



**2017 Annual Business Meeting
Hyatt Regency Hotel-Lexington, Kentucky
Wednesday, September 27, 2017
1:00 PM**

Call to Order

Justin Ireys, President. 1:00 PM.

Introductions (see attached sign in sheets)

On the phone – Tara Tafi CO, Scott Ludwig USFS, California.

Proxies

Glenda Marsh, Steve Fluke Proxy

Roll Call

Alabama, Alaska, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Missouri, Montana, Navajo Nation, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Utah, Virginia, West Virginia, Wyoming.

Approval of Agenda

Murry Balk moves to approve the agenda, Eric Cavazza seconds. Motion passes, agenda is approved. See attached.

Approval of Minutes from February 2017 Winter Business Meeting in Golden, CO

Bob Scott moves to approve the meeting minutes, Bill Dodd seconds. Motion passes. Minutes are approved.

Treasurer's Report

Autumn Coleman (Treasurer) gave the treasurer's report. Beginning balance in February 2017: \$98,087.87 and ending balance: \$89,162.79. Major expenditures, IMCC, Golden Hotel, 2018 Virginia Conference Seed Money, Tax preparation. Major deposits: publication fees were received from all the states/tribes. See attached.

Chuck Williams moves to approve the Treasurer's Report. Mike Mueller seconds the motion. Motion passes.

OSMRE Update- (Sterling Rideout, Asst. Director and Yolande Norman, AML Chief, OSMRE)

Update on federal budget and appropriations

Sterling Rideout, OSMRE (SR). Senate and House Bill signed for a continuing resolution (CR) for Oct 1 – Dec 15. AML distribution, fee collections come in at the end of November. The distributions are normally completed early December until the fees come to OSMRE.

Update on the Request for Proposal for the fixes to e-AMLIS and State and Tribe Participation

SR and Yolande Norman, OSMRE (YN): The eAMLIS system is in the acquisition process as the request for proposal was completed many months ago. OSMRE is going through the selection process. Selection of the vendor in progress. Next is the analysis of the system of the new vendor. Yes, the states will have a role in eAMLIS fixes. However, the vendor must get on board first. OSMRE will have a lot of opportunity for fixes, short term and long term. Timeline for fixes within the next month or two to determine schedule. Meetings may occur quickly, but the vendor needs to conduct an analysis of the e-AMLIS. OSMRE cannot provide the name of the new vendor at this time.

Q: Does OSMRE turn eAMLIS into more than inventory or expand to financial tracking?

SR: No. OSMRE has a financial tracking system FBMS. FBMS is the financial system of record for tracking AML expenditures. E-AMLIS is the system of record for inventory.

Q: What are OSMRE's primary goals (sic for e-AMLIS)?

YN: That is something we want to collaborate on, what are the fixes and what are the priorities. We all want to retain the integrity of e-AMLIS as an inventory system. Improve the efficiency of data entry. The contract is flexible enough that OSMRE can work on enhancements as needed. Need to sit down and figure out what is the critical need now.

Q: What is the plan/structure of state participation?

SR: Use a select few programs and collaborated with OSMRE. Groups involved in the testing phase. Need both OSMRE and AML small teams to move quickly. Issues: Technical issues, user issues, data integrity issues. Short term fixes can be taken care of right away. Long term fixes will need collaboration. Last update took 3 to 3.5 years. Need to keep the data intact. Structure around the 2006 amendments. The working group should comprise of people with database experience, people who input data, mix of managers as well as people who modify data that would include both states and OSMRE.

Q: Would it help to have NAAMLPLP make recommendations on the participants on the collaboration.

YN: Yes.

Q: We need good solid data on for reauthorization, eAMLIS is assumed to be a financial tracking data. 4 years away from end of the fee collection, last one took 3 – 3.5 years. When will fixes be done? What data tool can be used to rectify financial and inventory data?

SR: The RFP, the contract is set up is as flexible, not a problem to make changes. Once the vendor can do the analysis, not updating outdated software. OSMRE knows the immediate ramifications of what needs to be fixed. We all know the issues, some issues with how the data goes in pre-2006 and current, this creates a data situation for the vendor.

Keith Closson is available to walk through issues throughout the transition.

YN: The existing database must be maintained. Eliminating e-AMLIS is not an option because this would impact the AML grant distribution and the AML Pilot funding amount.

Q: eAMLIS hurts by making our admin look bad because our work goes into construction. Would it be possible to put a disclaimer on the eAMLIS homepage? eAMLIS does not account for all AML dollars. It is a huge concern that AML is put into a bad light.

YN: User friendly enhancements. Many states enter admin costs differently and this is an area which needs to be addressed and standardize data entered into eAMLIS. We need to collaborate to tell our story. There is no access to FBMS to download data because this financial system is utilized by the entire DOI Bureaus. FBMS is not an OSMRE system but the Department financial system of record for Federal funds.

Q: is there a possibility to put a report from FBMS on the website to fill in the gaps between grants and completion, the gap is unaccounted for?

YN and SR: OSMRE will need to look into the FBMS system. FBMS captures the entire grant cycle which shows drawdowns and the costs are broken down by subaccounts (e.g. admin, construction and set-aside).

Discussion: How can we report where the costs are more accurately reported on administration? Can OSMRE develop a separate cost tracking system? There needs to be consistency across the programs. OSMRE and states need to be on the same page. eAMLIS and FBMS does not match.

YN: Based on the original grant application requests, the costs are divided into sub accounts such as admin, construction and set-aside which is then entered FBMS. This information cannot be broken down further (e.g. specific projects) which makes it difficult to tell our story. eAMLIS is a subset of FBMS which only captures into direct construction costs. There are other subaccounts in FBMS. completed in FBMS after construction costs.

We need to get a good accurate number of what has been spent, OSMRE followed up with a pie chart with expenditures, with accurate figures. OSMRE green book does not match. Need a disclaimer on the website. We need to summarize what is in the subaccounts for the public.

Title IV AML Summit

SR: OSMRE has not identified a time for the Title IV summit. Need participants that represent states across the region.

IMCC has thoughts about Title IV summit, in order to move the ball forward with the various recommendations to transition and beachhead team. We need to settle on a date and agenda after this meeting. Two major issues – eAMLIS and funding and reauthorization. The question: is there a need for a summit for other AML issues outside of the key areas (reauthorization and eAMLIS), oversight and performance issues.

Projections of Title IV Grants and AML fee collections in light of changing coal markets and production

YN: OSMRE waits until November for EIA projections, and at the end of October which is the last quarter when the last push of fees are collected for the fiscal year. November starts the process for projections and calculations. Estimates suggest that the fee collections are down this year compared to last year. The rate of fee collection is tracked quarterly but we won't know until the end of October the final fee collection amount. Jay Bautista will look into the coal production and get the answer.

Trump Administration impact on OSMRE-new people; new priorities; new initiatives

SR: The new administration work to meet the current needs, OSMRE is not working on new rules, those are held in abeyance. There is a hiring freeze within DC and Denver for the Dept. of Interior, locations outside can hire with extra steps. No update on the new Director.

Discussion on FBMS and using State's spreadsheets for tracking expenditures by categories under FFR.

Update on NTTP and TIPS Training Programs-status and future of the NTTP and TIPS training programs considering budgetary constraints

Ann Walker, OSMRE presented data from a positive perspective for FY 2017. Highlights: Trained 700 students in NTTP, 391 in TIPS. We now have a joint steering committee for NTTP and TIPS. TIPS had 605 requests for 26 courses for 2018. NTTP has 1520 request for 44 courses for 2018. NTTP and TIPS are still in need of financial and manpower support for 2018.

Update on AML Pilot Program (2016 and 2017)

SR: In December 2015 three states KY, PA, WV were given \$30 million each for pilot, AML cleanup with an economic nexus. [2016 report approved and on OSMRE's website](#). Copies of report circulated by Eric Cavazza. States must submit progress reports to OSM. The reports illustrate the status of each project, such as vetting, NEPA, design, site development and/or construction. The reports also show which line items have received payments. The reporting process is from inception through five years after close-out.

In [2017 guidance](#) was published and pilot money was expanded to AL, OH and VA (\$10 million each). PA, WV and KY (\$25 million each). Performance measures and success will be reported to Congress. The FY16 report has been presented to Congress. There is a lot of interest and OSMRE is going through the vetting process.

YN: The vetting process, states can identify projects with a scope of work to submit to OSMRE on a rolling basis; these proposed projects must demonstrate that they meet the eligibility criteria to receive AML Pilot funding. The preliminary vetting occurs with OSMRE's Field office and Headquarters which typically occur via teleconference calls. This process happens before NEPA, if the project makes it through the vetting process, then preliminary approval is granted and OSMRE notifies the state, then the state can work with the applicants. Once the preliminary approval is granted, states get the NEPA and then OSMRE can issue the ATP for the project.

OSMRE's perspective on the OIG Report on Certified Programs and subsequent rebuttals by Certified Programs and Implementation Process

SR – based on the recommendations in the OIG report, OSMRE needs to work through solutions to those recommendations. These have come up in high level meetings and it is at the top of the list to resolve quickly. eAMLIS is one of the high priority recommendations as well as the application process. Changes recommended in the OIG report may impact other states/tribes. The response will only impact the certified programs in the response to the OIG report.

Alan Edwards: Data supplied by the certified states wasn't reflected in the IG report. Report misrepresent data prepared and responded to without states' input. Would like to get the report behind us, need for a priority before reauthorization.

Q: Could there be a venue for states input on the implementation of the recommendations? Perhaps in a summit. Particularly concerning is the implication for reauthorization?

OSMRE's perspective on the House Committee on Natural Resources hearing on the AML Program

YN: There is a lot of interest in the AML Program. There has been a lot of discussion on how the calculations are done.

1. Any actions or initiatives planned by OSMRE as a result

Working on eAMLIS, financial reports, etc.

2. Grant reporting vs. e-AMLIS-consider ways to obtain better information on expenditures than is possible from e-AMLIS; states may agree to a grant form on their own that is not developed by OSMRE, so no OMB clearance needed

YN: OSMRE is bound by OMB into the information using approved forms since it involves Federal funds. These forms are an opportunity to get more detailed information in the grant application process to tell our story better to communicate how money is being spent. Reauthorization will need more details. The grant application binds us on how we can spend the money. While States can develop their own forms they cannot be used to replace the existing forms, unless they are approved by OMB.

3. Does OSMRE plan to recommend or direct states/tribes to undertake any inventory update efforts?

YN: No – it would take all funds to redo the inventory. Encourage consistency in inputting data into eAMLIS. It is not practical for states to redo their entire inventory while there is a need to complete reclamation and strike a balance. This is an opportunity to have more conversation on how to address the inventory.

4. Does OSMRE anticipate any changes to oversight of state/tribal AML programs

SR: The eAMLIS, Grant application, OIG report. Change the process, participation from OSMRE and state programs.

OSMRE's perspective on federal AML-related legislation

1. H.R. 1731, the "Revitalizing the Economy of Coal Communities by Leveraging Local Activities and Investing More Act of 2017" or the "RECLAIM 2.0 Act"

YN – RECLAIM 2017 modification of 2016. Department does not have a position they are comparing 2016 and 2017. There are three versions with subtle differences HR1731, Manchin and McConnell versions. Divorcing the economic nexus and allows set aside. Several amendments to HR 1731 which highlighted the emphasis, AML needs to remain intact, public participation component. Summary of RECLAIM, accelerate funding from the trust, for projects with economic nexus. Ambiguity in the language on coal v. non-coal.

2. H.R. 2053, the “Mining School Enhancement Act”

YN: Enhance mining and mineral activities to put more money into schools, OSMRE would give some appropriated funds to support mining schools. The Department is still working through its position on legislation.

3. H.R. 2973, the “Community Reclamation Partnership Act”

YN: Amend SMCRA for partnerships between states and NGOs for AMD. It is a mechanism for liability protection through MOUs between the state AML program to relevant state/federal agencies. OSMRE and EPA would have 120 days to approve or disapprove. OSMRE would enter into an agreement with a community and the states would assume liability. The Department is still developing its position. Report on the nuts and bolts, reach out to IMCC/NAAMLPLP on how to make this work.

