year investments to improve service delivery and effectively support high priority work activities in the other business activities.

## OVERVIEW

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

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

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

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

The performance of the Executive Direction and Administration business line's activities is an integral component of OSMRE's Environmental Restoration and Environmental Protection mission goal areas; and the Technology Development and Transfer and Financial Management support functions. OSMRE supports the Department's current Strategic Plan Mission Goal of Conserving Our Land and Water.

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

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

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

**FY 2021 Budget Request:** The request is for \$19.0 million for Executive Direction and Administration activities. Of this total, \$2.8 million will be used to provide executive direction and effective policy guidance for the overall program and liaison efforts with States, Tribes, coalfield citizens, Congress, and other Federal agencies. Administrative support and services for OSMRE will require \$5.6 million, and basic bureau-wide fixed overhead costs in general services will cost \$10.6 million.

## **2021 PROGRAM PERFORMANCE**

### **1. Executive Direction**

This activity provides executive direction and leadership, and policy and program management guidance for all areas of responsibility for OSMRE. The Executive Direction activity includes the salaries and operating expenses for the Office of the Director and four immediate staff offices, which include Equal Opportunity; Communications; Planning, Analysis, and Budget; and the Information Resources Office. The request includes \$2,835,000 and 22 FTE for Executive Direction.

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

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

In FY 2020 and FY 2021, OSMRE will continue outreach efforts, which promote public participation in policy making. The arena for such participation includes public meetings on proposed rulemakings and conferences, which promote discussion and exchange of information on the current state of the coal industry and OSMRE's evolving role. OSMRE will continue to take positive steps to collaborate with States, Tribes, citizens, other stakeholders, and industry and encourage their participation.

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

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

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

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

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

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

**c. Office of Communications (OC)**

OC shares information about OSMRE programs, policies, and activities with the public, Congress, State regulatory agencies, the coal industry, citizen groups, and the media. OC facilitates requests for information from the news media, Congress and the public, and manages official Bureau correspondence. OC also coordinates OSMRE's annual reclamation awards that recognize excellence in reclaiming active and abandoned mines.

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

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

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

OPAB performs nationwide planning, program analysis, and budgetary functions for OSMRE. The Office ensures the integration of organizational performance measures onto the budget process and coordination of Bureau-wide efforts supporting the Foundations for Evidence-Based Policymaking Act of 2018. OPAB's major functions include:

- Supports the development of OSMRE's and the Department of the Interior's strategic plans;
- Collects, reviews, and reports annual regulatory and reclamation program accomplishment data;
- Analyzes trends in domestic coal production and reclamation progress;
- Carries out formulation, presentation, and execution of OSMRE's budget; and
- Coordinates internal control and other program assessment reviews, in accordance with Executive Orders and Departmental initiatives.

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

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

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

In addition, the IRO manages all aspects of OSMRE's information management flow to ensure government transparency, accuracy, and responsiveness to information requests. OSMRE continues to

develop a comprehensive information management capability that includes meeting the requirements for a responsive and compliant Privacy Act Program awareness and loss-mitigation strategy, responding to Freedom of Information Act requests, and a Federal Records Act (FRA) compliant Records Management Program.

## **2. Administrative Support**

This program includes the administrative functions necessary to support the program activities of OSMRE. The specific functions are included in four areas: Administration, Human Resources, Administrative Financial Management, and Information Technology. This request includes \$5,551,000 and 44 FTE to support these support activities.

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

### **a. Administration**

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

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

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

The Division of Administration is responsible for providing guidance to ensure OSMRE meets its competitive sourcing goals. The Division of Administration provides guidance in the completion of the annual Federal Activities Inventory Reform (FAIR) Act Inventory to identify all functions throughout OSMRE and their designation as either inherently governmental or commercial in nature. The Division of Administration also maintains a presence on the Departmental Acquisition Special Interest Group (SIG) as an active member to ensure OSMRE acquisition needs and requirements are met.

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

**b. Human Resources (HR)**

The Division of Human Resources (HR) develops and implements policies, standards and systems for the effective use of human resources to accomplish the overall mission of OSMRE. Specifically, the human resources program provides managers and employees with advice and technical assistance on the full range of human resources programs in accordance with OSMRE, DOI, OPM, and other Federal policies and guidelines. HR provides processing and record keeping on recruitment, staffing and hiring; conducts position classification and organizational analysis; and administers pay and compensation programs for general schedule and senior executive service positions. The Division 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. HR Operations rely on automated systems such as USA Staffing talent management system, the Federal Personnel and Payroll System (FPPS), Employee Express, and DOI Talent Learning Management System (LMS). 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: Human Resources, in conjunction and cooperation with OSMRE's Office for Equal Opportunity, continues to expand recruitment of the number of women, minorities, and persons with disabilities identified in under-represented occupations. Efforts to hire veterans are an integral part of this expanded recruitment effort as authorized under recent Executive Orders as well. OSMRE promotes workforce diversity and continues to improve and strengthen human capital process and tools to attract highly skilled applicants in support of building a 21st Century workforce.

