

INFRASTRUCTURE INVESTMENT AND JOBS ACT



Restoration Projects on Federal/Non Federal Land

Inspection 08801 0002 41(IN1) July 2023

The Infrastructure Investment and Jobs Act (IIJA) was signed into law on November 15, 2021. This legislation provided funding to “rebuild America’s roads, bridges and rails, expand access to clean drinking water, ensure every American has access to high-speed internet, tackle the climate crisis, advance environmental justice, and invest in communities that have too often been left behind.” It provided the Forest Service (FS) approximately \$5.5 billion for reducing the risk of wildland fire, restoring ecosystems, and investing in natural resources related to infrastructure. Of this funding, \$100 million was made available specifically “to restore native vegetation and mitigate environmental hazards on mined land on Federal and non-Federal land.”^{1, 2}



Figure 1: Mine cleanup project in a national forest. USDA photo. It does not depict any particular audit or investigation.

¹ According to a Congressional Research Service report, *Federal Land Ownership: Overview and Data*, updated February 21, 2019, the term *Federal land* means any land owned and managed by the Federal government.

² Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, § 40804(b)(8), 135 Stat. 1106 (2021).

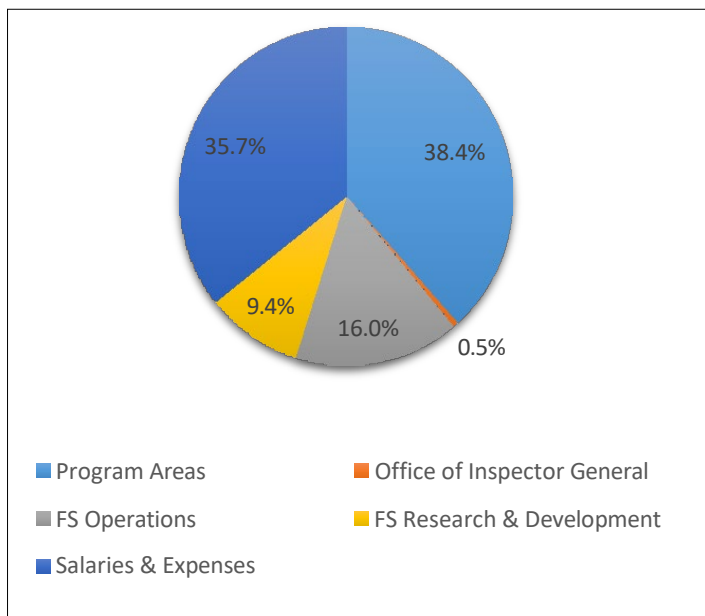


Figure 2: Percentages of funds allocated to FS for restoration projects

Based on our review of an internal FS IJA program briefing paper (IJA BP), of the \$100 million, FS is planning to allocate \$20 million per year from FY 2022 through FY 2026. Of the \$20 million in funding for FY 2022, FS allocated 38.4% to project-specific program areas and allocated the remaining 61.6% for various costs, which included FS salaries and expenses,³ FS operations,⁴ FS research and development,⁵ and United States Department of Agriculture (USDA) Office of Inspector General (OIG) oversight.⁶ These costs provide direct support and oversight of the restoration efforts under this provision.

The percentage allocated for each of these categories is shown in Figure 2.

For FY 2022, the 38.4% of funding designated for project-specific program areas (\$7.686 million) as noted in the IJA BP was as follows:⁷

- \$5.764 million to mitigate environmental hazards on Federal lands;
- \$1.153 million to restore vegetation on non-Federal lands; and
- \$769,000 to restore vegetation on Federal lands.

Mitigating Environmental Hazards on Federal Lands

FS estimated, in 1995, that there were 38,991 abandoned mines on national forest lands. To mitigate environmental hazards on Federal mined lands, FS is planning to allocate funds among 10 ecosystem restoration projects. Figure 3 shows the funding amount and State in which each of these projects is located. FS' Abandoned Mine Lands program seeks to minimize the human health and safety hazards

³ This allocation was to the National Forest System Salaries and Expenses budget line item, which directly supports the work done with National Forest System IJA appropriations. Of this allocation, 11.5% was dedicated to Washington Office program direction and oversight, while the remaining 88.5% was allocated to the Regions.

