

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 Kay Granger
Chair, Committee on Appropriations
2308 Rayburn HOB
Washington, DC 20515

The Honorable Rosa DeLauro
Ranking Member, Committee on Appropriations
2413 Rayburn House Office Building
Washington, DC 20515

March 7, 2023

Dear Chair Murray, Vice Chair Collins, Chair Granger, and Ranking Member DeLauro,

Across the country, communities impacted by coal mining are grappling with the impacts of unreclaimed mines. While Congress has made great strides in remediating pre-1977 Abandoned Mine Lands (AML), modern-day coal companies are shirking their reclamation responsibilities and creating a new wave of unreclaimed, non-producing “zombie” mines. These mines permitted under the Surface Mining Control and Reclamation Act are supposed to be the responsibility of coal companies to reclaim, so they are not eligible for federal AML dollars.

Zombie mines represent an unknown percentage of the total of disturbed coal mine lands nationally because the data is not reported or synthesized in an accessible, comprehensive format. However, a recent analysis of Kentucky permits found that nearly 40% of “active” surface mines haven’t produced coal since 2020.¹ In today’s economic climate, any active mine is at risk of going into zombie mine status.

The undersigned seventeen organizations representing and working with coal mining communities across the country write to request that you use the opportunity presented by the Fiscal Year 2025 Appropriations process to help begin to address the problem of unreclaimed, modern-era coal mines. Specifically, we ask you to include the following requests in your FY 2025 Appropriations priorities:

1. **Fully fund the Office of Surface Mining Reclamation and Enforcement (OSMRE) at \$301.9 million.** OSMRE is responsible for monitoring permitting and enforcement at coal mines, in addition to administering reclamation programs including the Abandoned Mine Land (AML) reclamation program. Notably, OSMRE also maintains primacy for coal mining programs on all Tribal lands; ensuring OSMRE has adequate funding for oversight of these programs is crucial for protecting and revitalizing Tribal lands and water, and ensuring meaningful work with Tribal communities and consultation with Tribes. Given the historic investment in the AML program established in the Bipartisan Infrastructure Law and the lack of reclamation at modern mines as the industry declines,² it is crucial that OSMRE have the

¹<https://aclc.org/wp-content/uploads/2024/01/Surface-Mine-Permits-in-KY-FINAL.pdf>

²<https://www.npr.org/2022/10/17/1129402179/coal-producers-legally-must-restore-damaged-land-but-some-are-dodging-obligation>

necessary operating budget to provide oversight, enforcement, and administration of these programs. A reduction in the agency's budget means a reduction in the agency's ability to enforce regulations related to mine reclamation at modern-era mines, putting coal communities in danger of mine-related disasters such as landslides and polluted waterways.

2. **Dedicate \$5 million to the Appalachian Regional Reforestation Initiative (ARRI).** In April 2023, a coalition of sixty-one organizations submitted [a letter to the Interior, Environment, and Related Agencies appropriations subcommittees](#) supporting funding for the ARRI program. This funding would allow for ARRI to scale up its reforestation and revegetation program on coal mined lands, significantly improving the patchwork of funding currently available through private and state partnership that make up ARRI's budget. Providing dedicated funding would improve OSMRE's ability to adequately reforest and revegetate mined lands for public and commercial usage, and allow OSMRE to expand the geographic scope of the program.
3. **Allocate \$100,000 for OSMRE to conduct a "stress test"** for the largest coal surety providers and state-administered bond pools to ensure that those entities would be able to honor their bonds if large numbers of permits are forfeited.
4. **Require OSMRE to publicly report the full scope of the problem**, including the number, location, and size (in acres) of coal permits that have neither produced coal nor made reclamation progress for a year or longer since 2019.

Thank you for supporting the health, safety, and economic vitality of coal mining communities.

Sincerely,

Appalachian Citizens' Law Center
Appalachian Voices
Amphibian and Reptile Conservancy
Appalshop Community Media Initiative
Citizens Against Longwall Mining
Eastern Pennsylvania Coalition for Abandoned Mine Reclamation (EPCAMR)
Friends of Bell Smith Springs
Friends of Deckers Creek
Kiva Institute
Mountain Watershed Association
Powder River Basin Resource Council
Sierra Club
Tó Nizhóní Ání
Upper Mon River Association
West Virginia Environmental Council
West Virginia Highlands Conservancy
Western Organization of Resource Councils