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

Performance Management: OSMRE's current performance management process is labor intensive for supervisors and human resources. DOI plans to roll 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.

Employee Relations: OSMRE is committed to preventing harassment in the workplace. This is an agency priority. OSMRE's new Conduct, Accountability, Respect, Employees (C.A.R.E.s) Anti-Harassment program will improve accountability, communications, and transparency to ensure a workplace free from

harassment. OSMRE will deliver targeted training and employee relations consultation service to managers and employees.

**c. Administrative Financial Management**

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

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

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

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

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

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

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

### 3. General Services

This funding activity includes essential fixed costs to support OSMRE's program missions. No personnel or operational activities are funded by this component. The costs are estimates for FY 2021 and reflect estimated Departmental fixed cost changes from FY 2020 levels and known future plans, including field office closures, co-location, space reduction, anticipated contracting efficiencies, and investment in technologies and systems to yield additional efficiencies in the future.

Table 11 shows projected the General Services costs by category for FY 2020 and FY 2021.

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

Line Item	2020 Request	2021 Estimate	Estimated Change 2020 – 2021
Rent and Utilities	5,118,000	4,959,000	-159,000
Telecommunications	300,000	300,000	
Postage	10,000	10,000	
DOI Working Capital Fund	2,182,000	2,088,000	-94,000
DOI Program Requirements	145,000	145,000	
Unemployment Compensation	6,000	6,000	
Worker's Compensation	133,000	138,000	+5,000
Bureau-wide Printing/Supplies	272,000	272,000	
Service Contracts	170,000	170,000	
GSA Work Authorizations	5,000	5,000	
Operational Support Contracts/IT Shared Services (Quickhire, Quicktime, Enterprise Service Network, software licenses, etc.)	3,676,000	2,512,000	-1,164,000
<b>Total</b>	<b>12,017,000</b>	<b>10,605,000</b>	<b>-1,412,000</b>

## **EXECUTIVE DIRECTION AND ADMINISTRATION**

### **2020 Planned Program Performance**

In FY 2020, planned activities in the Executive Direction and Administration program activity include:

- Initiate a mass website modernization project to consolidate and reorganize content and migrate it into a content management system to improve overall OSMRE user experience.
- Create an online, Plain Language glossary of commonly used OMSRE terms.
- Training - Continue to utilize training as a strategy to increase cultural competencies, reduce the number of EEO complaints filed, and conduct civil rights reviews on Federal assisted and Federally conducted programs.
- Improve the availability of self-guided videos and instructions through a single application.
- Space – Continue to review opportunities to reduce OSMRE’s leased space footprint and expenditures.
- Acquisition – Continue to review opportunities to improve oversight of OSMRE’s acquisition functions.
- Property – Continue to improve the quality of Financial and Business Management System (FBMS) asset record data.
- Demonstrate Acquisition Category Management Capability for OSMRE’s IT Equipment Procurement.
- Budget and Performance Management – Continue to enhance the bureau’s performance management program through a newly developed standard operating procedure for collected and reporting performance data and by regular review of and improvements to program performance measures.
- Support DOI’s Financial Audit Statements for FY 2019 and FY 2020.
- Continue to improve the delivery and accessibility of financial information.
- Capital Planning and Investment Control (CPIC) – Conduct required evaluations for all IT programs and major investments.
- Information Management and Technology (IMT) – Continue to provide component-level IMT services and mission system support while supporting DOI IMT initiatives to include deployment

of DHS Continuous Diagnostic and Mitigation (CDM) capabilities consistent with applicable rules and regulations.

- Continue to provide administrative support across the bureau to enable mission success in the other four business lines (Environmental Restoration, Environmental Protection, Technology Development and Transfer, and Financial Management).
- Develop “Dashboards” to monitor key programmatic and administrative performance metrics.
- Identify OSMRE’s “labor intensive” administrative activities, and evaluate appropriate regulatory, policy and technology solutions.

### **2019 Program Accomplishments**

In FY 2019, the major accomplishments in the Executive Direction and Administration program activities include:

- Finalized OSMRE Directive IT-3 (Digital Media Policy) to outline official use of digital media platforms.
- Officially launched a new employee intranet site to improve access to OSMRE and DOI information and services.
- Launched OSMRE C.A.R.E.s (Conduct Accountability Respect Employees) program to ensure that harassment in the workplace is reported, addressed, and eliminated, timely and appropriately.
- Published FY 2018 AML Pilot Project report on [the OSMRE internet page](#).
- Published updated NEPA Handbook and Federal Assistance Manual on [the OSMRE internet page](#).
- Exceeded DOI and OSMRE performance goals in the Interior Readiness (I-READ) assessment of the Bureau’s Emergency Management Program.
- Reduced OSMRE undelivered orders by 52% through the deobligation of unused fiscal resources and making them available through other priorities.
- 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 99.9 percent prompt pay on vendor payments.
- Capital Planning and Investment Control (CPIC) – Completed required evaluations for all IT programs and major investments.
- Provided educational and employment opportunities to youth in the areas of communications, budget, information technology, auditing, and general administration.
- Supported DOI’s Audited Financial Statements for FY 2018 and FY 2019.

