Waste Management and Remediation Division
Superfund, Abandoned Mine Land, and Construction Bureau
Abandoned Mind Land and Construction Services Section

Abandoned Mine Land Communication Plan

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TABLE OF CONTENTS

1.0 INTRODUCTION

The Abandoned Mine Land (AML) Communication Plan provides guidance about the Montana Department of Environmental Quality (DEQ) AML Program internally to staff and externally to the public. The document provides context of the historical nature of the program and outlines DEQ communication with the audiences involved in AML projects, which includes the public; local, state, and federal agencies; and elected officials.

The AML Program reclaims and monitors abandoned coal and hard rock mine sites. Montana has upwards of approximately 6,600 abandoned coal and hard rock mines. Funding for the program is generated by the AML fees collected by the federal government and administered to the states as federal grants. Additional supplemental funds are generated through the Infrastructure Investment and Jobs Act (IIJA) and state funding through the Orphan Share fund. These AML funds allow the states to eliminate physical safety hazards and environmental hazards for which there is no other responsible party at no cost to Montana's citizens.

2.0 GOALS

The AML Communication Plan's goals are to educate AML Program staff on the outline of program implementation and outline communication with stakeholders involved in a project. These goals also include, but are not limited to:

- Defining abandoned mines and providing historical context to the program,
- Outlining AML Program operations,
- Understanding how to inform citizens of the risks posed by abandoned mines, and
- Delineating communication with stakeholders; federal, state, local officials as well as impacted property owners and members of the public to increase community awareness.

3.0 AML PROGRAM HISTORY

3.1 Abandoned Mine Program Inception

Abandoned mines are mines left unclaimed prior to the passage of modern mining regulation, also known as pre-law or pre–Surface Mining Control and Reclamation Act (SMCRA) sites. Congress passed SMCRA in 1977 that implemented regulations on active coal mines requiring reclamation.

Congress also established a national AML Program in 1977 under Title IV of SMCRA. The national AML Program was designed to equip states and tribes with the resources and authority needed to address the challenges of pre-SMCRA mining.

3.2 Hazards Associated with Abandoned Mines

The AML Program is responsible for the reclamation of AML sites that pose physical and environmental hazards. AML sites can pose significant threats to public health, the environment, and economic well-being in the communities they impact. Such threats like abandoned mine shafts, unstable high-walls, and the collapse of underground mines (subsidence), are the AML Program's primary concern. The AML Program is also engaged in treating water resources polluted by heavy metals associated with AML sites, known as acid mine drainage (AMD). AMD affects public drinking water supplies as well as the health of nearby streams, lakes, and rivers. Ongoing threats from AML sites to health, safety, and the environment in turn cause serious economic problems in these regions.

Underground mine workings in Montana, due to weathering and collapse, continue to cause subsidence features on the surface, which create safety hazards as well as diminish land values. Open shafts and portals leading to underground workings are extremely dangerous to the unsuspecting public, wildlife, and livestock. Underground mine workings or surface coal waste can catch fire, and these fires release toxic gasses and are difficult to extinguish. AMD created by abandoned mine workings can pollute surface waters as well as residential and agricultural water sources. Hazardous mining materials, equipment, and facilities left behind can be extremely dangerous. Metals such as arsenic, lead, copper, mercury, and others from mine waste and coal seam fires can pollute land and water, making it unsuitable for citizens, wildlife, livestock, and fish.

3.3 Relationship Between Modern and Abandoned Mines

Title V of SMCRA established rules and regulations under which modern mining must be conducted, including requirements for reclamation and restoration of mines once mining operations have ceased. The AML Program established under Title IV of SMCRA is a vital component of the balance between natural resource production, environmental protection, and restoration that Congress sought to establish through the legislation.

Historic coal mining conducted prior to the enactment of SMCRA fueled the industrial development of the United States but was conducted without modern knowledge or regard for mining's potential negative impacts. The establishment of the SMCRA Title IV AML Program represents an accord between the modern coal mining industry, government regulators, and environmental advocates that when a coal company mines a new site, it will contribute to fixing the damage from previous unregulated mining. This covenant between the coal mining industry and the communities in and around which they operate is one of the keyways the modern mining industry compensates people who live among or near its mines. The AML Program is an example of the good that can be achieved when government, industry, and citizens work together.

