U.S. GAO: Actions needed to return mined lands to beneficial uses

An Appalachian Newspapers Staff Report

The U.S. Government Accountability Office said in a recent report that several actions should be taken by the Office of Surface Mining Reclamation and Enforcement to ensure that reclamation of former surface mines is taking place nationwide.

In the report, which was issued in October, but made public Nov. 12, the GAO points out that, as coal demand and production decline, concerns have been raised about whether mine operators with declining revenue may delay reclamation or declare bankruptcy and if the Surface Mining Control and Reclamation Act of 1977's approach for ensuring timely reclamation will continue to work as intended.

According to the GAO analysis, as of 2025, a total of 1,838, or 35 percent of mining permits nationwide were in reclamation, meaning that reclamation on those permits was ongoing or complete.

"In contrast, 17 percent of permits (908) were in bond forfeiture, indicating the operator failed to comply with reclamation requirements or other applicable terms and conditions of the permit," the report said.

In the Appalachian region, the report shows, 35 percent of permits were in reclamation and 18 percent were in forfeiture.

In Appalachia, the GAO found, of the 4,752 active permits in Appalachia, a total of 2,763 (58 percent) had no reportable coal production, while 18 percent last had reportable coal production between 2020 and 2025 and 402 (8 percent) last had reportable coal production between 2015 and 2019.

The remaining 749 permits (16 percent), the GAO found, last had reportable coal production between 2000 and 2014.

The report said that officials from several OSMRE office and each of the stakeholder groups told the GAO that the design of certain bonding instruments may pose a challenge to completing reclamation.

"For example, regulatory authorities reported to us that in six states the operator's bond amount did not cover the full cost of reclamation for over half of the 125 permits for which reclamation was completed from 2019 through 2024," the report said. "In such cases, states used other state funds to complete reclamation.

According to the report, over that time period, Kentucky incurred more than $6.1 million in reclamation costs in cases where the bond involved in 24 permits was inadequate to cover reclamation costs.

In West Virginia, the report said, the state incurred more than $9 million in reclamation costs in connection with 46 permits in which the bond was inadequate to cover reclamation costs.

The OSMRE, the GAO found, does not analyze the length of time between a mine's date of last production and progress toward completing reclamation and returning the site to beneficial post-mining uses in measuring reclamation success.

"... A sizeable proportion of mining permits last produced coal more than 10 years ago, and some permits have not produced coal since the 1990s," the report said. "Until fully reclaimed, these lands can pose varying degrees of health, safety, environmental and financial risks."

Further, the report found, the longer an operator goes without reclaiming lands on a non-producing permit, the greater the likelihood the operator may not have sufficient production revenues to fund reclamation or may declare bankruptcy.

"In these circumstances, the costs of reclamation may become a liability for the regulatory authority ...," the report said.

The GAO found that OSMRE has not issued its statutorily required annual report to the president and Congress summarizing its reclamation activities and making recommendations for changes needed to accomplish its purposes.

"OSMRE officials told us that the agency had not completed an annual report since 2020 becauhse they have had other priorities since that time," the report said. "In June 2026, OSMRE officials told us they were drafting the annual report focused on activities in fiscal year 2025.

Without those reports, the GAO said, Congress, states, tribes and other stakeholders lack information necessary to understand program performance nationwide and to make informed decisions about how to improve the program.

The GAO is making four recommendations for the Department of the Interior, including:

- That the department should conduct strategic workforce planning related to OSMRE;
- That the department should direct OSMRE to take actions to improve its timeliness for reviewing proposed amendments to regulatory authority programs;
- That the department should direct OSMRE to develop performance measures and collect corresponding data to track the length of time between a mine's date of last production and progress toward completing reclamation and returning the site to beneficial post-mining usess; and
- That the department should direct OSMRE to resume publishing its annual nationwide performance report.

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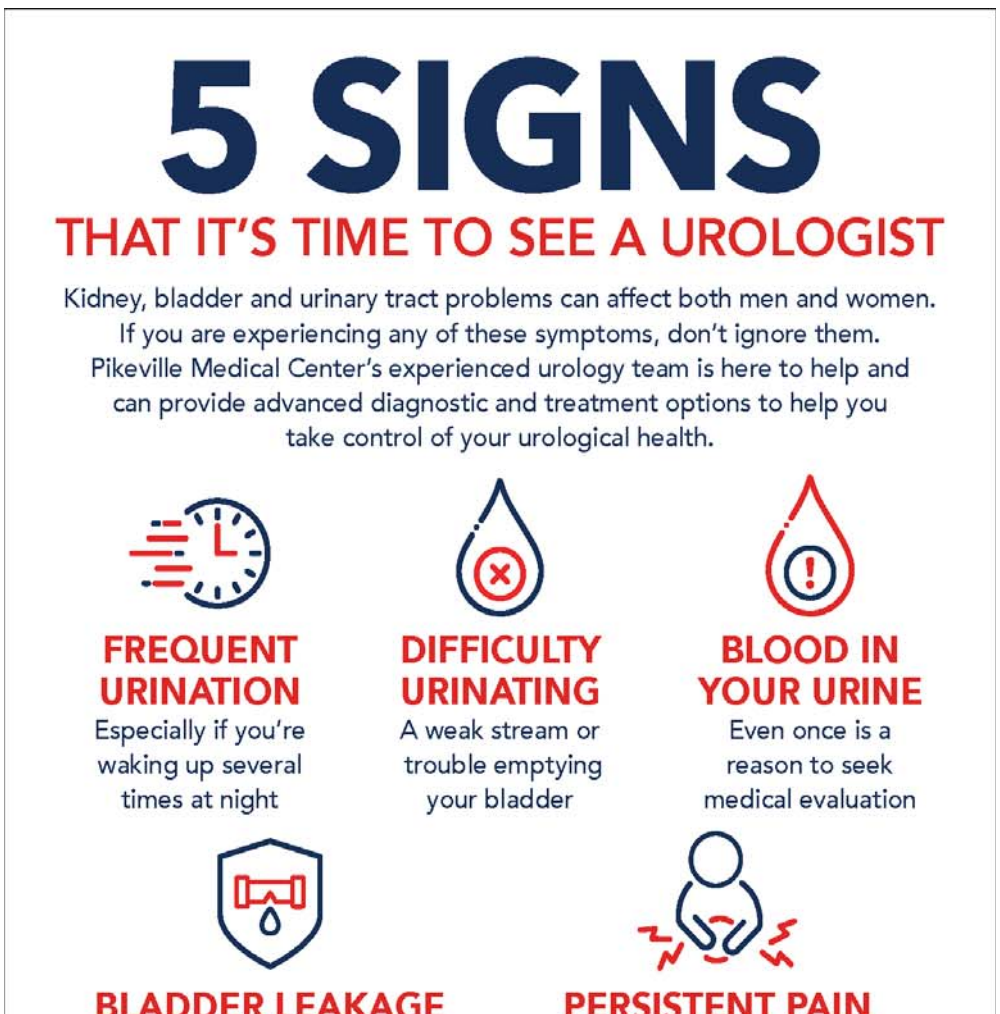
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