

# INTERSTATE MINING COMPACT COMMISSION

## 2016 ANNUAL REPORT



***About the Cover Photos:***

*The cover photos are of the Interstate Mining Compact Commission's 2016 National Reclamation Award winning sites. The three top photos are of Paramount Coal Company, LLC – Hawks Nest Surface Mine in Virginia (winner in the Coal Category). The two photos on the bottom are of Wyo-Ben, Inc. – Pit 138L in Wyoming (winner in the Noncoal Category).*

## ***Chairman's Message***

**I**t is my privilege to present the annual report of the Interstate Mining Compact Commission (IMCC) for 2016. As has been our custom, the Compact continued to represent the positions of the member states on a number of strategic regulatory and legislative fronts throughout the year. Beginning with the all-important funding decisions for state regulatory programs as part of the congressional appropriations process, and extending to national rulemakings and legislative initiatives that had significant consequences for the implementation of state programs, IMCC was fully engaged with both Congress and the executive agencies in articulating our concerns and advocating for actions that preserve state primacy.

In 2016, the Office of Surface Mining Reclamation and Enforcement (OSMRE) announced a proposed rule regarding stream protection, that would have restructured significant portions of state regulatory programs under the Surface Mining Control and Reclamation Act (SMCRA). IMCC spent significant amounts of time throughout the year meeting with a variety of parties to discuss the implications of the rule for the states. The rule was invalidated due to action by Congress in January 2017.

IMCC also invested substantial time and attention on financial assurance requirements under SMCRA given the downturn in the coal industry and related bankruptcies. We formed a Bonding Work Group that focused on a number of critical elements of reclamation bonding, including bond calculation methods, bond instruments, self-bonding requirements and bankruptcy protections. IMCC also weighed in on the development of a proposed rule by the U.S. Environmental Protection Agency concerning financial assurance requirements for the hardrock mining industry pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Finally, the Compact responded to several key legislative initiatives related to the restoration of abandoned mines (AML). IMCC worked on a bill (H.R. 4456) introduced by Rep. Hal Rogers (R-KY) that would redirect funds from the AML Trust Fund originally targeted for traditional AML reclamation to projects that are aimed at economic revitalization. IMCC also was requested to assist with the drafting of legislation that would provide liability protection for “Good Samaritans” who undertake AML projects that involve degraded watersheds. Neither legislative proposal saw final action.

It has been my honor to serve as your Chairman this past year. I encourage all member states to continue their involvement in the Compact as we seek to develop our abundant natural resources in a manner that protects the environment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Terence R. McAuliffe', written in a cursive style.

Terence R. McAuliffe, Governor of Virginia  
Chairman, Interstate Mining Compact Commission

**2016 Annual Report  
of the  
Interstate Mining Compact Commission**

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*Executive Director*

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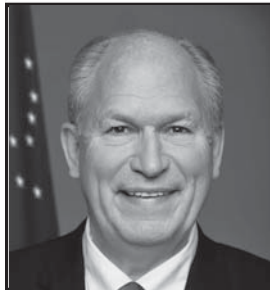
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## Officers 2016



**Governor Terry McAuliffe**  
*Virginia – Chairman*



**Governor Bill Walker**  
*Alaska – Vice Chairman*



**Governor Gary R. Herbert**  
*Utah – Treasurer*

## History and Purpose of the Compact

The Southern Governors’ Conference Meeting in San Antonio, Texas in 1964 recognized and came to grips with the problems of surface mining. Governor Edward R. Breathitt of Kentucky and Governor Bellmon of Oklahoma sponsored a resolution which in part read: “Whereas the Council of State Governments sponsored an interstate conference, in which surface mining problems of the states were reviewed, and whereas such conference underlined the desirability of action by industry to utilize techniques designed to minimize waste of our natural resources and the desirability of action by the states to assure adherence to sound standards and procedures by the mining industry: Now, therefore, be it resolved by the Southern Governors’ Conference that the Council of State Governments be requested to assist representatives of the states in which surface mining takes place in exploring the possible role of interstate action, through Compact and otherwise, in this field.”

The Interstate Mining Compact Commission (IMCC) was thus conceived and Kentucky became its first member followed by Pennsylvania and North Carolina. With the entry of Oklahoma in 1971, the Compact was declared to be in existence and operational. In February 1972, permanent headquarters were established in Lexington, Kentucky and an executive director was retained. Since that time, twenty-two additional states – West Virginia, South Carolina, Maryland, Tennessee, Indiana, Illinois, Texas, Alabama, Virginia, Ohio, Louisiana, Arkansas, New Mexico, Missouri, New York, North Dakota, Utah, Wyoming, Alaska, Colorado, Nevada, and Mississippi – have become members. New Mexico withdrew from the Compact in 1991 as a full member but rejoined as an associate member in 2000 and again became a full member in 2016. New York joined the Compact as its first associate member state in 1994. Since then the following have also joined as associate members: North Dakota (200), Utah (2004), Wyoming (2005), Alaska (2006),

Colorado (2007), Nevada (2012), Mississippi (2013), and Arizona (2016). Mississippi, New York, North Dakota, Utah, Alaska, Wyoming, and New Mexico are now all full members. Due to financial constraints, Nevada chose to withdraw its associate membership in May of 2015.

The Mining Compact is designed to be advisory, not regulatory in nature, and its defined purposes are to:

- Advance the protection and restoration of the land, water, and other resources affected by mining;
- Assist in the reduction or elimination or counteracting of pollution or deterioration of land, water, and air attributable to mining;
- Encourage (with due recognition of relevant regional, physical, and other differences) programs in each of the party states which will achieve comparable results in protecting, conserving, and improving the usefulness of natural resources, to the end that the most desirable conduct of mining and related operations may be universally facilitated;
- Assist the party states in their efforts to facilitate the use of land and other resources affected by mining, so that such may be consistent with sound land use, public health, and public safety, and to this end study and recommend, wherever desirable, techniques for the improvement, restoration, or protection of such land and other resources; and
- Assist in achieving and maintaining an efficient and productive mining industry and increasing economic and other benefits attributable to mining.

## Report of the Executive Director

Each year in the organizational life of the Interstate Mining Compact Commission (IMCC) seems to bring new challenges and opportunities and 2016 did not disappoint. Being a presidential election year, politics played a large hand in our work, with the 114<sup>th</sup> Congress rushing to complete a full agenda of legislative initiatives and the outgoing Obama Administration working feverishly to finalize a number of far-reaching policies and rules. Together with our member states, IMCC actively engaged with Congress and the executive agencies to present our positions and provide substantive input on the full array of issues and initiatives that directly impacted the states in their role as primary regulators of mining activity within their borders.

The election of a new President and the advent of a new Administration was the main driver of IMCC's work over the last six months of the year, beginning with the development of reports to the Trump/Pence Transition Team for three different departments: Interior, Labor and the U.S. Environmental Protection Agency (EPA). Those reports were submitted to the respective transition teams on December 7.

An issue that saw considerable action throughout the year was reclamation bonding for both the coal and hardrock sectors. Partially in response to the bankruptcies of several large coal companies in 2015, IMCC formed a Bonding Work Group to address the various bonding/financial assurance components of state regulatory programs. The Work Group met for the first time in January and established four sub-groups that explored several key issues including bond instruments and levels of reclamation risk in various stages of the life of a mine. The Work Group also addressed mechanisms that would serve to identify the risk of bankruptcy and how best to prepare for these proceedings in a court of law.

Throughout the year, IMCC held and facilitated a number of conference calls and in-person meetings on reclamation bonding. IMCC also worked with the Financial Assurance

Coordination Team (FACT) that was established by the Office of Surface Mining Reclamation and Enforcement (OSMRE) to explore many of the same concerns as addressed by the states. Our full Bonding Work Group met via conference call on February 23 to prepare for a meeting with FACT, which was held on March 16 and 17 in St. Louis. A follow up conference call of the Work Group was held on March 30 to discuss next steps in light of the FACT meeting. A letter was sent to OSMRE Director Joe Pizarchik on April 4 articulating our jointly held concerns with regard to bonding. A follow up letter was sent to the OSMRE Director on August 5 setting forth IMCC's views and concerns on recent actions by the agency in the bonding arena. IMCC met again with FACT on September 14 in Herndon, Virginia. The meeting was preceded by a Work Group meeting on September 13 to prepare for our ongoing discussions with OSMRE and to review the draft sub-group work products.

The sub groups of the Bonding Work Group met via conference call 9 times during the year to develop a report on the status of and suggested approaches for reclamation bonding. IMCC staff met via conference call on January 14 with officials from Wyoming to discuss self-bonding issues. IMCC facilitated a conference call between the member states and the surety industry on August 26 that included approximately 60 participants. IMCC also met via conference call on May 12 with a group of investors to discuss the status and nature of state and federal actions regarding bonding. IMCC submitted comments to OSMRE on June 16 regarding a petition for rulemaking by WildEarth Guardians that would revise OSMRE's rules on self-bonding. Throughout the year, I was interviewed on multiple occasions by reporters from national, regional and energy-related news organizations regarding the states' perspectives and positions on bonding issues.

On the hardrock side, IMCC was actively involved in the development of a proposed rule on financial assurance for the hardrock mining industry pursuant to Section 108(b) of the

Comprehensive Emergency Response, Compensation and Liability Act (CERCLA). IMCC together with the Western Governors' Association (WGA) held a conference call with EPA officials on April 11 to discuss next steps in the rule development process. IMCC participated in a webinar regarding the status of the rulemaking on May 17. IMCC attended a federalism briefing for state organizations held at EPA headquarters in Washington D.C. on May 18. IMCC also helped to facilitate and participated in two conference calls with EPA to discuss federalism impacts related to existing state regulatory programs held on July 7 and 19. In preparation for the briefing and calls with EPA, IMCC held conference calls with the Western Governors' Association (WGA), the Environmental Council of the States (ECOS) and the Association of State and Territorial Waste Management Officials (ASTWMO) to coordinate our actions. These calls were held on May 6, May 24, June 1, June 22 and July 6.

IMCC submitted extensive comments on the federalism implications of the proposed rule on August 16. IMCC also participated in a briefing hosted by the Small Business Administration (SBA) for the benefit of small business entity representatives on June 16 in Washington, DC. IMCC coordinated presentations by several states at the briefing and facilitated those discussions. In preparation for the state presentations, IMCC held a conference call with the states on June 9. IMCC also held a conference call with staff from the House Natural Resources Committee on June 27 to discuss the status of the proposed rule and its implications for the states.

IMCC facilitated a meeting with the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget on October 31 to discuss the states' concerns with the rule. IMCC was accompanied by representatives from Arizona and Alaska. Also participating via conference call were representatives from Colorado, South Dakota, Nevada, Utah and New Mexico. A conference call of the states was held on October 28 to prepare for the meeting. EPA released its proposed rule on December 1 and IMCC participated in a conference call held by EPA to discuss the rule on December 5.

Another active federal rulemaking that attracted a significant amount of attention was OSMRE's proposed rule for the protection of streams. On February 3, the Senate Environment and Public Works (EPW) Committee held an oversight hearing entitled, "The Stream Protection Rule: Impacts on the Environment and Implications for Endangered Species Act and Clean Water Act Implementation." The latest in a series of hearings scrutinizing the OSMRE's Proposed Rule, this hearing saw much of the same debate play out. Witnesses included Lanny Erdos, Chief of the Division of Mineral Resources Management within the Ohio Department of Natural Resources who presented a states' perspective on the matter. IMCC assisted with witness preparation and attended the hearing with Mr. Erdos.

As activity continued at the congressional level regarding the rule, IMCC continued to facilitate discussions among the member states regarding next steps. A conference call was held on January 12 to discuss the states' reaction to the FY 2016 Omnibus directive that required OSMRE to provide certain data and information to the states and to provide for individual state meetings to discuss these documents and the implications for the states, including the need for changes to the proposed rule. A further conference call was held on January 20 to scope out a strategy for how the states would respond to the directive. OSMRE sent a letter to the states on March 1 regarding the agency's intentions concerning compliance with the directive. IMCC held a conference call with the states on March 4 to discuss the letter and agreed to submit a response letter to OSMRE via IMCC, particularly with respect to a proposal by OSMRE that a states' meeting occur during the IMCC Annual Meeting in Lake Placid. The letter was sent to OSMRE on March 7.

Based on a March 23 response from OSMRE to this letter in which the agency announced a series of regional meetings with states to discuss technical issues, IMCC held a conference call on March 29 to discuss next steps. It was agreed that IMCC should develop a formal resolution on the matter. A follow up conference call was held on April 4 to approve the resolution, which was sent to OSMRE on April 5. IMCC also

sent a letter to Assistant Secretary of the Interior Janice Schneider on May 3 regarding the states' concerns related to the release of documents and the scheduling of meetings with the states.

IMCC facilitated a meeting between several IMCC member states and the Office of Information and Regulatory Affairs within the Office of Management and Budget on June 20 to discuss the rule, and the implementation impacts for the states, as presented in the draft Regulatory Impact Analysis (RIA). In preparation for the meeting, a conference call with the participating states was held on June 10. Following the meeting with OIRA, the state representatives participated in a briefing for Hill staff facilitated by IMCC. IMCC also assisted with the development of a congressional letter regarding the failure of OSMRE to comply with the congressional directive to release documents related to the rule's development to the states. IMCC held a conference call on July 12 with the member states to discuss litigation strategy associated with the Stream Protection Rule (SPR).

