

## **GUIDANCE ON THE INFRASTRUCTURE INVESTMENT AND JOBS ACT** **ABANDONED MINE LAND GRANT IMPLEMENTATION**

### **I. OVERVIEW**

The Infrastructure Investment and Jobs Act (IIJA) (Pub. L. No 117-58), which was enacted on November 15, 2021, authorized and appropriated \$11.293 billion for deposit into the Abandoned Mine Reclamation Fund administered by the Office of Surface Mining Reclamation and Enforcement (OSMRE). Of the \$11.293 billion appropriated, OSMRE will distribute approximately \$10.873 billion<sup>1</sup> in IIJA Abandoned Mine Land (AML) grants to eligible States and Tribes on an equal annual basis—approximately \$725 million a year—over a 15-year period.<sup>2</sup> IIJA funds expand the AML Reclamation Program to meet the priorities described in the IIJA and the Surface Mining Control and Reclamation Act of 1977 (SMCRA), as amended.

The purpose of this guidance document is to provide State and Tribal AML programs with information about the IIJA and project eligibility.<sup>3</sup> It also clarifies how IIJA AML grant funding differs from the traditional fee-based AML grant distributions authorized by SMCRA.

### **II. ELIGIBLE STATES AND TRIBES**

Pursuant to 30 U.S.C. § 1231a(b)(2), an eligible grant recipient includes any certified or uncertified State and Tribe that has a reclamation plan approved by the Secretary of the Interior pursuant to 30 U.S.C. § 1235 (section 405 of SMCRA). A certified State or Tribe is a State or Tribe that has certified that all coal reclamation projects that are considered a priority under 30 U.S.C. § 1233(a) (section 403(a) of SMCRA) within its jurisdiction have been completed. An uncertified State or Tribe is a State or Tribe that has not yet made the certification that all priority coal reclamation projects in the State or on the applicable Indian lands have been completed.

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<sup>1</sup> 30 U.S.C. § 1231a authorizes \$11.293 billion for deposit into the AML Fund, and Division J, Title VI appropriates and apportions the funds in the following ways: up to 3% for OSMRE Operations, 0.5% for Office of Inspector General (OIG) Operations, and \$25 Million for OSMRE to provide States and Tribes financial and technical assistance in making amendments to the inventory system for documenting eligible lands and waters. The remaining funds, approximately \$10.873 billion, will be distributed to eligible States and Tribes as IIJA AML grants.

<sup>2</sup> 30 U.S.C. § 1231a(c)(1) originally limited the use of IIJA AML grants to the activities described in 30 U.S.C. § 1233(a) and (b) and 30 U.S.C. § 1240 (sections 403(a) and (b) and 410 of SMCRA). Division DD, Title VIII, Sec. 801 of the Consolidated Appropriations Act, 2023 (often referred to as the “STREAM Act”), amended 30 U.S.C. § 1231a(c) to include language authorizing eligible States and Tribes to deposit up to 30% of their annual IIJA AML grant amount in a long-term abandoned mine land reclamation fund established under State law, provided these amounts are expended on the abatement and treatment of acid mine drainage, subsidence, and coal mine fires.

<sup>3</sup> As this is a guidance document, it does not create legally binding requirements and should not be construed to create any rights or benefits, either substantive or procedural, that are enforceable by law. To the extent there is any inconsistency between a provision of this guidance document and any applicable law or regulation, the law or regulation will control.

### III. ELIGIBLE PROJECTS

IIJA AML funding may only be spent on eligible abandoned coal mine reclamation projects.<sup>4</sup> According to 30 U.S.C. § 1231a(c), in general, IIJA AML grants may only be used on one or more of the following:

- Priority 1 Projects – These projects protect public health, safety, and property from extreme danger of adverse effects of coal mining practices, including the restoration of adjacent land and water resources and the environment (30 U.S.C. § 1233(a)(1)).
- Priority 2 Projects – These projects protect public health and safety from adverse effects of coal mining practices, including the restoration of adjacent land and water resources and the environment (30 U.S.C. § 1233(a)(2)).
- Priority 3 Projects – These projects restore land and water resources and the environment previously degraded by adverse effects of coal mining practices (30 U.S.C. § 1233(a)(3)). These projects may include the design, construction, operation, maintenance, and rehabilitation of acid mine drainage (AMD) treatment facilities regardless of whether they are part of a qualified hydrologic unit.
- Water Supply Restoration Projects – These projects support the protection, repair, replacement, construction, or enhancement of facilities relating to water supply, including water distribution facilities and treatment plants, to replace water supplies adversely affected by coal mining practices (30 U.S.C. § 1233(b)).
- AML Emergency Projects – Emergency projects that restore, reclaim, abate, control, or prevent adverse effects of coal mining practices on eligible lands when an emergency exists constituting a danger to the public health, safety, or general welfare and no other person or agency will act expeditiously to restore, reclaim, abate, control, or prevent adverse effects of coal mining practices (30 U.S.C. § 1240).