TAB

Permanent Appropriations

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## **PERMANENT APPROPRIATIONS**

### **ALLOCATIONS TO STATES AND TRIBES TRANSFERS TO UNITED MINE WORKERS OF AMERICA HEALTH BENEFIT PLANS AND THE 1974 UMWA PENSION PLAN INVESTMENTS TO ADDRESS IMPORTANT LEGACY COSTS IN COAL COUNTRY**

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

The Bipartisan American Miners Act of 2019 (P.L. 116-94, Division M) further amends the SMCRA to provide additional health benefits to eligible beneficiaries paid directly by employers in the bituminous coal industry defined in section 9701(b)(1) title 26 or a related coal wage agreement that would be denied or reduced as a result of bankruptcy proceedings commenced in 2018 and 2019. Additionally, the Act increases the annual limitation on funds available from the Treasury from \$490 million to \$750 million, and specifies that any amounts available under the new limitation after making the mandatory payments to States and Tribes and the transfers to UMWA Health Benefits Plans will be transferred to the 1974 UMWA Pension Plan. The increase to the annual limitation and requirement to transfer balances to the 1974 UMWA Pension Plan was made effective for fiscal years beginning September 30, 2016 by the Act, requiring that retroactive transfers be made for fiscal years 2017, 2018, and 2019.

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

<b>Permanent Appropriation</b>	<b>2019 Actuals</b>	<b>2020 Enacted</b>	<b>2021 Estimates</b>	<b>Change from 2020 to 2021 Proposed</b>
<b>Payment (or Grants) to States in Lieu of Coal Fee Receipts (U.S. Treasury Funds)</b>	<b>103.0</b>	<b>42.3</b>	<b>45.2</b>	<b>+2.9</b>
• In Lieu Payments to Certified States and Tribes	103.0	42.3	45.2	
<b>Mandatory Grants to Noncertified States (AML Fund)</b>	<b>188.3</b>	<b>128.6</b>	<b>136.8</b>	<b>+8.2</b>
• State and Tribal Share	25.5	24.4	25.7	
• Historic Coal Share	145.5	82.3	87.7	
• Min Program Make Up	17.3	21.9	23.4	
<b>Subtotal- Payments to States and Tribes*</b>	<b>291.3</b>	<b>170.9</b>	<b>182.0</b>	<b>+11.1</b>
Payments to UMWA Health Benefit Plans (AML Fund Interest)	54.3	37.1	31.4	-5.7
Supplemental Payments to UMWA Health Benefit and Pension Plans (Treasury Funds)	225.1	1,925.5	704.8	-1,220.7
<b>Subtotal- Payments to UMWA Health Benefit and Pension Plans**</b>	<b>279.4</b>	<b>1,962.6</b>	<b>736.2</b>	<b>-1,226.4</b>
<b>Total Mandatory Funding</b>	<b>570.7</b>	<b>2,133.5</b>	<b>918.2</b>	<b>-1,215.3</b>
<i>Subtotal from AML Fund</i>	<i>242.6</i>	<i>165.7</i>	<i>168.2</i>	<i>+2.5</i>
<i>Subtotal from Treasury</i>	<i>328.1</i>	<i>1,967.8</i>	<i>750.0</i>	<i>-1,217.8</i>

\* FY 2019 and FY 2020 payments to States and Tribes reflect actual amounts distributed after required sequestration reductions. FY 2021 estimates are pre-sequester.

\*\* FY 2020 and FY 2021 costs reflect the estimated increase in payments to the UMWA Health Benefit Plans and new payments to the 1974 UMWA Pension Plan as authorized by the Bipartisan American Miners Act of 2019 (P.L. 116-94, Division M). FY 2020 costs include \$1,220.4 million in retroactive transfers to the 1974 UMWA Pension plan for fiscal years 2017, 2018, and 2019 as required by the Bipartisan American Miners Act of 2019.

## **OVERVIEW**

One of the basic concepts of SMCRA is to charge a fee on coal production to finance the reclamation of abandoned mine lands (AML) across the country. Reclamation fees are deposited into the Abandoned Mine Reclamation Fund (AML Fund) and distributed through the annual appropriations process to States and Tribes for AML reclamation and to OSMRE for administrative expenses. In 2006, amendments to SMCRA extended the authority to collect the reclamation fee and altered the distribution of payments beginning in 2008.<sup>3</sup>

### **Collection of Reclamation Fees**

Reclamation fees collected are placed in the AML Fund. The current reclamation fee authorized by SMCRA is: 28 cents/ton of surface mined coal; 12 cents/ton of coal mined underground; and 8 cents/ton of lignite; or ten percent of the value of the coal (two percent of the value of the lignite), whichever is less. Total fee receipts for FY 2019 were \$151.1 million. Reclamation fee collections form the basis for mandatory grants to the certified and noncertified States and Tribes.