Department is developing its position for Reauthorization for 2018. It is on the to-do list for the Secretary. NAAMLPLP, IMCC and OSMRE need to work in lockstep going to congress with the same message/avoid being antagonistic with information and communications. Critical to get this done over the next year or so. NAAMLPLP and OSMRE needs to avoid confusion, and to be on the same page.

Afternoon Break

Other Federal Program Updates

BLM-Update on BLM AML Activities (Terry Snyder)

The budget is in a continuing resolution until December 2017. The PTA level for 2018 for 9 million, which is 10.8 million cut which will be distributed equally to state programs. The emphasis is to continue ongoing projects, focusing on safeguarding physical safety. BLM is investigating potential sites that retain water with potential for uncontrolled release.

BLM is working on AML update and upgrade database for a joint system, the details are being worked out. There should be a database in September.

BLM is in a partnership with Dept. of Energy for abandoned uranium sites. Colorado and Utah, in FY16. New Mexico in FY17 and Wyoming is next. USDOE is bringing money to the table for work. BLM is working with existing partnerships. Messaging concerns with numbers being inconsistent by pulling numbers from a database that is constantly changing. BLM is working on how to frame or quantify numbers.

Challenges, BLM has a hard time retaining people in field offices, high cost of retraining, trying online training.

There is a team to reform and reorganize BLM for efficiency. It is always a challenge to work with reduced funding. BLM is working on how to fund and prioritize maintenance. There is a hiring freeze in Washington which probably won't be lifted until reorganization. The Acting Secretary has 5 - priorities, AML falls into getting America back to work, 5 year strategy and encourage outreach to state programs. NEPA reform – active discussions – focused EA. When there is no opposition to a proposal, something to implement in BLM. The Secretary issued that EAs are only 30 pages, EIS only 150.

SR – OSMRE submitted recommendations back to Dept. of Interior on recommendations to streamline NEPA process.

USFS there has been no in-depth discussion yet on NEPA streamline. 228A revising leasable saleable minerals program, bonding guide. Fit into the administration's timelines and length of NEPA documents. Questions on litigation and appeals.

USFS-Update on USFS AML Activities (Scott Ludwig)

USFS is also under CR. Projected 5% cut in FY18 in minerals and geology line item. AML portion predicted 5% cut. 500 physical safety in FY 16, FY17 530. Database discussions, USFS continues to evaluate database in light of the GAO audit. Management evaluated AMSCAM, but there are issues with AMSCAM data requirements with USFS and BLM.

USFS is working to maintain and continue partnerships, extend CO DMRS through 2024. Montana, New Mexico are working closely with USFS. ECAP is still requesting out year projects, FY 18 and FY19. Last budget, still conveying funds with AML safety on 5 year average, used to separate funds but going out as a lump sum, regional offices will work with CERCLA and minerals, allocations to each programs. Regional funds were based on a certain percentage, always going to change. Generally based on an average of prior year funding.

NPS-Update on NPS AML Activities (Julia Brunner)

Did not attend.

IMCC Update- (Greg Conrad, Executive Director, IMCC and Ryan Ellis (Legislative and Regulatory Affairs Specialist)

Update on FY2018 Budget

There is CR with a small revision 6.8% (budget reduction) through December 8. FY17 levels remain in place until CR, omnibus or appropriations. CR and omnibus generally keep the program funding the same as the previous years. In the Interior's appropriations bill, states did quite well, restored Title V grants to FY17 levels and maintained funding for pilot programs. Omnibus included the proposal to include the additional three states for the pilot program. We will know more about the fate of the FY18 budget after Thanksgiving. OSMRE already working on the FY19 budget. The appropriations cover federal agencies, continue at FY17 with a reduction (across the board) reduction.

Impacts of OSM Rulemakings on AML Programs (Stream Protection, Bonding, etc.)

There is one rule on OSMRE schedule, close out of SPR. 1983 Stream Buffer, elements to the rule need to be put back into place, this is reactionary to the congressional review act. Bonding, blasting, temp. cessation, three-year start, coal ash, all other rule makings preparation, held in abeyance until we learn more from the administration. Biological Opinion (BI OP) issue connected to SPR which is a critical part of active mine permitting. 2016 BI OP has been withdrawn, back to 1996. Meetings with IMCC OSMRE and USFWS on the BI OP issue. MOU with USFWS may be needed for the '96, to address issues around ESA. Resources from OSMRE allocation and freed up to work on AML. Additional people freed up to Title IV and Title V.

Update on Coal Miner Protection Act (Manchin Bill)

This bill aimed at shoring up the health and pension funds. Still looking for a permanent solution. Language last year has short term relief, add groups to eligibility through the general treasury working through SMCRA. If that cap is triggered, across the board cuts, there will be no cuts to certified state or tribal AML programs. Continue to track. Can consider this one resolved.

Introduction of NAAML P Reauthorization Messaging Campaign

View the Wyoming and Pennsylvania Movie. <https://vimeo.com/234738502/00d73d4f35>

Wyoming and Pennsylvania wanted to roll out a campaign to collect and showcase more information from the states at a single national website (www.ourworksnotdone.org) to support reauthorization for Title IV. This can be used to educate the public on AML issues. WY is asking for input and opinion on the best way to move forward with the association. Consider making videos and get info to Keith and Chris Holmes.

Questions about individual state's participation or the NAAML P effort for partnership. If states are to share, shorts on AML problems.

Meeting adjourned at 5:00 PM. President Justin Ireys

NAAML P 2017 Annual Business Meeting Hyatt Regency Hotel-Lexington, Kentucky Thursday, September 28, 2017

Call to Order – 8:00 AM President Justin Ireys.

On the phone – Glenda - CO, Keith Guille - WY

**IMCC Update continued- (Greg Conrad, Executive Director, IMCC and Ryan Ellis
(Legislative and Regulatory Affairs Specialist)**

Legislative Updates-AML Reauthorization, RECLAIM 2.0, Community Reclamation Partnership Act

RECLAIM 2.0 Hearing in House Natural Resources (HNR) in April 13, 2017. Autumn and Bob were witnesses. NAAML P supplied two witnesses, one for Reauthorization (Bob) and RECLAIM (Autumn). With the new committee rules, cannot tack on a fee extension of 7 years from the date of enactment due to new rules. Focus that States need to prioritize and work on economic justification. RECLAIM 2.0 as introduced does not require P1 and P2 economic justification. The Beyern amendment would require all Priorities with an economic justification with an exception with criteria. 1. Economic benefits are not practicable; and 2. There is not enough money to reclaim the site. Interpretation could show deference to the states, or it could be problematic if it is too strict. States need to work with OSMRE as it moves forward.

NMA sent a letter in response to RECLAIM with anti-AML sentiment, but shared concerns. Any member would vote for reclaim would have a negative mark on their coal score card from NMA. NMA not invited to testify in the subsequent hearing.

Even though it passed out of committee, they are waiting on a score from congressional budget office, pay-go. Not a tax funded program, but pay-go treats it that way. How much is the offset going to be? Could be \$500 million - \$1 billion. May die, may not be a priority. Cannot be fast tracked through the house. Two similar bills introduced in the Senate, no hearings no planned hearings.

Only one state governor is in support. No governor's office opposed. IMCC has a neutral position. NGO's lobbied states to work with governor's office for support. Discussion.

The 2018 AML Pilot money needs to happen under an omnibus, not in a CR. House appropriations has already approved the 3 original states. The amendment has been offered to include the other 3 states. Discussion.

Community Reclaimers Partnership Act (CRPA) – Change of strategy for Good Samaritan. State's ideas developed integrated HR 2937 – LaHood, Illinois. Hearing on the bill on June 22, 2017, John Stefanko testified and was well received. Few small tweaks in markup. Passed with unanimous consent. \$2.5 million CBO score. Placed on the accelerated track, passes with unanimous consent and bi-partisan sponsorship, straight to voice vote rather than recorded vote with no amendments. Formed a work group to ensure there is no undue impact on state authority, MOUs are negotiated with OSMRE, EPA and states with a provision to grandfather in older projects. States would take on responsibility for the projects, MOU would be much more tenable than NPDES, wouldn't have to meet strict water standards. See attached handout.

Title IV AML Summit

Big issues are eAMLIS and financial tracking. States interested: PA, WV OH, IA, IN, VA, TN, Navajo, NM, UT, KY, WY, MD, KS, CO

The agenda needs to be narrowed down to 4-5 key issues. NAAMLPLP needs to work with IMCC to identify what issues, cross section of reps, talk through issues, design mechanism. Break out work groups.

Working with officers to finalize the agenda, officers decide who the NAAMLPLP representatives will be, IMCC will work with a time and location. Greg will facilitate, Ryan can take notes. IMCC meeting October 29th – November 1st.

Potential Agenda: eAMLIS, Reauthorization, Revisions to AML-1 and AML-22, developing video tools, eAMLIS bugs, emergency program (a mechanism to reestablish dedicated funding), review and approval state plans.

Forecast for Future Legislation-Hardrock AML and 1872 Mining Law Reform

Defer to Hardrock Committee Meeting.

Impacts of Transition in Administration

Slowly but surely, nominations for positions, senate confirmation, committee and full vote by senate. Still do not have a nomination for OSMRE. Assistant secretary for land and minerals, Joe Balash, AK. Awaiting vote from full senate. Kate McGregor is acting, will become the deputy. Tucker Davis will likely be a special assistant to Vince Devito. None require senate confirmation. Jim Casin reports to deputy secretary. Impact of acting, a lot of issues stasis. Hold off on decisions to wait for new person. Similar as EPA, more positions appointed.

- **NEW** - Greg's successor in IMCC. Leaving in 2018. Beginning in January. Exec committee working on hiring. Goal is to present 2-3 candidates for the entire association at the fall meeting. Hire after 1st of the year, Greg will remain for 3 months. In April Greg will hand over the reins.
- **IMCC Contract for Services with NAAML** See attached handout.
- **NEW** – Greg Conrad reported progress with CRPA law, Ryan was the primary author. Going to the suspension calendar for a vote on Monday. YAY!

Morning Break

Old Business

NAAML/IMCC Poster (Jim Bishop)

The PIE committee, has a new poster rendition. Comments are due within 30 day. Live on the web page but not printing out for distribution. States can print out if they want.

NAAML Website (Dana Dean and/or Steve Fluke)

Power point was emailed to the association. Redesign the front page, carousel, need high quality reclamation photos. Send photos with caption of state. Deadline for photos to Utah is October 30th. Potential to use the website for advertising for annual AML conference. Can add videos.

Update on Pilot Projects

PA-Eric Cavazza, WV-Rob Rice, KY-Bob Scott, AL-Chuck Williams, OH-Jim Bishop, VA-Lesa Baker)

PA – quick update 14 total, 17 contracts, 16 of 17 have ATPs from OSMRE. Working with OSMRE on the pre-approval of scope of work for projects. Some are bid or close to bid. 8 are under construction, encumbered \$15 of the \$30 million. Move to semi-annual updates from quarterly. Groundbreaking and media events. See PA [website](#) and youtube. In 2017 PA gets \$25 million, proposed to fund 13 projects. Similar benefits, reclamation, AMD treat, stream restoration, coal refuse piles and subsidence prone areas. Leverage 2 dollars for every 1 dollar of pilot. NGO, private, state, company partners. Submitting details for pilot projects for vetting with OSMRE. PA focused all pilot funding on reclamation, the economic revitalization falls on partners for match.

WV– FY16: Five of the six proposed projects have been vetted and approved. Two waterline extension projects, Patriot Gardens (apple orchards), & Aquaponics on AML. Elk Restoration Project is in process of being approved. Waiting on Title V cleanup. DNR has purchased a dozer, and is eliminating invasive vegetation. FY17: 34 applications (\$73.2M) requesting funding. Selection Committee narrowed the list down to 11 projects to fill the \$25M.

KY – Our largest grant is for the Appalachian Wildlife Center (a presentation was made during the plenary session). 42 applications for economic development were received, no AML Reclamation proposed. A review committee headed by the Cabinet Secretary selected 9 projects for the \$30 million. Doubled some of AML Staff's workload. Politicians are now involved – general fund money, so KY has used it more as an Economic Development Grant. OSMRE is approving a footprint onto Title V sites.

AL – borrowed PA application process. 19 eligible counties, information was released in a statewide media press release. Working on getting grant out. Out of the 6-7 promising projects, all but 1 have AML reclamation components. Just finished an AML project. Discussion of the different projects benefits. Four are on the inventory, three were not. Designs are shared. 1 formal application in.