There are a few important differences in the way that IIJA AML funding and traditional fee-based AML funding can be used:

- Stand-alone projects classified as Priority 3 under Title IV of SMCRA are eligible for IIJA funding, whether or not the project is in conjunction with other projects classified as Priority 1 and Priority 2 projects under 30 U.S.C. § 1233(a);
- AMD treatment projects that are not part of a qualified hydrologic unit are eligible for IIJA funding;

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<sup>4</sup> In general, 30 U.S.C. § 1234 describes “[l]ands and waters eligible for reclamation or drainage abatement expenditures” under SMCRA as those lands and waters “which were mined for coal or which were affected by such mining, waste banks, coal processing, or other coal mining processes . . . and abandoned or left in an inadequate reclamation status prior to” August 3, 1977.

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- Unlike fee-based AML funding, IJIA AML funding placed in a long-term abandoned mine land reclamation fund can also be used for coal mine fires and subsidence, in addition to AMD treatment projects.

In addition to the uses listed above, Division DD, Title VIII, Sec. 801 of the Consolidated Appropriations Act, 2023 (commonly referred to as the “STREAM Act” after the standalone legislation containing the language), amended 30 U.S.C. § 1231a(c) to authorize eligible States and Tribes to retain up to 30 percent of the “total amount of a grant made annually” under 30 U.S.C. § 1231a(b)(1) in a “long-term abandoned mine land reclamation fund established under State law.” Amounts retained in this fund (together with all interest earned on the amounts) may only be expended by the State or Tribe for: (1) the abatement of the causes and the treatment of the effects of acid mine drainage resulting from coal mining practices, including costs associated with acid mine drainage treatment systems; (2) the prevention, abatement, and control of subsidence; or (3) the prevention, abatement, and control of coal mine fires. Placing funds into a long-term abandoned mine land reclamation fund requires that the State or Tribe have an approved reclamation plan and the statutory authority to establish the fund. On January 18, 2024, OSMRE published its STREAM Act Guidance and Frequently Asked Questions to assist with the implementation of 30 U.S.C. § 1231a(c).

Under 30 U.S.C. § 1235(e), State and Tribal AML Reclamation Plans must identify the specific criteria for ranking and identifying projects to be funded. The *overall* State or Tribal AML program must reflect the priorities listed in 30 U.S.C. § 1233(a), but the IJIA does not require strict adherence to those priorities when grantees and OSMRE work to evaluate, apply for, and approve each individual project. In addition, as authorized by 30 U.S.C. § 1231a(f), priority may also be given to reclamation projects that provide employment for current and former employees of the coal industry.

OSMRE defines a current and former employee of the coal industry as:

- (a) Any individual who is currently employed by:
  - 1) A surface coal mining operation, as defined by 30 U.S.C. § 1291;
  - 2) A facility directly related to a surface coal mining operation, such as a coal preparation plant;
  - 3) A coal end-use facility, such as a coal-fired power plant; or
  - 4) An entity that transports coal or related materials from a surface coal mining operation, preparation plant, or end-use facility.
- (b) Any other individual who earned the majority of their annual income from one or more of the employers in paragraph (a).
- (c) This term does not include an individual who is or has been—
  - 1) A sole proprietor or owner of record in excess of 50 percent of the voting securities or other instruments of ownership of an entity listed in paragraph (a); or
  - 2) An officer or director of such entity.

OSMRE continues to coordinate with each State and Tribe receiving funds from the IJIA to identify whether any updates to the grantee’s Reclamation Plan are necessary to comply with the IJIA and SMCRA.