⁴ "FS operations" refers to the overhead activities of the agency. Organizations included in FS operations provide general and administrative support. These organizations are: Chief's Office; Work Environment and Performance Office; Office of the Chief Financial Officer; and Business Operations and its sub-organizations (e.g., contracting, human resources, information technology).

⁵ The allocation to FS Forest and Rangeland Research can be used to fund program-related contracts, agreements, fleet, equipment, materials, and supplies to support research and development activities that are not associated with Agency personnel. As of January 25, 2023, FS had used this allocation to purchase a chamber drying oven to evaluate scale up of biochar (a form of charcoal) production for mine mitigation.

⁶ Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, 135 Stat. 1408-1409 (2021). IJA authorizes transfers of funding from Division J Title VI of the Act for FS salaries and expenses, OIG oversight, and accounts affected by the FS budget restructure outlined in section 435 of Division D of the Further Consolidated Appropriations Act, 2020 (Public Law 116-94). Accounts affected by the budget restructure include FS Operations and FS research and development. While the OIG oversight amount was set at a required 0.5% (which FS assessed equally across each IJA provision), no amount or percentage was specified for FS salaries and expenses or other accounts.

⁷ According to an FS official, as of January 18, 2023, FS had not decided how the \$20 million for FY 2023 would be allocated.

at abandoned mines while preserving the historic and wildlife habitat resources that they provide. Examples of the types of mitigation and restoration activities to be funded by this allocation include construction projects to address contaminated sites, water resource monitoring and treatment activities, and trash removal.

