

**Statement of
Glenda H. Owens, Deputy Director
Office of Surface Mining Reclamation and Enforcement
U.S. Department of the Interior
Before the
Committee on Natural Resources
Subcommittee on Energy and Mineral Resources
U.S. House of Representatives
Examining the Biden Administration's Abandoned Mine Lands and Active Mining
Programs.
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Introduction and Background

Chairman Stauber, Ranking Member Ocasio-Cortez, and other Members of the Subcommittee, thank you for the invitation to testify on behalf of the Office of Surface Mining Reclamation and Enforcement (OSMRE).

Through the Surface Mining Control and Reclamation Act of 1977 (SMCRA) (Public Law No. 95-87), Congress established OSMRE for two primary purposes:

First, to ensure that the Nation's coal mines operate in a manner that protects citizens and the environment during mining, and to restore the land affected to a condition capable of supporting the uses it could before any mining, or higher or better uses following mining.

Second, to implement an Abandoned Mine Land (AML) Program to address the hazards and environmental degradation resulting from two centuries of coal mining activities before the law was passed in 1977.

Since SMCRA's enactment 46 years ago, OSMRE has accomplished the following:

- Closed more than 47,000 abandoned underground mine shafts and openings;
- Eliminated more than 1,050 miles of dangerous highwalls;
- Eliminated more than 131,000 acres of dangerous spoils and embankments;
- Restored more than 700,000 acres of streams and land; and
- Replaced infrastructure for more than 58,000 polluted water supplies.

Environmental Protection, Regulating Active Coal Mining (Title V)

OSMRE's Environmental Protection program provides resources to 23 primacy states to administer their regulatory programs on state and private lands, and where there is an OSMRE-State cooperative agreement, on Federal lands as well. These programs protect the public and the environment from the adverse effects of current mining and support the reclamation of impacted land after active mining operations conclude. OSMRE provides oversight of State regulatory programs and directly implements SMCRA on Indian lands and in states that do not have

primacy—known as Federal Program states—and ensures that adequate actions are taken to reclaim mined areas as expeditiously as possible.

Environmental Restoration, Abandoned Mine Land (AML) Fee-Based Grants (Title IV)

The Environmental Restoration program provides grants to states and Tribes to conduct reclamation on sites mined before the enactment of SMCRA in 1977. OSMRE evaluates state and Tribal AML programs to ensure mining-related hazards are reclaimed, while promoting partnerships to address water quality issues from pre-Act sites. OSMRE also administers the Federal Reclamation Program, including watershed cooperative agreements, civil penalty projects, and emergency projects.

Coal mine permittees pay a fee to the AML Reclamation Fund (AML Fund) based on the tonnage of coal produced. As of September 30, 2022, approximately **\$12.01 billion** in industry AML fees have been collected, including interest earned. This does not include funding from the Abandoned Mine Land Economic Revitalization (AMLER) Program or the Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law (BIL), which is described in further detail below.

Abandoned Mine Land Economic Revitalization (AMLER) Program

Since the establishment of the Abandoned Mine Land Economic Revitalization (AMLER) Program - initially the Abandoned Mine Land Economic Development Pilot - Congress has authorized through annual appropriations \$912.5 million in AMLER funding, with the purpose of reclaiming abandoned mine lands in conjunction with economic and community development opportunities. The AMLER Program has made funding available to six Appalachian States: Kentucky, Pennsylvania, West Virginia, Alabama, Ohio, and Virginia; and three Tribes: the Crow, the Hopi, and the Navajo Nation.

AMLER grants support local investment opportunities in coalfield economies by creating recreational and tourism opportunities, enhancing infrastructure, and by providing jobs and associated training and skills. AMLER also advances the goals of the Justice40 Initiative. OSMRE verifies and assists with project eligibility determinations on AMLER grant applications submitted by these states and Tribes. OSMRE has received over 290 AMLER project applications since the start of the program in FY 2016. Of those project applications, 284 have received preliminary approval, nearly 180 have received authorizations to proceed, and nearly 70 have been completed.

OSMRE currently maintains an external-facing AMLER project tracking spreadsheet on its website to inform the public and provide transparency on status of current projects. The spreadsheet provides a snapshot of each project and its review and approval status. We are currently developing an improved tracking system to provide more detailed and timely information on projects as they progress through the approval cycle. Tracking information and other pertinent information and reports on the AMLER program are currently available at www.osmre.gov/amler.

Bipartisan Infrastructure Law (BIL)

The BIL (Public Law No. 117-58) provided a once-in-a-generation investment in revitalizing the economy and environment of America's coalfield communities. In addition to extending the AML fee collection authority under SMCRA, the Infrastructure Law authorized and appropriated \$11.293 billion for deposit into the Abandoned Mine Reclamation Fund, with approximately \$10.873 billion to be distributed to eligible states and Tribes on an equal annual basis—approximately \$725 million a year—over a 15-year period to help restore impacted coalfield communities and provide benefits for current and future generations.

OSMRE appreciates Congress' acknowledgement of the tremendous environmental and economic value of the AML program and effectively implementing this historic investment and delivering meaningful results is a top priority for OSMRE. These funds will improve and significantly increase OSMRE's efforts to support states, Tribal nations, stakeholders, and communities. The BIL expands investment in the AML program, creates an unprecedented opportunity to reclaim abandoned mine features at a scale not otherwise achievable, and is creating good-paying jobs and spurring economic development in coalfield communities.

So far, OSMRE has provided \$721 million in FY 2022 BIL grant funding to the 22 eligible states and the Navajo Nation, and awarded more than \$21 million in FY 2023 grants to five States (Alaska, Arkansas, Colorado, Iowa, and New Mexico), with seven additional state grant applications currently pending (Illinois, Kansas, Kentucky, Maryland, Missouri, Pennsylvania, and Virginia).

Closing

OSMRE is ensuring that current coal mining is conducted in a manner that protects the public and environment, and that formerly mined lands are reclaimed to productive, safe, and beneficial uses, and that impacted waters are remediated. OSMRE will continue to work closely in partnership with states and Tribes, local watershed groups, citizens, and other stakeholders to achieve these goals and to advance economic revitalization opportunities in coal communities. Thank you for the opportunity to provide this testimony and to appear before you today.