OH – 13 projects in for vetting. OSMRE said to review past A B and C areas. Met with government and private groups. P1s and P3 submitted. \$15 million in projects and only \$10 allotted. Working with jobs Ohio to maximize economic development. Power plants shuttered, retooling for oil and gas. Campgrounds to coal fired power plants refuse piles.

VA – Deadline for applications is 9/29. Information requests, application and guidance with advertisement. Announced through PR office.

New Business

Policies and Procedures Manual posting to website

Eric Cavazza – [Policies and Procedures Manual](#) is posted with the changes discussed in Golden, CO.

NAAML P Hardrock Awards (Jim Bishop, Glenda Marsh, Steve Fluke)

Still need to be added to policy and procedures for award. No reimbursement request from UT and MT.

Update on OIG Investigations and Audits of the State AML Programs

Indiana – 2014 notification of audit. Dec 2016 finalized, and OSMRE responded by accepting all recommendations. Mid Continent – audit is closed as far as OSM is concerned. Memo written to mid-continent to OSM and OMB saying audit is closed.

EEO/Civil Rights Audit (Autumn Coleman)

No update.

2018 Winter Business Meeting-San Antonio, TX (Cory Gretlein)

Invite Jay Bautista of OSMRE to present at the meeting on the AML Trust Fund including grants, secretary's share, "buckets" of money, etc.

OSMRE Awards

OSMRE had a push to recruit more applications.

Extending Invitations to the Bucknam and Barnard families (Justin Ireys)

Neither of the families could attend this year, but would like to be considered for invitation in the future.

WPCAMR partnering with NAAML for 2019 Annual Conference

PA has a statewide AML conference with watershed groups etc. Requested to line up with PA conference/joint conference. Registration fees, using sponsor or exhibitor fees, in the form of scholarship or stipend. 125 attendees per year. Increase overall numbers. It was decided that the host state has the ability to decide if the conference wants to incorporate other groups into the conference.

Allowing Use of the Reauthorization Title IV Video (Alan Edwards/Keith Guille)

Wyoming is seeing a lot more interest and they want to clear up misunderstandings on the AML accomplishments. There is a lack of public and official knowledge of AML. With the OIG report, we need to move forward. WY created the "Our Work's Not Done" website to create a format for other states to showcase their programs. The website can link to states. States need to participate with information, keep it simple, break down by state and can show national numbers, Keith from WY can email a form to states with questions to update the website.

AML Educational Campaign (Alan Edwards/Keith Guille)

Ourworknotdone.org

EXECUTIVE SESSION

Committee Reports and Discussion

Finance Committee (Eric Cavazza)

Finance committee met on Sunday – Treasurer's report. Form 990 taxes filed in September after an extension. Went over the status of current and upcoming expenditures.

IMCC has requested a \$10,000 increase to fees. The funding proposal from the finance committee is to approve a one-time increase to IMCC to support all the AML work in the last year with the multiple hearings and heavy lift.

Bob Scott motion to approve finance committee recommendation. Second by Alan Edwards.

Discussion. The motion passes. IMCC has been approved to a one-time authorization for a \$10,000 increase to IMCC annual contract.

John Stefanko moved to amend the IMCC contract changes as stated. Travis Parsons second, Motion Passes. IMCC contract with one-time \$10,000 increase is approved.

END EXECUTIVE SESSION

Research Committee (Travis Parsons)

Absolutely nothing, still in the middle of rewrites.

Training Committee (Bob Scott)

Meeting in Alexandria, finalized the charter joining NTTP and TIPS. Established a working group for TIPS – providing advice to OSMRE on what states need for hardware or software. Recommended a member from each region and OSMRE evaluate classes, training needs surveys. Nothing being done on OSMRE's side to merge the two groups, but will show a uniform group from the student perspective. Reemphasized the need for students to know 45 days out. Title V summit mentioned the steering committee with a discussion about meeting on a regular basis to work on the merger. With an OSMRE budget cut the steering committee would recommend the training priorities.

Scholarship Committee (Mike Garner)

Expanding to 4 scholarships at \$2,500 each, 3 undergrads from each region and 1 graduate student. There has been poor turnout, please encourage people to get out the word and recruit. Talk about the scholarship levels at the winter meeting. The application deadline May 31. We should encourage students to attend NAAML. We could have Scholarship winners present at the technical session. Requirement will change from two approval letters to one letter.

Minimum Program Committee (Justin Ireys)

Min program states continue to have general opposition to RECLAIM because the states would receive less money over time.

Membership Committee (Bob Scott)

Bob reached out to Eric Wilson from Idaho.

Public Information and Education Committee (Jim Bishop)

PI&E presented the one page 2017 accomplishment and booklet redesign. Association supports moving forward with development. Comments to the one page 2017 accomplishments document due October 30th. The one page report will be finalized by the winter business meeting for distribution. The booklet draft will be distributed by the winter business meeting. Need photos of projects for the booklet from each state.

Hardrock Committee (Glenda Marsh/Jeff Graves)

There needs to be a comprehensive regulatory scheme and royalty to support AML efforts. HNR Committee plans (preliminary) to resurrect the Bureau of Mines and states given primacy, permitting but bring the program up to the federal minimum program standards. Recognize that the existing hardrock state programs are very mature. Reform of the 1872 mining law, which is a longtime ask of the NGOs. Expedite permitting times. Part of the royalty dedicated to a hardrock AML fee, based on net production. Hoping to be deferential to the states, 50% to states and 50% to federal agencies. Base the distribution on current production rather than historic production or inventory needs. No set priority scheme. Bigger inventory effort within states, or federal inventory. Added good Samaritan Protections following community reclaimers act. CRPA approach by building the structure built into the hard rock program.

Scheduled listening session postponed due to industry concerns.

Separate bill for royalty for OSMRE to distribute to states for hard rock reclamation.

Mike Mueller: The association needs take a serious look at what commodities are defined as hard rock mining. The minimum Program Committee would like to work with the Hard Rock Mining Committee to define the listing of eligible commodities when it comes time. Minor discussion ensued and it was commented that “non-locatable minerals” is the primary definition being used to define hard rock commodities.

National Coal Mining Geospatial Committee (Mike Sharp)

Mike recommends elimination of the committee. Give direction to OSM for geospatial activities and coordinate data stewards, geomine. Since that time, David Clark came in, change in leadership and focus. Monthly web meetings for the group, focus. Do away with the committee. Use the TIPS advisory group to guide the geospatial.

SMCRA Reauthorization Committee (Brian Bradley/Susan Kozak)

17 programs and IMCC represented in the committee meeting. Focusing on September 2021 for Reauthorization legislation. Doing well, hearings in the past months, focus on reauthorization. Next session of congress. Draft legislation hit all of the points that hit at the resolution. Positioned and ready to go in 2019. Comments due on the draft legislation by October 30th. The subcommittee is moving forward, information piece that will address NMA’s testimony. We need to get our side of our story out there. Requested a new query e-AMLIS from OSMRE which will be done after all of the data is entered at the end of September. Request FBMS data, can we use it or not? Check out the certified states OIG report. Inventory committee – what should eAMLIS look like. Data needs to remain available during the transition.

Momentum is building, we need to capture and use to move into reauthorization. A legislative hearing will be needed and we need to find a champion. NAAMLPLP needs to keep focus on reauthorization for the next 6-9 months.

There is a potential to streamline, simplify SMCRA funding. A wholesale review and revision of SMCRA could be worrisome. The Reauthorization strategy will depend on elections.

Election of Officers

Secretary Treasurer

Autumn Coleman nominated Marvin Ellis and Chuck second.

Steve Fluke nominated Travis Parsons. Cory Gretlein second.

Travis Parsons elected Secretary Treasurer.

Vice President

Travis nominated Autumn, Second by Eric. Murray moved to vote by acclamation. Chuck second. Motion passes.

President

Eric nominated Bob Scott, Bill Dodd second. Murray moved to vote by acclamation. Mike Mueller second.

Future Meetings Update

Winter 2018 – San Antonio, Texas

Fall 2018 – Williamsburg, Virginia

Winter 2019 – St. George, Utah

Fall 2019 – Pittsburgh, Pennsylvania

West Virginia Winter 2020 – Waterfront Hotel in Morgantown,

Nevada Fall Meeting 2020 – looking into Reno.

Alabama Winter Meeting 2021. Orange Beach

Fall 2021 – Colorado Utah may be willing

Murray Balk motioned to adjourn. Travis Parson second. Motion passes. Meeting adjourned.

THANK YOU FOR EVERYTHING, JUSTIN!



NATIONAL ASSOCIATION OF ABANDONED MINE LAND PROGRAMS

**2017 ANNUAL BUSINESS MEETING
LEXINGTON, KENTUCKY
SEPTEMBER 27, 2016**

SIGN IN SHEET

NAME	REPRESENTING	DELEGATE/ ALTERNATE	PHONE	E-MAIL
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NAAAML P

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Roger Calhoun	OSMRE-CHFO	Guest	384 347 7162 ³⁰¹³	rcalhoun@osmre.gov
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NATIONAL ASSOCIATION OF ABANDONED MINE LAND PROGRAMS

**2017 ANNUAL BUSINESS MEETING
LEXINGTON, KENTUCKY
SEPTEMBER 28, 2016**

SIGN IN SHEET

NAME	REPRESENTING	DELEGATE/ ALTERNATE	PHONE	E-MAIL
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William E. Dodd	ND	Delegate	701-328-4101	wedodd@nd.gov
Travis Parsons	WV	Delegate	304-926-4317	travis.j.parsons@wv.gov

NAAMLP

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Steve Fluke	UT	delegate	801-538-5259	stevefluke@utah.gov
Cory Grettein	TX	delegate	512 305 8817	CORY.GRETLEIN@RRRC.TEXAS.GOV
Garrett Wake	NV		702 306 5534	gwake@minerals.nv.gov
Robert Ghiglieri	NV	delegate	775 684 7048	rghiglieri@minerals.nv.gov

NAAMLP

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2017 Annual Business Meeting
Hyatt Regency Hotel-Lexington, Kentucky

Wednesday, September 27, 2017

1:00 PM→Call to Order

- Introductions
- Proxies
- Roll Call
- Approval of Agenda
- Approval of Minutes from February 2017 Winter Business Meeting in Golden, CO
- Treasurer's Report

OSMRE Update- (Sterling Rideout, Asst. Director and Yolande Norman, AML Chief, OSMRE)

- Update on federal budget and appropriations
- Update on the Request for Proposal for the fixes to e-AMLIS and State and Tribe Participation
- Title IV AML Summit
- Projections of Title IV Grants and AML fee collections in light of changing coal markets and production
- Trump Administration impact on OSMRE-new people; new priorities; new initiatives
- Update on NTTTP and TIPS Training Programs-status and future of the NTTTP and TIPS training programs considering budgetary constraints
- Update on AML Pilot Program (2016 and 2017)
 1. Status of OSMRE's Report to Congress for 2016
 2. Need for updates and revisions to e-AMLIS
- OSMRE's perspective on the OIG Report on Certified Programs and subsequent rebuttals by Certified Programs
- Implementation process for the OIG recommendations.
- OSMRE's perspective on the House Committee on Natural Resources hearing on the AML Program
 1. Any actions or initiatives planned by OSMRE as a result
 2. Grant reporting vs. e-AMLIS-consider ways to obtain better information on expenditures than is possible from e-AMLIS; states may agree to a grant form on their own that is not developed by OSMRE, so no OMB clearance needed
 3. Does OSMRE plan to recommend or direct states/tribes to undertake any inventory update efforts?
 4. Does OSMRE anticipate any changes to oversight of state/tribal AML programs
- OSMRE's perspective on federal AML-related legislation



1. H.R. 1731, the “Revitalizing the Economy of Coal Communities by Leveraging Local Activities and Investing More Act of 2017” or the “RECLAIM 2.0 Act”
2. H.R. 2053, the “Mining School Enhancement Act”
3. H.R. 2973, the “Community Reclamation Partnership Act”

*****Afternoon Break @ 3:00PM for 15 minutes*****

Other Federal Program Updates

- BLM-Update on BLM AML Activities (Terry Snyder)
- USFS-Update on USFS AML Activities (Scott Ludwig)
- NPS-Update on NPS AML Activities (Julia Brunner)