3.4 Authorization v. Certification of the AML Program

Authorization for the national AML program provides a regulatory structure for fee collection. The federal authorization for the national AML program is set to expire on September 30, 2034, which would eliminate the majority of the funding for the AML Program by 2036. This would result in a restricted source of funding or support to reclaim abandoned mine hazards, leaving liability with the landowners. As of 2025, Montana has more than $130 million in unfunded abandoned coal mine sites in the inventory. Unfunded abandoned hardrock mine sites have a definite impact, but there is not an estimated dollar amount for this inventory. It is important for DEQ to track any work done regarding authorization of the AML program fee funding at a federal level.

States and tribes impacted by AML may request approval to become a delegated state or a certified state with an approved AML reclamation plan. States and tribes are eligible to become delegated, not certified, if they have remaining high-priority coal mine hazards that have not yet been reclaimed. The delegated state and tribal AML programs receive grants from the U.S. Department of the Interior's Office of Surface Mining Regulation and Enforcement (OSMRE) to plan and construct AML projects until the work remaining in their jurisdiction is completed. The majority of states' AML programs have large remaining coal inventories of unreclaimed AML sites and are continuing to make progress. These are often referred to as uncertified states. The current uncertified states can be found at SMCRE AML Oversight Hearing June 17, 2017.

When a state or tribe has completed its highest priority coal AML work, as Montana has, it is allowed to certify under SMCRA that it has completed reclamation of all its high-priority coal AML sites. Both delegated and certified states and tribes are approved by and subject to oversight from Department of Interior (DOI) through OSMRE. Upon approval of their reclamation plans, states and tribes exercise primary responsibility for identification, monitoring, and reclamation of AML sites within their respective borders. Certified programs, including Montana's, continue to address emergencies and other newly manifesting coal AML problems; operate and maintain existing projects; and conduct much needed non-coal AML work. Montana is currently certified as are Louisiana, Mississippi, Texas, Wyoming, Crow Tribe, Hopi Tribe, and Navajo Nation. Montana has an approved Montana Abandoned Mine Land Reclamation Plan, which was last approved in the Federal Register published July 14, 2021.

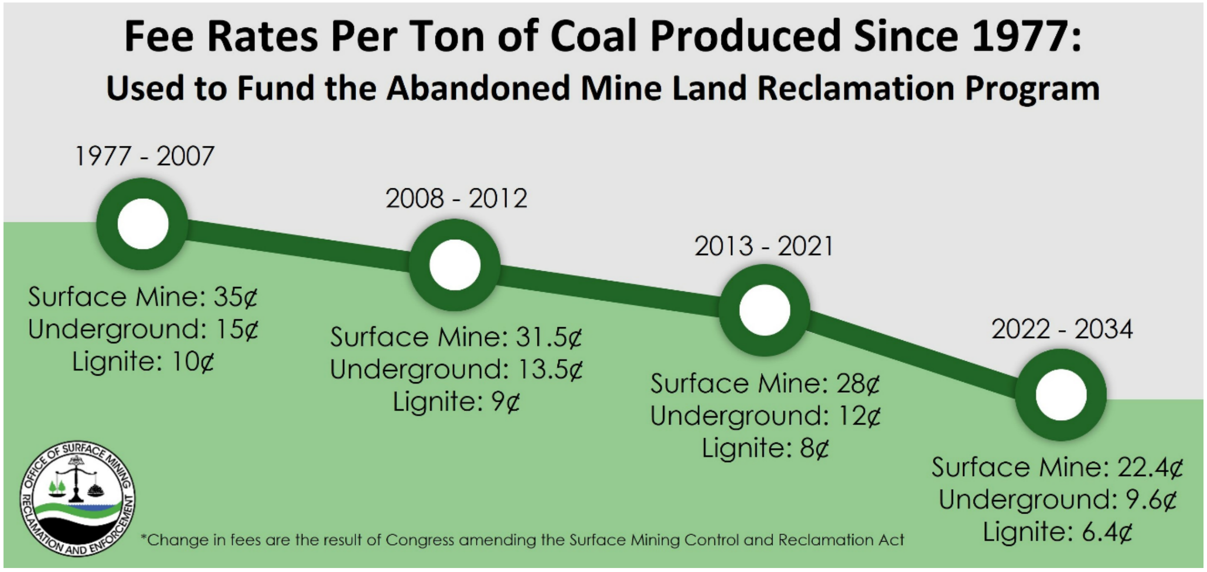
Once a state is certified, it is no longer eligible to receive grant funding from the AML funds. Certified programs, including Montana's, continue to need funding to support AML reclamation. The certified states instead receive grant funding through the general fund of the U.S. Treasury for newly arising reclamation needs and contending with other impacts of mining, allowing for more flexibility for non-coal (hardrock sites) reclamation projects.