The reclamation of abandoned mine lands (AML) also garnered plenty of attention during 2016. Of particular emphasis during the period were two congressional initiatives: 1) an AML pilot project approved as part of the FY 2016 Omnibus Appropriations bill that distributed \$90 million to three Appalachian states and 2) a bill (H.R. 4456) that would accelerate payments from the AML Trust Fund to address economic revitalization projects. Conference calls with the states were held to discuss these matters on January 7 and 15 and again on February 12. The primary sponsor of H.R. 4456 was Rep. Hal Rogers (R-KY) and meetings were held with his staff on February 17 and March 14 to discuss the bill. IMCC also participated in a call with Representative Griffith's (R-VA) staff on February 12 to discuss H.R. 4456. Additional conference calls were held with Rep. Rogers' staff to discuss the matter on June 2 and September 8. As the bill progressed, meetings and/or conference calls were held with the staff of the House Natural Resources Committee (which has primary jurisdiction over the matter) on June 24; August 19, 23 and 25; and September 7 – 9. Additional

calls with Rep. Rogers' staff took place on November 30 and on December 6, 8 and 16.

While the bill saw several fits and starts throughout the latter stages of the 114<sup>th</sup> Congress, in the end it did not receive enough support from the leadership in the House to advance. In anticipation of the potential movement of AML legislation in the waning days of the 114<sup>th</sup> Congress, IMCC, together with representatives from Pennsylvania, met via conference call with OSMRE AML staff on several occasions to discuss the status of the AML Trust Fund and the formula for distribution of AML monies to the states. Calls were held on October 31, and November 14 and 22. A meeting was held with the House Interior Appropriations Committee staff on June 3 to discuss the status of the AML pilot projects.

IMCC continues its working relationship with the National Association of Abandoned Mine Land Programs (NAAMLPL) pursuant to a contract for legislative and regulatory affairs services. IMCC staff participated in the NAAMLPL Winter Meeting from March 8 – 10, 2016 in Sacramento, CA. Ryan Ellis prepared and presented an overview of pending federal legislation that impacts coal and hardrock AML programs. Mr. Conrad provided a regulatory and legislative issues briefing at the committee and business meetings on March 9 and 10.

IMCC participated in the NAAMLPL Annual Conference and Meeting from September 25 – 29 in Bozeman, Montana. Ryan Ellis prepared and presented a paper regarding pending federal legislation that impacts coal and hardrock AML programs. Mr. Conrad provided a regulatory and legislative issues briefing at the committee and business meetings on September 25 and 28.

IMCC participated in conference calls with the NAAMLPL Hardrock Committee on May 24 and June 21 to discuss pending AML and Good Samaritan legislation.

IMCC Deputy Director Beth Botsis met with a joint working group from NAAMLPL and the IMCC Minerals Education Committee to assist with the development of an informational/ educational poster that focuses on the work of the

states in reclaiming abandoned mine lands. A conference call was held on January 7 to continue work on the matter. Beth also assisted the Commonwealth of Virginia in choosing a site and securing a contract for the 2018 NAAMLPA Annual Conference which will be held in Williamsburg, Virginia. Conference calls with the Virginia AML staff were held on February 1, June 23 and July 21.

Another AML-related initiative that has consumed a fair amount of time over the past year has been the development of legislation to provide liability protection under the Clean Water Act for those who conduct voluntary AML projects (known as “Good Samaritans”) related to acid mine drainage and impacted watersheds. IMCC attended a legislative hearing by the Senate Environment and Public Works Committee on March 3 regarding pending Good Samaritan legislation that has been drafted by the Colorado congressional delegation. IMCC submitted a statement for the record following the hearing. IMCC met with staff of the House Natural Resources Committee and the House Transportation and Infrastructure Committee on February 9 to discuss Good Samaritan legislative strategy.

In preparation for the potential movement in the House and Senate of Good Samaritan legislation, IMCC staff has been working with representatives from the Commonwealth of Pennsylvania, Trout Unlimited and Pennsylvania watershed groups to explore the development of an amendment that specifically addresses Good Samaritan protections for coal AML sites. Conference calls with various members of this group took place on January 11, 14, 21 and 27; February 5, 12 and 29; March 4 and 15; April 7; August 22 and September 7. IMCC has also been working with the Keystone Center in Colorado to explore potential Good Sam solutions under CERCLA and a conference call was held January 22. IMCC met with staff of the House Natural Resources Committee to discuss the coal AML Good Sam amendment on April 15, July 27, and August 19. IMCC also met with staff of the House Transportation and Infrastructure Committee on July 22 to discuss the coal Good Sam amendment. On August 25, IMCC met with staff from the

Senate Environment and Public Works Committee to discuss the status of Good Samaritan legislation. IMCC also met with the staff of Rep. Marino (R-PA) via conference call on August 22 to discuss the coal AML Good Sam amendment. Pursuant to his request, IMCC provided draft legislative language to Rep. Marino for potential inclusion in the “mining package” that was being debated by the House Natural Resources Committee during the waning days of the 114<sup>th</sup> Congress.

A notable portion of IMCC’s work in early 2016 was devoted to the budget process and in particular making the case for regulatory program grants under SMCRA. IMCC met with congressional staff from the House Interior Appropriations Subcommittee on January 5 to discuss OSMRE’s proposed FY 2017 budget and the AML Pilot Program. A conference call with OSMRE and the states was held on February 10 to discuss OSMRE’s proposed FY 2017 budget. IMCC submitted statements with the House and Senate Appropriations Committees, the House Natural Resources Committee and the Senate Energy and Natural Resources Committee on March 14 concerning OSMRE’s FY 2017 budget. IMCC attended hearings on OSMRE’s FY 2017 budget on March 2 and 3 before the House Interior Appropriations Subcommittee and on March 23 before the House Energy and Mineral Resources Subcommittee.

On the mine safety and health front, IMCC met with officials from the Mine Safety and Health Administration (MSHA) on March 2 in Arlington, Virginia pursuant to our Memorandum of Understanding between IMCC and MSHA. The states met the day before to develop our talking points for the meeting. On March 14, IMCC submitted statements to the House and Senate Appropriations and the Labor, Health and Human Services Committees regarding MSHA’s proposed FY 2017 budget.

IMCC continues to serve on the National Technology Transfer Team which coordinates OSMRE’s applied science and related technical initiatives, with Paul Rothman of Kentucky serving as IMCC’s representative on the Team. OSMRE also reinstated its underground mine

mapping steering committee, which is facilitated by IMCC. Conference calls of the steering committee were held on March 13 and 23 to discuss a solicitation for mine mapping projects as part of OSMRE's applied science program.

IMCC continues to serve as a member of the executive management team on bat protection issues and guidelines. Conference calls were held on February 3, July 11 and September 12 to discuss bat protection issues, particularly focused on the Northern Long-eared Bat for which an Endangered Species Act (ESA) threatened listing decision was published in 2015 and for which a final 4(d) rule was published in January.

IMCC participated in a meeting of the Western states and OSMRE on November 29 in Denver, Colorado. The meeting was followed by a states-only meeting on November 30 which IMCC also attended. IMCC held a conference call with Western state members on November 3 to discuss concerns specific to the Western states to be included in the IMCC Transition Team Reports.

IMCC participated in a meeting of the Appalachian states and OSMRE on August 16 and 17 in Morgantown, WV.

IMCC initiated a process to review the implications of an OSMRE Policy Memo regarding Clean Water Act Enforcement under SMCRA via memoranda sent to the member states on July 29 and August 24.

IMCC participated in a meeting of the states and OSMRE on May 11 in St. Louis, MO to discuss the development of proposed rules on dam safety related to coal impoundments and on blasting requirements related to air quality.

Mr. Conrad presented a paper entitled "A State Perspective on Key Legislative and Regulatory Issues" before the Mine Safety and Health Administration's 2016 Dam Safety Training Conference in Beckley, WV on May 4. Messrs. Conrad and Ellis presented an overview of AML and MSHA regulatory issues to a delegation of Chinese mining officials in Falls Church, VA on July 26. Mr. Ellis presented a paper on pending AML and Good Samaritan legislative issues on two occasions: on June 23 before the Pennsylvania

AML Conference in Indiana, PA and before the EPA Water Forum on June 15 in Big Stone Gap, VA.

Several IMCC standing committees met throughout the year. In addition to the committee meetings held during the Annual and Mid-Year meetings (*see* reports under "Activities of the Standing Committees" and "Yearly Commission Meetings" for details) the IMCC Awards Committee met via conference call on March 7 to select recipients of the IMCC national reclamation awards for 2016. The IMCC Education Work Group met via conference call on March 7 to select recipients of the IMCC national minerals education awards. On March 9, 2016, the Mine Safety & Health Committee met via conference call to select the winners of the first annual Mine Safety and Health Training Awards. The IMCC Finance and Administrative Committee met via conference call on April 5 to review and approve the proposed budget for Fiscal Year 2017, including approval of staff compensation. The Committee also reviewed current financial statements and projected budgets for Fiscal Years 2018 and 2019.

The Committee met on February 23 via conference call to review and revise the strategic plan for the Commission. The revised plan will be distributed to the full Commission for review and discussion at the upcoming annual meeting.

The IMCC Mine Safety and Health Committee met on November 15 via conference call to discuss recent actions by the Mine Safety and Health Administration to bar states from entering a mine following an accident, pursuant to Sections 103(j) and (k) of the Mine Act.

The IMCC Executive Committee met via conference call on December 17, 2015 to discuss the annual meeting format and the role of committee chairs in furthering the work and leadership of the Commission. A further conference call was held on January 6 to formalize plans for the annual meeting format and committee chair roles. A conference call with the committee chairs was held on January 26 to discuss the matter with them and make assignments.

The IMCC Executive Committee met via conference call on May 6 to discuss and review results of attendee evaluations regarding the recent annual meeting format and the increased role of committee chairs in agenda development and leadership of their respective committee meetings. A further conference call was held on August 15 to formalize plans for the 2016 Mid-Year meeting in Park City, Utah. A small working group was assigned to review IMCC's strategic plan and began its work on August 5.

On the membership front, the state of New Mexico enacted legislation bringing the state into the Compact as a full member on February 18. The state of Colorado continues to work toward the passage of legislation to bring it into the Compact as a full member. Arizona joined as an associate member in October. IMCC continues to discuss membership with the states of Montana, California and Florida. IMCC met with representatives from the state of California to discuss IMCC membership via conference call on February 10 and at a meeting on March 9 in conjunction with the NAAMLPC conference in Sacramento.

IMCC staff, along with Butch Lambert of Virginia and Tracy Davis of North Carolina, visited with agency staff from the South Carolina Department of Health and Environmental Control on February 4 in Columbia, South Carolina and with agency staff from the Tennessee Department of Environment and Conservation on February 11 in Knoxville, Tennessee. The trips were very helpful in shoring up our working relationships with both states. IMCC staff met with agency staff from the New York Department of Environmental Conservation in Albany following IMCC's annual meeting in Lake Placid. IMCC staff also met with Jerry Prewett, Deputy Division Director and Assistant State Geologist with the Missouri Department of Natural Resources on May 10 in Rolla, Missouri to discuss membership. In preparation for these meetings, the Membership Work Group met via conference call on December 17, 2015 to discuss a strategy for moving forward with these meetings and to prepare various materials for use during the meetings. A further conference call was held on January 13 to review

the membership materials and the final plan of action for meetings with member and non-member states.

IMCC met via conference call on December 2 with agency officials from Nevada to discuss the state's reengagement with IMCC as an associate member. A conference call with Florida officials was held on December 21 to discuss the state's potential membership in IMCC. Representatives from the state of Florida planned to attend the IMCC 2017 Annual Meeting in Williamsburg.

The audit of IMCC's financial condition was held on July 28 and the final report of the auditors was conveyed to the states via memo dated August 26.

During the course of the year, IMCC published four "Compact" e-newsletters and sent over 160 informational e-memos to the member states relating to the topics discussed above. These e-memos were in addition to those regarding meeting announcements and logistics and conference calls, also reported upon in this annual report.

As we conclude our 45<sup>th</sup> year of operation as an interstate compact, I am delighted to report that we are organizationally strong and fiscally sound. IMCC continues to be respected by many in Washington, DC for the credibility and integrity of our work, which is a tribute to the caliber of our member states' involvement and commitment to our cause as set forth in the recently updated strategic plan. As we look toward a couple of transitional years ahead for the Compact, I have every confidence that we will stay the course and remain strong and vibrant. It continues to be an honor and privilege for me and the rest of the staff to serve and support the member states in the important work you do every day in striking the balance between mineral development and environmental protection.