Interest accrued on the AML Fund becomes part of the AML Fund and is available for transfer to the United Mine Workers of America Health and Retirement Funds in order to help finance three health care plans (collectively referred to as the “UMWA Health Benefit Plans”).

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

Generally, States must have an approved SMCRA regulatory (Title V) program and an approved reclamation (Title IV) program to be eligible to receive mandatory AML funding. Three Tribes (Crow, Hopi, and Navajo) are eligible for funding through the AML program, and each has an approved reclamation program. As part of the 2006 amendments to SMCRA, Tennessee also became eligible for AML program funding although it does not have an approved regulatory program. A total of 25 States and three Tribes received reclamation funding in FY 2020; of these, five States and all three Tribes have certified completion of coal abandoned mine land problems.

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

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

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

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

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

In FY 2020, noncertified States will receive \$128.6 million after sequestration (\$24.4 million in State Share, \$82.3 million in Historic Coal Share, and \$21.9 million in Minimum Program Make Up Funds).

For FY 2021, OSMRE estimates that noncertified States will receive 136.8 million in grants from the AML Fund (\$25.7 million in State Share; \$87.7 million in Historic Coal Share; and \$23.4 million in Minimum Program Make Up Funds).

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

Mandatory payments from the Treasury to certified States and Tribes are also allocated by formula. In lieu payments to certified States and Tribes are equal to half of the reclamation fees collected in that State or Tribe in the previous fiscal year. Certified States and Tribes will receive \$42.3 million, after sequestration, in FY 2020. These payments can be used to address the priorities as prescribed in 30 CFR 874 for coal reclamation projects that currently exist or that occurred after certification, as well as non-coal reclamation projects such as hardrock AML problems and infrastructure impacted by mineral leasing and mining.

Under current law, total mandatory payments to States and Tribes from Treasury funds in FY 2021 are estimated to be \$45.2 million.

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

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

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

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

In FY 2020, the UMWA Health Benefit Plans will receive \$37.1 million in interest payment from the AML fund and \$246.3 million from the Treasury. The 1974 UMWA Pension Plan will receive \$1,220.4 million from the Treasury, including \$458.8 million for FY 2020 and \$1,220.4 million in retroactive transfers for FYs 2017-2019.

For FY 2021, under current law, OSMRE estimates that \$31.4 million in interest payments from the AML Fund and \$299.0 million from the Treasury will be transferred to the UMWA Health Benefit Plans, and \$405.8 million will be transferred to the 1974 UMWA Pension Plan.

**Table 13 – Mandatory Funding for States and Tribes, FY 2019-2021**  
(Dollars Rounded in Millions)

State/Tribe	2019 Actual	2020 Enacted	Hypothetical Distribution for FY 2021
Alabama	5.1	3.4	3.5
Alaska	2.8	2.8	3.0
Arkansas	2.8	2.8	3.0
Colorado	3.1	2.8	3.0
Illinois	18.7	11.7	12.5
Indiana	8.1	5.7	6.1
Iowa	2.8	2.8	3.0
Kansas	2.8	2.8	3.0
Kentucky	18.3	11.3	12.2
Maryland	2.8	2.8	3.0
Missouri	2.8	2.8	3.0
New Mexico	2.8	2.8	3.0
North Dakota	2.8	2.8	3.0
Ohio	10.3	6.0	6.5
Oklahoma	2.8	2.8	3.0
Pennsylvania	53.9	32.2	34.0
Tennessee	2.8	2.8	3.0
Utah	1.4	1.0	.9
Virginia	5.6	3.6	3.7
West Virginia	35.8	22.9	24.3
<b>Sub-total for noncertified States</b>	<b>188.3</b>	<b>128.6</b>	<b>136.8</b>
Louisiana	.2	.1	.1
Mississippi	.1	.1	.1
Montana	7.8	3.3	3.7
Texas	2.5	1.0	1.1
Wyoming	87.8	35.8	38.1
Crow	1.2	.5	.5
Hopi	.6	.4	.4
Navajo Nation	2.8	1.1	1.2
<b>Sub-total for certified States and Tribes</b>	<b>103.0</b>	<b>42.3</b>	<b>45.2</b>
AML Site Reclamation/Redevelopment			
<b>Total for All States/Tribes</b>	<b>291.3</b>	<b>170.9</b>	<b>182.0</b>
<b>Source of Mandatory Funding:</b>			
• AML Fund	188.3	128.6	136.8
• Treasury	103.0	42.3	45.2
Notes: Noncertified States are those that have remaining coal AML problems to address. Certified States and Tribes have certified that there are no remaining coal AML problems. FY 2019 figures reflect a reduction of 6.2 percent due to sequestration. FY 2020 figures reflect a 5.9 percent reduction due to sequestration. References: P.L. 109-432, SMCRA Amendments Act of 2006; P.L 112-141, MAP-21; P.L. 112-175, the Continuing Appropriations Resolution for 2013; and P.L. 113-40, The Helium Stewardship Act of 2013.			