#### **IV. AML PROGRAM MANAGEMENT**

States and Tribes must implement measures to ensure that a bidder for an IJJA AML contract cannot be awarded a contract or subcontract or perform any work funded by IJJA AML grants if their company, their owners and controllers, their corporate officers or their shareholders own or control mine operations that have any outstanding uncorrected or unabated violations. Consistent with 30 C.F.R. §§ 874.16 and 875.20, every successful bidder for an AML contract must be eligible under 30 C.F.R. §§ 773.12, 773.13, and 773.14 at the time of contract award to receive a permit or be provisionally issued a permit to conduct surface coal mining operations. At a minimum, States and Tribes must review the Applicant Violator System, the System for Award Management, and any other available information to verify the eligibility of each bidder before a contract or subcontract is awarded for any work performed and funded under the IJJA AML program.

#### **V. IJJA AML GRANTS**

In June 2025, DOI is announcing the FY 2025 IJJA AML grant distribution amount available to eligible States and Tribes.

Annual IJJA AML grant amounts are calculated using a congressionally mandated formula based on the number of tons of coal historically produced in the States or from applicable Indian lands before August 3, 1977. Adjustments will be made to ensure the total amount of the distributions to any individual State or Tribe is not less than \$20 million over the life of the program to the extent that amount is needed for eligible projects described above and to reconcile the amount of the IJJA AML funding with the total unfunded cost of coal problems at the end of the preceding fiscal year, as reflected in the enhanced Abandoned Mine Land Inventory System (e-AMLIS).

IJJA AML grants will be awarded to eligible State and Tribal AML Programs on an annual basis and adjustments will be made to these distributions as required and needed to achieve the objectives of the program. For example, adjustments will be made as the number of eligible States and Tribes increases or decreases. The period of performance for IJJA grants is five-years, with an option for a one-time no-cost extension of up to one year, subject to OSMRE's review and approval. IJJA AML grants are disbursed and tracked under the Assistance Listing Number (ALN) No. 15.252.<sup>5</sup> In order to receive IJJA AML funding, each eligible State and Tribe will need to submit a separate grant application for IJJA AML grants from the traditional AML fee-based grants through GrantSolutions, but OSMRE will continue working with the States and Tribes in order to develop procedures that minimize burdens on applicants. States and Tribes are required to ensure that expenditures for the two programs are tracked separately.

IJJA AML grant recipients will be required to comply with all applicable Federal grant award requirements, including but not limited to, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ([2 C.F.R. part 200](#)). OSMRE anticipates

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<sup>5</sup> The ALN number is a five-digit number assigned in an awarding document for any financial assistance (e.g., grants) funded by the Federal government. Although both the IJJA AML Funds and the traditional AML fee-based grants will be disbursed under the same ALN No. 15.252, separate grant applications via GrantSolutions will be necessary in FY 2022 and beyond.

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that State and Tribal AML Programs will incur higher staffing and operational costs as they stand up programs to effectively implement their IJA AML programs. In addition, the administrative costs for annual IJA AML grant awards will be available for the entire grant performance period (i.e., five years, with the possibility of a one-year extension).

IJA-funded projects are subject to the Build America, Buy America (BABA) Act, which was enacted as part of the IJA on November 15, 2021. The BABA Act requires the head of each Federal agency to ensure that “none of the funds made available for a Federal financial assistance program for infrastructure . . . may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States.” (Pub. L. No. 117-58 § 70914). On August 23, 2023, the Office of Management and Budget revised its “Guidance for Grants and Agreements” ([88 FR 57750](#)) to provide further guidance on implementing the BABA Act and improving Federal financial assistance management and transparency. The revised guidance took effect on October 23, 2023.

The BABA Act allows the head of each Federal agency to waive its requirements under certain circumstances. On February 21, 2023, DOI approved two waivers of the BABA Act requirements. The first waiver applies to small grants that do not meet the current Simplified Acquisition Threshold of \$250,000 and are not expected to exceed the Simplified Acquisition Threshold for the life of the grant. The second waiver applies to de minimis purchases for otherwise covered infrastructure projects, totaling up to 5 percent of the total applicable project costs, not to exceed a dollar amount of \$1,000,000. The small grants and de minimis purchases waivers expire on February 20, 2028. On January 10, 2025, DOI and several other Federal agencies approved a general applicability waiver of the Buy America Preference for financial assistance agreements issued to Federally recognized Indian Tribes. The multi-agency tribal public interest waiver expires on January 9, 2030. BABA Act terms and conditions must be included in all subawards and all contracts or purchase orders for work or products unless an active BABA waiver applies. For current DOI BABA Act waivers, please visit: <https://www.doi.gov/grants/BuyAmerica/GeneralApplicabilityWaivers>. Additional general information about the BABA Act is available from the DOI Office of Grants Management at: [doi.gov/grants/buyamerica](https://www.doi.gov/grants/buyamerica).