*[NOTE: For expanded versions of the most recent Executive Director's Reports prepared on a semi-annual basis in preparation for IMCC's Annual and Mid-Year Meetings, see the IMCC website at [www.imcc.isa.us](http://www.imcc.isa.us)]*

## **2016 Standing Committees**

### **Environmental Affairs Committee**

#### **Coal Section**

*James Matheny*, Mississippi, Chairman

*Allen Luttrell*, Kentucky, Vice Chairman

#### **Noncoal Section**

*Tracy Davis*, North Carolina, Chairman

*Matt Podniesinski*, New York, Vice Chairman

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### **Abandoned Mine Lands Committee**

*Lanny Erdos*, Ohio, Chairman

*Alan Edwards*, Wyoming, Vice Chairman

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### **Mine Safety and Health**

*Eugene White*, West Virginia, Chairman

*Mary Ann Pritchard*, Oklahoma, Vice Chairman

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### **Finance and Administrative Committee**

*John Baza*, Utah, Chairman

*James Matheny*, Mississippi, Vice Chairman

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### **Resolutions Committee**

*Butch Lambert*, Virginia, Chairman

*Ed Fogels*, Alaska, Vice Chairman

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### **Awards Committee**

*Denny Kingsley*, Texas, Chairman

*Bryan Epperson*, Tennessee, Vice Chairman

(Members of the 2016 Awards Committee: Texas, Tennessee, Indiana, Pennsylvania, Colorado)

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### **Legal Advisor**

*Russ Hunter*, West Virginia

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### **Minerals Education Work Group**

*Colleen Baughman*, Indiana, Chairman

## Activities of the Standing Committees

### Finance and Administrative Committee

The committee met on three occasions during 2016. The committee met via conference call on April 5 to discuss and tentatively approve the proposed budget for Fiscal Year (FY) 2017 and dues assessments for FY 2018 and FY 2019 and to prepare recommendations for staff compensation and benefits. On April 18, the committee met in Lake Placid, New York in conjunction with the Compact's Annual Meeting. The committee reviewed the Compact's financial condition; reviewed and approved the proposed FY 2017 Budget and the proposed FY 2018 and FY 2019 dues assessments; and were updated by current associate member states regarding their membership status.

On October 19, the committee met in Park City, Utah in conjunction with the Compact's Mid-Year Meeting. The committee reviewed the Compact's current financial condition; reviewed and approved the Compact's FY 2016 Audit; were updated by current associate member states regarding their membership status; were updated on IMCC's membership outreach efforts; and discussed administrative matters.

### Resolutions Committee

The committee met twice in 2016. On April 20 in conjunction with the Compact's Annual Meeting in Lake Placid, New York, the committee recommended approval of five resolutions of appreciation and one policy resolution. (See *Resolutions* section of this Annual Report.)

On October 19 in conjunction with the IMCC Mid-Year Meeting in Park City, Utah, the committee met jointly with the Finance and Administrative Committee and recommended approval of eight policy resolutions, one resolution of appreciation and one resolution approving state membership. (See *Resolutions* section of this Annual Report.)

### Environmental Affairs Committee – Coal Section

The Coal Section of the Environmental Affairs Committee met on April 19, 2016 in Lake Placid, New York in conjunction with the Compact's Annual Meeting. The committee reviewed FY 2016 state grants; discussed next steps in regards to pending Office of Surface Mining Reclamation and Enforcement (OSMRE) rulemakings; potential updates of the IMCC strategic plan; future IMCC meetings; and bonding topics.

On October 18, the committee met in conjunction with the IMCC Mid-Year Meeting in Park City, Utah. Among the topics discussed were: OSMRE's budget and appropriation issues; congressional activity – continuing resolution (CR) for FY 2017; status of state regulatory grants; the Stream Protection Rule; concerns regarding an OSMRE policy Memo on the Clean Water Act (CWA) and Surface Mining Control and Reclamation Act (SMCRA); other pending OSMRE rulemakings of concern; Bonding Work Group updates and next steps; a U.S. Fish and Wildlife Service (FWS)/OSMRE draft Memorandum of Understanding (MOU) regarding the 1996 Biological Opinion under SMCRA.

### Environmental Affairs Committee – Noncoal Section

The Noncoal Section of the Environmental Affairs Committee met twice in 2016. On April 19 in Lake Placid, New York, the committee met in conjunction with the Compact's Annual Meeting. The committee met again on October 18 in Park City, Utah in conjunction with the Mid-Year Meeting. Topics discussed at the April 19 meeting included: highlights of recent significant activities affecting noncoal states; Good Samaritan legislative updates and strategy; U.S. Environmental Protection Agency (EPA) Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) 108(b) rulemaking – Financial Assurance for Hardrock

Mining. The meeting also included round table discussions on noncoal bonding issues, innovative/alternative reclamation techniques, and blasting.

Topics of discussion at the committee meeting held on October 18 included: IMCC staff updates on significant noncoal activities; Bonding Work Group; Good Samaritan legislative update; and EPA inspections at Noncoal sights. The meeting also included roundtable discussions on noncoal program implementation and public involvement.

### **Abandoned Mine Lands Committee**

The Abandoned Mine Lands (AML) Committee met jointly with the Coal Section of the Environmental Affairs Committee on two occasions – April 19 in Lake Placid, New York in conjunction with the IMCC Annual Meeting, and October 18 in Park City, Utah in conjunction with the Compact’s Mid-Year Meeting. At the April 19 meeting, the committee discussed the following topics: a review of the National Association of Abandoned Mine Land Program’s (NAAML) winter business meeting in Sacramento, California; an AML Legislative Survey; the AML pilot project and approval process; the Revitalizing the Economy of Coal Communities by Leveraging Local Activities and Investing More (RECLAIM) Act; and long-term water treatment of acid mine drainage (AMD).

At the October 18 meeting, topics discussed included: the status of the RECLAIM legislative proposal and related bills; the forecast for AML reauthorization legislation; updates on the AML Pilot Program; long-term preventative maintenance at AML projects; and state program updates.

### **Mine Safety & Health Committee**

The Mine Safety & Health Committee met jointly with the Noncoal Section of the Environmental Affairs Committee on two occasions in 2016 – on April 19 in Lake Placid, New York in conjunction with the Compact’s Annual Meeting, and on October 18 in Park City, Utah in conjunction with IMCC’s Mid-Year Meeting. Topics of discussion at the April 19 meeting included: a report on the IMCC/Mine Safety and Health Administration (MSHA) meeting on March 2, 2016; MSHA’s jurisdiction at Abandoned Mine Land (AML) sites; MSHA/Office of Surface Mining Reclamation and Enforcement (OSMRE) coordination on their respective dam safety and blasting rules; OSMRE mine mapping grants; and the potential development of a metal/nonmetal mine safety workshop.

Topics discussed at the October 18 meeting included: MSHA state grants; MSHA assertion of authority under 103J and 103K orders preventing state personnel from entering mine sites following accidents; MSHA jurisdiction at AML sites; and plans for the next meeting with MSHA and the states.

### **Awards Committee**

The Awards Committee met via conference call on March 7, 2016 to select winners of the 2016 Kenes C. Bowling National Reclamation Awards. The Education Work Group met via conference call on March 7, 2016 to select winners of the 2016 IMCC National Minerals Education Awards. On March 9, 2016, the Mine Safety & Health Committee met via conference call to select the winners of the first annual Mine Safety and Health Training Awards.

The award recipients are listed elsewhere in this Annual Report. The awards were presented at the Annual Awards Banquet on April 19, 2016, which was held in conjunction with IMCC’s Annual Meeting in Lake Placid, New York.

## **Committees and Committee Chairmen and Vice Chairmen for 2017**

### **Environmental Affairs Committee**

#### **Coal Section**

*Allen Luttrell*, Kentucky, Chairman

*Jim Stephens*, Arkansas, Vice Chairman

#### **Noncoal Section**

*Matt Podniesinski*, New York, Chairman

*Jerry Prewett*, Missouri, Vice Chairman

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### **Abandoned Mine Lands Committee**

*Alan Edwards*, Wyoming, Chairman

*Rob Rice*, West Virginia, Vice Chairman

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### **Mine Safety and Health**

*Mary Ann Pritchard*, Oklahoma, Chairman

*Jim Hafliger*, Illinois, Vice Chairman

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### **Finance and Administrative Committee**

*Fernando Martinez*, New Mexico, Chairman

*Vacant*, Vice Chairman

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### **Resolutions Committee**

*Ed Fogels*, Alaska, Chairman

*John Baza*, Utah, Vice Chairman

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### **Awards Committee**

*Bryan Epperson*, Tennessee, Chairman

*Dean Moos*, North Dakota, Vice Chairman

(Members of the 2017 Awards Committee: Tennessee, North Dakota, Louisiana, West Virginia, South Carolina)

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### **Legal Advisor**

*Nick San Diego*, Illinois

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### **Minerals Education Work Group**

*Colleen Baughman*, Indiana, Chairman

## Yearly Commission Meetings

### 2016 Annual Meeting – Lake Placid, New York

The 2016 Annual Meeting was held at the Mirror Lake Inn in Lake Placid, New York from April 17 – 20, 2016. Twenty of the twenty-six member states were in attendance. A representative from the state of Montana was also in attendance. Attendees consisted of approximately 55 persons, including IMCC staff members, other state representatives, and federal officials. The meeting was highlighted by the committee meetings, the annual commission business meeting, the annual awards banquet, a welcome reception, and an evening social reception.

The meeting began with welcoming remarks from Assistant Secretary for Land and Minerals Management Janice M. Schneider on Monday, April 18. The morning was spent meeting with the Office of Surface Mining Reclamation and Enforcement (OSMRE) followed by a roundtable luncheon. Kenneth Lynch Acting Executive Deputy Commissioner, New York State Department of Environmental Conservation, delivered the welcoming remarks, and Matthew Podniesinski of the New York State Department of Environmental Conservation served as the moderator. Other speakers included Dr. William Kelly, New York State Geologist Emeritus; Dr. Michael French of Green Forest Works and The American Chestnut Foundation; and Johnathan Hall Director, Alabama Surface Mining Commission. The Finance and Administrative Committee met later that afternoon. The day concluded with a casual cocktail meet-up at the Taste Bistro Bar and lobby area of the Mirror Lake Inn.

IMCC standing committee meetings continued on April 19 (see *Activities of the Standing Committees*). That evening the IMCC Annual Awards Banquet was held and the 2016 National Reclamation, Minerals Education and Mine Safety and Health Training Awards were presented. (See *Awards* section later in this report for details.)

The Commission's annual business meeting was held on April 20. The meeting was chaired by Butch Lambert of the Commonwealth of Virginia on behalf of the Compact's Chairman, Virginia Governor Terry McAuliffe. Subjects of action and discussion included: approval of minutes of the Compact's October 28, 2015 Mid-Year Business meeting in Santa Fe, New Mexico; the Executive Director's Report (see *Report of the Executive Director*); approval of standing committee action items; potential update of IMCC strategic plan; and future IMCC meetings.

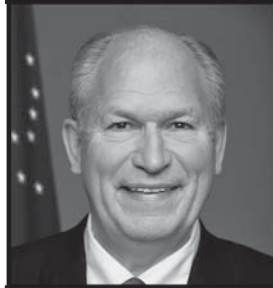
### 2016 Mid-Year Meeting – Park City, Utah

The Mid-Year Meeting of the IMCC was held in Park City, Utah at the Park City Marriott, October 17 - 19, 2016. Twenty-three of the twenty-six member states were in attendance. Representatives from the state of Montana were also in attendance. Attendees consisted of approximately 54 persons, including IMCC members, other state representatives, and federal officials. A meeting with the states and the Office of Surface Mining Reclamation and Enforcement (OSMRE) was held on October 17, prior to the start of the Mid-Year Meeting. The day concluded with a welcome reception.

The standing committee meetings commenced in the morning of October 18 followed by a roundtable luncheon. Standing committee meetings resumed in the afternoon. Committee meetings recommenced the morning of October 19, followed by the Commission's Mid-Year Business Meeting, which concluded the Meeting. The business meeting was chaired by Butch Lambert of the Commonwealth of Virginia on behalf of the Compact's Chairman, Virginia Governor Terry McAuliffe. Among the topics addressed at the meeting were: approval of minutes of the April 20, 2016 Annual Business Meeting in Lake Placid, New York; the Executive Director's Report (see *Report of the Executive Director*); approval of

standing committee action items; election of officers for 2017; appointment of committee chairs for 2017; an update on IMCC Strategic Plan Revisions; future IMCC meetings; and other issues of concern to the member states.