TAB  
Budget Exhibits

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## BUDGET EXHIBITS

### Exhibit A: Section 403 Compliance<sup>4</sup>

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

	<b>2021 Request</b>
External Administrative Costs	
WCF Centralized Billings	\$2,088,200
WCF Direct Billing/Fee for Service	\$1,090,600

#### External Administrative Costs

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

#### Bureau Administrative Costs

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

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

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

<sup>4</sup> Department of the Interior, Environment, and Related Agencies Appropriations Act, 2020 (Division D, Public Law 116-94)

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

**Office of Surface Mining Reclamation and Enforcement**

**Employee Count by Grade**

*(Total Employment)*

	FY 2019 Actual	FY 2020 Estimate	FY 2021 Estimate
Executive Level V .....	1	1	1
SES.....	6	6	6
<b>Subtotal.....</b>	<b>7</b>	<b>7</b>	<b>7</b>
GS/GM-15.....	23	23	23
GS/GM-14.....	46	55	55
GS/GM-13.....	110	112	114
GS-12.....	131	146	146
GS-11.....	18	30	30
GS-10.....	0	0	0
GS-9.....	17	17	17
GS-8.....	5	7	7
GS-7.....	12	13	13
GS-6.....	3	4	4
GS-5.....	1	1	1
GS-4.....	0	0	0
GS-3.....	0	0	0
GS-2.....	0	0	0
<b>Subtotal.....</b>	<b>366</b>	<b>408</b>	<b>410</b>
<b>Total employment (actuals &amp; estimate).....</b>	<b>373</b>	<b>415</b>	<b>417</b>

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

# TAB Appendixes

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**AML Reclamation Accomplishments**  
**Historical Data through September 30, 2019**  
**Priority 1, 2, and 3 Problems**

Problem Type	Units	Number of Units	GPRA Acres	Cost of Completed Reclamation	Remaining Reclamation Costs
Bench **	Acres	747	745	3,595,878	17,853,242
Clogged Streams	Miles	2,697	13,413	95,051,592	78,906,664
Clogged Stream Lands	Acres	24,331	38,550	265,279,945	235,373,177
Dangerous Highwalls	Feet	5,265,032	76,252	694,470,644	1,291,336,147
Dangerous Impoundments	Count	2,465	13,231	82,490,081	35,520,601
Industrial/Residential Waste (Priority 1 & 2)	Acres	1,856	1,854	49,185,176	57,107,755
Dangerous Piles & Embankments	Acres	27,956	27,899	413,300,318	352,835,965
Dangerous Slides	Acres	5,229	5,317	408,210,910	107,827,822
Equipment/Facilities **	Count	830	88	6,842,197	5,209,944
Gases: Hazardous Explosives	Count	83	77	23,658,041	2,352,792
Gobs (Coal waste piles) **	Acres	6,646	6,640	82,653,081	65,114,364
Highwall **	Feet	218,621	3,124	17,628,183	1,179,864,138
Hazardous Equipment & Facilities	Count	5,787	1,286	39,778,781	34,846,011
Haul Road **	Acres	1,169	1,105	9,219,734	5,317,624
Hazardous Water Body	Count	2,297	11,691	84,087,740	96,668,425
Industrial/Residential Waste (P3)	Acres	266	265	1,358,251	813,044
Mine Opening **	Count	1,301	131	5,063,611	15,486,423
Other (*)(**)	----	5,643	N/A	25,538,448	24,607,162
Polluted Water: Agricultural & Industrial	Count	587	2,910	53,240,104	79,190,829
Polluted Water: Human Consumption	Count	57,379	270,115	436,280,769	3,025,192,617
Portals	Count	23,110	2,341	113,210,584	69,937,743
Pits **	Acres	9,729	9,730	61,522,878	46,122,778
Subsidence	Acres	9,914	9,849	570,948,994	611,856,196
Spoil Area **	Acres	99,139	96,802	132,473,544	296,756,607
Surface Burning	Acres	2,209	2,205	94,896,019	22,627,616
Slurry **	Acres	2,474	2,478	25,789,363	5,973,345
Slump **	Acres	860	840	6,894,494	80,066,302
Underground Mine Fire	Acres	9,104	9,303	120,259,176	852,884,650
Vertical Opening	Count	21,534	3,894	131,780,578	76,170,713
Water Problems (*)(**)	Gal/Min	265,502	N/A	72,233,925	958,912,392
<b>Total</b>			<b>612,134</b>	<b>\$ 4,126,943,039</b>	<b>\$ 9,732,733,088</b>