*****Adjourn for the day*****

Thursday, September 28, 2017

8:00 AM → Call to Order

IMCC Update- (Greg Conrad, Executive Director, IMCC and Ryan Ellis (Legislative and Regulatory Affairs Specialist)

- Update on FY2018 Budget
- Impacts of OSM Rulemakings on AML Programs (Stream Protection, Bonding, etc.)
- Update on Coal Miner Protection Act (Manchin Bill)
- Legislative Updates-AML Reauthorization, RECLAIM 2.0, Community Reclamation Partnership Act
- Title IV AML Summit
- Forecast for Future Legislation-Hardrock AML and 1872 Mining Law Reform
- Impacts of Transition in Administration
- IMCC Contract for Services with NAAML P

*****Morning Break @ 10:00AM for 15 minutes*****

Old Business

- NAAML P/IMCC Poster (Jim Bishop)
- NAAML P Website (Dana Dean and/or Steve Fluke)
- Update on Pilot Projects (PA-Eric Cavazza, WV-Rob Rice, KY-Bob Scott, AL-Chuck Williams, OH-Jim Bishop, VA-Lesa Baker)



New Business

- Policies and Procedures Manual posting to website
- NAAML P Hardrock Awards (Jim Bishop, Glenda Marsh, Steve Fluke)
- Update on OIG Investigations and Audits of the State AML Programs
- EEO/Civil Rights Audit (Autumn Coleman)
- 2018 Winter Business Meeting-San Antonio, TX (Cory Gretlein)
- OSMRE Awards
- Extending Invitations to the Bucknam and Barnard families (Justin Ireys)
- WPCAMR partnering with NAAML P for 2019 Annual Conference
- Allowing Use of the Reauthorization Title IV Video (Alan Edwards/Keith Guille)
- AML Educational Campaign (Alan Edwards/Keith Guille)

Committee Reports and Discussion

- Finance Committee (Eric Cavazza)
- Research Committee (Travis Parsons)
- Training Committee (Bob Scott)
- Scholarship Committee (Mike Garner)
- Minimum Program Committee (Justin Ireys)
- Membership Committee (Bob Scott)
- Public Information and Education Committee (Jim Bishop)
- Hardrock Committee (Glenda Marsh/Jeff Graves)
- National Coal Mining Geospatial Committee (Mike Sharp)
- SMCRA Reauthorization Committee (Brian Bradley/Susan Kozak)

Election of Officers

Solicit Nominations and Elect Association Officers for 2018

Future Meetings Update

Winter 2018 – San Antonio, Texas
 Winter 2019 – St. George, Utah
 Winter 2020 – xxx, West Virginia

Fall 2018 – Williamsburg, Virginia
 Fall 2019 – Pittsburgh, Pennsylvania
 Fall 2020 – xxxx, Nevada

*****Meeting Adjourned*****



NAAML P Treasurer's Report – September 22, 2017

Beginning Balance – February 1, 2017 = \$98087.36

Current Balance – February 13, 2017 \$89,162.79

Major expenditures since February 15 – 16, 2017 winter meeting:

IMCC =\$10,000.00 6 months services provided

The Golden Hotel = \$8,892.30

2018 Conference Seed Money = \$5,000

Roberts & Co. Tax Services = \$395.00

Major deposits since February 15 – 16, 2017 winter meeting:

Publication fees from states = \$6,750.00

Date	Description	Memo	Amount Debit	Amount Credit	Balance
Pending	CHECK	MTM Recognition Corp. (Award Plate Engraving)	\$ (55.34)		\$89,162.79
Pending	CHECK	Roberts & Co. (Tax Filing)	\$ (395.00)		\$89,218.13
9/20/2017	DEPOSIT	Publication Fees		\$250.00	\$89,613.13
9/11/2017	DEPOSIT	Publication Fees		\$250.00	\$89,363.13
8/31/2017	INTEREST			\$ 7.96	\$89,113.13
8/29/2017	CHECK	2018 Conference Seed Money	\$ (5,000.00)		\$89,105.17
8/18/2017	CHECK	IMCC Conference Call	\$ (103.77)		\$94,105.17
7/31/2017	INTEREST			\$ 7.76	\$94,208.94
7/19/2017	DEPOSIT	Publication Fees		\$250.00	\$ 94,201.18
7/14/2017	DEPOSIT	Publication Fees		\$5,250.00	\$ 93,951.18
6/30/2017	INTEREST			\$ 7.27	\$ 88,701.18
6/28/2017	B ACH NEW MEXICO B EFT RMR*IV*2017 NAAML P PUB**250\	Publication Fees		\$250.00	\$ 88,693.91



Date	Description	Memo	Amount Debit	Amount Credit	Balance
5/31/2017	ST OF INDIANA PAYABLES 0000119059	Publication Fees		\$250.00	\$ 88,443.91
5/31/2017	INTEREST			\$ 7.97	\$ 88,193.91
5/3/2017	VENDOR PAYMENTS MISC REIMB 0000219657000 10	Publication Fees		\$250.00	\$ 88,185.94
4/28/2017	INTEREST			\$ 6.75	\$ 87,935.94
3/31/2017	INTEREST			\$ 7.48	\$ 87,929.19
3/30/2017	CHECK	IMCC Conference Call	\$ (174.83)		\$ 87,921.71
3/1/2017	CHECK	IMCC Contract	\$ (10,000.00)		\$ 88,096.54
2/28/2017	INTEREST			\$ 9.18	\$ 98,096.54
2/21/2017	CHECK	2017 Winter Business Meeting	\$ (8,892.30)		\$ 98,087.36

Overview of Community Reclamation Partnership (H.R. 2937) and Remaining Issues

Overview of H.R. 2937

The overall goal of this bill is to set a process by which State AML programs can clarify, simplify, and mediate their NPDES responsibilities for AMD water treatment projects and allow them to work with volunteer partner groups in conducting that work.

Under this bill, Sections 405 and 413 of Title IV would be amended. These modifications seek to allow the State AML programs and eligible AML “partners” (i.e. Good Samaritans) to proceed with their work unimpeded by unreasonable, prohibitive aspects of liability and NPDES requirements under the Clean Water Act.

The current language in Sec. 405(l) is intended to give the States protection from undeserved federal liability:

Sec 405. (l) - No State shall be liable under any provision of Federal law for any costs or damages as a result of action taken or omitted in the course of carrying out a State abandoned mine reclamation plan approved under this section. This subsection shall not preclude liability for cost or damages as a result of gross negligence or intentional misconduct by the State. For purposes of the preceding sentence, reckless, willful, or wanton misconduct shall constitute gross negligence.

This provision was added during the 1990 SMCRA amendments due to concern in western states that noncoal AML work conducted under SMCRA could be subject to federal liability under CERCLA. It does not seem that Congress considered potential Clean Water Act liability at coal AML sites an issue at the time, mainly because SMCRA work is generally understood to be distinct from CWA work. Recent court decisions have created the expectation that the Clean Water Act may in fact apply to SMCRA Title IV AML work, hence the need for the relief offered by this bill.

Despite the fact that the federal liability protection afforded to the AML programs under the current language in 405(l) would seem to apply to the Clean Water Act, Sec. 413(d) of Title IV specifically says that any AMD treatment system operated or constructed by the AML programs must fully comply with the Clean Water Act. The current language is as follows:

(d) Construct and operate plants for control and treatment of water pollution resulting from mine drainage - The Secretary or the State pursuant to an approved State program, shall have the power and authority to construct and operate a plant or plants for the control and treatment of water pollution resulting from mine drainage. The extent of this control and treatment may be dependent upon the ultimate use of the water: Provided, That the above provisions of this paragraph shall not be deemed in any way to repeal or supersede any portion of the Federal

Water Pollution Control Act (33 U.S.C. 1151, et seq. as amended) and no control or treatment under this subsection shall in any way be less than that required under the Federal Water Pollution Control Act. The construction of a plant or plants may include major interceptors and other facilities appurtenant to the plant.

Through this bill, a new section 405(m) (“State Memoranda of Understanding for Remediation of Mine Drainage”) would be added, which would essentially build on (and solidify) the provisional liability protection given to the States under 405(l). Approved State Title IV programs would be given the opportunity to develop/formalize an MOU with relevant water authorities outlining how the State will handle its water treatment work under Title IV vis-à-vis potential NPDES requirements.

“(2) MEMORANDA REQUIREMENTS.—Such memorandum shall establish a strategy satisfactory to the State and Federal agencies that are parties to the memorandum, to address water pollution resulting from mine drainage at sites eligible for reclamation and mine drainage abatement expenditures under section 404, including specific procedures for—

“(A) ensuring that activities carried out to address mine drainage will result in improved water quality;

“(B) monitoring, sampling, and the reporting of collected information as necessary to achieve the condition required under subparagraph (A);

“(C) operation and maintenance of treatment systems as necessary to achieve the condition required under subparagraph (A); and

“(D) other purposes, as considered necessary by the State or Federal agencies, to achieve the condition required under subparagraph (A).

With such an MOU in place, Title IV Sec. 413(d) (which explicitly requires the AML programs to comply with NPDES) will no longer apply to that State. The State’s Title IV work, treatment systems in particular, will therefore be understood not to have to comply fully with NPDES, and to instead be guided by the mutually-agreed-to requirements of the MOU. The expectation here, and the key from the States’ perspective, would be that these requirements would be more reasonable and achievable than NPDES requirements. The current language for 413(d), with the new language inserted in **bold**, is below:

*Section 413(d) - The Secretary or the State pursuant to an approved State program, shall have the power and authority to construct and operate a plant or plants for the control and treatment of water pollution resulting from mine drainage. The extent of this control and treatment may be dependent upon the ultimate use of the water: Provided, That the above provisions of this paragraph shall not be deemed in any way to repeal or supersede any portion of the Federal Water Pollution Control Act (33 U.S.C. 1151, et seq. as amended) 48 and no control or treatment under this subsection shall in any way be less than that required under the Federal Water Pollution Control Act **unless such control or treatment will be conducted in accordance with a State memorandum of understanding approved under section 405(m) of this Act.** The*

construction of a plant or plants may include major interceptors and other facilities appurtenant to the plant.

This arrangement would most importantly result in clarity surrounding the States' obligations for water treatment under Title IV, meaning that the risk of undeserved Clean Water Act liability due to citizen suits would be virtually eliminated (as long as the projects meet the conditions of the MOU). This approach would also therefore - as the 2nd major component of the bill - allow the State to extend its own, now solidified, liability protection for these projects to eligible partners (i.e. Good Samaritans) under an established process (similar to what AML contractors enjoy).

Under a new section 405(n) ("Community Reclamation Partnerships"), an eligible State would work with the potential partner(s) to develop project parameters and determine the group(s) and the site/project's eligibility (basically meant to establish that no existing party, particularly with respect to the project partners, is responsible/liable for the site). The project submission must also demonstrate that the project will meet the requirements of the MOU in the new Section 405(m). The State would submit a potential project to OSMRE for approval under this section, which if granted, would in essence certify that this project is now being conducted under the auspices of a States' Title IV reclamation plan, meaning that it gains the protections of 405(l)+(m).

As a condition of the project receiving approval under this section, the State would agree to take on any potential liability stemming from the project (except for cases of gross negligence etc.) on behalf of all project participants - this is the key to facilitating participation by non-governmental partners (who need to be totally assured of their responsibilities and potential for liability before they can agree to participate in such a project). The State will, in turn, reserve the right to negotiate terms and conditions for the partner's responsibilities with respect to the project before agreeing to the project. That agreement would presumably be outlined in a separate agreement between the State and the partner group, but in the eyes of federal law, the State will have taken on responsibility/ potential liability. The key for the States here is that as long as the project is being conducted in accordance with the MOU in 405(m), the State is itself already secure from unreasonable liability from the project through the bill's modifications to sections 405 and 413.

The bill language is included in its entirety at the end of this summary.

Remaining Issues with H.R. 2937

- States' Comfort with Protection
 - The key to this approaches' viability is whether the States will feel secure enough from unreasonable Clean Water Act requirements/ liability that they can protect their potential partners. By design,

MOU's are negotiated on a state-by-state basis, so that they can match the States' differing circumstances. It will be incumbent on each AML program with an interest in this approach to ensure that the MOU requirements are workable etc. Beyond that, we need to discuss as a group what recommendations we might have for report language to be included with the bill, which could provide additional detail as to how the MOU is meant to operate and its intended effect (essentially a "savings" clause).