Appendix I, which is entitled, “Subaccounts for IJA AML Financial Assistance,” provides guidance on the available subaccount categories that State and Tribal AML programs can use in the development of their IJA AML grant application. Outlined below are the main subaccounts:

- IJA – Non-Emergency Administrative Costs
- IJA – Non-Water Supply (Coal Project) Costs
- IJA – Water Supply Project Costs
- IJA – Coal Projects Engineering & Design Costs (including for costs associated with e-AMLIS inventory related activities funded by the IJA, including STREAM Act funds)
- IJA – AMD Operational and Maintenance Costs
- IJA – Emergency Project Costs
- IJA – Long Term Reclamation Funding Costs
- IJA – IJA e-AMLIS Inventory Related Activities (use only for costs associated with the additional \$8 million provided for e-AMLIS financial and technical assistance)

OSMRE seeks from States and Tribes in their grant applications a list of AML Problem Area Descriptions (PADs) and Problem Types within PADs to be funded throughout the five-year period of performance; additional details on this requirement are provided in Appendix II.

## **VI. DAVIS-BACON ACT**

The IIJA requires that all laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration, or repair work on a project that will be assisted in whole or in part by funding made available under the IIJA must be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. §§ 3141-3148).

On August 23, 2023, the Department of Labor published the final rule, “Updating the Davis-Bacon and Related Acts Regulations” ([88 FR 57526](#)). The final rule took effect on October 23, 2023. The Davis-Bacon labor standards are applicable to reclamation projects completed using IIJA AML funding and Davis-Bacon clauses must be included in IIJA AML work contracts. The Department of Labor [Fact Sheet](#) provides additional information on the responsibilities of IIJA funding recipients (see Appendix IV).

Technical assistance is available through the Department of Labor to help States and Tribes meet the requirements of the Davis-Bacon Act. Currently, the Department of Labor offers free Prevailing Wage Seminars several times a year that focus on compliance with the Davis-Bacon Act, at <https://www.dol.gov/agencies/whd/government-contracts/construction/seminars/events>. For additional resources on how to comply with Davis-Bacon Act provisions and clauses, see <https://www.dol.gov/agencies/whd/government-contracts/construction>.

## **VII. ENHANCED ABANDONED MINE LAND INVENTORY SYSTEM (e-AMLIS)**

Pursuant to 30 U.S.C. § 1233(c), OSMRE maintains e-AMLIS, the central electronic database for housing the national inventory of unreclaimed AML problems affecting public health, safety, and the environment and reclaimed sites, along with their associated reclamation costs. Data maintained in e-AMLIS are provided by States and Tribes using standardized procedures approved by OSMRE.

States and Tribes are required to enter all coal AML projects into e-AMLIS and identify them as IIJA AML projects when funds are expended. To assist States and Tribes in complying with these requirements, on December 18, 2023, OSMRE made \$8 million in IIJA funding available to States and Tribes to improve overall data collection processes and the integrity, accuracy, and reliability of data in e-AMLIS. These funds can also be used for e-AMLIS activities to address the anticipated growth of the inventory, field reconnaissance activities, and the use of technologies to efficiently collect and manage additional project-related information (e.g., addition of AMD sites, IIJA performance measures). OSMRE strongly recommends using subaccount No. 22 to capture costs related to e-AMLIS activities sourced from these funds.

## **VIII. COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)**

OSMRE has determined that IJA AML funded reclamation projects (with the exception of AML projects exclusively funded by STREAM Act funds)<sup>6</sup> are major Federal actions subject to review under the NEPA. Refer to DOI NEPA regulations found at 43 C.F.R. Part 46 and the DOI Departmental Manual Part 516 for Department-wide policies and procedures pertaining to NEPA.