\* Not converted to GPRA Acres **Source: The enhanced Abandoned Mine Land Inventory System (e-AMLIS)**

\*\* Priority 3 Problems

**Notes:**

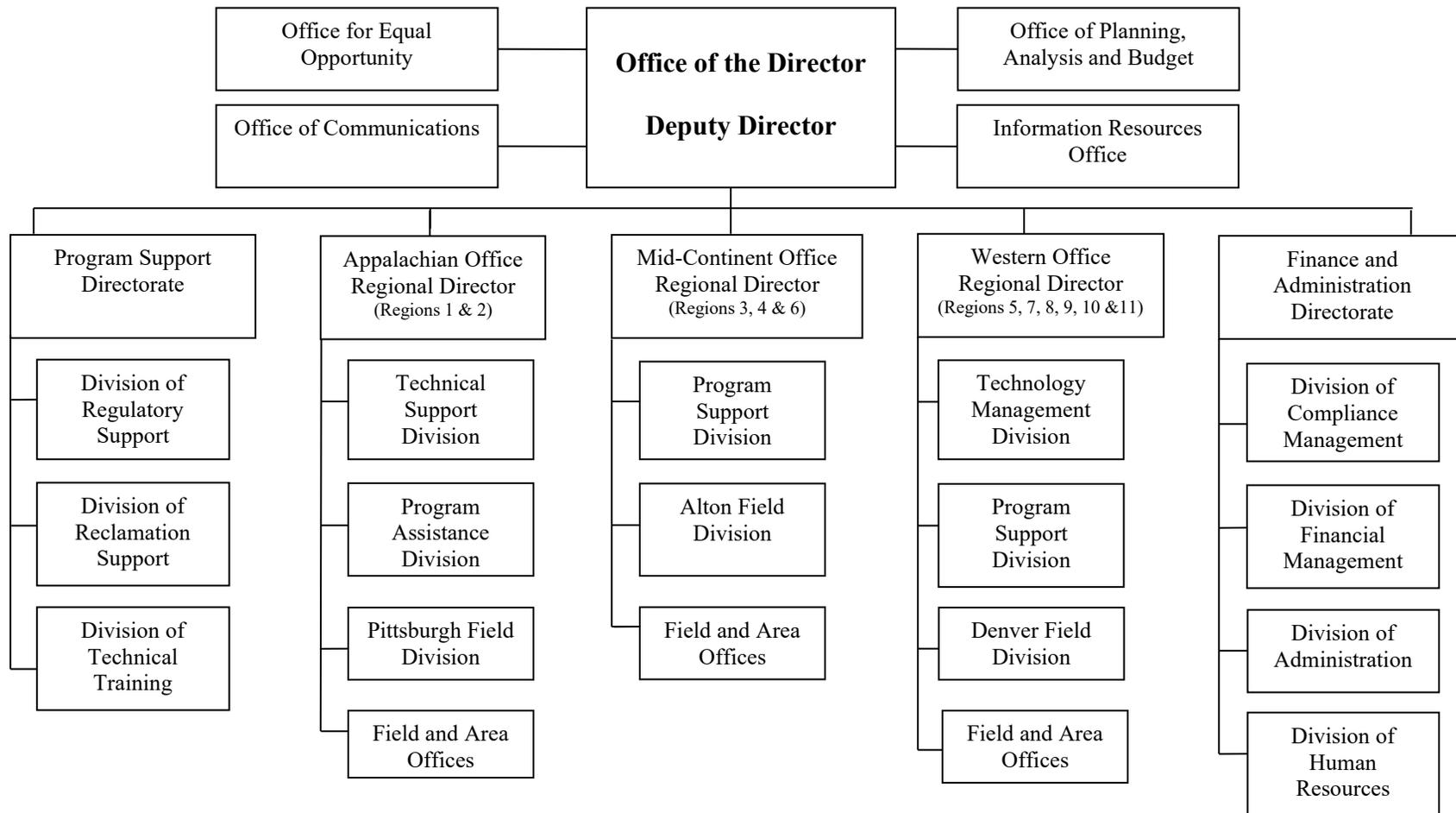
1. The enhanced Abandoned Mine Land Inventory System (e-AMLIS) only provides information on the direct construction cost to reclaim AML features. This system was never designed to be a project management tool. E-AMLIS is the central electronic database for recording the national inventory of AML priorities for the AML Program. The information contained in e-AMLIS is provided by States and Tribes.
2. The AML Reclamation Accomplishments Table only reports on the direct construction costs to reclaim AML features expended from the AML Fund and U.S. Treasury Funds (e.g. Certified in Lieu Funds and Prior Balance Replacement Funds). These construction costs do not include design, engineering or administrative costs necessary for the State and Tribal AML programs to apply that construction cost effectively and efficiently.

