

The Honorable Patty Murray
Chair, Committee on Appropriations
154 Russell Senate Office Building
Washington, DC 20515

The Honorable Susan Collins
Vice Chair, Committee on Appropriations
413 Dirksen Senate Office Building
Washington, DC 20515

The Honorable Jeff Merkley
Chair, Subcommittee on Interior, Environment,
and Related Agencies
531 Hart Senate Office Building
Washington, DC 20515

The Honorable Lisa Murkowski
Ranking Member, Subcommittee on Interior,
Environment, and Related Agencies
522 Hart Senate Office Building
Washington, DC 20515

July 16, 2024

Dear Chair Murray, Vice Chair Collin, Chair Merkley, and Ranking Member Murkowski:

The undersigned organizations are writing with significant concerns regarding a coal mine reclamation program that was revamped in the FY2024 program without impacted community input, stripping coal mining community voices from the grant making process for a program meant to revitalize those communities.

The Abandoned Mine Land (AML) Economic Revitalization (AMLER) program was originally established in the [Consolidated Appropriations Act, 2016](#), (originally as the AML Pilot Program) to catalyze reclamation and economic development on and around abandoned coal mine lands. Congress has appropriated funding for the program to the Abandoned Mine Reclamation Fund on an annual basis since FY 2016. The AMLER program has awarded over \$1.1 billion to the six Appalachian states and three federally recognized Tribes that are eligible: Alabama, Kentucky, Ohio, Pennsylvania, Virginia, West Virginia, Crow Tribe, Hopi Tribe, and Navajo Nation.

From FY 2016 through FY 2023, the Office of Surface Mining Reclamation and Enforcement (OSMRE) coordinated with eligible states and Tribes to identify AMLER projects, award grants, and provide oversight to ensure project compliance with applicable federal regulations, such as the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA). However, the [Consolidated Appropriations Act, 2024](#), directed OSMRE to provide “payments” within 90 days of enactment instead of “grants” to the eligible states and Tribes for the AMLER program, thereby eliminating the coordination and oversight (“discretionary federal action trigger”) by OSMRE on applicants’ projects.

Congress implemented this change to decrease administrative delays in project funding by eliminating the federal oversight of project selection. We agree with the desire to speed up AMLER project approvals in order to help struggling coal mining communities faster. A recent [Government Accountability Office \(GAO\) report](#) found that lengthy timelines for OSMRE to provide funding to the states and Tribes, lack of state and Tribe administrative capacity, and the uncertainty of a program existing solely in the

appropriations bills without permanent authorization all led to delays in moving the funding from the federal government into local projects. The report outlines several recommendations for improving the AMLER program that will lead to faster funding approvals.

However, the administrative change from “grants” to “payments” also means NEPA and Section 7 of the Endangered Species Act (ESA) no longer apply to AMLER funding according to [OSMRE’s program guidance](#) released on June 1. Previously, NEPA ensured AMLER projects protected the local environment and engaged impacted communities, and ESA Section 7 required federal agency coordination to protect local species.

We, the undersigned stakeholders, are gravely concerned with this change in how NEPA and ESA apply to the AMLER program. Abandoned mine lands pose serious environmental, safety, and economic risks to Appalachian and Tribal communities with threats to drinking water, falling rocks from strip mining operations, and large areas of nonfunctioning, undesirable land. Additionally, the Appalachian region is home to some of the most biodiverse ecosystems in North America. For our communities that have already experienced environmental harm from coal mining, NEPA and ESA provided guardrails that ensured these impacted communities were protected during both the reclamation process and future land development. Further, all other AML reclamation projects paid out of the Abandoned Mine Reclamation Fund will still be subject to NEPA and ESA requirements; exempting reclamation work completed under the AMLER program, specifically, creates a major oversight loophole at the risk of some of our most vulnerable populations.

We request that you include language in the FY 2025 Interior, Environment, and Related Agencies appropriations bill that directs AMLER projects to be covered by the same federal regulations that governed the program in FY 2023.

AMLER is a critical support program for our region to recover from the impacts of coal mining while developing a thriving local economy, and our communities deserve to be protected from further environmental harm in the process. Congress should look to the recent GAO report for its recommendations on how to speed up the grant approval process without sacrificing community protections.

We are happy to meet with you about our concerns outlined in this letter, and we welcome the opportunity to provide additional information or answer any questions you may have.

Sincerely,

Action Together NEPA (Pennsylvania)
Alabama Interfaith Power & Light
Alliance for Appalachia
Appalachian Citizens' Law Center, Inc.
Appalachian Sustainable Development
Appalachian Voices
Appalshop (Kentucky)

Center for Biological Diversity (National)
Center for Coalfield Justice (Pennsylvania)
Chesapeake Climate Action Network Action Fund (Maryland, Virginia)
Climate Communications Coalition
The Clinch Coalition (Virginia)
Coal River Mountain Watch (Appalachia)
Coalfield Development Corporation (West Virginia)
Conservation Voters of PA
Eastern Pennsylvania Coalition for Abandoned Mine Land Reclamation (EPCAMR)
Friends For Environmental Justice (Appalachia)
Friends of Deckers Creek (West Virginia)
Friends Of Ironton (Ohio)
Friends of the Cheat (West Virginia)
Global Justice Ecology Project
Kentucky Resources Council, Inc.
Kentucky Waterways Alliance
LiKEN Knowledge (Appalachia)
Mountain Association (Kentucky)
Mountain Watershed Association (Pennsylvania)
National Wildlife Federation
Native Plant Society of New Mexico
Ohio Environmental Council
Open Circle Studio (Central Appalachia)
PennFuture
The People's Justice Council (National)
Reimagine Appalachia
Sierra Club (National)
Southern Environmental Law Center (Virginia and Alabama)
Tó Nizhóní Ání (Navajo)
Upper Potomac Riverkeeper (Virginia, West Virginia, Maryland)
Virginia Conservation Network
Western Organization of Resource Councils
WV Rivers Coalition