## **IX. PROJECT AUTHORIZATION**

OSMRE's regulations require that, before the start of construction on any non-emergency reclamation project, States and Tribes must submit a request for an Authorization to Proceed (ATP)<sup>7</sup> to OSMRE once the NEPA analysis has been completed. 30 C.F.R. §§ 885.15, 886.16. An ATP request for a reclamation project must include: confirmation that the problem area to be reclaimed has been entered into e-AMLIS; all completed environmental documents, including NEPA documents and other documents necessary to ensure compliance with relevant environmental laws, such as the Endangered Species Act; an AML eligibility statement; and any additional documentation requested by OSMRE for that particular project.

OSMRE will provide an ATP letter once the agency has determined that the request satisfies the guidelines for ATP issuance. The ATP letter from OSMRE provides the required approval to use IJA AML grant funding to reclaim the specific project being addressed and allows project construction to begin. Although NEPA documentation is part of the criteria required for an ATP request, the NEPA process and ATP process are separate requirements. An ATP request cannot be completed until OSMRE has completed the NEPA review process and issued a Record Of Decision, Finding of No Significant Impact, or Categorical Exclusion in compliance with the NEPA requirements.

## **X. EMERGENCY AUTHORIZATION**

According to chapter 4-115 of the Federal Financial Assistance Manual (FFAM), States and Tribes should submit a request for emergency declaration to OSMRE for emergency reclamation projects. The FFAM requirements track the "emergency" definition at 30 C.F.R. § 700.5, identifying the proper amount of emergency reclamation as the amount necessary to stabilize the emergency aspects of the problem—eliminating the immediate danger to public health, safety, and general welfare. Any remaining reclamation should then be accomplished as part of a regular, non-emergency AML project, as necessary.

Upon receipt of a request for emergency declaration, OSMRE will review the information and ensure that the project meets all requirements of the AML emergency program. If all information contained within the request for emergency declaration is complete, OSMRE will declare an emergency by signing a Finding of Fact/ATP. The Finding of Fact certifies that the problem

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<sup>6</sup> An AML project that is exclusively funded by STREAM Act funds (like projects exclusively funded by fee-based AMD set-aside funds) is not subject to NEPA or ATP requirements. However, it must be entered into e-AMLIS and included in the annual grant reports and Annual Evaluation report. See the [STREAM Act FAQs](#) for more information.

<sup>7</sup> Projects exclusively funded by STREAM Act funds do not require an ATP. See [FAQs](#) for more information.

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meets the emergency criteria per 30 U.S.C § 1240 and serves as the point of Federal action, authorizing the State or Tribe to proceed with reclamation work on the site. After the emergency is abated, the State or Tribe is required to comply with all applicable Federal laws and regulations, including NEPA.

## **XI. IIJA AML PERFORMANCE MEASURES & REPORTING**

OSMRE is required to submit a report to Congress within six years of the first IIJA AML grant allocation to State and Tribal AML Programs. This report will detail the progress made under the IIJA AML provisions in addressing outstanding reclamation needs under 30 U.S.C. § 1233(a) and (b) and 30 U.S.C. § 1240. Recipients of Federal funds, including grants, are allowed to spend a portion of award funding on relevant data gathering and analysis, and evaluation activities (2 C.F.R. 200.455). State or Tribal AML Programs may provide information they wish to highlight in OSMRE's report to Congress. Such information may include:

### **AML Reclamation Environmental Benefits**

- Number of acres reforested
- Number of trees planted on AML sites
- Number of bat gates installed
- Quantity of rare earth elements, metals, or sediment recovered for reuse

### **AMD Remediation Project Benefits**

- Quantity of iron, aluminum, manganese, sulfate, etc. removed and/or recovered on annual basis by AMD water reclamation projects
- Quantity of Rare Earth Elements (REE) recovered by AMD water reclamation projects
- Number of AMD passive treatment systems built
- Number of AMD passive treatment systems operated and maintained
- Number of AMD active treatment systems built
- Number of AMD discharges abated
- Miles of waterways improved
- Estimated volume of water treated
- Number of outflows remediated

### **Socio-economic Benefits of IIJA AML Projects**

- Number of former/current employees of the coal industry employed in AML reclamation;
- Percentage of workers employed at AML sites that reside in the county in which the AML project is located, or in adjacent counties;
- If there is a community benefit agreement as part of the project;
- Number of project partners involved in AML reclamation projects;
- Number of contract(s) awarded that aggregated projects exceeding a value of \$1 million at the time of award;
- Number of businesses constructed on reclaimed AML sites, and number of people employed at those sites;
- Number of job hours involved in IIJA AML remediation;
- Number of people receiving potable water after completion of water supply restoration



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- projects;
- Number of residents positively impacted by the restoration of previously polluted waterways; and,
- Number of residents within one mile of a IIJA-funded project.