- Avoiding Interference
 - The key concern for the States with this approach will be ensuring that, for States whose current circumstances around water treatment work are adequate, the bill would not effect those arrangements. The bill was purposefully structured to be optional, such that only States that desire the additional clarity/security/and partnerships offered by the bill need participate, while others can simply move forward with business-as-usual. We will want to discuss as a group any modifications to the bill we might recommend to ensure that it does not interfere with uninterested States.

- Guaranteeing Long-term Operation, Maintenance, and Repair
 - With regard to the State's acceptance of ultimate responsibility for these projects as discussed above, a particular concern may be the State's ability to take on (and demonstrate the fiscal wherewithal to contend with) long term operation, maintenance, and repair costs (OMR), especially where those costs will exist in perpetuity.
 - As noted above, the obligations accepted by a State when "undertaking ultimate responsibility" would not be as onerous as they might seem upon first reading of the bill, because the bill's other modifications to Title IV have the effect of clarifying and conditioning requirements for these AMD water treatment projects. In effect, while the State may be seemingly taking on risk, it is also simplifying its responsibilities, meaning that risk overall should be reduced (assuming that the MOU is negotiated to result in more practicable water treatment responsibilities.)
 - The long term OMR concern would also be mitigated by the MOU – and although it would depend on the specific MOU language negotiated, the desired outcome should be that the State is only expected to do what is *reasonably possible* for them (both technically and fiscally). The State would need to demonstrate that it can reasonably expect to have the funding available long term (perhaps over a certain time period, e.g. 20, 30, 50 or more years) for needed OMR (again, based on proscribed requirements in the MOU vs. the full requirements of NPDES), but not necessarily that every cent of

potentially needed funding is currently available before the project begins.

- It is also important to note that, while the State would be accepting ultimate responsibility for OMR in the eyes of federal law, that is not to say that the State would be the only party with such responsibility for the project. Through a separate agreement between the State and involved project partners (the same agreement that would outline the State's undertaking of responsibility/liability on the partner's behalf), specific responsibilities for each involved party, and the conditions under which the partners would retain liability (e.g. negligence etc), would be carefully outlined. So while the State would be accepting ultimate responsibility, they would have recourse through the State-partner agreement to hold partners accountable for their responsibilities. If the parameters of the agreement are not satisfactory to the State in this regard (e.g. too much responsibility is placed on the States), the State need not approve that project. For any project to move forward under this section would be contingent on the State being comfortable with allocation of responsibility/liability outlined in the partner agreement.
 - The effective outcome is that non-governmental partners would still bring their own funding and man-hours to bear to the extent practical for any given project, but with the State's ultimate backing as a partner, the project can be pursued under the auspices of the Title IV MOU rather than the NPDES, meaning that required OMR will be more manageable.
- Set-Aside funding/QHU Determinations
 - Under the bill, for a section (n) project to go forward (one with partner participation), the State must demonstrate that it has the funds available to conduct necessary operation and maintenance (With the specific requirements being determined by the Section (m) MOU, and expectedly more reasonable than under NPDES). NGO commenters on the bill have noted that demonstrations of necessary O & M funding would likely depend on set-aside accounts in many cases, which can only be used on projects within a defined Qualified Hydrologic Unit (QHU). The NGO's are concerned that where QHU areas are limited, it could in turn limit the projects that are eligible under the bill. We will want to discuss as a group how QHU determinations might affect the bill.
- Grandfathering Existing Projects
 - There is a remaining question of the affect that this bill would have on existing projects. The first question is whether existing State projects are grandfathered under the current bill, or if we need a modification to get there. The hope would be for existing projects to now be

- “controlled by” the Section (m) MOU requirements, so that they are now secure from liability insofar as they meet the MOU requirements.
- For existing NGO projects (in which the State did not participate), it seems clear that the existing language would not pertain to existing projects. There is interest among the NGO’s in modifying the bill so that those projects could also be granted protection, which could be a significant potential benefit given how much existing work is out there.
 - The Committee asked IMCC to draft potential language to those ends, which is included below. We will want to discuss this issue and the potential language as a group, which will likely come up as the bill makes it way to the House floor.
 - **State project grandfathering** - requirements for existing State projects are now controlled by the MOU, and 413(d) therefore no longer requires that those projects meet full CWA requirements. This would likely go at the end of the new language for Section 413(d) under Sec. 4 of the bill:

Provided further that a memorandum of understanding under section 405(m) of this Act shall apply to a plant constructed under this subsection if such plant meets the conditions of such memorandum

- **NGO project grandfathering** - if an eligible partner’s previously constructed project is shown to be improving water quality etc. in accordance with the MOU standards, and the State takes on ultimate responsibility etc, then those projects can be approved under this section too.

(x) EXISTING TREATMENT SYSTEMS - The Secretary shall approve a Community Reclaimer project conducted prior to the approval of an MOU under section 405(m) of this Act provided that:

(A) The project meets the conditions of Section (1), with the addition of:

- (i) baseline water quality data at the time of the project’s construction, and*
- (ii) the results of recently conducted sampling*
- (iii) A finding based on the results of (i) and (ii) that the project is meeting conditions of MOU in 405(m)*

115TH CONGRESS
1ST SESSION

H. R. 2937

To amend the Surface Mining Control and Reclamation Act of 1977 to authorize partnerships between States and nongovernmental entities for the purpose of reclaiming and restoring land and water resources adversely affected by coal mining activities before August 3, 1977, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 2017

Mr. LAHOOD introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Surface Mining Control and Reclamation Act of 1977 to authorize partnerships between States and nongovernmental entities for the purpose of reclaiming and restoring land and water resources adversely affected by coal mining activities before August 3, 1977, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Community Reclamation Partnerships Act”.

SEC. 2. REFERENCE.

Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to a provision, the reference shall be considered to be made to a provision of the Surface Mining Control and Reclamation Act of 1977 ([30 U.S.C. 1201](#) et seq.).

**SEC. 3. STATE MEMORANDA OF UNDERSTANDING FOR CERTAIN
REMEDATION.**

(a) MEMORANDA AUTHORIZED.—Section 405 ([30 U.S.C. 1235](#)) is amended by inserting after subsection (l) the following:

“(m) STATE MEMORANDA OF UNDERSTANDING FOR REMEDIATION OF
MINE DRAINAGE.—

“(1) IN GENERAL.—A State with a State program approved under subsection (d) may enter into a memorandum of understanding with relevant Federal or State agencies (or both) to remediate mine drainage on abandoned mine land and water impacted by abandoned mines within the State. The memorandum may be updated as necessary and resubmitted for approval under this subsection.

“(2) MEMORANDA REQUIREMENTS.—Such memorandum shall establish a strategy satisfactory to the State and Federal agencies that are parties to the memorandum, to address water pollution resulting from mine drainage at sites eligible for reclamation and mine drainage abatement expenditures under section 404, including specific procedures for—

“(A) ensuring that activities carried out to address mine drainage will result in improved water quality;

“(B) monitoring, sampling, and the reporting of collected information as necessary to achieve the condition required under subparagraph (A);

“(C) operation and maintenance of treatment systems as necessary to achieve the condition required under subparagraph (A); and

“(D) other purposes, as considered necessary by the State or Federal agencies, to achieve the condition required under subparagraph (A).

“(3) PUBLIC REVIEW AND COMMENT.—

“(A) IN GENERAL.—Before submitting a memorandum to the Secretary and the Administrator for approval, a State shall—

“(i) invite interested members of the public to comment on the memorandum; and

“(ii) hold at least one public meeting concerning the memorandum in a location or locations reasonably accessible to persons who may be affected by implementation of the memorandum.

“(B) NOTICE OF MEETING.—The State shall publish notice of each meeting not less than 15 days before the date of the meeting, in local newspapers of general circulation, on the Internet, and by any other means considered necessary or desirable by the Secretary and the Administrator.

“(4) SUBMISSION AND APPROVAL.—The State shall submit the memorandum to the Secretary and the Administrator of the Environmental Protection Agency for approval. The Secretary and the Administrator shall approve or disapprove the memorandum within 120 days after the date of its submission if the Secretary and Administrator find that the memorandum will facilitate additional activities under the State Reclamation Plan under subsection (e) that improve water quality.

“(5) TREATMENT AS PART OF STATE PLAN.—A memorandum of a State that is approved by the Secretary and the Administrator under this subsection shall be considered part of the approved abandoned mine reclamation plan of the State.

“(n) COMMUNITY RECLAIMER PARTNERSHIPS.—

“(1) PROJECT APPROVAL.—Within 120 days after receiving such a submission, the Secretary shall approve a Community Reclaimer project to remediate abandoned mine lands if the Secretary finds that—

“(A) the proposed project will be conducted by a Community Reclaimer as defined in this subsection or approved subcontractors of the Community Reclaimer;

“(B) for any proposed project that remediates mine drainage, the proposed project is consistent with an approved State memorandum of understanding under subsection (m);

“(C) the proposed project will be conducted on a site or sites inventoried under section 403(c);

“(D) the proposed project meets all submission criteria under paragraph (2);

“(E) the relevant State has entered into an agreement with the Community Reclaimer under which the State shall assume all responsibility with respect to

the project for any costs or damages resulting from any action or inaction on the part of the Community Reclaimer in carrying out the project, except for costs or damages resulting from gross negligence or intentional misconduct by the Community Reclaimer, on behalf of—

“(i) the Community Reclaimer; and

“(ii) the owner of the proposed project site,

if such Community Reclaimer or owner, respectively, did not participate in any way in the creation of site conditions at the proposed project site or activities that caused any lands or waters to become eligible for reclamation or drainage abatement expenditures under section 404;

“(F) the State has the necessary legal authority to conduct the project and will obtain all legally required authorizations, permits, licenses, and other approvals to ensure completion of the project;

“(G) the State has sufficient financial resources to ensure completion of the project, including any necessary operation and maintenance costs (including costs associated with emergency actions covered by a contingency plan under paragraph (2)(K)); and

“(H) the proposed project is not in a category of projects that would require a permit under title V.

“(2) PROJECT SUBMISSION.—The State shall submit a request for approval to the Secretary that shall include—

“(A) a description of the proposed project, including any engineering plans that must bear the seal of a Professional Engineer;

“(B) a description of the proposed project site or sites, including, if relevant, the nature and extent of pollution resulting from mine drainage;

“(C) identification of the past and current owners and operators of the proposed project site;

“(D) the agreement or contract between the relevant State and the Community Reclaimer to carry out the project;

“(E) a determination that the project will facilitate the activities of the State reclamation plan under subsection (e);

“(F) sufficient information to determine whether the Community Reclaimer has the technical capability and expertise to successfully conduct the proposed project;

“(G) a cost estimate for the project and evidence that the Community Reclaimer has sufficient financial resources to ensure the successful completion of the proposed project (including any operation or maintenance costs);

“(H) a schedule for completion of the project;

“(I) an agreement between the Community Reclaimer and the current owner of the site governing access to the site;

“(J) sufficient information to ensure that the Community Reclaimer meets the definition under paragraph (3);

“(K) a contingency plan designed to be used in response to unplanned adverse events that includes emergency actions, response, and notifications; and

“(L) a requirement that the State provide notice to adjacent and downstream landowners and the public and hold a public meeting near the proposed project site before the project is initiated.

“(3) COMMUNITY RECLAIMER DEFINED.—For purposes of this section, the term ‘Community Reclaimer’ means any person who—

“(A) seeks to voluntarily assist a State with a reclamation project under this section;

“(B) did not participate in any way in the creation of site conditions at the proposed project site or activities that caused any lands or waters to become eligible for reclamation or drainage abatement expenditures under section 404;

“(C) is not a past or current owner or operator of any site with ongoing reclamation obligations; and

“(D) is not subject to outstanding violations listed pursuant to section 510(c).”.

SEC. 4. CLARIFYING STATE LIABILITY FOR MINE DRAINAGE PROJECTS.

Section 413(d) ([30 U.S.C. 1242\(d\)](#)) is amended in the second sentence by inserting “unless such control or treatment will be conducted in accordance with a State memorandum of understanding approved under section 405(m) of this Act” after “Control Act” the second place it appears.