## ***Officers Elected for 2017***



**Chairman:**  
*Governor Bill Walker*  
Alaska



**Vice Chairman:**  
*Governor Gary R. Herbert*  
Utah



**Treasurer:**  
*Governor Susana Martinez*  
New Mexico

## *Resolution*

### ***Interstate Mining Compact Commission***

***WHEREAS***, the Interstate Mining Compact Commission (IMCC) is a multi-state governmental organization representing the natural resource and related environmental protection interests of its 25 member states. One of IMCC's primary roles is to coordinate the development of the member states' positions on issues related to mining and environmental protection and to facilitate the communication of those positions to the Office of Surface Mining Reclamation and Enforcement (OSMRE) and others; and

***WHEREAS***, under the primacy regime envisioned by Congress under the Surface Mining Control and Reclamation Act (SMCRA) a stable, consistent and effective state/federal partnership was anticipated based on principles of comity and federalism; and

***WHEREAS***, a disregard for these principles will undermine the effective implementation of SMCRA; and

***WHEREAS***, IMCC represents a majority of the state regulatory authorities (RAs) with responsibility for implementing surface and underground mining regulations under SMCRA, including the current regulations related to stream protection; and

***WHEREAS***, following a five year period of development, the Office of Surface Mining Reclamation and Enforcement (OSMRE) within the U.S. Department of the Interior published a proposed rule of July 19, 2015 at 80 Fed Reg. 44435 that addressed, among other things, the protection of streams affected by surface coal mining and reclamation operations; and

***WHEREAS***, the proposed rule was accompanied by a draft environmental impact statement (DEIS) and a draft regulatory impact assessment (DRIA); and

***WHEREAS***, during the five year development period of these documents, states with primacy under SMCRA attempted to engage with OSMRE either as cooperating agency states under the National Environmental Policy Act (NEPA) or as state commenters on the rule; and

***WHEREAS***, the intent of the states throughout the course of the rule's development has been to help design it in a manner that will allow its effective implementation by the states as primary regulatory authorities, including a recognition of regional and ecological differences, an acknowledgment of resource impacts, and the avoidance of duplicative and contradictory statutory requirements; and

***WHEREAS***, since January of 2011, the cooperating agency states were locked out of the rule and EIS development process, following repeated attempts to reengage with OSMRE; and

***WHEREAS***, due to OSMRE's unwillingness to meaningfully engage with them, 8 of the 10 cooperating agency states withdrew from the EIS development process and terminated their Memoranda of Agreement with OSMRE; and

***WHEREAS***, the review period for the proposed rule, DEIS and DRIA was exceedingly short given the 264 page rule, the 1,267 page DEIS, the 608 page DRIA, the 132 appendices, and the overall breadth of the rulemaking; and

*WHEREAS*, even under these extreme time limits, the primacy states and IMCC submitted extensive written comments on the proposed rule, DEIS and DRIA in October of 2015; and

*WHEREAS*, OSMRE attempted to reengage with the cooperating agency states following the close of the comment period and after their MOUs were terminated; and

*WHEREAS*, since that time, the only meetings that have transpired between OSMRE and the states are several two-hour conference calls in which the subject matter and discussions were strictly controlled by OSMRE and were focused on specific items where OSMRE asked for clarifications of state comments on the rule, with no opportunity to discuss the DEIS, DRIA or the large discrepancy in budgetary impacts to the states; and

*WHEREAS*, pursuant to a directive contained in the Fiscal Year 2016 Omnibus Appropriations bill, and accompanying report language and congressional colloquy, OSMRE was ordered to release to the states extensive data and documents related to the proposed rule, DEIS and DRIA and to schedule individual meetings with states who so requested; and

*WHEREAS*, since January of 2016 many of the states have submitted letters to OSMRE presenting their requests for the release of either documents or a listing of documents, along with a time period for review of those documents and a meeting to follow thereafter; and

*WHEREAS*, via letter of March 1, 2016, OSMRE made available to some states a listing of the data and documents that supposedly respond to the congressional directive and allegedly support the proposed rule, including many documents that are copyrighted and must be secured by each state independently; and

*WHEREAS*, via letters of March 1 and March 23, 2016, OSMRE has offered up two opportunities to meet *collectively* with the states to discuss the listed documents: one in conjunction with the IMCC Annual Meeting in Lake Placid, New York on April 18, and a set of regional meetings on April 14 and 21; and

*WHEREAS*, these attempts by OSMRE to reengage with the states do not comport with the congressional directive in that they do not provide adequate time to secure and review the significant amount of information recently made available to the states and to then prepare for meaningful individual state meetings between OSMRE and key state policy and technical personnel; and

*WHEREAS*, OSMRE's reluctance to fully accommodate the needs of the states does nothing to improve upon where the states found themselves at the end of October, 2015 and once again does not allow for a full, meaningful opportunity to present and discuss the states' key concerns related to implementation of the rule; accommodation of regional and ecological differences as required under SMCRA; funding and resource implications; and statutory conflicts and duplication.

***NOW THEREFORE BE IT RESOLVED THAT THE INTERSTATE MINING COMPACT COMMISSION AND ITS MEMBER STATES:***

Affirm their continuing support for the protection of human health and the environment and the appropriate development of our Nation's natural resources by providing for clean air, clean water, the proper handling of waste materials, and the restoration of mine lands; and

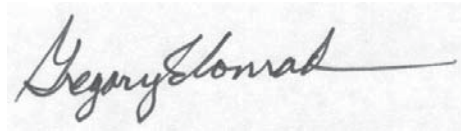
Support early, meaningful and substantial state involvement in the development and implementation of environmental and natural resources statutes, policies, rules, programs, reviews, budgets and strategic plans; and

Believe that, based on our experience to date with OSMRE's development of the stream protection rule, OSMRE has not provided for meaningful participation by the states in the development of the rule, the DEIS or the DRIA. Had the states been given adequate opportunity to provide their policy and technical expertise through a meaningful process and had OSMRE welcomed that input, the rule would have better accounted for the diversity in regional and ecological conditions, impacts to the state program implementation, and the appropriate discretion vested by SMCRA in primacy states that have been regulating coal mining operations for more than 30 years; and

Call upon the Office of Surface Mining Reclamation and Enforcement to comply with the FY 2016 Omnibus directive referenced above by responding to the various state requests for documents and for individual meetings with states to discuss those documents and to reopen the comment period to incorporate changes to the proposed rule, DEIS and DRIA based on truly meaningful engagement with state regulatory experts.

Issued this 4<sup>th</sup> day of April, 2016

ATTEST:

A handwritten signature in black ink, appearing to read "Gregory S. Conrad", written over a light-colored rectangular background.

Executive Director

## *Resolution*

### ***Interstate Mining Compact Commission***

***BE IT KNOWN THAT:***

***WHEREAS***, the Interstate Mining Compact Commission's Annual Meeting in Lake Placid, New York was honored by the presence of the Honorable Janice Schneider, Assistant Secretary for Land and Minerals Management, U.S. Department of Interior; and

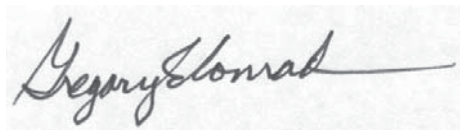
***WHEREAS***, Ms. Schneider provided the Opening Remarks at the IMCC Annual Meeting on April 18, 2016

***NOW THEREFORE BE IT RESOLVED:***

That the Interstate Mining Compact Commission expresses its gratitude to Janice Schneider for her participation in making this years meeting an outstanding success.

Issued this 20<sup>th</sup> day of April, 2016

ATTEST:



Executive Director

## *Resolution*

### **Interstate Mining Compact Commission**

***BE IT KNOWN THAT:***

***WHEREAS***, the Interstate Mining Compact Commission's Annual Meeting in Lake Placid, New York was honored by the presence of Robert Stegemann, Regional Director, New York State Department of Environmental Conservation; and

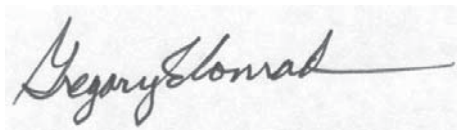
***WHEREAS***, Mr. Stegemann presented the Welcoming Remarks at the IMCC Annual Meeting on April 18, 2016

***NOW THEREFORE BE IT RESOLVED:***

That the Interstate Mining Compact Commission expresses its gratitude to Robert Stegemann for his participation in making this year's meeting an outstanding success.

Issued this 20<sup>th</sup> day of April, 2016

ATTEST:



Executive Director

## *Resolution*

### ***Interstate Mining Compact Commission***

***BE IT KNOWN THAT:***

***WHEREAS***, throughout the years, the Interstate Mining Compact Commission has been privileged to hear many excellent speakers at its meetings; and

***WHEREAS***, it is through these speakers that the Commission is able to keep abreast of new developments, new policies, and new technology in the fields of mining and environmental protection; and

***WHEREAS***, the speakers who addressed the Commission's Annual Meeting on April 18, 2016 in Lake Placid, New York are men of outstanding ability in their respective fields, and the benefits of their advice and experience are a valuable contribution to the Commission; and

***WHEREAS***, the Commission is most appreciative of the time and effort the speakers have expended in the preparation and presentation of their remarks

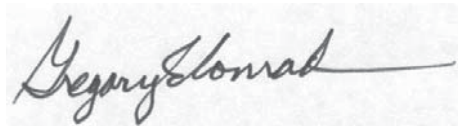
***NOW THEREFORE BE IT RESOLVED:***

That the Interstate Mining Compact Commission expresses its gratitude to:

*Dr. William Kelly  
Dr. Michael French  
Johnathan Hall*

Issued this 20<sup>th</sup> day of April, 2016

ATTEST:



Executive Director

## *Resolution*

### **Interstate Mining Compact Commission**

***BE IT KNOWN THAT:***

***WHEREAS***, Matthew Podniesinski arranged an informative and interesting Annual Meeting for the Interstate Mining Compact Commission in Lake Placid, New York from April 17-20, 2016; and

***WHEREAS***, Mr. Podniesinski also served as the Moderator for the General Session on April 18 and as the Master of Ceremonies at the Awards Banquet on April 19; and

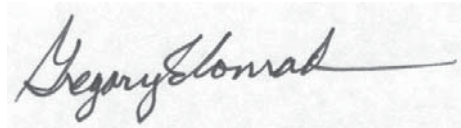
***WHEREAS***, our host warmly welcomed and generously extended Empire State hospitality to all attendees

***NOW THEREFORE BE IT RESOLVED:***

That the Interstate Mining Compact Commission expresses its deep appreciation to Matthew Podniesinski and his staff for assisting the IMCC staff to ensure a successful meeting.

Issued this 20<sup>th</sup> day of April, 2016

ATTEST:



Executive Director

## *Resolution*

### ***Interstate Mining Compact Commission***

***BE IT KNOWN THAT:***

***WHEREAS***, John Caudle has participated in the work of the Interstate Mining Compact Commission (IMCC) on behalf of Texas for many years and most recently as the Chairman of the Awards and Resolutions Committees; and

***WHEREAS***, John's leadership skills and dedicated public service during these years have contributed greatly to the important natural resource and environmental protection issues before the state of Texas and IMCC; and

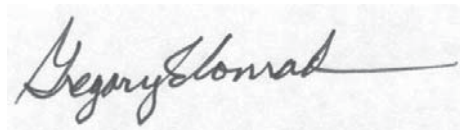
***WHEREAS***, John's positive personality and dedication to government service have been appreciated by all those who have had the privilege of knowing and working with him;

***NOW THEREFORE BE IT RESOLVED:***

That the member states of the Interstate Mining Compact Commission, who have had the honor and privilege of working closely with John Caudle over the years, express their sincere appreciation and heartfelt thanks to him for all he has done on behalf of the states and IMCC and wish him all the best in his retirement from state government service.

Issued this 20<sup>th</sup> day of April, 2016

ATTEST:



Executive Director

## *Resolution*

### **Interstate Mining Compact Commission**

#### **Re. Financial Assurance for Hardrock Mine Reclamation**

**BE IT KNOWN THAT:**

**WHEREAS**, the development of our Nation's minerals necessarily involves the surface disturbance of the land and often results in impacts to air and water resources; and

**WHEREAS**, state and national laws provide for the reclamation of land disturbed by mining and for the protection of human health and the environment related to those disturbances; and

**WHEREAS**, with regard to hardrock and noncoal minerals development, state governments have largely taken the lead in fashioning regulatory programs that address environmental protection and reclamation requirements; and

**WHEREAS**, an important component of state regulatory programs is the requirement that mining companies provide financial assurances in a form and amount sufficient to fund required reclamation if, for some reason, the company fails to do so in accordance with the state program. These types of financial assurances, often referred to as bonding, protect the public from having to finance reclamation and closure if the company goes out of business or fails to meet its reclamation obligation; and

**WHEREAS**, all states have developed regulatory bonding programs to evaluate and approve the financial assurances required of mining companies. States have also developed the staff and expertise necessary to calculate the appropriate amount of bonds, based on the unique circumstances of each mining operation, and to make informed predictions of how the real value of current financial assurance may change over the life of the mine, including post-closure; and

**WHEREAS**, Section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Sec. 9608(b), requires that the U.S. Environmental Protection Agency (EPA) consider promulgating financial responsibility requirements for industrial facilities that take into account the risks associated with their use and disposal of hazardous substances; and

**WHEREAS**, pursuant to a federal court decision in California (*Sierra Club v Johnson*, 2009 WL 2413094 (N.D. Cal. 2009)) which ordered EPA to move forward with the rulemaking, EPA announced in July 2009 that it selected hardrock mining as the first industry sector for which it would develop financial responsibility requirements under CERCLA Section 108(b) (74 Fed. Reg. 37213, July 28, 2009); and

**WHEREAS**, pursuant to a D.C. Circuit court decision (Order *In re: Idaho Conservation League, et al.*, No. 14-1149 (D.C. Cir. Jan. 29, 2016)) approving a settlement agreement between the EPA and several non-governmental organizations, EPA is required to publish a notice of proposed rulemaking regarding CERCLA Sec. 108(b) financial assurance for the hardrock mining industry by December 1, 2016; and

**WHEREAS**, in preparation for its rulemaking, EPA undertook an analysis of reclamation bonding requirements in approximately 20 state regulatory programs throughout the U.S.; and

**WHEREAS**, since the initiation of EPA’s rulemaking initiative, a number of IMCC member states have expressed concern that any bonding requirements that EPA may develop for the hardrock and noncoal mining industry could be duplicative of state requirements, and could even preempt them entirely under EPA’s reading of Section 114(d) of CERCLA. The states have also questioned whether EPA has the resources to implement reclamation bonding for hardrock and noncoal mines, since bond calculations usually reflect site-specific reclamation needs and costs; and

