

CHAPTER 4-170
THE AUTHORIZATION TO PROCEED PROCESS

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4-170-00 What does this chapter do?

This chapter explains how you, a state or tribe with an Abandoned Mine Land (AML) grant, can get approval from us, the Office of Surface Mining Reclamation and Enforcement (OSMRE), to proceed with construction on a specific reclamation project.

4-170-10 What is the Authorization to Proceed (ATP)?

- A. You must request and receive our approval before you begin construction on an individual non-emergency coal and non-coal project. We call the process in which you request and we approve individual projects the Authorization to Proceed (ATP).
- B. Our ATP letter ([Exhibit 1](#)) notifies you that we have determined that the environmental review is complete and the problem area information is properly recorded in the Enhanced Abandoned Mine Land Inventory System (e-AMLIS). The ATP is our approval for you to spend AML grant funds to reclaim or address this specific project. You may proceed with project construction as soon as you receive the ATP.
- C. The ATP is the official “Point of Federal Action” for AML construction activities. Because you do not have to include information on individual AML projects in your grant application, we do not approve them in the grant award. After approval of your AML grant, you must request the ATP for each project when you are ready.
- D. The ATP process also meets OMB requirements for an assistance application to identify specific project objectives, results, benefits expected, approach, and geographic location. You normally fulfill this requirement when you send us environmental compliance documentation and when you enter site information into the funded category in e-AMLIS.
- E. Individual projects receiving Federal funds awarded to certified states and tribes (pursuant to [30 CFR §885.16](#)) and uncertified states and tribes (pursuant to [30 CFR §886.16](#)), must receive an ATP from OSMRE prior to the expenditure of construction funds. Individual projects include coal reclamation projects ([30 CFR Part 874](#)) and non-coal projects ([30 CFR Part 875](#)). OSMRE's finding that an emergency condition exists, constitute as an ATP for emergency projects conducted under section 410 of SMCRA ([Chapter 4-120](#)). ATPs for certified states and tribes will be issued based on [30 CFR §875.15](#) and the prioritization matrix detailed in each state's/tribe's

reclamation plan. All ATP documents must be kept in the official grant file.

4-170-20 What is the ATP approval process?

- A. You must include the following information in a complete ATP request.
1. Confirmation that you have entered the problem area information into e-AMLIS in compliance with directive [AML-1](#). Until the ATP is issued, problem features proposed for reclamation shall be entered in the unfunded category for the particular site.
 2. Environmental documents with compliance information for the National Environmental Policy Act (NEPA) and other environmental requirements. See OSMRE REG-1, *Handbook on Procedures for Implementing the National Environmental Policy Act (NEPA Handbook) (Revised 2019)* for a detailed description of the appropriate environmental compliance information and documents. This criteria is not fulfilled until OSMRE has signed a Record of Decision (ROD), Finding of No Significant Impact (FONSI), or Categorical Exclusion (CE).
 3. AML eligibility statement and basis for claiming AML eligibility.
 4. For AML enhancement projects, or Title IV projects less than 50% governmentally funded, the determinations document you developed jointly with the Title V State regulatory authority. See Chapter [4-100-100](#) for more information.
- B. Although NEPA documentation is part of the criteria required for an ATP request, the NEPA process and the ATP process are two separate processes. An ATP request cannot be completed until OSMRE has issued a ROD, FONSI, or CE with the NEPA documentation. The ATP approval letter will reference the date that OSMRE signed the ROD, FONSI, or CE.
- C. We will process the ATP request within 14 working days after the signing of the ROD, FONSI, or CE, and send you OSMRE's decision on your ATP request in writing.

EXHIBIT 1

Authorization to Proceed

[State Agency]
[Address]

Dear [State AML Director]

The Office of Surface Mining Reclamation and Enforcement (OSMRE) has determined that the [*name of project*] has met the following criteria:

1. The project has been entered into the Enhanced Abandoned Mine Land Inventory System (e-AMLIS) as [**problem area xxxxxx**] in compliance with Directive AML-1.
2. Environmental documents, including compliance information for the National Environmental Policy Act (NEPA) and other environmental requirements and documented with a [**Record of Decision (ROD), Finding of No Significant Impact (FONSI), or Categorical Exclusion (CE)**] on [**Date of signed ROD, FONSI, or CE**].
3. The ATP request included an AML eligibility statement and basis for claiming AML eligibility.
4. (*If project is an AML enhancement project or Title IV projects less than 50% governmentally funded*) – *The ATP request included a determination document that you developed jointly with the Title V State regulatory authority.*

Accordingly, pursuant to 30 CFR 886.16, you are authorized to proceed with this project and expend Federal funds in accordance with AML grant terms and conditions. If this project provides funding to a subrecipient through a subaward, the subrecipient must be approved by OSMRE separately from this ATP. OSMRE subrecipient approval can be requested either through the initial award application or through a separate request.

Sincerely

[Regional Director or Field Office Director]