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**If you have any questions or need additional assistance, please contact your servicing OSMRE Field or Regional Office.**

**Appendix I: Subaccounts for IIJA AML Financial Assistance**

**Appendix II: Table for IIJA AML Applications**

**Appendix III: IIJA AML Project Flowchart**

## **Appendix I: Subaccounts for IIJA AML Financial Assistance**

### **I. Authorities**

- The Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. No. 95-87, as amended;
- The Infrastructure Investment and Jobs Act (IIJA), Pub. L. No. 117-58;
- Division DD, Title VIII, Sec. 801 of the Consolidated Appropriations Act, 2023, Pub. L. No. 117-328;
- Office of Surface Mining Reclamation and Enforcement (OSMRE) Directive GMT-10, The Federal Financial Assistance Manual (FFAM);
- The Federal Grant and Cooperative Agreement Act of 1977, Pub. L. No. 95-224; and
- 2 C.F.R. Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards

### **II. Purpose**

The purpose of this document is to provide guidance and to clarify the available subaccounts (i.e., cost categories) for allocating moneys when submitting an IIJA AML grant application and expending moneys when invoices are submitted for processing through DOI's/OSMRE's financial system. This guidance document outlines the available subaccounts for IIJA funds that were created in 2022 and beyond. The FFAM has been updated to reflect these changes.

### **III. Additional Information**

This section contains the following information:

- IIJA Subaccounts Table. (Table 1) This table provides a listing of all available subaccounts under the IIJA AML Program, which is funded by moneys sourced from the U.S. Treasury.
- Fund Type Descriptions. This section describes the different types of funds listed in Table 1, which are used in the IIJA AML Program.

## IIJA AML Grant Subaccount Table

The table below contains a listing of standard subaccounts currently available for IIJA AML Grants:

**Table 1: IIJA Fund Subaccounts**

Subaccount	Infrastructure Investment and Jobs Act
01	IL
03	IL
04	IL
19	IL
21	IL
22	IL
23	IL
24	IL

Listed below is the fund type description.

- IL.** Funds authorized by section 40701 of the IIJA that are available to eligible States and Tribes (Source: U.S. Treasury Funds)

Listed below are the subaccount number definitions:

**01. Non-Emergency Administrative**

These are costs that cannot be tracked to individual reclamation projects and include items, such as travel, rental of vehicles, and any other administrative expenses. Project Design and Engineering costs should not be incorporated into subaccount 01.

**03. Coal Project Costs (Non-Water Supply)**

These are costs for actual construction, realty work, construction contracting, construction inspection, and other items allocable to a specific project in accordance with the IIJA. Please note that project design and engineering coal-related costs and operation and maintenance costs related to AMD projects should not be included under subaccount 03. An engineering and design subaccount 19, as described below, has been created to track these coal-related costs. An operational and maintenance subaccount 21, as described below, has been created to track these AMD related costs.

**04. Water Supply Project Costs**

These costs are authorized by the IIJA, and eligible States and Tribes may expend funds to protect, repair, replace, construct, or enhance facilities related to water supplies adversely affected by coal mining practices. Please note that project design and engineering coal-related costs should no longer be included under subaccount 04. A new engineering and design subaccount 19, as described below, has been created to track these coal-related costs.

**19. Coal Projects Engineering & Design Costs**

These are coal-related engineering and design costs associated with site investigation, public engagement, including identification and mapping of hazards; environmental sample collection and data validation; costs associated with surveying design and engineering of reclamation activities, including development of construction bid packages; costs associated with owner operator searches, eligibility determination, historic and archeological surveys, threatened and endangered species reports and consultation, document preparation related to NEPA, public meetings, and landowner agreements; and any other costs associated with project preparation before the award or initiation of a construction project.

