

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

November 17, 2023

Ms. Glenda H. Owens
Deputy Director
Office of Surface Mining Reclamation and Enforcement
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240-0001

Dear Ms. Owens:

Thank you for appearing before the Subcommittee on Energy and Mineral Resources at an oversight hearing on Tuesday, November 14, 2023, to present testimony on "*Examining the Biden Administration's Abandoned Mine Lands and Active Mining Programs.*"

Your testimony was extremely helpful in defining the Subcommittee's understanding of the issue and I appreciate the effort you took to prepare and present your testimony. While many questions were asked during the hearing, the Subcommittee has additional questions, attached, for your reply.

Please forward your responses to Lonnie Smith, Clerk of the Subcommittee on Energy and Mineral Resources, at Lonnie.smith@mail.house.gov by December 5, 2023. Your assistance in meeting this deadline is requested, as failure to meet it will be noted in the printed transcript.

Once again, thank you for your extensive effort in making this a valuable hearing.

Sincerely,



Pete Stauber
Subcommittee on Energy and Mineral Resources
Chairman

Enclosure

Committee on Natural Resources
Subcommittee on Energy and Mineral Resources
Oversight Hearing
1324 Longworth House Office Building
November 14, 2023
10:15 AM

“Examining the Biden Administration’s Abandoned Mine Lands and Active Mining Programs.”
Questions from Chairman Pete Stauber for Ms. Glenda Owens, Deputy Director, Office of Surface Mining, Reclamation and Enforcement (OSMRE)

1. At the hearing, Congressman Collins asked if the substantial increase in abandoned mine land (AML) funding from the Infrastructure Investment and Jobs Act (IIJA) is causing some states to divert resources from their Title V programs to their Title IV programs, in order to maximize the new AML funding available under the IIJA as quickly as possible. Deputy Director Owens responded that she was not aware of staff being pulled from Title V implementation for Title IV work.
 - Can you confirm that the Department of the Interior is not placing more emphasis on AML projects, including by acquiring an unequal number of new or reassigned Department or OSMRE personnel for AML related work, at the expense of the Title V program?
 - What steps is OSMRE taking to ensure that Title V program implementation will not be affected by the interest in rapid distribution and utilization of AML funding from the IIJA?
2. The shortfall in human resources has led to significant delays in permitting approvals and bond releases for coal mining operations in some states. These functions are needed to ensure sufficient coal supplies and proper completion of reclamation work.
 - Do you believe a fair and timely bond release process supports the ability of coal operators to keep reclamation activities current?
3. Could you identify five action items OSMRE is taking to increase efficiency in administering the IIJA AML program?
4. Can funds provided for AML under IIJA and funds provided by the AML fee be separately tracked through adoption of accounting procedures? If not, why not? If so, why is OSMRE requiring separate grant applications for IIJA-sourced and AML fee-sourced funding?
5. Since OSMRE’s vetting of Abandoned Mine Lands Economic Revitalization (AMLER) projects is not mandated by law, why is OSMRE requiring this of states?

6. When will OSMRE provide clear written guidance on how 2 CFR Part 200 requirements related to real property and property improvement will be implemented in the AMLER program?
7. Please provide a detailed, step-by-step breakdown of OSMRE's decision process for state program amendments and state reclamation plan updates, including the chain of approval among agency and other Department of the Interior (DOI) personnel, and a brief explanation of each step in the approval process a program amendment or reclamation plan update must undergo before it can be approved.
8. What is OSMRE's plan to eliminate the backlog of program amendments and pending reclamation plan updates? Will this plan ultimately reduce the backlog to zero?
9. In your testimony before the committee, you referred to federal court decision(s) requiring that an environmental impact statement (EIS) be prepared for the Black Butte Mine's Federal Mine Plan. Please identify these court decision(s), and explain why they are applicable to the decision to require an EIS for Black Butte's mine plan.
10. Prior to OSMRE analysis of a mine plan, prospective coal mining must undergo at least two reviews under the National Environmental Policy Act (NEPA) at the Bureau of Land Management (BLM) – one regarding a Resource Management Plan, and another during the coal leasing process, both of which require full analysis of potential environmental impacts of the proposed mining operations.
 - Why does OSMRE need to conduct a third, separate NEPA analysis during its mine plan approval process?
 - If a third NEPA review is truly required, why can't OSMRE rely on the NEPA analysis conducted previously by BLM?
 - How is the requirement for three separate NEPA reviews of the same prospective mining impacts consistent with "one federal decision" principles?

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Questions from Chairman Bruce Westerman for Ms. Glenda Owens, Deputy Director,
Office of Surface Mining, Reclamation and Enforcement (OSMRE)

1. Please provide a list of pending action items in your agency’s purview, including mine plan amendments and state plan amendments, that require analysis under the National Environmental Policy Act by OSMRE. In this list, please include every applicable specific action item, when it was submitted by an applicant to OSMRE for NEPA analysis, when that review was actually initiated at OSMRE, what threshold of NEPA analysis has been determine appropriate (i.e. environmental assessment or environmental impact statement), what the current status is for each item in regards to NEPA review, and if those items are on track to have their NEPA review completed in accordance with the one year (for environmental assessments) and two year (for environmental impact statements) timelines as proscribed by the Fiscal Responsibility Act.

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Questions from Rep. Grijalva for Ms. Glenda Owens, Deputy Director, Office of Surface Mining Reclamation and Enforcement

1. During the hearing, Representative Hageman stated that the Office of Surface Mining Reclamation and Enforcement’s “environmental justice requirements” make it more difficult for certain states to secure federal funding. In response, you said that OSMRE is encouraging states to follow the environmental justice guidelines. Could you please expand on your response? Do OSMRE’s guidelines affect distribution of abandoned mine land funds from the Infrastructure Investments and Jobs Act? Do these guidelines affect funding to states?

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“Examining the Biden Administration’s Abandoned Mine Lands and Active Mining Programs.”

Questions from Rep. Ocasio-Cortez for Ms. Glenda Owens, Deputy Director, Office of Surface Mining Reclamation and Enforcement

1. The Office of Surface Mining Reclamation and Enforcement has provided detailed guidance to the states on how to prioritize projects that employ former coal workers and address environmental injustices. What has been your experience so far in implementing these guidelines? How can we ensure that states are incentivized to follow this guidance?