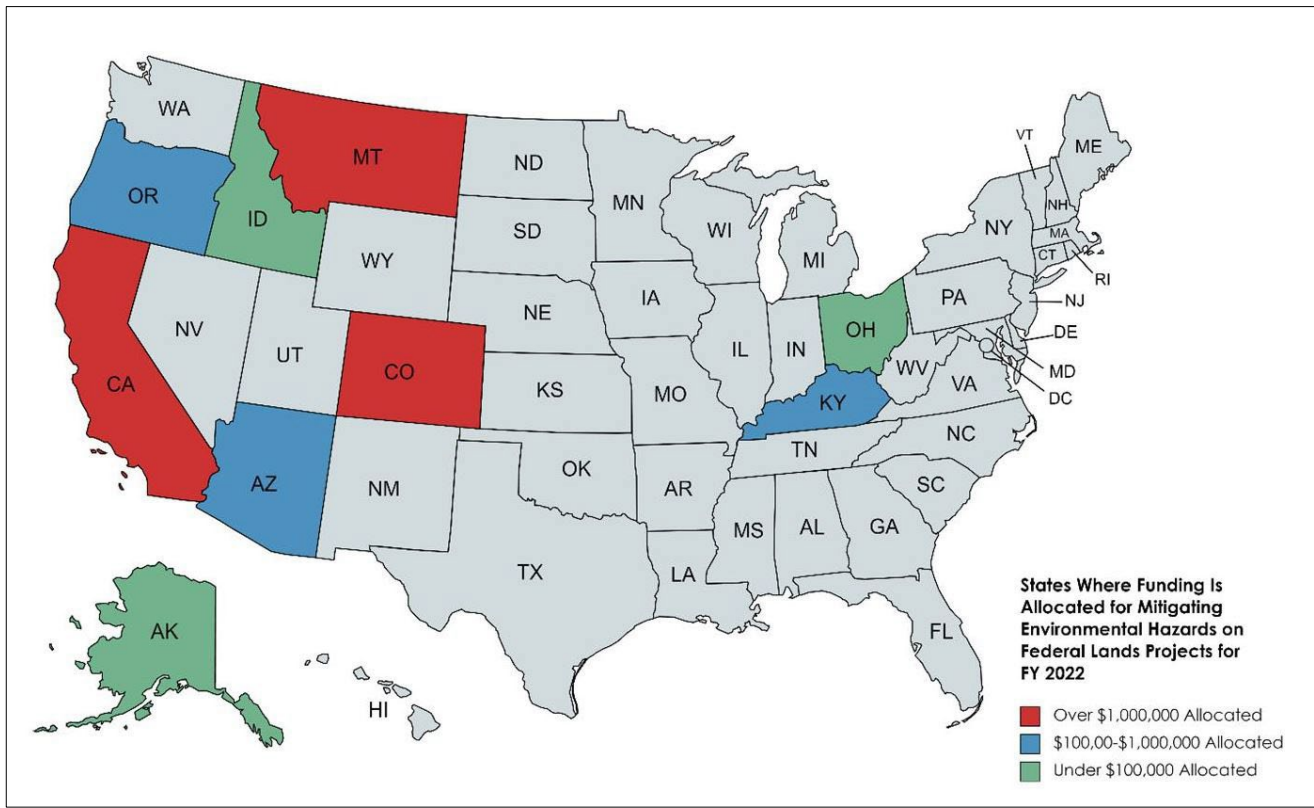


Figure 3: Map depicting States where funding will be allocated for mitigating environmental hazards on Federal lands projects for FY 2022. Two projects were proposed for allocated funding in Colorado. One will be allocated over \$1,000,000 and one will be allocated \$300,000.

According to FS, this ecosystem restoration work is slated to be completed through existing contracts or agreements with parties that have the technical expertise and specialized training to conduct environmental cleanups. FS also noted in the IJJA BP that 7 of these 10 projects appear to be in or near disadvantaged communities that are marginalized, underserved, and overburdened by pollution.



Figure 4: Entrance to an abandoned mine in a national forest. USDA photo by Preston Keres. It does not depict any particular audit or investigation.

Restoring Vegetation on Non-Federal Lands

To accomplish this, in September 2022, FS awarded a \$1.153 million grant to the National Fish and Wildlife Foundation, which subsequently was to be competitively awarded in project sub-awards to support revegetation of mine land in Appalachia⁸ and the Cumberland Plateau.⁹ The National Fish and Wildlife Foundation plans to use existing partner networks and grant-making programs to accomplish the project work.

Restoring Vegetation on Federal Lands

To accomplish this, FS is planning to allocate funds among three regions for use on projects that are expected to restore native vegetation on FS lands that were mined and to consider environmental justice, equity, and climate resilience. FS proposed in the IIJA BP to allocate 33.16% of the funds to FS' Southern Region, 47.46% of the funds to FS' Eastern Region, and 19.38% of the funds to FS' Alaska Region.



Figure 5: Abandoned mining structure in a national forest. USDA photo by Preston Keres. It does not depict any particular audit or investigation.

Objectives, Scope, and Methodology

We conducted this work as part of our ongoing inspection with the objective to conduct integrated oversight of the funding provided to FS' Restoration Projects on Federal and Non-Federal Land from IIJA. Specifically, we announced we would review program information for transparency and disclosure, perform data analytics on relative data sets for integrity and quality, inspect key aspects of the internal control environment, and review the implementation of the program. This report provides information related to reviewing program information for transparency and disclosure as well as program implementation.

To accomplish this part of our objectives, we identified the IIJA's Restoration Projects on Federal/Non-Federal Mined Land requirements and gained an understanding of the restoration projects program through publicly available information, discussions with FS officials, and a review of documentation provided by FS. We provided a draft of this product to FS management for their review and technical comments. We have incorporated their comments into our report, as appropriate. This report includes information about the program as of February 2023.

We are conducting our inspection in accordance with the Council of the Inspectors General on Integrity and Efficiency's *Quality Standards for Inspection and Evaluation*.

⁸ Appalachia spans 206,000 square miles, from southern New York to northern Mississippi. It includes parts of Alabama, Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Virginia, and all of West Virginia.

⁹ The Cumberland Plateau reaches from north-central Alabama through Tennessee and Kentucky and Pennsylvania to the western New York border. Geographers call this landform the Appalachian Plateau, although it is known by various names as it passes through the different regions. In Tennessee and Kentucky, it is called the Cumberland Plateau.