Pursuant to section 403(c) of SMCRA, OSMRE maintains e-AMLIS, the central electronic database for housing the national inventory of unreclaimed AML problems affecting public health, safety, and the environment, and reclaimed sites, along with their associated reclamation costs. IJJA funding (excluding funds sourced from the \$8 million that was distributed among States and Tribes for e-AMLIS financial and technical assistance) may be used by State or Tribal AML Programs to amend their inventory of coal problems. Costs associated with the activities necessary to update a State's or Tribe's inventory in e-AMLIS should be included under this subaccount. Any IJJA costs related to e-AMLIS that are sourced from the \$8 million should be included under subaccount 22.

Please note that this definition does not include construction oversight or long-term monitoring or maintenance. Any cost related to construction oversight or long-term monitoring, or maintenance should be included under direct project subaccounts such as 03 and 04. Any IJJA costs related to long term AMD operational and maintenance costs should be included under subaccount 21.

**21. Acid Mine Drainage (AMD) Operational and Maintenance Costs**

These are costs associated with the long-term operation and maintenance of AMD treatment facilities. This category was created as a result of the determination that States and Tribes receiving IJJA AML funding may use grant funds to operate and maintain AMD treatment facilities. Costs related to the construction of AMD treatment facilities should be included under direct project subaccounts such as 03 and 04. Costs related to the design of AMD treatment facilities should be included under subaccount 19.

**22. IJJA e-AMLIS Inventory Related Activities (\$8 million distributed among States and Tribes for e-AMLIS financial and technical assistance)**

This IJJA funding code should only be used by State or Tribal AML Programs if the funds used are sourced from the \$8 million made available to amend their inventory of coal problems. Costs associated with the activities necessary to update a State's or Tribe's inventory in e-AMLIS should be included under this subaccount. These costs are associated with activities necessary to improve overall data collection processes and the integrity, accuracy, and reliability of data in e-AMLIS. These funds can also be used for e-AMLIS activities to address the anticipated growth of the inventory, field reconnaissance activities, and the use of technologies to efficiently collect and manage

the information (e.g., addition of AMD sites, IIJA performance measures).

**23. IIJA Emergency Projects Costs**

These costs are authorized by the IIJA. As defined at 30 C.F.R. § 700.5, an emergency is a sudden danger or impairment that presents a high probability of substantial physical harm to the health, safety, or general welfare of people before the danger can be abated under normal program operation procedures. Emergency project costs cover the emergency restoration, reclamation, abatement, control, or prevention of adverse effects of coal mining practices on eligible lands. Emergency projects must be pre-authorized by OSMRE, directly related to emergency hazard abatement, and are subject to availability of funds.

**24. IIJA Long Term AML Reclamation Fund**

These costs are authorized by the Consolidated Appropriations Act, 2023, which amended the IIJA by authorizing eligible States and Tribes to deposit up to 30 percent of their annual IIJA AML grant amount in a long-term abandoned mine land reclamation fund established under State law. The amounts, including any interest earned, must be expended by the State or Tribe for:

- the abatement of the causes and the treatment of the effects of acid mine drainage resulting from coal mining practices, including building, operating, maintaining, and rehabilitating acid mine drainage treatment resulting from coal mining practices;
- the prevention, abatement, and control of subsidence; or
- the prevention, abatement, and control of coal mine fires.

## **Appendix II: Table for IIJA AML Applications**

The following table is a template for State and Tribes to use for the submittal of supporting information to accompany their IIJA AML grant applications.<sup>1</sup>

This table will allow States and Tribes to report areas in which they are planning to conduct AML reclamation and remediation work during the next five years from the time the table is submitted. It is intended to provide the public and interested parties in Congress and the federal government with information on the State's and Tribe's preliminary plans for spending IIJA AML funding.