**WHEREAS**, the states are concerned that EPA may be attempting to fill alleged “gaps” in state reclamation bonding programs that either may not exist or that are unrelated to the purpose of a reclamation bonding program; and

***NOW THEREFORE BE IT RESOLVED THAT THE INTERSTATE MINING COMPACT COMMISSION:***

Recognizes the states’ lead and primary role in regulating the environmental impacts associated with hardrock and noncoal mining operations within their borders, including financial assurance requirements for reclamation; and

Affirms that IMCC member states are committed to environmental protection and to responsible and comprehensive regulation and bonding for hardrock mining operations; and

Affirms that the states have a proven track record in regulating mine reclamation, having developed appropriate statutory and regulatory controls and dedicated resources and staff to ensure full and effective implementation of their regulatory programs; and

Believes that the states currently have financial responsibility programs in place that are working well and as such should stand in-lieu of federal requirements under Section 108(b) of CERCLA; and

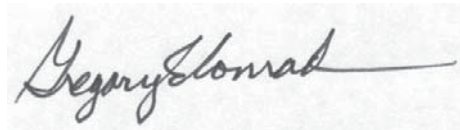
Recommends that an independent, impartial body (such as the National Academy of Sciences) conduct a study to review financial responsibility requirements under state regulatory programs to determine their sufficiency, to identify and serious gaps, and to recommend whether a federal rulemaking on the matter is needed; and

Urges the EPA to engage with state regulators through the IMCC prior to publishing a notice of proposed rulemaking regarding CERCLA Sec. 108(b) financial assurance for the hardrock mining industry, which should include substantive consultation with and provision of proposals to state regulators before formal rulemaking is launched; and

Requests that EPA provide to state regulators the following: a detailed state consultation timeline and plan for obtaining individual state comments; all technical and scientific materials and analyses used to support any proposed rule, denoting whether any such materials were peer-reviewed; a statement indicating how the EPA solicited ideas about alternative methods of compliance and potential flexibilities in order to reduce the economic burden placed on affected entities; a statement indicating how EPA solicited information from state regulators as to whether the proposed rule will duplicate similar state requirements; a copy of a federalism assessment or the reason why EPA did not complete a federalism assessment; explanation of the reason existing state programs are insufficient to address financial assurance concerns and an analysis of any conflicts in the proposed rule with state programs; and an analysis of financial assurance instruments that would satisfy any proposed EPA requirement.

Issued this 20<sup>th</sup> day of April, 2016

ATTEST:

A handwritten signature in black ink, appearing to read "Gregory Slonard", written over a light-colored rectangular background.

Executive Director

## *Resolution*

### ***Interstate Mining Compact Commission***

#### ***Re. Bonding for Coal Mining Under SMCRA***

##### ***BE IT KNOWN THAT:***

***WHEREAS***, the Interstate Mining Compact Commission (IMCC) is a multi-state governmental organization representing the natural resource and related environmental protection interests of its 25 member states. One of IMCC's primary roles is to coordinate the development of the member states' positions on issues related to mining and environmental protection and to facilitate the communication of those positions to the Office of Surface Mining Reclamation and Enforcement (OSMRE) and others; and

***WHEREAS***, IMCC represents a majority of the state regulatory authorities (RAs) with responsibility for implementing surface and underground coal mining regulation under SMCRA, including regulations related to financial assurance; and

***WHEREAS***, the states have decades of experience with respect to the successful implementation and application of financial assurance provisions under SMCRA, as well as state laws related to noncoal mining extractive industries; and

***WHEREAS***, recent coal industry events have placed increased focus on financial assurance regulatory requirements for all mining commodities; and

***WHEREAS***, state regulatory authorities continue to effectively implement their respective regulations governing financial assurance for both coal and noncoal mining operations in a manner consistent with the requirements of the applicable laws; and

***WHEREAS***, OSMRE has recently granted a petition for rulemaking regarding the self-bonding provisions under its permanent program regulations and is in the early stages of developing a proposed rule on bonding requirements under SMCRA; and

***WHEREAS***, based on their years of experience and high level of expertise in the area, the states are in the best position to determine the impacts of any potential changes to SMCRA bonding provisions on both coal and noncoal mining commodities; and

***WHEREAS***, the states should be formally engaged in meaningful discussions regarding financial assurance regulations under SMCRA prior to any rule being proposed by OSMRE

##### ***NOW THEREFORE BE IT RESOLVED:***

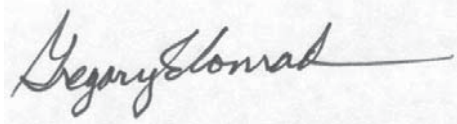
That the Interstate Mining Compact Commission affirms its continuing support for the protection of human health and the environment and the appropriate development of our Nation's natural resources by providing for clean air, clean water, the proper handling of waste materials, and the restoration of mine lands; and

Supports meaningful and substantial state involvement in the development and implementation of environmental and natural resource statutes, policies, rules, programs, reviews, budgets, and strategic plans; and

Urges OSMRE to draw on the extensive policy and technical expertise of the states in the area of financial assurance prior to developing any proposed rule regarding bonding under SMCRA, including the review of a draft rule and any related draft environmental assessment or environmental impact statement.

Issued this 19<sup>th</sup> day of October, 2016

ATTEST:

A handwritten signature in black ink, appearing to read "Gregory Stonrad", written over a light gray rectangular background.

Executive Director

## *Resolution*

### ***Interstate Mining Compact Commission***

***BE IT KNOWN THAT:***

***WHEREAS***, article V, paragraph (f) of the By-laws of the Interstate Mining Compact Commission provides for associate membership in the Commission; and

***WHEREAS***, by letter dated October 12, 2016 from Governor Douglas Ducey, the state of Arizona made application to become an associate member of the Commission; and

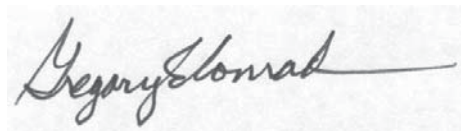
***WHEREAS***, pursuant to its letter of application, the state of Arizona has expressed an interest in the programs of the Commission, desires to participate in its activities, and commits itself to seriously consider regular membership in the Compact through the adoption of necessary legislation;

***NOW THEREFORE BE IT RESOLVED:***

That the member states of the Interstate Mining Compact Commission, by unanimous affirmative vote of the member states, hereby approve the entry of Arizona as an associate member of the Commission.

Issued this 19<sup>th</sup> day of October, 2016

ATTEST:



Executive Director

## *Resolution*

### ***Interstate Mining Compact Commission***

***BE IT KNOWN THAT:***

***WHEREAS***, Jim Deutsch has participated in the work of the Interstate Mining Compact Commission (IMCC) on behalf of the state of North Dakota for many years and most recently as the Chairman of the Coal Section of the Environmental Affairs Committee; and

***WHEREAS***, Jim's leadership skills and dedicated public service during these years have contributed greatly to addressing the important natural resource and environmental protection issues before the state of North Dakota and IMCC; and

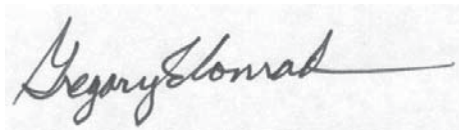
***WHEREAS***, Jim's affable personality and dedication to government service have been appreciated by all those who have had the privilege of knowing and working with him;

***NOW THEREFORE BE IT RESOLVED:***

That the member states of the Interstate Mining Compact Commission, who have had the honor and privilege of working closely with Jim Deutsch over the years, express their sincere appreciation and heartfelt thanks to him for all he has done on behalf of the states and IMCC and wish him all the best in his retirement from state government service.

Issued this 19<sup>th</sup> day of October, 2016

ATTEST:



Executive Director

# Resolution

## Interstate Mining Compact Commission

### **Re. Development of Protection and Enhancement Plan Guidelines for Proposed and Listed Threatened and Endangered Species Under the Endangered Species Act**

#### **BE IT KNOWN THAT:**

**WHEREAS**, the Interstate Mining Compact Commission (IMCC) is a multi-state governmental organization representing the natural resource and related environmental protection interests of its 25 member states; and

**WHEREAS**, under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), states serve as primary regulators and permitting authorities of mining operations within their borders; and

**WHEREAS**, the state regulatory authorities (RAs) are responsible for assuring that permits are issued in accordance with the environmental and species protection requirements contained in SMCRA, the Endangered Species Act (ESA), and the 1996 Biological Opinion, including ensuring that any required species protection measures are included in permits issued within their state for mining operations whenever a species that has been proposed for listing or listed as threatened or endangered under the ESA is present on the permit; and

**WHEREAS**, the federal Office of Surface Mining and Reclamation Enforcement (OSMRE) in the Department of the Interior (DOI) has oversight authority over the state regulatory programs under SMCRA, and the U.S. Fish and Wildlife Service (USFWS) in DOI has regulatory authority related to implementation of the Endangered Species Act (ESA); and

**WHEREAS**, the 1996 Biological Opinion requires USFWS approval of any species specific protection and enhancement plans (PEPs) to be included in a mining permit prior to the permit being issued by the state RA; and

**WHEREAS**, given the states' many years of experience and expertise with mining policies, processes, and practices, it is essential for the state RAs, OSMRE, and USFWS to coordinate and work cooperatively in the development and implementation of PEP guidelines for species that are proposed for listing or listed as threatened or endangered under the ESA; and

**WHEREAS**, in the past, when the Indiana Bat (IBAT) was listed by the USFWS as an "endangered" species under the ESA, a joint work group effort between OSMRE, USFWS and the state RAs successfully developed a species specific PEP for the IBAT; and

**WHEREAS**, OSMRE and the states attempted to initiate a similar joint work group effort with USFWS to develop species specific PEP guidelines for the Northern Long-Eared Bat (NLEB) soon after the species was proposed for listing as threatened or endangered under the ESA on October 2, 2013, and prior to it finally being listed as "Threatened with a 4(d) Rule" on April 2, 2015; and

**WHEREAS**, the states were informed that the PEP measures would be developed once the Final 4(d) Rule for the NLEB was released, which occurred January 14, 2016, and PEP guidelines for the NLEB have still not been developed as of the date of this resolution; and

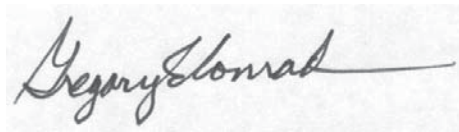
**WHEREAS**, not having final species specific measures and guidelines available early in the process creates uncertainty and leaves the agencies, state RAs, and the mine operators vulnerable to future permitting challenges

***NOW THEREFORE BE IT RESOLVED:***

That the Interstate Mining Compact Commission urges OSMRE and the USFWS to engage in a joint work group effort with the states without delay for the purpose of developing Species Specific Protection and Enhancement (PEP) guidelines in a timely and expedient manner once an affected species is proposed for listing under the ESA.

Issued this 19<sup>th</sup> day of October, 2016

ATTEST:

A handwritten signature in black ink, appearing to read "Gregory Stomab", written over a light gray rectangular background.

Executive Director

# Resolution

## Interstate Mining Compact Commission

### Re. Certified State Funding Under Title IV of the Surface Mining Control and Reclamation Act

#### **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 Interstate Mining Compact Commission is a multi-state organization representing the natural resource and environmental protection interests of its 25 member states, 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, many IMCC member states 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**, SMCRA Title IV also mandates that fifty percent (50%) of the reclamation fees collected annually are designated as state share funds to be returned to the states from which coal was mined to pay for reclamation projects pursuant to programs administered by the states; 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 proposed 2017 budget for the Office of Surface Mining Reclamation and Enforcement (SMCRA) within the U.S. Department of the Interior would eliminate mandatory funding for states who have certified under Section 411 of SMCRA, Title IV; and

**WHEREAS**, under the 2006 SMCRA Title IV amendments, fifty percent of fees generated in states and tribes, including those that have certified, are allocated to historic coal share (60%) and discretionary share (40%), for distribution to uncertified states based on certain formulas. The remaining fifty percent of fees generated in certified states and tribes, which would otherwise be considered their state share were these states not certified, is reallocated to historic coal for immediate annual distribution to uncertified states. Therefore, the vast majority of AML fees generated in certified states and tribes is distributed to uncertified states; and

**WHEREAS**, the funding received each year by certified states, known as “certified in lieu” grants, is transferred to these states in equal amount to what otherwise would be received as state share, but from the general treasury, rather than actual AML fee receipts. The receipt of certified in lieu funding therefore does not reduce the funding available for uncertified states; and

**WHEREAS**, certified states often have significant noncoal AML inventories, on which SMCRA authorizes use of Title IV AML funding. In the absence of a national hardrock AML program, SMCRA Title IV AML funding represents the largest consistent source of funding for these noncoal AML sites, the impacts of which are equivalent to coal AML sites; and

**WHEREAS**, despite having achieved certification under SMCRA Title IV section 411, certified states and tribes often have significant coal AML costs each year. Previously undiscovered coal AML sites manifest regularly, in particular due to subsidence events at formerly unknown underground mines. Additionally, lower priority sites will often degrade or become more hazardous to encroaching communities over time, thus becoming higher priority; and

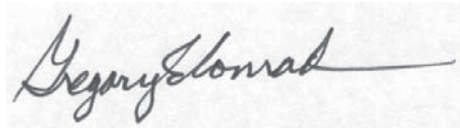
**WHEREAS**, if statutory changes are approved by Congress as suggested by the proposed FY 2017 budget for OSMRE, the reclamation of abandoned mine lands within certified states would halt and reclamation of abandoned mine lands in uncertified states would be significantly diminished

***NOW THEREFORE BE IT RESOLVED:***

That the Interstate Mining Compact Commission opposes the legislative proposal terminating funding for certified states and tribes as contained in the FY 2017 budget proposal for the Office of Surface Mining Reclamation and Enforcement and instead supports the AML funding mechanism contained in current law.