4.0 AML PROGRAM FUNDING

4.1 FEE BASED FUNDING

State and tribal AML programs receive funding through DOI to conduct reclamation projects that mitigate the risks to nearby communities posed by AML sites as well as restore degraded water and other environmental resources. SMCRA also created the AML Program, which provides funds to DEQ and other certified states and tribes to protect citizens and the environment from hazards associated with the abandoned, or pre-SMCRA mines.

The AML fees are collected from active coal mine operations on a per ton basis, and grants are administered to the states. As of the end of 2025, this funding was administered from the broader DOI, which was previously directly from OSMRE. Reclamation is completed by DEQ at no expense to the public. The AML Program's work is made possible by the AML fee levied on coal currently produced in the United States. AML fee levels have been steadily reduced over the past decade with a 36% decrease since 2007. Currently they sit at 22.4¢ per ton for surface mines, 9.6¢ per ton for underground mines, and 6.4¢ per ton for lignite mines. The OSMRE is responsible for collecting and managing the funds. DOI then distributes the money generated by the AML fee. Figure 1 below shows the reduction in rates over the last 50 years.



The AML Program's base grant from the U.S. Treasury is $2 million to $4 million a year and is dependent on coal production. Over the history of the AML Program, less than 10% of those grant dollars accounted for administration of the program. The remaining funds went to construction and engineering contracts.

AML funds cannot be used to reclaim modern mines. The funding provided through the AML Program is only eligible to be used on certain types of reclamation projects, as governed by SMCRA Title IV. The law dictates that AML funding can only be used at sites mined for coal and left unreclaimed prior to 1977.

Because regulations implementing the AML Program required several years to complete once SMCRA was passed, an exception is provided on a case-by-case basis, allowing for mining conducted in the years immediately following 1977 to qualify for AML funding. Otherwise, AML funding is not eligible to be used on the reclamation of a modern mine, as in a bond forfeiture scenario.

OSMRE collects and deposits the proceeds of AML fee collection into the AML Trust Fund. AML moneys are retained in the trust fund until distributed in accordance with the specific provisions of SMCRA. Approved state and tribal AML programs receive reclamation grants annually from the AML Trust Fund based on a predetermined formula. Because Montana is a certified state, the funds received from the U.S. Treasury can be used on both coal and hardrock sites. The AML Program also funds hardrock projects with state only funds from the Orphan Share, a state special revenue fund.

4.2 Infrastructure Investment and Jobs Act Funding

The IIJA, enacted on November 15, 2021, authorized roughly $11 billon to be administered to the AML programs by OSMRE. IIJA AML funds are to be distributed to the states annually over 15 years, with Montana receiving $4.6 million a year, and may only be spent on eligible abandoned coal sites.

IIJA funding is considered an additional support to the original AML program. IIJA AML funding does differ from the fee-based funding in a few ways. IIJA funds can be directed to stand-alone Priority 3 projects and AMD projects not part of a qualified hydrologic unit. Also, if funds are placed in a long-term AML reclamation fund, they can be used on coal mine fires and subsidence (Guidance on IIJA June 2025).

Fees and IIJA are the major funding sources collectively used to implement the AML Program in Montana.