SEC. 5. CONFORMING AMENDMENTS.

Section 405(f) ([30 U.S.C. 1235\(f\)](#)) is amended—

- (1) by striking the “and” after the semicolon in paragraph (6);
- (2) by striking the period at the end of paragraph (7) and inserting “; and”; and
- (3) by inserting at the end the following:

“(8) a list of projects proposed under subsection (n).”

List of Services Rendered - Contract Period February 15, 2017 – September 15, 2017

02/14 – 16, 2017 – Attended and presented congressional and regulatory briefings at NAAML P Winter Business Meeting in Golden, Co.
3/6 – Conference call re. Good Samaritan legislation with Pennsylvania
3/9 – Conference call with watershed groups re. Good Samaritan legislation
3/17 – Conference call re. testimony for 4/5 RECLAIM hearing
3/30 – Conference call re. pending AML legislation
4/5 – AML hearing re. RECLAIM Act before the House Energy and Mineral Resources Subcommittee. IMCC assisted with preparation of written and oral testimony for Autumn Coleman and Bob Scott
4/19 – Meeting with HNR Staff re. AML legislation
5/22 – Conference Call re. Good Samaritan bill and hearing
5/24 – Good Samaritan Hearing. IMCC prepared oral and written testimony for John Stefanko
6/7 – AML hearing regarding funding issues. IMCC prepared oral and written testimony for Rob Rice
6/21-22 – Pennsylvania AML Conference – Ryan delivered a legislative update.
6/27 - Markup hearing on pending AML legislation
6/28 - Call with Justin Ireys re NAAML P matters
7/11 – Conference Call re. Good Samaritan legislation with Pennsylvania
7/13 – Conference call re. RECLAIM with NAAML P member states
7/20 – Good Samaritan Conference call
7/31 – Meeting with HNR Committee re. Mining Law Reform
8/15-16 – Western OSM/States Regional Meeting – IMCC provided AML updates
8/22-23 – OSMRE/ States Appalachian Regional Meeting – IMCC provided AML update
8/23 – Conference Call with HNR Staff re. Hardrock AML proposal
8/24 – OSMRE/States Mid Continent Regional Meeting – IMCC provided AML update
8/25 – Call with Reporter interested in AML issues
8/28 – NAAML P Hardrock Committee Conference call
8/31 – Conference Call with Nevada re. Hardrock AML
9/14 – NAAML P Hardrock Committee Conference call

Memos

3/1 – Re. Good Samaritan proposal
3/17 – Re. RECLAIM Hearing, to NAAML P Officers re. witnesses
3/28 – Re. RECLAIM Hearing re draft testimony
3/31 – Re. Witness statements (Autumn Coleman and Bob Scott)
4/4 – RECLAIM hearing info
4/10 – Report on RECLAIM hearing
5/8—Memo re. QFR's for RECLAIM Hearing
5/18 – Re. Good Samaritan hearing
6/1 - NAAML P statements submitted re. FY 18 budget
6/2 - Memo re. June 7 hearing on AML funding issues and NAAML P Statement on FY 18 budget
6/8 - Memo re. AML Funding hearing on 6/7
6/30 - Memo re. HNR Committee markup of RECLAIM and CRPA

7/7 – Memo re. QFR's for 6/7 hearing

9/12 – Memo re. listening session

During the period, IMCC prepared four sets of witness testimony from three legislative/oversight hearings, developed the Good Samaritan legislative language, and developed draft reauthorization legislative language.

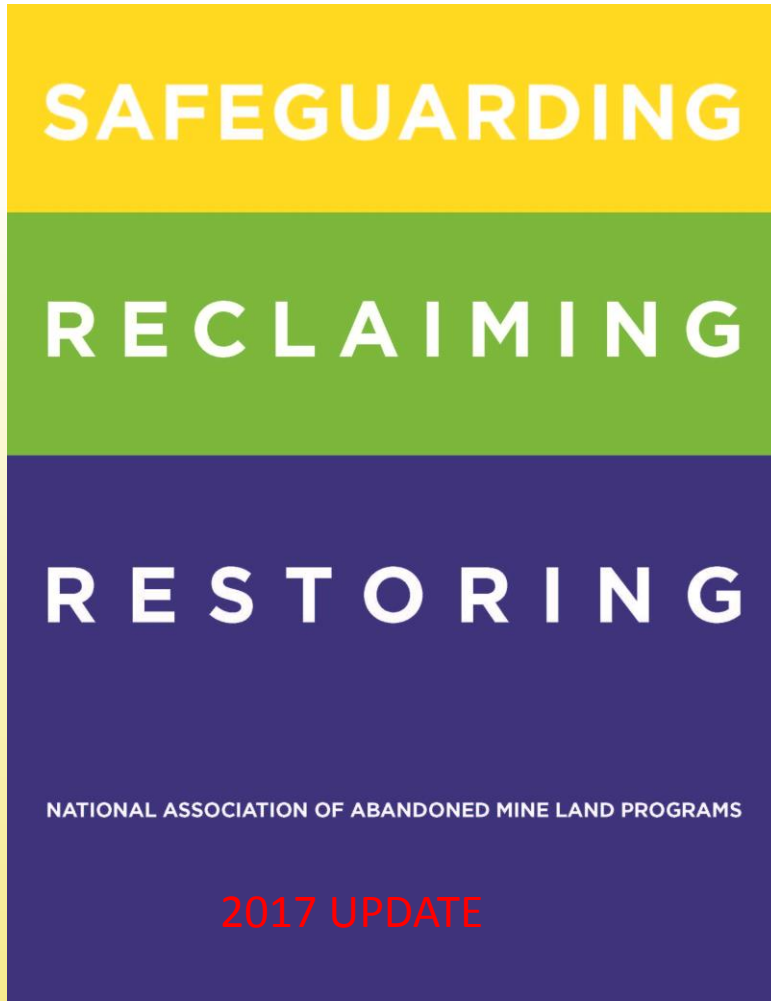


NAAMLP

NATIONAL ASSOCIATION OF ABANDONED MINE LAND PROGRAMS

BOOKLET REDESIGN

UPDATE COVER



1. Keep the same cover design
2. Add the text “2017 Update” under the National Association of Abandoned Mine Land Programs

ADD NEW INSIDE COVER



Dear Conference Attendees:

On behalf of the 31 States and Tribes that comprise the National Association of Abandoned Mine Land Programs (NAAMLPL), welcome to Bozeman Montana and our 38th Annual Conference. The National Association of State Land Reclamationists (NASLR) is joining with us this year bringing additional reclamation insights to our conference. The Montana and Wyoming AML Programs have assembled an exciting pre-conference tour, excellent technical program, interesting tech tours and an exhibitors hall that will allow us to continue to benefit by sharing our ideas, reclamation successes (and challenges), get updated on new technology and connect with all of our like-minded associates and friends.

For 38 years the NAAMLPL member states and tribes have continued to meet and advance national goals for reclaiming and safeguarding the hazards and environmental problems resulting from past mining practices, while working to advance legislation and environmental initiatives supporting abandoned mine reclamation. This past year the NAAMLPL continued an effort to help guide the reauthorization of Title IV of SMCRA, including support of other related legislative changes that we believe will improve the future of AML. The NAAMLPL continues to work on legislation that addresses economic goals as well as meeting the high priority needs of Title IV of SMCRA. We also continued to advocate a national hardrock abandoned mine reclamation program that would enable states and tribes to address the remaining hazards and environmental problems from both unreclaimed legacy hard rock and non-coal mining sites in many regions of the country. In order to accomplish this, it is essential that we continue to emphasize the need for AML funding by reauthorizing the AML fee, openly sharing our accomplishments and technological advances, and maintaining our dialogue on common AML problems and obstacles.

I am honored to have served as an officer of this Association for the last three years and as President this past year. It has been a busy year with our continued work on Reauthorization, AML Economic Revitalization and various other federal proposals, especially in a presidential election year. Over the years our connections and collaborative efforts on legislative, policy, funding and technical issues have built a strong, dedicated organization of friends and colleagues working together to benefit the public, the environment and our nation. Thanks to each of you for your participation, diligent support and daily contributions to our causes!

On behalf of the NAAMLPL, a special thanks to our sponsors, presenters, exhibitors and all of the planners and staff of the Montana AML Program, as well as their partners, who have worked diligently to make this conference meaningful and successful. Please take this opportunity to connect with the other conference participants from around the nation as well as our scholarship winners, but most of all **Enjoy** your visit to Montana's "Big Sky Country".


Chuck Williams
President, NAAMLPL

ALABAMA ALASKA ARIZONA ARKANSAS CALIFORNIA COLORADO CROWD HORI ILLINOIS INDIANA IOWA KANSAS KENTUCKY LOUISIANA MARYLAND MISSISSIPPI MISSOURI
MONTANA NAVAJO NEVADA NEW MEXICO NORTH CAROLINA OHIO OKLAHOMA PENNSYLVANIA TENNESSEE TEXAS UTAH VIRGINIA WEST VIRGINIA WYOMING

1. Inside Cover Letter from President.

Draft text:

- Thank you for your interest
- History of NAAMLPL
- Goals of NAAMLPL
- Member States
- What else?

PAGE 1



EXAMPLE!

PAGE 2 - 3

Match text from the 1 Page Accomplishments Document

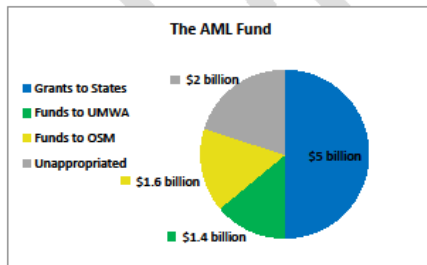


NAAMLPL represents 31 State and Tribal Abandoned Mine Land Programs that reclaim abandoned mine sites to protect the public's health and safety.

Abandoned Mine Lands (AML) are plagued by safety and health hazards as well as diminished economic opportunities. The AML Programs reclaim such hazards as subsidence, mine fires, hazardous mine openings, acid mine drainage and dangerous highwalls with no liability to the current landowners. AML Programs are funded by a per ton fee on coal as authorized by the Surface Mining Control and Reclamation Act (SMCRA). SMCRA The States and Tribes work closely with the Office of Surface Mining Reclamation and Enforcement (OSMRE) to meet the intent of SMCRA to "promote the reclamation of mined areas left without adequate reclamation prior August 3, 1977, and which continue, in their unreclaimed condition, to substantially degrade the quality of the environment, prevent or damage the beneficial use of land or water resources, or endanger the health or safety of the public."

KEY ISSUES

- ✓ The current AML fee is set to expire in 2021 leaving billions of dollars in unreclaimed abandoned mine hazards across the nation with no resources. NAAMLPL strongly supports the reauthorization of the AML fee collection to extend to 2036.
- ✓ NAAMLPL strongly supports the increase mandatory minimum program funding to \$5 million annually.
- ✓ NAAMLPL strongly supports that the AML emergency program are a mandatory expenditure from the Secretary's discretionary share.
- ✓ NAAMLPL strongly supports ending sequestration of AML grants (\$84 million to date).



BUDGET HISTORY

Since SMCRA's enactment OSMRE has collected over \$10 billion through a reclamation fee assessed on each ton of coal that is produced. OSMRE has distributed more than \$5 billion in AML grants to states and tribes. More than \$1.4 billion was transferred to UMWA Health and Retirement Funds. Over \$1.6 billion has been used for OSMRE operating expenses. Over \$2 billion of the fund remains unappropriated.

ACCOMPLISHMENTS

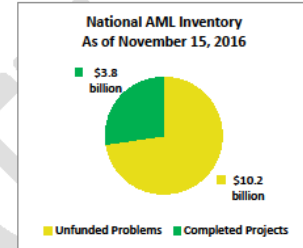
With the \$5 billion in grant funds, AML Programs have reclaimed thousands of dangerous sites left by abandoned coal mines, resulting in increased safety for millions of Americans:

- More than 945,000 acres of high priority abandoned coal mine sites have been reclaimed.
- Hazards associated with more than 45,000 open mine shafts and portals have been eliminated.
- Over 350 miles of dangerous highwalls are no longer a threat to people.
- Over 27,000 acres of dangerous piles and embankments have been eliminated and the land reclaimed.
- Nationwide, \$590 million public water hazards have been reduced or eliminated.
- It has been estimated that AML Programs created **XXX** job opportunities. In addition, for every federal dollar spent for construction, **\$XXX** was returned to the economy.
- **XXX** people nationwide were protected from abandoned mine hazards.