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

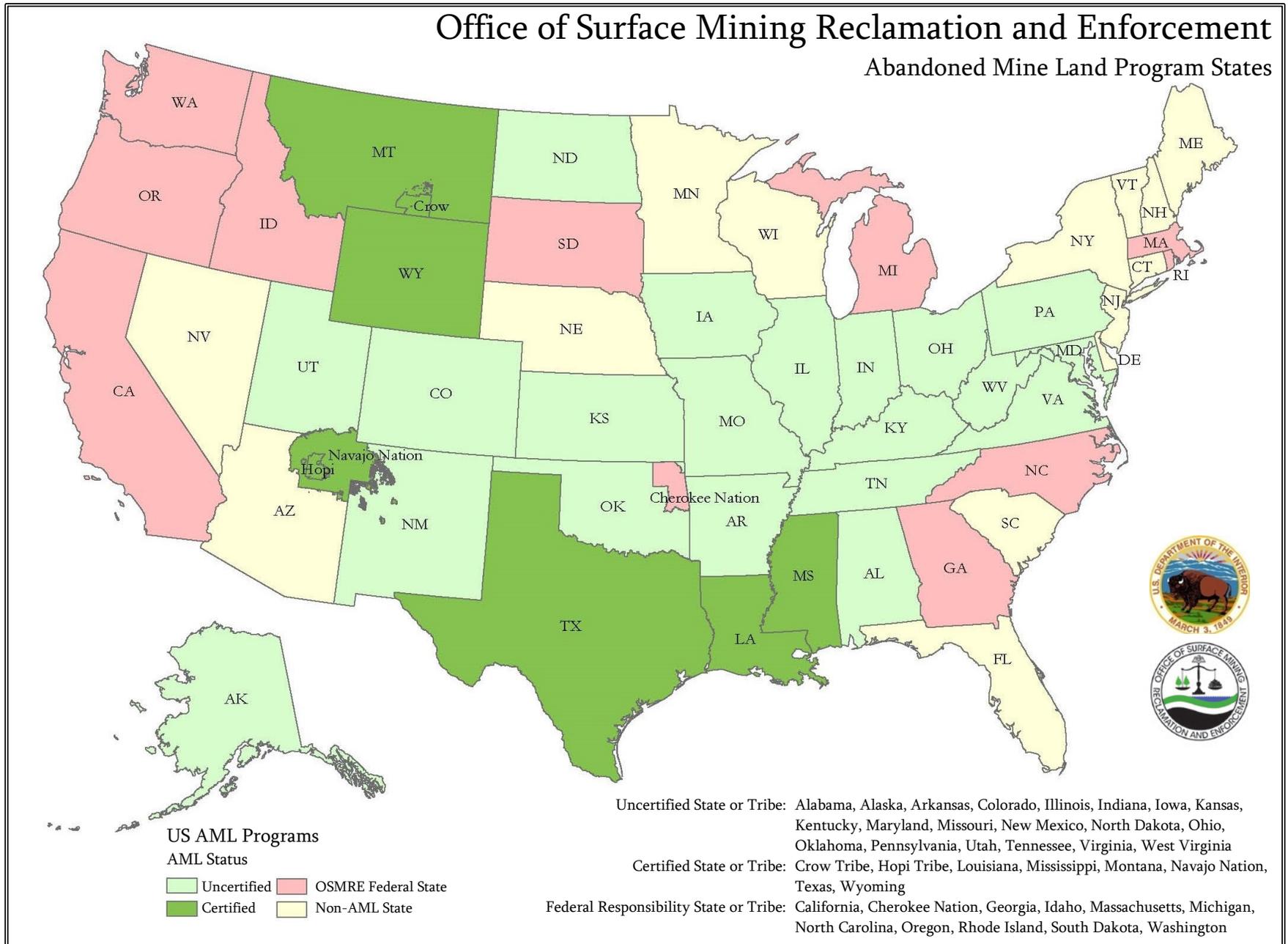
FY 2019 Obligations for Grants, Cooperative Agreements and Federal Project Spending (DOLLARS IN THOUSANDS)						
STATE/TRIBE	Environmental Restoration			Environmental Protection (Regulatory)		
	AML Funding	Federal Reclamation		Grants/Agreements		TOTAL
	Emergency Projects	High Priority Projects	Emergency Projects	Non- Federal Lands	Federal Lands	
Alabama				1,280	50	1,330
Alaska				373		373
Arkansas				113		113
California						0
Colorado				1,909	415	2,324
Georgia						0
Illinois				3,327		3,327
Indiana				1,607		1,607
Iowa				44		44
Kansas				78		78
Kentucky				12,587	910	13,497
Louisiana				187		187
Maryland				902		902
Michigan						0
Mississippi				220		220
Missouri				203		203
Montana					2,038	2,038
New Mexico				230	621	851
North Dakota				560	436	996
Ohio				1,776		1,776
Oklahoma				680	507	1,187
Oregon		119				119
Pennsylvania				13,174		13,174
Rhode Island						0
South Dakota						0
Tennessee						0
Texas				2,915		2,915
Utah				258	2,286	2,544
Virginia				3,670		3,670
Washington			700			700
West Virginia				10,476		10,476
Wyoming				273	1,995	2,268
Cherokee Nation						0
Crow				575		575
Hopi				403		403
Navajo				1,800		1,800
N. Cheyenne						0
<b>Total</b>	<b>0</b>	<b>119</b>	<b>700</b>	<b>59,620</b>	<b>9,258</b>	<b>69,697</b>