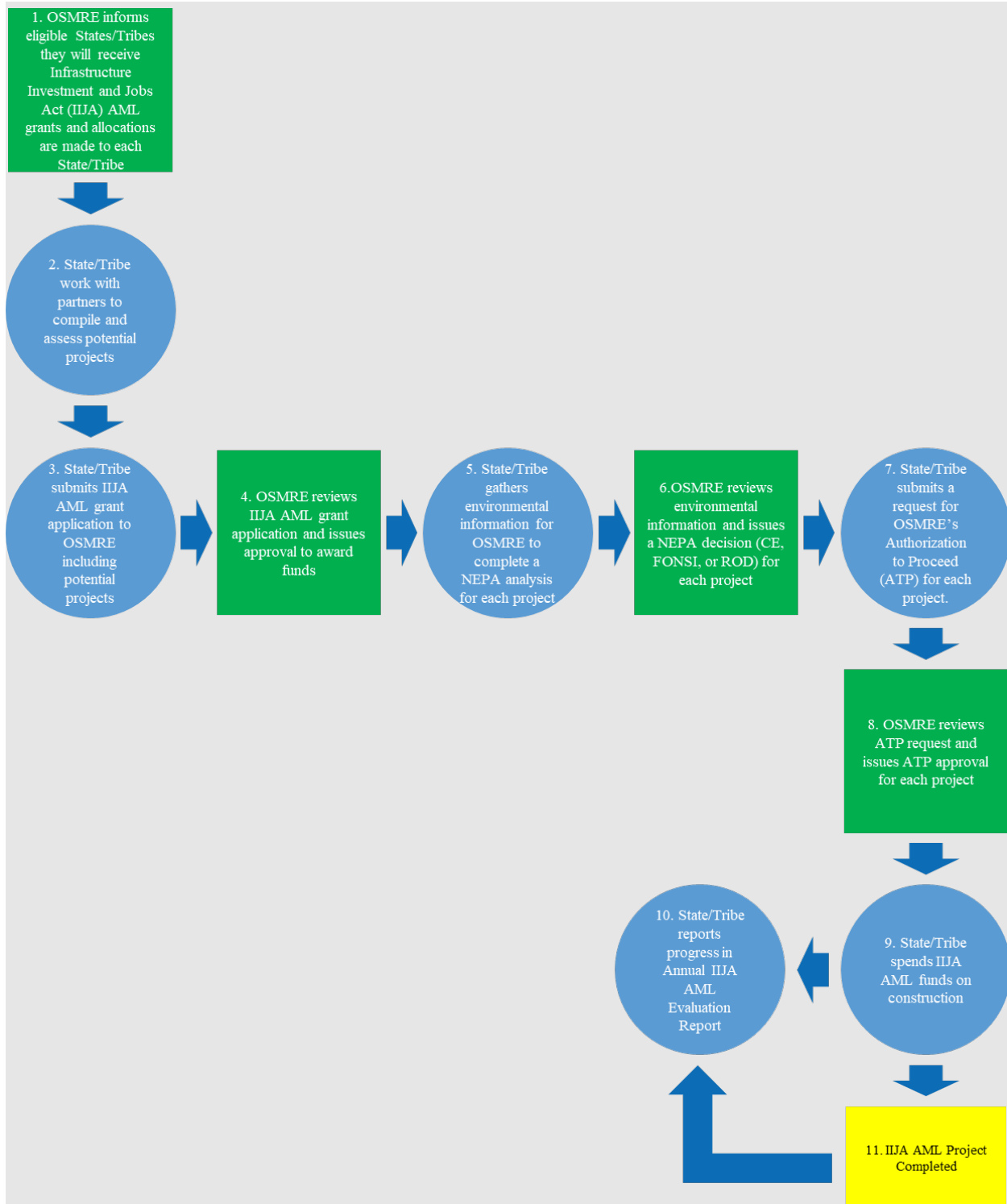
<b>Name/Description/AMLIS Key of the PAD<sup>2</sup></b>	<b>County of PAD</b>	<b>Problem type(s) within the PAD</b>	<b>Total e-AMLIS cost estimate for the PAD<sup>3</sup></b>	<b>Problem type(s) to be reclaimed in the PAD</b>

<sup>1</sup> OSMRE recognizes that the information provided in the table is only a projection of the work that may be done and that States and Tribes need flexibility in planning AML reclamation activities to incorporate input received from the public, respond to changes in circumstances that require priorities to be adjusted, and address AML emergencies. States and Tribes may conduct AML reclamation activities in areas not identified in the table, which will not be regarded as a change requiring a grant amendment. Annual and closeout reports will provide actual project status each year.

<sup>2</sup> The Problem Area Description (PAD) is specific information required to establish a Problem Area in the e-AMLIS inventory that describes a group of AML problems in a geographically distinct area. See [OSMRE Directive AML-1](#) for more information.

<sup>3</sup> OSMRE recognizes that the cost estimates from e-AMLIS represent approximations of the costs to reclaim and remediate AML features within the PAD and that e-AMLIS cost estimates only reflect construction costs; they do not include other necessary costs such as planning, design, permitting, and construction oversight.

### Appendix III: IIJA AML Project Flowchart



June 2025