Despite these impressive accomplishments, \$10 billion of high priority problems still threaten the public health and safety and remain unreclaimed. These hazardous sites require safeguarding by the State and Tribal AML programs.

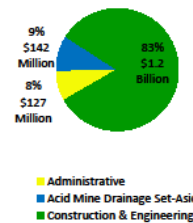
PROBLEM INVENTORY

AML Programs continue to inventory of land and water impacted by past mining (primarily coal mining) which is maintained by OSMRE to provide information needed to implement SMCRA.



National AML State and Tribal Funding Allocation 2012 - 2016

\$1.5 Billion



STATE AND TRIBAL AML PROGRAMS

State and Tribal AML Programs are very efficient at providing timely responses to new abandoned mine hazards that arise. Nationwide, the AML Programs are spending 83% on construction, engineering and maintenance. This correlates to good paying jobs and reclaimed lands. The AML Programs on average, nationwide are able to set aside 9% of their annual grants on set aside programs for acid mine drainage mitigation. Finally, the AML Programs are spending an approximate 8% on administration, which pays for staff time and the resources programs need to complete reclamation projects.

The AML Programs are excellent at public outreach and engage community partners in reclaiming the lands to meet the needs of the landowners and the communities.

The AML Programs have been around since the passage of SMCRA in 1997 and have demonstrated success to "promote the reclamation of mined areas left without adequate reclamation prior August 3, 1977, and which continue, in their unreclaimed condition, to substantially degrade the quality of the environment, prevent or damage the beneficial use of land or water resources, or endanger the health or safety of the public."



Resolution

National Association of Abandoned Mine Land Programs

A Resolution Concerning Reauthorization of Fee Collection Authority Under Title IV of the Surface Mining Control and Reclamation Act PL. 95-87

BE IT KNOWN THAT:

WHEREAS, Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) established the Abandoned Mine Land (AML) reclamation program; and

WHEREAS, The National Association of Abandoned Mine Land Programs (NAAML) consists of 31 states and Indian tribes, each with interests in abandoned mine land remediation, including the reclamation of land and water resources adversely affected by past mining and left in an abandoned or inadequately restored condition; and

WHEREAS, pursuant to the cooperative federalism approach contained in SMCRA, 28 NAAML member states and tribes administer AML programs approved, funded and overseen by the Office of Surface Mining Reclamation and Enforcement (OSMRE) within the U.S. Department of the Interior; and

WHEREAS, SMCRA Title IV establishes a reclamation fee on each ton of coal mined in the United States to fund abandoned mine land reclamation; and

WHEREAS, Congress enacted amendments to SMCRA in 2006 to address, among other things, continued collection of AML fees and funding for state and tribal programs to address existing and future AML reclamation; and

WHEREAS, The reclamation fee authorized under SMCRA Title IV will expire by operation of law on September 30, 2021; and

WHEREAS, Since the enactment of SMCRA, 6,151,789 AML hazards (totaling some \$4 billion in construction costs) have been abated by the state and tribal AML programs; and

WHEREAS, Presently, there are 14,384,171 AML hazards (totally some \$9 billion) that still need to be remediated; and

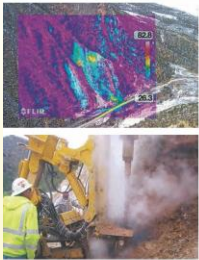
WHEREAS, Without the funding generated by the Title IV reclamation fee, these remaining AML hazards will not be addressed, prolonging indefinitely the subjection of our citizens and environment to the hazards associated with AMLs.

Could be moved to the last page or the first page.

PROJECT PAGES



SAFEGUARDING



GRASS VALLEY MINE FIRE ABATEMENT PROJECT, COLORADO
 In 2009, the Colorado Division of Reclamation received citizen complaints about smoke and fumes from the Sunny Ridge coal mine located near the town of Silt. Following a temporary emergency surface-sealing project, the mine fire was controlled by drilling and grouting. The two collapsed mine entries were grouted, then additional borings were drilled and cased into the mine workings between the two entries. Thirty thousand gallons of fire-fighting foam and 895 cubic yards of cement were injected into the mine voids. The fire was quenched and cooled and no combustion is occurring. Construction began in May 2010 and was completed by August, 2010 with a total cost of \$560,945.00.



INTERSTATE 72 BRIDGE SUBSIDENCE STABILIZATION, ILLINOIS
 This project prevented the collapse of the Interstate 72 Sangamon River Bridge just east of Springfield, Illinois. The Department of Transportation (IDOT) discovered the bridge was beginning to settle due to coal mine subsidence and determined that it would likely collapse if ground movements were allowed to continue. In March 2011, the Department of Natural Resources' Abandoned Mined Lands Division implemented an emergency mine stabilization program that stopped ground settlement by drilling and pumping concrete grout into the mine voids. Concurrently, IDOT strengthened critical bridge elements and conducted frequent inspections. By pooling expertise and resources, this project demonstrated that grouting can be used to stop active coal mine subsidence.

RECLAIMING



HIGHWAY 400 DANGEROUS HIGHWALL, KANSAS
 The Highway 400 Project addressed approximately 2,800 linear feet of Priority 2 dangerous highwall situated along U.S. Highway 400 on the Cherokee and Crawford County line in southeast Kansas just east of the town of Cherokee. This section of Highway 400 has a traffic count of over 5,000 vehicles per day. The backfilling and grading of the dangerous highwall was completed in 2010 with mitigation for wetland disturbances being done on adjacent property owned and managed by the Kansas Department of Wildlife, Parks and Tourism. Much of the water resource was able to be replaced as shown in the before and after photos.



SICKENIUS URANIUM MINE RECLAMATION PROJECT, TEXAS
 The Sickenius Abandoned Mine Land (AML) Project is 50 miles southeast of San Antonio, Texas. The abandoned mine consisted of a hazardous water body (35 feet deep), 3,830 linear feet of highwall, (60 feet high) and 21 acres of radioactive spoil (0 to 350 µR/hr above radiation background levels). Grading was completed in 3 phases from February 2008 to August 2011, moving 80,717 cubic yards of spoil and highwall. The site is stabilized as of March 2013. The reclaimed 34-acre site contains slopes of 14% and radiation readings below 30 µR/hr. Total reclamation contract cost was \$2,049,210.29.

RESTORING



GEOMORPHIC RECLAMATION OF BRILLIANT NO. 2 MINE, NEW MEXICO
 The Brilliant No. 2 Mine on Vermajo Park Ranch produced coking coal for steel production between 1918 and 1953. Using geomorphic designs that mimic the shapes of natural hills and channels, this project restored meandering stream segments to 2,600 feet of previously straightened creek, mitigated 140 foot high steep and eroding dangerous piles and embankments, removed mine wastes from the creek, and closed the mine portal with a steel bat gate. These measures, completed in September 2012, have made the site safe for visitors and hunters and improved water quality and other environmental conditions, while avoiding high-voltage power lines and numerous historic ruins.

COLE CREEK RECLAMATION PROJECT, ARKANSAS
 The 67-acre Cole Creek Project, located near Hart, Arkansas was mined during the 1960s. The project cost \$1,202,404 and consisted of utilizing natural stream design methods to reconstruct 0.8 miles of the clogged channel of Cole Creek, eliminating 1,700 feet of dangerous highwall, ten acres of dangerous piles and embankments and three hazardous water bodies. According to AMLIS (Abandoned Mine Land Inventory System), 186 people are no longer at risk; however, this figure would not reflect the number of visitors that passed by the project area while traveling to a public lake 1.5 miles northwest. The project was completed in April of 2012.



UPDATE STATE AND TRIBAL PROJECTS WITH OSMRE AWARDS OR OTHER NEW PHOTOS OR SUMMARIES. ENSURE EVERY STATE/TRIBE HAS A PROJECT.

FINAL PAGES

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OPTION – keep the full list of the states and tribes without personnel listed.
OR - Just list the state web addresses.
OR – Just link to the NAAML P website.

UPDATE CONTACTS WITH LIVE WEB LINKS FOR ONLINE PDF

FINAL PAGES



www.onenet.net/~naamlp
August 2013

ADD REFERENCE SECTION TO CITE
OSMRE REPORTS VALIDATING OUR
ACCOMPLISHMENT DATA

SUGGESTIONS/QUESTIONS

COMMENTS DUE BY OCTOBER 2017.

DRAFT DUE BY WINTER BUSINESS MEETING
2018.

FINAL PRINTING BEFORE ANNUAL MEETING
FALL 2018.



2017 REPORT

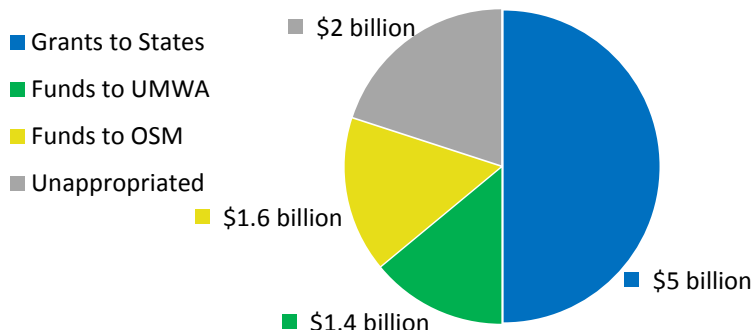
NAAMLPLP represents 31 State and Tribal Abandoned Mine Land Programs that reclaim abandoned mine sites to protect the public’s health and safety.

Abandoned Mine Lands (AML) are plagued by safety and health hazards as well as diminished economic opportunities. The AML Programs reclaim such hazards as subsidence, mine fires, hazardous mine openings, acid mine drainage and dangerous highwalls with no liability to the current landowners. AML Programs are funded by a per ton fee on coal as authorized by the Surface Mining Control and Reclamation Act (SMCRA). SMCRA The States and Tribes work closely with the Office of Surface Mining Reclamation and Enforcement (OSMRE) to meet the intent of SMCRA to *“promote the reclamation of mined areas left without adequate reclamation prior August 3, 1977, and which continue, in their unreclaimed condition, to substantially degrade the quality of the environment, prevent or damage the beneficial use of land or water resources, or endanger the health or safety of the public.”*

KEY ISSUES

- ✓ The current AML fee is set to expire in 2021 leaving billions of dollars in unreclaimed abandoned mine hazards across the nation with no resources. NAAMLPLP strongly supports the reauthorization of the AML fee collection to extend to 2036.
- ✓ NAAMLPLP strongly supports the increase mandatory minimum program funding to \$5 million annually.
- ✓ NAAMLPLP strongly supports that the AML emergency program is a mandatory expenditure from the Secretary’s discretionary share.
- ✓ NAAMLPLP strongly supports ending sequestration of AML grants (\$84 million to date).

The AML Fund



BUDGET HISTORY

Since SMCRA’s enactment OSMRE has collected over \$10 billion (including interest) through a reclamation fee assessed on each ton of coal that is produced. OSMRE has distributed more than \$5 billion in AML grants to states and tribes. More than \$1.4 billion was transferred to UMWA Health and Retirement Funds. Over \$1.6 billion has been used for OSMRE operating expenses. Over \$2 billion of the fund remains unappropriated.