Issued this 19<sup>th</sup> day of October, 2016

ATTEST:



Executive Director

# Resolution

## **Interstate Mining Compact Commission**

### **Re. Mine Placement of Coal Combustion Residues**

#### **BE IT KNOWN THAT:**

**WHEREAS**, in 1980 Congress passed the Bevill Amendment to the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. Sec. 6982(n)), which required the U.S. Environmental Protection Agency (EPA) to conduct a detailed and comprehensive study and submit a report on the adverse effects on human health and the environment, if any, from the disposal and utilization of fly ash waste, bottom ash waste, slag waste, flue gas emission control waste, and other byproduct materials generated primarily from the combustion of coal or other fossil fuels; and

**WHEREAS**, on May 22, 2000, EPA published a regulatory determination on wastes from the combustion of fossil fuels (65 Fed. Reg. 32214), wherein it concluded that coal combustion wastes do not warrant regulation under subtitle C of RCRA when they are disposed in landfills or surface impoundments, and the regulations under subtitle D of RCRA and/or the Surface Mining Control and Reclamation Act (SMCRA) are warranted when these wastes are used to fill surface or underground mines; and

**WHEREAS**, the placement of coal combustion residues (CCRs) in mines has remained a state regulatory responsibility for over 35 years, and, during that time, states have developed and implemented programs to safely and effectively manage the placement of CCRs in mines; and

**WHEREAS**, during the course of their 35 years of regulating the placement of CCRs in mines, state regulatory agencies have evaluated thousands of CCR chemical analyses which have verified that CCRs used in mine reclamation do not chemically test as, or have characteristics of, hazardous waste materials; and

**WHEREAS**, beginning in May of 2001, the Interstate Mining Compact Commission (IMCC) sponsored and facilitated a series of intergovernmental discussions with the Office of Surface Mining Reclamation and Enforcement (OSMRE), EPA, and other stakeholders concerning existing state and federal regulatory programs and controls for the placement of CCRs in mines; and

**WHEREAS**, concerns about the potential public health and environmental risks associated with using CCRs for reclamation in active and abandoned mines led Congress in 2004 to direct EPA to commission an independent study to examine this topic, pursuant to which the National Research Council (NRC) established the Committee on Mine Placement of Coal Combustion Wastes; and

**WHEREAS**, on March 1, 2006, the NRC released its report on “Managing Coal Combustion Residues in Mines”; and

**WHEREAS**, IMCC endorses the finding in the NRC report that OSMRE and its SMCRA state partners should take the lead in developing any new national standards for the placement of CCRs in mines because the statutory and regulatory framework pursuant to SMCRA is already in place to deal with mine-related issues; and

**WHEREAS**, on April 17, 2015, the U.S. EPA published a final rule regarding the disposal of coal combustion residues from electric utilities; and

**WHEREAS**, EPA states in the preamble to the rule that it is not proposing to address the placement of CCRs in mines, or the non-minefill uses of CCRs at coal mine sites; and

**WHEREAS**, on March 14, 2007, OSMRE published an advance notice of proposed rulemaking titled: Placement of Coal Combustion Byproducts in Active and Abandoned Coal Mines (72 Fed. Reg. 12,025-12,030); and

**WHEREAS**, OSMRE has been in the process of developing a proposed rule and accompanying environmental assessments since that time, and reportedly anticipates publishing the proposed rule during the spring of 2017

***NOW THEREFORE BE IT RESOLVED:***

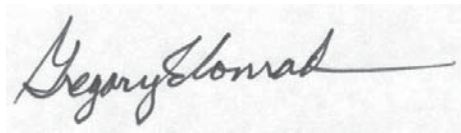
That the Interstate Mining Compact Commission strongly supports the proposal of the U.S. EPA, consistent with the approach recommended by the National Academy of Sciences, to exempt the placement of CCRs in mines from the applicability of EPA’s final rules and to formally confirm the Office of Surface Mining’s lead role in the development of rules regarding the placement of CCRs in mines; and

Urges OSMRE, in coordination with EPA, to work closely with the states through IMCC in responding to the recommendations of the NRC report and developing any rules for the placement of CCRs in mines; and

Urges OSMRE to share with the states the draft Environmental Assessment (EA) or Environmental Impact Statement (EIS) accompanying any proposed rule and to engage the states, through IMCC, in early, meaningful pre-rulemaking discussions on development of any proposed rule.

Issued this 19<sup>th</sup> day of October, 2016

ATTEST:



Executive Director

# *Resolution*

## **Interstate Mining Compact Commission**

### **Re. State Title V Program Funding**

#### **BE IT KNOWN THAT:**

**WHEREAS**, the Interstate Mining Compact Commission (IMCC) is a multi-state governmental organization representing the natural resource and related environmental protection interests of its 25 member states; and

**WHEREAS**, states currently perform the vast majority of environmental and natural resource protection tasks in America, including significant percentages of permitting, enforcement and compliance actions and collection of environmental quality data to support those decisions; and

**WHEREAS**, pursuant to the cooperative federalism approach embodied in many national environmental and natural resource protection laws, state governments serve as primary regulators, while also functioning as partners with various federal agencies that share similar authorities and responsibilities for the development and implementation of national environmental and natural resource protection laws; and

**WHEREAS**, under SMCRA Title V, 24 states have been granted primacy in the regulation of active coal mines. These programs receive federal financial support in the form of annual grants; and

**WHEREAS**, as a direct result of the experience and expertise of the states in implementing these regulatory programs, the federal government has realized significant savings based on what it would otherwise cost federal agencies to implement equivalent programs; and

**WHEREAS**, in addition to federal grants, many primacy programs under SMCRA Title V rely in part on fees generated by coal production and on state match of federal funds to administer their programs; and

**WHEREAS**, domestic coal production has been declining since 2009. As coal production declines, the various fees generated by that production, on which the state programs rely, have and will continue to decline; and

**WHEREAS**, declining coal production, coal operator bankruptcies, and mine closures increase the regulatory burden for state Title V programs, as these situations present many additional challenges to regulators; and

**WHEREAS**, the delegation of new federal environmental and natural resource protection rules and policies to the states by federal agencies, such as the proposed Stream Protection Rule, continues at a steady pace and involve additional requirements and therefore require additional funding; and

**WHEREAS**, reductions in federal support, especially when combined with a decline in other supplementary funding sources such as permit and production fees, adversely affects the states' ability to implement their respective regulatory programs and to protect human health and the environment and appropriately develop our Nation's natural resources; and

**WHEREAS**, a disregard for the importance of continued, adequate funding will undermine the effective implementation of SMCRA. It may eventually be necessary for federal financial support of state primacy

programs to increase in order to compensate for reductions as a result of the decline in coal production and fee receipts

***THEREFORE BE IT RESOLVED:***

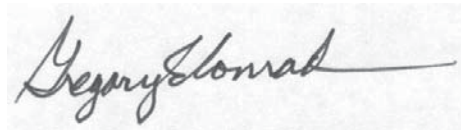
That the Interstate Mining Compact Commission affirms the need for and urges the continuation of adequate federal funding for environmental and natural resource programs at the state level given the vitally important role of these programs; and

Affirms the states' commitment to implementing effective and fiscally responsible programs in their role as primary regulators; and

Affirms the states' intent to work cooperatively with federal agencies to achieve the most cost efficient use of limited resources for the greatest environmental benefit.

Issued this 19<sup>th</sup> day of October, 2016

ATTEST:



Executive Director

# *Resolution*

## **Interstate Mining Compact Commission**

### **Re. Primacy**

#### ***BE IT KNOWN THAT:***

***WHEREAS***, the Interstate Mining Compact Commission (IMCC) is a multi-state governmental organization representing the natural resource and related environmental protection interests of its 25 member states; and

***WHEREAS***, pursuant to the cooperative federalism approach embodied in many national environmental and natural resource protection laws, state governments serve as primary regulators, while also functioning as partners with various federal agencies that share similar authorities and responsibilities for the development and implementation of national environmental and natural resource protection laws; and

***WHEREAS***, states currently perform the vast majority of environmental and natural resource protection tasks in America, including significant percentages of permitting, enforcement and compliance actions and the collection of environmental quality data to support those decisions; and

***WHEREAS***, Congress has expressed its intent under these national laws to recognize, preserve, and protect the primary responsibilities and rights of the states to develop and implement laws and regulations that ensure the preservation, restoration, and enhancement of land and water resources and therefore has provided exclusive jurisdiction (primacy) for certain federal program responsibilities to states which, among other things, enables states to establish programs that go beyond minimum federal program requirements; and

***WHEREAS***, states that have received primacy have demonstrated that they have independent authority, technical ability and fiscal responsibility to adopt and implement laws, regulations and policies at least as stringent and effective as federal counterparts; and

***WHEREAS***, with respect to the implementation of state primacy programs, the role of federal government agencies becomes one of appropriate oversight and funding support; and

***WHEREAS***, it is vital that the federal government encourage flexibility for states to develop regulatory programs that address local conditions and to incorporate new procedures and techniques that accomplish agreed-upon environmental and natural resource program requirements, thereby assuring an effective and efficient expenditure of taxpayers' money; and

***WHEREAS***, as a direct result of the experience and expertise of the states in implementing these regulatory programs, the federal government has realized significant savings based on what it would otherwise cost federal agencies to implement equivalent programs; and

***WHEREAS***, various state and federal courts throughout the country have validated the primary regulatory role of the states under this regulatory approach; and

***WHEREAS***, within the primacy regime envisioned by Congress under statutes such as the Surface Mining Control and Reclamation Act, the Clean Water Act, and the Resource Conservation and Recovery Act, a

stable, consistent and effective state-federal partnership was anticipated based on principles of comity and federalism; and

*WHEREAS*, a disregard for these principles undermine the effective implementation of these national environmental laws

***NOW THEREFORE BE IT RESOLVED:***

That the Interstate Mining Compact Commission affirms its continuing support for the protection of human health and the environment and the appropriate development of our Nation’s natural resources by providing for clean air, clean water, the proper handling of waste minerals, and the restoration of mined lands; and

Supports the delegation of primacy to state programs and believes that when a program has been provided primacy, the appropriate federal focus should be on appropriate program oversight and review; and

Affirms its support for the concept of flexibility, with states as laboratories of invention whereby the function of the federal government, working with the states, is largely to set standards for environmental protection and natural resources development that, to the maximum extent possible, leave the attainment of those standards primarily to the states, especially as related to the use of different methods to implement core programs and to develop new programs; and

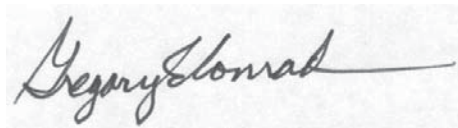
Recognizes the continuing role of states as primary regulators working cooperatively with the federal government for the most efficient and effective use of limited resources for the greatest environmental benefit; and

Reasserts its commitment to the principles of primacy and federalism that underlie implementation of national environmental laws; and

Seeks the same commitment from the federal agencies and anticipates the continuation of an effective state/federal partnership in implementation of national environmental laws

Issued this 19<sup>th</sup> day of October, 2016

ATTEST:



Executive Director

# *Resolution*

## **Interstate Mining Compact Commission**

### **Re. 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 Interstate Mining Compact Commission (IMCC) is a multi-state organization representing the natural resource and related environmental protection interests of its 25 member states, 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, many IMCC member states 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, 824,263 GPRA acres\* of AML features (totaling some \$4 billion in construction costs) have been abated by state and tribal AML programs; and

***WHEREAS***, presently, there are 801,845 GPRA acres of AML features (totaling some \$10 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.

***WHEREAS***, to complete reclamation of the remaining AML hazards, reauthorization of SMCRA Title IV fee collection authority is a necessity.

***THEREFORE BE IT RESOLVED:***

That the Interstate Mining Compact Commission strongly endorses reauthorization of Title IV reclamation fee collection authority to continue ongoing mandatory grants to states and tribes; and

Urges Congress to enact legislation reauthorizing Title IV fee collection authority for a period of fifteen years beyond September 2021; and

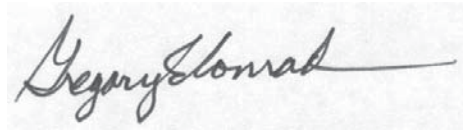
Strongly supports the continuation of states and tribes as the sole delivery mechanism for AML funds given their demonstrated 35-year history of effective and efficient program implementation; and

Advocates the consideration of other appropriate, related amendments to Title IV of SMCRA based on our ten years of experience since enactment of the 2006 amendments (see related attachment); and

Will cooperate with OSMRE and interested and affected stakeholders to assess these additional potential amendments

Issued this 19<sup>th</sup> day of October, 2016

ATTEST:

A handwritten signature in black ink, appearing to read "Gregory Slonrad", is written over a light gray rectangular background.