5.0 AML PROGRAM OPERATION

5.1 AML Program Inventory

The AML Program has 3,155 abandoned coal mines and 3,481 abandoned hardrock mines within 544 watersheds in 52 of Montana's 56 counties. The AML Program maintains a hazards inventory that continues to grow, despite the notable progress with AML work, for several reasons. The majority of AML projects take place on private land. The AML Program inventory is not static. It is the nature of AML that previously unknown hazards and sites will continue to manifest, particularly those associated with abandoned underground mines, and that known sites will continue to degrade, which increases the number of sites and total cost to complete remaining AML work.

With advancements in technology; the collection of more complete maps and mining records; the development and encroachment of nearby communities into AML areas; increased awareness and identification of these sites by local residents; and additional AML hazards identified has added to the AML inventory in the last decade. As communities in AML-impacted regions expand outward once isolated AML sites become higher priority as the risks they pose to public health and safety increase.

5.2 AML Program Operation

The first step in completing an AML project is identifying and gathering information on the prospective site. The AML Program is required to perform a site inventory to determine dates of operation, size, scope, and estimated construction costs of a given project. That preliminary data is then entered into e-AMLIS, the digital database managed by OSMRE. Once a particular project has been identified, implementation of that project requires compliance with requirements under SMCRA as well as compliance with other environmental laws such as the Clean Water Act, the National Environmental Policy Act, the National Historic Preservation Act, and the Endangered Species Act. In addition to adherence of federal regulations required by OSMRE, the State of Montana also requires adherence to the Montana Water Quality Act, the Montana Environmental Policy Act, the Montana State Antiquities Act, and the Nongame and Endangered Species Conservation Act.

The AML Program must investigate options, develop project plans, including conducting sampling, designing, and engineering the project, and submit these plans for additional review, including obtaining all necessary permits. The AML Program must then procure a construction contractor to complete the project. Once the contractor is selected and work moves forward, the AML Program must supervise and manage progress on the project. Once the project has been completed, the AML Program will update the AML inventory to reflect the final project construction cost and update their grant report information for OSMRE.

In addition, because it is not cost-effective to routinely update entries for pending AML projects, many of the project cost estimates listed in the inventory do not reflect current costs. For example, many sites were originally inventoried in the 1980s, and they often have not been updated to reflect inflation. As remaining unreclaimed AML sites are periodically surveyed, cost estimates will therefore generally increase. It should be noted that any additions to the inventory must be approved by OSMRE, and to date, all such proposed additions have been approved.

5.3 AML Site Priority

Title IV of SMCRA includes a priority ranking system that assigns each inventoried AML site a ranking of either Priority 1, 2, or 3 based on its relative risk to public health and safety. A full inventory of AML sites can be found at OSMRE e-amlis inventory. The most imminently dangerous projects receive a Priority 1 designation. Less urgent sites with important safety concerns receive designation as Priority 2. Priority 3 projects represent no immediate harm to public safety but are causing material impact and degradation to the environment.

The purpose of the priority system is to plan which AML sites should receive precedence when decisions about project selection are made. This system is important in that it helps to ensure that the AML Program is effectively balancing the health and safety as well as the environmental impacts of AML sites and serving impacted communities based on their needs.

Priority 1 and 2 sites, which present the most direct health and safety concerns, have long been given precedence by the AML Program. These sites pose the highest danger to citizens' lives, and SMCRA requires that these sites are dealt with first and receive the vast majority of AML grant fee-based funding.

The AML Program also engages in a notable amount of Priority 3 projects, which are generally defined to include any environmentally impacted site without a particularly high risk to public health and safety. It is important to note that most Priority 3 work is conducted with fee funds in conjunction with work on Priority 1 and Priority 2 projects as addressed in 30 U.S. Code §1233(a), as work adjacent to Priority 1 and 2 projects with fee funds. Where multiple AML features exist at one site, it generally makes economic sense to remediate all those impacts as one project. This system allows the states to select projects based on health and safety priorities while also making steady progress with environmental impacts. In this way, states can restore an entire site, rather than only the worst portions, while leaving other impacts behind.