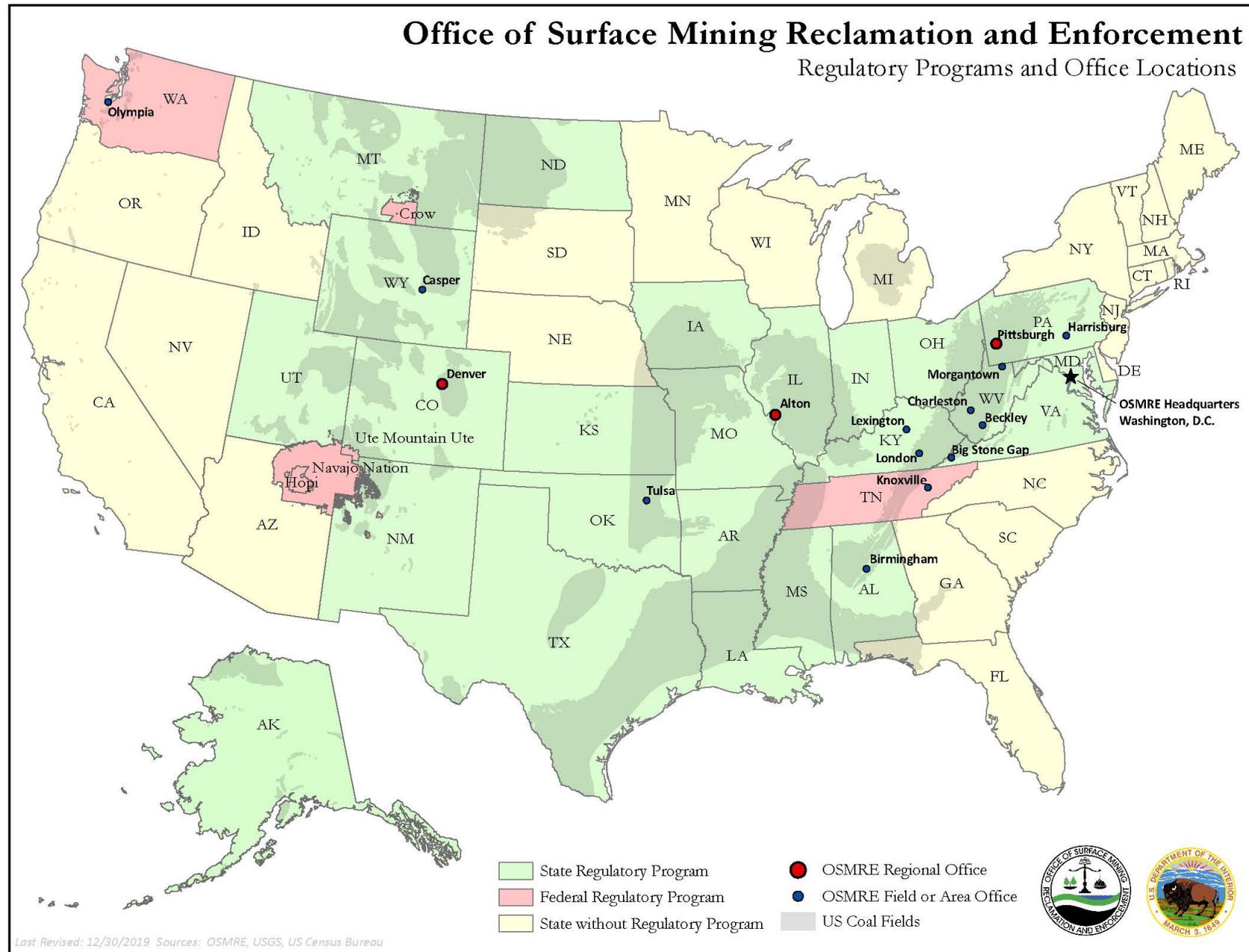
**Office of Surface Mining Reclamation and Enforcement  
Organizational Chart**



# Office of Surface Mining Reclamation and Enforcement

## Abandoned Mine Land Program States





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