Executive Director

\* Government Performance and Results Act (GPRA) acres: A conversion for each problem type features English units to acres that provides a single unit of measure for the Office of Surface Mining to report annual accomplishments for the Government Performance and Reports Act.

## **Proposed Legislative Amendments to Title IV of SMCRA**

### Existing Provisions Requiring Amendment:

- Extend fee collection to 2036
- Increase Mandatory Minimum Program funding to at least \$5 million

### New Provisions:

- Fund all AML emergency programs as a mandatory expenditure from the Secretary’s discretionary share under 402 (g)(3)
- Allow all State and Tribal AML programs to utilize up to 30% of their entire, respective grant amounts for Acid Mine Drainage (AMD) set-aside
- Exempt AML funding from sequestration reductions under the Budget Control Act of 2011 or other deficit reduction laws and authorize the release of previously sequestered funding to the respective states and tribes
- Exempt AML reclamation projects from jurisdiction under the Mine Safety and Health Act or 1977
- Exempt state and tribal AML projects from NPDES permitting requirements under the Clean Water Act
- Any Treasury payments pursuant to section 402(h) required to shore up the UMWA pension plans that would cause the \$490 million cap to be exceeded shall not reduce price of treasury payments to certified states and tribes notwithstanding the prorate reduction provision 402 (h)(3)(B)

### Existing Provisions to Maintain Without Amendment:

- AML grant funding must remain an off-budget, mandatory appropriation
- Interest from the AML Fund shall continue to be transferred to the UMWA Pension Plans, but Principal from the AML Fund should remain dedicated exclusively to AML work
- Use of AML funds as local match for other deferral programs (e.g. CWA 319 grants) shall be maintained
- AML fee structure and priority ranking criteria shall remain unchanged
- Funding for Certified states and tribes should be maintained

## *Resolution*

### **Interstate Mining Compact Commission**

#### **Re. Federal Oversight and Enforcement under SMCRA**

**BE IT KNOWN THAT:**

**WHEREAS**, the Surface Mining Control and Reclamation Act (SMCRA) provides for the vesting of exclusive jurisdiction with the states for the regulation of surface coal mining and reclamation operations within their borders following approval of a state program by the Secretary of the Interior; and

**WHEREAS**, over the past 35 years, the states have established and been recognized for their commitment to implementing the goals and objectives of SMCRA; and

**WHEREAS**, under the primacy regime envisioned by Congress under SMCRA, a stable, consistent and effective state/federal partnership was anticipated based on principles of comity and federalism; and

**WHEREAS**, a disregard for these principles will undermine the effective implementation of SMCRA; and

**WHEREAS**, pursuant to the enhanced federal oversight initiative contained in a June 2009 Memorandum of Understanding between the U.S. Department of the Interior, the U.S. Environmental Protection Agency, and the U.S. Army Corps of Engineers, the Office of Surface Mining Reclamation and Enforcement (OSMRE) issued three directives concerning the use of Ten-Day Notices (INE-35) in primacy states and the annual evaluation of state program implementation (REG-8 and REG-23); and

**WHEREAS**, the result of these directives has been a noticeable, significant increase in the issuance of TDN's in primacy states and in some cases, as a follow on to the TDNs, the filing of notices of intent to sue and/or complaints for the declaratory action; and

**WHEREAS**, OSMRE has utilized TDN's to unlawfully expand the statutory requirements under SMCRA concerning appropriate federal enforcement in primacy states; and

**WHEREAS**, OSMRE has increasingly tended to issue TDN's without rational basis, resulting in frivolous federal actions that are without merit; and

**WHEREAS**, at the same time that OSMRE is proposing to cut regulatory grants to states, these unnecessary, unsupported actions result in a significant drain on limited state resources for the implementation of regulatory programs and often erode the state/federal working relationship under SMCRA, as noted in the final report of the Government Efficiencies Work Group dated July 30, 2014

***NOW THEREFORE BE IT RESOLVED:***

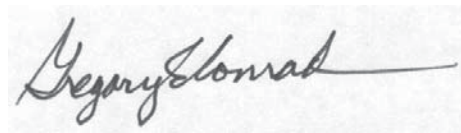
That the Interstate Mining Compact Commission reasserts its commitment to the principles of primacy and federalism that underlie implementation of the Surface Mining Control and Reclamation Act; and

Seeks the same commitment from the Interior Department and OSMRE and anticipates the continuation of an effective state/federal partnership under SMCRA; and

Urges OSMRE to rescind the Ten-Day Notice Directive (INE-35) and to work cooperatively with the states in re-designing Directives REG-8 and REG-23 concerning the evaluation of state programs to address state concerns.

Issued this 2<sup>nd</sup> day of December, 2016

ATTEST:

A handwritten signature in cursive script, appearing to read "Gregory Stomach", written in black ink on a light-colored background.

Executive Director

## Financial Reports

*Interstate Mining Compact Commission  
Statement of Financial Position for the Year Ended June 30, 2016*

### ASSETS

Cash	\$ 51,837.00
Certificates of deposit	400,000.00
Interest receivable	6,126.00
Prepaid expenses and deposits	10,044.00
Property and equipment, net	10,109.00
<b>Total assets</b>	<b>\$ 478,116.00</b>

### LIABILITIES AND NET ASSETS

Liabilities:	
Accrued vacation	54,503.00
Deferred revenue	60,825.00
<b>Total liabilities</b>	<b>115,328.00</b>
Net assets:	
Unrestricted	362,788.00
<b>Total net assets</b>	<b>362,788.00</b>
<b>Total liabilities and net assets</b>	<b>\$ 478,116.00</b>

## Financial Reports

**Interstate Mining Compact Commission**  
**Statement of Activities**  
**For the Year Ended June 30, 2016**

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<b>Unrestricted revenue and support</b>	
Assessments	\$630,257
Government grants and contracts	20,000
Conferences and meetings	34,547
Interest income	3,958
Other income	0
	<hr/>
Total revenue and support	<hr/> <b>688,762</b> <hr/>
<b>Expenses</b>	
Government programs	20,000
Administrative and general	802,410
	<hr/>
Total expenses	<hr/> <b>822,410</b> <hr/>
<b>Change in net assets</b>	<b>(133,648)</b>
<b>Net assets, beginning of year</b>	<hr/> <b>496,436</b> <hr/>
<b>Net assets, end of year</b>	<hr/> <b>\$362,788</b> <hr/> <hr/>

## Financial Reports

**Interstate Mining Compact Commission**  
**Schedule of Comparison of Expenses and Budget**  
**For the Year Ended June 30, 2016**

Description	Government Programs	Administrative & General	Totals	Budget	Variance Over (Under)
Salaries	\$20,000	\$396,199	\$416,199	\$415,000	\$1,199
Employee Benefits	-	116,828	116,828	115,000	1,828
Rent	-	41,284	41,284	41,500	(216)
Conference and Meetings	-	47,698	47,698	31,000	16,698
Travel	-	28,252	28,252	25,000	3,252
Legal	-	133,152	133,152	-	133,152
Publications	-	3,358	3,358	5,000	(1,642)
Telephone	-	9,182	9,182	8,000	1,182
Auditing	-	5,113	5,113	5,500	(387)
Postage	-	1,329	1,329	2,000	(671)
Equipment Expenses	-	1,533	1,533	1,500	33
Office Supplies	-	4,186	4,186	3,500	686
Other Expenses	-	3,610	3,610	2,000	1,610
Insurance	-	4,413	4,413	6,000	(1,587)
Printing	-	1,817	1,817	1,000	817
Registration Fees and Subscriptions	-	2,305	2,305	1,000	1,305
Utilities	-	1,129	1,129	2,000	(871)
Depreciation	-	1,022	1,022	-	1,022
<b>Total Expenses</b>	<b>\$20,000</b>	<b>\$802,410</b>	<b>\$822,410</b>	<b>\$665,000</b>	<b>\$157,410</b>

## Member State Permitting Data

### PERMITS ISSUED AND ACRES OF LAND DISTURBED AND RECLAIMED JANUARY 1 - DECEMBER 31, 2016 FOR COAL SURFACE MINING

State/Enforcement Agency	# Permits Issued	# Acres Permitted	# Acres Disturbed	# Acres Reclaimed
Alabama Surface Mining Commission	5	2,089	74 (newly bonded)	1,470 <sup>1</sup> (phase III bond release)
Alaska Dept. of Natural Resources, Division of Mining, Land & Water	0	0	45	0
Arkansas Dept. of Environmental Quality	4	972.53	972.53	0
Colorado Division of Reclamation, Mining & Safety	0	166,957	17,844	13,316
Illinois Dept. of Natural Resources, Office of Mines & Minerals	1	569	1,656.68	3,345.25
Indiana Dept. of Natural Resources, Division of Reclamation	1	10,452.8 <sup>2</sup>	1,772.4 <sup>3</sup>	5,616.2
Kentucky Dept. for Natural Resources, Division of Mine Permits	311 (2016)	9,709.94 (2016); 1,954,719.17 (total)	222,601.34 (total)	7,698.65 (phase III bond release)
Louisiana Dept. of Natural Resources, Office of Conservation	0	44,179	700	236
Maryland Bureau of Mines	8	108	2,293	74
Mississippi Dept. of Environmental Quality, Coal Mining Division	0	0	322	33
Missouri Department of Natural Resources, Land Reclamation Program	0	0	100	26
New Mexico Energy, Minerals & Natural Res. Dept., Coal Mine Reclamation Program <sup>4</sup>	0	0	277	0
North Dakota Public Service Commission	0	0	2,287	2,378
Ohio Dept. of Natural Resources, Division of Mineral Resources Management	4 (new); 5 (adjacent)	1,441.9 (surface) 3,541.4 (underground)	24,884.56 <sup>5</sup> (491.7)	4,136.8 <sup>6</sup>
Oklahoma Dept. of Mines	7	20,734	9,574	1,109
Pennsylvania Dept. of Environmental Protection	30	6,067	2,589	2,164
Texas Railroad Commission	4 (renewals and revisions)	-880.77 <sup>8</sup>	4,856.1 <sup>9</sup>	1,113.7 <sup>10</sup>
Utah Division of Oil, Gas and Mining	0 (new); 26 (total)	74 (new); 96,066 (total) <sup>11</sup>	39 (new); 2,955 (total)	100 (phase III bond release)
Virginia Dept. of Mines, Minerals & Energy, Division of Mined Land Reclamation	55 (total); 5 (new); 50 (transfers)	66,459.57	45,622.39; 62,642.02 (acres bonded)	1,652.24; 31,562.83 <sup>12</sup>
West Virginia Dept. of Environmental Protection, Division of Mining and Reclamation	28 (2016 new and amendments)	5,047 (2016); 334,516 (total)	136,335 (total) <sup>13</sup>	4,175 (2016 phase III bond release)
Wyoming Dept. of Environmental Quality, Land Quality Division	14	15	1,987	1,668

See footnotes on following page...

<sup>1</sup> Land use percentages based on the 1,470 acres of Phase III bond released in 2016.

<sup>2</sup> Surface Acres 253.4 + Underground Shadow Acres 10,199.4 = 10,452.8 Acres Permitted.

<sup>3</sup> Acres Mined 1,507.8 + Acres Disturbed 264.60 = 1,772.4 Total Acres Disturbed.

<sup>4</sup> The numbers shown are for permitting and mining/reclamation activity taking place during calendar year 2016. These numbers do not represent cumulative acreage. Reclaimed lands means full bond release has been approved.

<sup>5</sup> Sum total of coal "reclamation due" plus "to be affected" through 12/31/2016 (the 491.7 figure indicates new coal acres bonded 1/1/2016 - 12/31/2016).

<sup>6</sup> Phase III acres released 1/1/2016 - 12/31/2016.

<sup>7</sup> 1 permit issued; 55 permits on IUL; 12 revisions approved; 4 permits pending.

<sup>8</sup> Total permit acreage as of 12/31/2016 (323,209.66) minus total permit acreage as of 1/01/2016 (324,091.43) = -880.77 acres.

<sup>9</sup> 2,420.4 acres mined and 2,435.7 acres non-mined disturbed = 4,856.1 acres.

<sup>10</sup> Phase III bond release approval (may not have been removed from permitted acreage)

<sup>11</sup> The total amount reflects the total permitted acres of all mines at the end of 2016.

<sup>12</sup> 31,562.83 reflects total reclaimed and currently permitted.

<sup>13</sup> "Disturbed Acres - Total" means the total number of disturbed acres, including acreage disturbed and reclaimed but not yet receiving final bond release, associated with permits that as of 12/31/2016 were not final release or revoked.

<sup>14</sup> 0 new permits were issued in 2016; 1 coal permit added new acres.

<sup>15</sup> 0 acres were new permits; 160 acres were added to permits.