In addition, IIJA AML funding allows stand-alone Priority 3 projects to use the IIJA AML funding source. This allows Priority 3 projects to proceed without the tie to Priority 1 or Priority 2 projects. While Priority 3 projects are lower priority in terms of imminent safety risk, they can severely impact long-term environmental and economic health. For Priority 3 projects are sometimes mischaracterized as unimportant due to their being discussed as low priority compared to Priority 1 and 2 sites. The term "low priority" is a misnomer and is true only relative to other projects, not in terms of the project's overall importance. All inventory listed AML projects are important. The AML Program chooses to regulate hardrock sites in the same manner as coal sites as Priority 1, 2, and 3 sites, which are regulated based on their definitions, with further detailed information found AML-1_Appendix-A-May-2025.pdf.

5.4 AML Program Economic Benefits

Beyond its core health, safety, and environmental purposes, the AML Program also provides a critical economic benefit. While health, safety, and environmental concerns are generally the first to be considered with the AML Program, these sites are also typically central to economic concerns for communities in historic coal mining regions. The AML Program plays a vital role in restoring economic well-being in these impacted communities by responding to threats to infrastructure stability, providing access to clean water and restoring opportunities for tourism and recreation.

Thousands of jobs result from the AML Program's work. In a time when coal mining job losses are being felt more than ever, the employment opportunities stemming from AML work have become more important, especially considering AML work requires similarly skilled workers. When possible, AML projects utilize construction contractors who are often former mine operators themselves and who often employ former miners and other local workers in coalfield communities. Consistently conducted AML projects throughout the state spur additional economic activity in turn providing support for other industries.

The contributions the AML Program makes to building up economic value and employment is then multiplied when newly reclaimed sites once again become suitable for development. AML sites are often prime locations for new business ventures and tourist attractions, creating new space for rebuilding communities to grow economically. According to DEQ analysis, for every $1.00 of AML funding spent, it is estimated that $1.59 is returned to the local economy. For every mile of stream improved, there is a net gain of $80,000 per year to the local economy.

5.5 AML Emergencies

The AML Program is ready if a potential AML problem rises to the point that action must be taken immediately to protect public health and safety or restore the environment from the effects of past coal mining. In this regard, AML emergency projects are one of the AML Program's most important functions. These suddenly occurring problems pose an extreme danger to our citizens' health and safety and may involve mine subsidence that damages homes, roads, utilities, or other improved property; burning coal refuse or underground mine fires; mine shafts and portals that have become accessible to the public; mine gas migration into homes; mine water blow-outs and other mine drainage problems; or AML-related landslides. Communities among prevalent abandoned mines live under the constant threat of this type of sudden, devastating event. The AML Program helps to bring the security and peace of mind these communities deserve.

6.0 COMMUNICATION

6.1 Communication Outlets

The AML Program works internally with DEQ staff where projects impact other pertinent areas of environmental regulation. The AML Program also regularly coordinates or informs stakeholders when working on inventoried sites. Stakeholders may include but are not limited to the public, landowners on a project site, federal, state, local agencies, and nonprofit organizations. Many times, AML Program projects also generate interest from state and local law makers. For large AML projects, public meetings will occur at least semi-annually to provide project updates and can occur on smaller projects as well. Figure 2 outlines some examples of how the AML Program may interact with stakeholders.

Potential AML Stakeholder Coordination

Media	Public	Federal Agencies	State/County Agencies	Local State & Federal Lawmakers/Nonprofit Organizations
Update and Maintain Department webpage Follow internal communication policies Respond to media inquiries and develop speaking points Consider use of short films, posters, factsheets, and other materials Conduct staff trainings Media response with PIO coordination	Inform citizens of the dangers associated with abandoned mines Coordinate AML issues with impacted property owners Issue press releases for public meetings, reclamation progress updates and other noteworthy stories Advertise for public meetings and major milestones in local new media outlets Coordinate field trips and tours as they arise Education outreach with local schools Consider use of social media	Determine appropriate Federal Agency partners for each project Environmental Protection Agency Office of Surface Mining Reclamation and Enforcement US Fish and Wildlife Service Natural Resource Conservation Service US Forest Service Bureau of Land Management National Park Service	Other reclamation programs City and County Governments State Historic Preservation Office Montana Natural Heritage Program Montana Department of Resources and Conservation Montana Fish Wildlife and Parks County Soil Conservation Service Montana Association of Conservation Districts	Coordinate outreach with local state and federal lawmakers Develop materials for local state and federal lawmakers as requested Montana Watershed Coordination Council Interstate Mining Compact Commission National Association of Abandoned Mine Land Programs