ACCOMPLISHMENTS

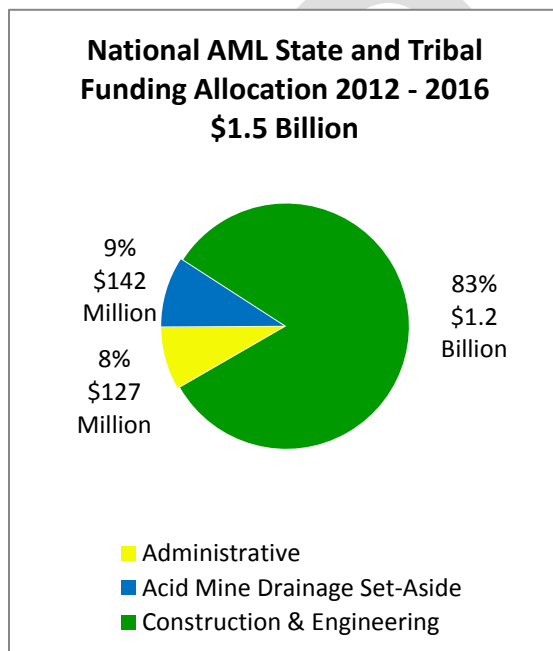
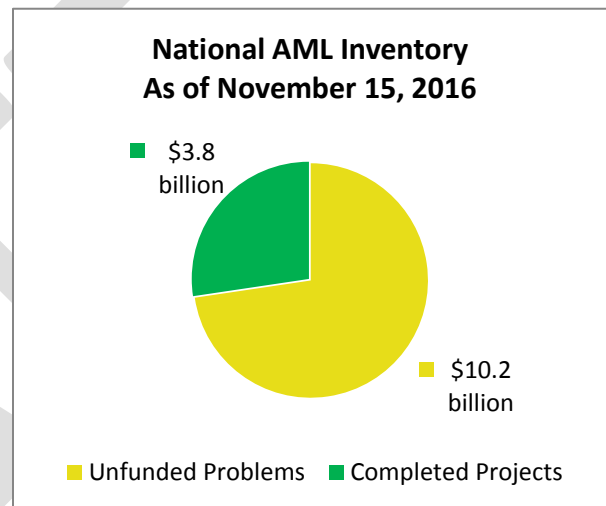
With the \$5 billion in grant funds, AML Programs have reclaimed thousands of dangerous sites left by abandoned coal mines, resulting in increased safety for millions of Americans:

- More than 945,000 acres of high priority abandoned coal mine sites have been reclaimed.
- Hazards associated with more than 45,000 open mine shafts and portals have been eliminated.
- Over 350 miles of dangerous highwalls are no longer a threat to people.
- Over 27,000 acres of dangerous piles and embankments have been eliminated and the land reclaimed.
- Nationwide, \$590 million public water hazards including acid mine drainage have been reduced or eliminated.
- It has been estimated that AML Programs created **XXX** job opportunities. In addition, for every federal dollar spent for construction, **\$XXX** was returned to the economy. For every mile of stream improved, there is a net gain of **\$XXX** to the local economy.
- **XXX** people nationwide were protected from abandoned mine hazards.

Despite these impressive accomplishments, \$10 billion of high priority problems still threaten the public health and safety and remain unreclaimed. These hazardous sites require safeguarding by the State and Tribal AML programs.

PROBLEM INVENTORY

AML Programs continue to inventory of land and water impacted by past mining (primarily coal mining) which is maintained by OSMRE to provide information needed to implement SMCRA.



STATE AND TRIBAL AML PROGRAMS

State and Tribal AML Programs are very efficient at providing timely responses to new abandoned mine hazards that arise. All reclamation projects comply with NEPA and other state and local regulations. Nationwide, the AML Programs are spending 83% on construction, engineering and maintenance. This correlates to good paying jobs and reclaimed lands. The AML Programs on average, nationwide are able to set aside 9% of their annual grants on set aside programs for acid mine drainage mitigation. Finally, the AML Programs are spending an approximate 8% on administration, which pays for staff time and the resources programs need to complete reclamation projects.

The AML Programs are excellent at public outreach and engage community partners in reclaiming the lands to

meet the needs of the landowners and the communities. The AML Programs have been around since the passage of SMCRA in 1997 and have demonstrated success to *“promote the reclamation of mined areas left without adequate reclamation prior August 3, 1977, and which continue, in their unreclaimed condition, to substantially degrade the quality of the environment, prevent or damage the beneficial use of land or water resources, or endanger the health or safety of the public.”*

The logo for the National Association of Abandoned Mine Land Programs (NAAMLP) features the acronym 'NAAMLP' in large, bold, sans-serif capital letters. The letters 'N', 'A', 'A', 'M', 'L', and 'P' are colored green, while the letters 'M', 'M', 'L', and 'P' are colored yellow. A thick, dark blue swoosh curves over the top of the letters, starting under the first 'N' and ending under the 'P'. Below the letters, there is a faint, semi-transparent reflection of the entire logo.

NATIONAL ASSOCIATION OF ABANDONED MINE LAND PROGRAMS

WEBSITE REDESIGN

UPDATE HOME PAGE:



1. Get a new updated photo
2. Have picture expand from edge to edge of screen
3. Have a carousel of images and not just one
4. Add a section for AML Programs in the news

Current image being used



Before Reclamation



After Reclamation

CURRENT HOME PAGE



NATIONAL ASSOCIATION OF ABANDONED MINE LAND PROGRAMS

- HOME
- ABOUT ▾
- AWARDS
- SCHOLARSHIP
- HAZARDS
- PUBLICATIONS ▾
- RESOURCES ▾
- MEMBER INFORMATION ▾**




Before Reclamation



After Reclamation

2017 ANNUAL CONFERENCE
Sept. 24-27, 2017
Lexington, Kentucky
[Learn More](#)
[CALL FOR PAPERS](#)


**NAAMLPLP Scholarship**
[Learn More](#)

Press Release
2016 Hard Rock Mine Lands Reclamation Award
[View Press Release](#)

Abandoned Mine Lands Portal


White-Nose Syndrome (Bats)


Mine Safety and Health Administration


NAAMLPLP Booklet 2013


If you have questions or comments, email the webmaster at naamlp@naamlp.net

NEW HOME PAGE

HOME ABOUT AWARDS SCHOLARSHIP HAZARDS PUBLICATIONS RESOURCES MEMBER INFORMATION



NAAML 2017 39TH ANNUAL CONFERENCE

SEPTEMBER 24 - 27 LEXINGTON KENTUCKY

The National Association of Abandoned Mine Land Programs 39th Annual Conference will run from Sunday evening September 24th, through Wednesday the 27th. Registration is now open and welcome to all who have an interest in AML programs and reclamation projects.

[LEARN MORE](#)

NAAML SCHOLARSHIP

Are you planning a career in mine land reclamation?

Scholarships are available from the National Association of Abandoned Mine Land Programs.

[LEARN MORE](#)



Abandoned Mine Lands Portal



White-Nose Syndrome (Bats)



Mine Safety and Health Administration

STAY OUT STAY ALIVE

NAAML Booklet

AWARDS PAGE



1. Link to OSM'S webpage with the winners
2. Edit tables to display winners in descending order

ABANDONED MINE LAND AWARDS

Year	Western	Mid-Continent	Appalachian	Small Project	National
2007	Wyoming	Kansas	Pennsylvania	Colorado	New Mexico
2008	Utah	Indiana	Pennsylvania	New Mexico	Colorado
2009	Colorado	Texas	Ohio	Iowa & Alaska	Pennsylvania
2010	Utah	Oklahoma	Virginia	Maryland	Pennsylvania
2011	Wyoming	Iowa	West Virginia	Ohio	Pennsylvania
2012	Montana	Illinois	Kentucky	Utah	Pennsylvania
2013	Colorado	Alabama	West Virginia	New Mexico	Pennsylvania
2014	Colorado	Iowa	Maryland	Missouri	Indiana
2015	--	Indiana	Pennsylvania	Colorado	New Mexico

3. In the top navigation bar add a drop down that links directly to the different awards on the page (Similar to the drop down for the About page)



4. Create a page that contains the submittals from the Hardrock Award winners and link to it

OTHER CHANGES



1. Add a page where AML Program news can be displayed and archived
2. Add a members only area that would be password protected



SUGGESTIONS/QUESTIONS

IMCC/NAAML P Proposed Legislative Language for SMCRA Title IV

Reauthorization of AML Fee Collection Authority

Goal: Extend fee collection to 2036, (maintain existing fee levels)

Amendments:

- Change “2021” end date in Section 402, extend 15 years to 2036

(x) Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C 1232(b)) is amended by striking “2021” and inserting “2036”

- Conforming change to sections 401(f)(2) (A) + (B) : ‘2008 through 2022’ and ‘2023 and thereafter’

(x) Section 401(f)(2) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C 1232(b)) is amended:

(x) by striking “2022” and substituting “2037”

(x) by striking “2023” and substituting “2038”

Minimum Program Funding

(note: language to this effect is included in the current version of the RECLAIM Act (H.R. 1731))

Goal: Increase Mandatory Minimum Program funding to at least \$5 million annually

Amendments:

- Change minimum annual grant level in Section 402(g)(8)(A) from \$3,000,000 to \$5,000,000

(x) Section 402(g)(8)(A) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C 1232(g)(8)) is amended by striking “\$3,000,000” and inserting “\$5,000,000”

Acid Mine Drainage (AMD) Set-Aside Funding

Goal: Allow all State and Tribal AML programs to utilize up to 30% of their entire, respective grant amounts for AMD set-aside.

Amendments:

- Add minimum program make-up funds (402(g)(8)(A)) as eligible sources of AMD set-aside funding. (Only state share (402(g)(1)) and historic coal grants (402(g)(5)) are currently eligible).

(x) Section 402(g)(6)(A) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C 1232(b)) is amended by striking “paragraphs (1) and (5)” and inserting “paragraphs (1), (5), and (8)”.

AML Emergency Program Funding

Goal: Fund all AML emergency programs as a mandatory expenditure from the Secretary’s discretionary share under 402(g)(3). Return to previous, more effective and efficient system wherein prior to 2010, OSMRE reimbursed State and Tribal AML programs for annual emergency spending from the Secretary’s share.

Amendment:

- Insert language into SMCRA Title IV directing OSMRE to return to previous reimbursement system for AML Emergencies, making these payments mandatory expenditures from the Secretary’s share.

For Fiscal year 2018 and thereafter, the Secretary shall distribute from amounts available under 402(g)(3), an amount to each State with an approved AML Emergency program equal to the amount spent by the State within the preceding fiscal year for the reclamation of AML Emergency projects

Sequestration of AML Grants

Goal: End sequestration of Title IV AML grants and return previously sequestered moneys to the State and Tribal programs to which they would otherwise have been distributed

Amendments:

- Exempt future Title IV AML grants from sequestration pursuant to the Budget Control Act (BCA) of 2011 by providing specific exemption for the AML Trust Fund under section 255 of the Balanced Budget Emergency Deficit and Control Act of 1985 (BBEDCA)(2 U.S.C 905)

Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act (2 U.S.C 905(g)(1)(A)) is amended by inserting "Payments to states and Indian tribes from the Abandoned Mine Reclamation Fund, mandatory grants to states and tribes (12-50q5-0-2-999), retroactive to fiscal year 2013." Before "Payments to the United States Territories, Fiscal Assistance (14-0418-0-1-806)

- Return AML grant moneys previously withheld due to sequestration to the States and Tribes for which it was intended.

From amounts withheld from payments to States and Tribes under Title IV of the Surface Mining Control and Reclamation Act during each of the Fiscal years FY 2013 through FY 2017 pursuant to the BCA of 2011, the Secretary shall distribute for FY 2018 an amount to each State and Tribe equal to the amount respectively withheld from each State or Tribe pursuant to the BCA of 2011 between fiscal years FY 2013 and FY 2017

NPDES relief for State AML Programs

(A different approach to State NPDES relief is included in the CRPA (H.R. 2937), which also includes "Good Samaritan" provisions, and is more complicated than the language below as a result. The language below was included in Title III of the Locatable Minerals Claim Location and Maintenance Fees Act of 2015 (H.R. 3843), a hardrock AML Good Samaritan bill.)

Goal: Eliminate unnecessary, prohibitive aspects of the Clean Water Act's application to AML water treatment work by approved State AML Programs under SMCRA Title IV

Amendments:

- Amend SMCRA to clarify that treatment of AML-impacted water by State Title IV AML programs does not require compliance with the National Pollutant Discharge Elimination System (NPDES).

No State or Indian Tribe conducting remediation of an inactive or abandoned mine site pursuant to an approved State or tribal abandoned mine reclamation plan approved under title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C 1231 et seq.) shall, with respect to the remediation activities, be required to obtain a permit under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.)



NATIONAL ASSOCIATION OF ABANDONED MINE LAND PROGRAMS

NAAML P COMMITTEE MEMBERSHIPS AS OF 2/16/17

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Mike Sharp OK
~~Richard Davis VA~~
Travis Parsons WV

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Jeff Butler AL
Susan Kozak IA
~~Murray Balk KS~~ *Marlene Spence KS*
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Dana Dean UT
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Mike Bowden OH
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