Figure 2: Potential AML Stakeholder Coordination

6.2 MEDIA CONTACT PROTOCOL

The AML Program will follow the DEQ Standard Operating Procedure (SOP) when contacted by the media. When contacted directly by media please take the following steps:

- Remain calm and be polite and helpful.

- Document who is calling and the outlet they are calling from including the media type; radio, tv, newspaper, etc.
- Ask specific questions regarding their interest. Determine what their story is regarding; identify the questions they have, if possible; how best to reach them; and find out their deadline.
- State that someone will follow up with them shortly, and do not answer their questions even when pushed on the topic.
- Check in with your supervisor and the DEQ Public Information Officer (PIO).
- Lastly, it will be determined who the best person is to respond to the media request along with a review of the material to be presented.

A more detailed outline of media content interactions defined by the contact, i.e. legislator versus a reporter, can be found Contact Cheat Sheet.docx. If staff will be responding to the media inquiry, the supervisor or the PIO can cover the key elements of preparing for the interview. Other forms of communications, web posts, advertisements, press releases, and social media posts will be coordinated with the DEQ PIO. However, the AML Program will be responsible for initiating and coordinating those efforts. The DEQ PIO will support the AML Program with development of other communications materials, such as posters, fact sheets, presentations, and films. Any questions about OSMRE will be directed to the OSMRE Public Affairs Specialist.

6.3 AML Project Communication Plans and Public Involvement Plans

Involvement of key stakeholders and the public is important to all AML projects. All AML projects will have a dedicated communication plan. At the initiation of each large AML Project, the AML Program will prepare a communication plan that includes both internal and public involvement. The AML Program will work with the PIO, ensuring any community outreach is handled appropriately. When working on large projects, the AML Program will consult with the PIO to outline talking points, communication strategies, responsibilities, and timeframes for the AML project. All project documents must comply with Section 508 of the Rehabilitation Act, a federal law that DEQ complies with that requires all electronic information accessible to people with disabilities. Figure 3 depicts different methods of communication based on the type and frequency of interaction with the AML Program.

Communication Methods Based on Type of Communication and Frequency

	AML Program Awareness	Press Inquires	Public Meetings	Project Updates	Local or State Lawmakers
Methods of Communicating	Power Point Presentations Fact Sheets Posters Press Release Web Updates Social Media Videos	Speaking Points Fact Sheets	Power Point Presentations Fact Sheets Draft Documents Posters Handouts Advertisements Flyers Press Releases Website Updates Social Media	Fact Sheets Newsletters Advertisements Press Releases Website Updates Social Media	Fact Sheets Speaking Points Briefing Memo
Frequency	AML will seek opportunities to speak at events and highlight the AML Program	As requested	As needed for project work or project updates (semi-annual for large projects)	As needed basis or semi-annual for large projects	As requested

Figure 3. Communication Methods Based on Type of Communication Outlet

7.0 CONCLUSION

The AML Program will continue to work with the department and the public to educate all on the positive impact of AML project completion. The AML Program will continue to communicate to the public the messaging of "Stay Out, Stay Alive," a nationwide public awareness campaign to educate children and adults about the hazards of exploring and playing at mine sites, when encountering any AML site. DEQ's website allows the public to report online any potential AML site. Active participation by the public helps to ensure inventory adjustments and action where needed in Montana.

The intention is for the AML Communication Plan to be updated regularly. The document should remain fluid and be updated to include current AML Program operations. This 2026 document updates the 2018 AML Communication Plan