## Member State Permitting Data

### PERMITS ISSUED AND ACRES OF LAND DISTURBED AND RECLAIMED JANUARY 1 - DECEMBER 31, 2016 FOR NONCOAL SURFACE MINING

State/Enforcement Agency	# Permits Issued	# Acres Permitted	# Acres Disturbed	# Acres Reclaimed
Alabama Department of Labor <sup>1</sup>	319 (20 new)	13,381	25,000	287
Alaska Dept. of Natural Resources, Division of Mining, Land & Water	1 (renewal)	150 (2016)	150	0
Arizona Dept. of Environmental Quality	<sup>2</sup>	1,618	1,618 (2016)	0
Arkansas Dept. of Environmental Quality	244	21,559.5	6,022.57	1,059.62
Colorado Division of Reclamation, Mining & Safety, Minerals Program	27 (2016); 1,557 (total)	186,350	112,276	2442
Illinois Dept. of Natural Resources, Office of Mines & Minerals, Explosives & Aggregates Div.	15	662.76	630.11	790.51
Indiana Dept. of Natural Resources, Division of Reclamation	6	665.3	12.5	4.9
Kentucky Dept. for Natural Resources, Division of Mine Reclamation and Enforcement	66	591 (2016); 45,756.18 (total)	22,395.31	2,799.98
Maryland Minerals, Oil & Gas Division	90	4,223.22	5,415.62	18,241.43
Mississippi Dept. of Environmental Quality, Mining and Reclamation Division	40	1261.53	N/A	1,466
Missouri Department of Natural Resources, Land Reclamation Program	342	35,849.88	35,849.88	1,153.7
New Mexico Energy, Minerals and Natural Resources Dept., Mined Land Reclamation Prog. <sup>3</sup>	23	10	77	13
New York State Dept. of Environmental Conservation, Div. of Mineral Resources	43 (2016); 1,908 (total active)	149,923 (total) <sup>4</sup>	61,634 (total) <sup>4</sup>	1,048 (2016); 37,013 (total) <sup>4</sup>
North Carolina Dept. of Environmental Quality	823	78,178	46,060	631
Ohio Dept. of Natural Resources, Division of Mineral Resources Management	9 (new); 16 (amendments)	980	962.7 <sup>5</sup>	1,151.2 <sup>6</sup>
Oklahoma Dept. of Mines	<sup>7</sup>	144,962	57,193	4,453
Pennsylvania Dept. of Environmental Protection	87	1,322	945	441
South Carolina Dept. of Health and Environmental Control	33	2,479.3	1,225.4	293.6
Tennessee Department of Environment and Conservation, Mining Unit	9 <sup>8</sup>	5,240	3,670	24
Utah Division of Oil, Gas and Mining	21 (new); 594 (total)	473 (new); 66,608 (total)	473 (new); 66,608 (total)	355
Virginia Dept. of Mines, Minerals & Energy, Division of Mineral Mining	445	76,321	38,653	263.55
West Virginia Dept. of Environmental Protection, Division of Mining and Reclamation	3	130 (2016); 12,644 (total)	6,718 <sup>9</sup>	0
Wyoming Dept. of Environmental Quality, Land Quality Division	10	<sup>11</sup>	N/A	N/A

See footnotes on following page...

<sup>1</sup> Limestone, dolomite, or marble are not included. They are exempt from regulation.

<sup>2</sup> 1 environmental permit issued to new mines; 2 expansion permits (environmental) issued to mines; 3 renewal environmental permits issued to mines.

<sup>3</sup> The majority of permits issued represent Exploration (1) and General Permits (22). General Permits include recreational miners. Noncoal does not include sand and gravel operations. Acres reclaimed means regrading and seeding has occurred, not necessarily bond release. The numbers shown are for permitting and mining/reclamation activity taking place during CY 2016. These numbers do not represent cumulative acreage.

<sup>4</sup> Total statewide acreage figures since New York State Mined Land Reclamation Law enacted in 1975.

<sup>5</sup> Noncoal mineral acres bonded 1/1/2016 - 12/31/2016.

<sup>6</sup> IM-7 acres released 1/1/2016 - 12/31/2016.

<sup>7</sup> 33 permits issued; 54 revisions; 9 transfers; 48 limited use permits issued; 730 permits on IUL.

<sup>8</sup> 9 permits were issued in 2016 (2 New and 7 Renewals). There are currently 65 active permits overall.

<sup>9</sup> "Disturbed Acres – Total" means the total number of disturbed acres, including acreage disturbed and reclaimed but not yet receiving final bond release, associated with permits that as of 12/31/2016 were not final release or revoked.

<sup>10</sup> 3 new permits in 2016 (1 permit and 2 small mine permits), 10 permits added acres.

<sup>11</sup> 1901 acres new permits; 6,341 acres added to permits.

## Member State Reclaimed Land Use Data

### USE OF LAND FOLLOWING RECLAMATION (PERCENT) JANUARY 1 - DECEMBER 31, 2016 FOR COAL SURFACE MINING

State	Pasture	Wildlife	Forest	Commercial	Other
Alabama <sup>1</sup>	0	3	0	27	70
Alaska	0	100	0	0	0
Illinois	3	46	0	1	50 (crop and water)
Indiana	1.6 (89 acres)	25.7 (1,440.6 acres)	15.1 (845.4 acres)	<1 (39.5 acres)	57 <sup>2</sup> (3,201.7 acres)
Kentucky	32.39 (32,664.75 acres)	48.21 (48,625.67 acres)	16.21 (16,348.66 acres)	0.62 (622.78 acres)	<sup>3</sup>
Louisiana	49	0	49	0	2
Maryland	68	0	32	0	0
Mississippi	0	0	0	33	0
Missouri	0	0	0	100	0
North Dakota	34	3	1	6	56 (cropland)
Ohio	3,453.3 acres	0	0	199.2 acres	539.2 acres
Oklahoma	96	1	0	1	2
Pennsylvania <sup>4</sup>	30	5	50	2	13
Texas	649.1 acres	150.2 acres	0	242.0 acres	72.4 acres (water)
Utah	0	0	0	0	100 (grazing & wildlife habitat) <sup>5</sup>
Virginia	5 (148.85 acres)	6 (207.59 acres)	81 (2,645.26 acres)	<1 (0.20 acres)	8 <sup>6</sup> (250.59 acres)
West Virginia	6	16	56	3	19 <sup>7</sup>
Wyoming	0	0	0	0	95 <sup>8</sup>

<sup>1</sup> Land use percentages based on the 1,470 acres Phase III bond released in 2016

<sup>2</sup> For coal, "Other" includes: 49.4% (2,774.4 acres) cropland; 6.5% (364.0 acres) water; <1% (45.4 acres) roads; and <1% (17.9 acres) residential.

<sup>3</sup> "Other" includes: 1.74% (1,752.79 acres) cropland; 0.44% (445.79 acres) heavy industrial; 0.09% (93.05 acres) light industrial; 0.12% (120.20 acres) recreation; 0.02% (21.08 acres) residential; 0.01% (9.20 acres) impoundment of water; 0.15% (149.32 acres) other.

<sup>4</sup> Land use percentages are estimates based on observations.

<sup>5</sup> This reflects the total permitted acres of all mines at the end of 2016.

<sup>6</sup> "Other" includes: 236.54 acres industrial gas well-pipelines; 4.99 acres public use buildings & facilities; 1.77 acres residential; 7.29 acres industrial utilities.

<sup>7</sup> "Other" includes: of the 19% "other", 83% is combined use (i.e. two or more land uses on one permit) with the remaining 17% being a category other than listed above.

<sup>8</sup> Almost all reclaimed land is rangeland/grazing with wildlife use. The remaining 5% is a mix of commercial, wildlife, and pasture.

## Member State Reclaimed Land Use Data

### USE OF LAND FOLLOWING RECLAMATION (PERCENT) JANUARY 1 - DECEMBER 31, 2016 FOR NONCOAL SURFACE MINING

State	Pasture	Wildlife	Forest	Commercial	Other
Alabama	40	10	40	10	0
Alaska	0	100	0	0	0
Arkansas	49	43	2	0	6
Illinois	48	0	0	36	16
Indiana	0	100 (4.9 acres)	0	0	0
Kentucky	37	10	7	8	38
Maryland	1554.15 acres	1127.29 acres	64.06 acres	24.50 acres	1685.6 acres
Missouri	29	33	0	32	6
New Mexico <sup>1</sup>	0	100	0	0	0
New York	0	56.5	0	5.8	37.7 <sup>2</sup>
Ohio	454.8 acres	345.3 acres	0	106.6 acres	244.5 acres
Oklahoma	95	0	0	4	1
Pennsylvania <sup>3</sup>	10	5	10	15	60
South Carolina	65.2 (191.3 acres)	0	0	3.3 (9.8 acres)	31.5 (92.5 acres) <sup>4</sup>
Tennessee	0	0	100	0	0
Utah	0	100	0	0	0
Virginia	59.45 acres	13 acres	45 acres	103.3 acres	10.9 acres
Wyoming	0	0	0	0	95 <sup>5</sup>

<sup>1</sup> The percentages for Use of Land Following Reclamation are for mined lands reclaimed in 2016.

<sup>2</sup> Includes 22.1% agricultural farmland and 15.6% wetland/lake.

<sup>3</sup> Land use percentages are estimates based on observations.

<sup>4</sup> The 31.5 (92.5 acres) total in "Other" includes: 24.7 % (72.5 acres) lakes/ponds; 6.8 % (20 acres) residential.

<sup>5</sup> Almost all reclaimed land is rangeland/grazing with wildlife use. The remaining 5% includes a mix of commercial, agricultural, and pasture.

## **2016 Kenes C. Bowling Reclamation Award Winners**

### **2016 Winners**

The following companies were winners of the Compact's 2016 national reclamation awards and were presented with plaques at the 2016 awards banquet:

#### **Coal Category Winner:**

*Paramont Coal Company Virginia, LLC – Hawks Next Surface Mine (Virginia)*

#### **Noncoal Category Winner:**

*Wyo-Ben, Inc. – Pit 138L (Wyoming)*

### **2016 Honorable Mention Recipients:**

**Coal Category:** *Solar Sources, Inc. – Cannelburg Mining Complex (Indiana)*

**Noncoal Category:** *None*

## **2016 Minerals Education Award Winners**

### **2016 Winners**

The Compact's annual minerals education awards were presented during the awards banquet held in conjunction with the 2016 Annual Meeting in Lake Placid, New York. Annually, the mining educator awareness award is presented to a teacher or school from one of the Compact's member states. The winner receives an engraved plaque and a \$500 award to go toward teaching materials. The public outreach award is presented to an industry, environmental, citizen, or other group from one of the Compact's member states, or to a member state government body. The public outreach award winner is presented with an engraved plaque of recognition. There were two awards presented in the public outreach category in 2016, and no mining awareness educator award was presented.

#### ***Mining Awareness Educator Category Winner:***

*None*

#### ***Public Outreach Category Winner:***

*Ohio Aggregates and Industrial Minerals Association (OAIMA) (Ohio)*

*Michael C. Korb, P.E., Environmental Program Manager, Pennsylvania Department of Environmental Protection, Bureau of Abandoned Mine Reclamation (Pennsylvania)*

## **2016 Mine Safety & Health Training Award Winners**

### **2016 Winners**

The Compact's first annual mine safety and health training awards were presented during the awards banquet held in conjunction with the 2016 Annual Meeting in Lake Placid, New York. The awards were established to recognize excellence in mine safety and health training programs and materials. The mine safety and health training awards are presented in two main categories, a state award and an industry award, each including four subcategories: coal surface, coal underground, metal/nonmetal surface, and metal/nonmetal underground, for a potential of up to four awards to be presented annually in each of the two categories. Award winners are presented with an engraved plaque of recognition.

### **Industry Award Winners:**

#### **Coal Category – Surface Mining:**

*Extra Energy, Inc. – Virginia Point Surface Mine (Virginia)*

#### **Coal Category – Underground Mining:**

*None*

#### **Metal/Nonmetal Category – Surface Mining:**

*None*

#### **Metal/Nonmetal Category – Underground Mining:**

*None*

### **State Award Winners:**

#### **Coal Category – Surface Mining:**

*Virginia Department of Mines, Minerals and Energy – Division of Mines*

#### **Coal Category – Underground Mining:**

*Virginia Department of Mines, Minerals and Energy – Division of Mines*

#### **Metal/Nonmetal Category – Surface Mining:**

*Colorado Division of Reclamation, Mining and Safety*

#### **Metal/Nonmetal Category – Underground Mining:**

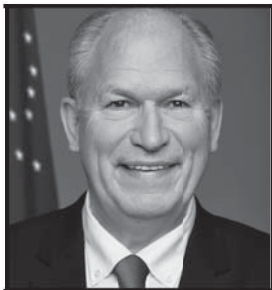
*None*

## 2016 IMCC Membership

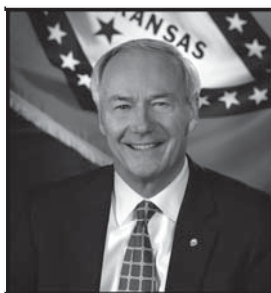
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Robert J. Bentley



Governor  
Bill Walker



Governor  
Asa Hutchinson

### Alabama

### Commissioner's Official Representative



Jonathan D. Bargainer Jr.  
Deputy Chief of Staff for  
Policy  
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Deputy Commissioner  
Department of Natural  
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Senior Manager/  
Chief Geologist  
Mining and Administration  
Office of Land Resources  
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Environmental Quality

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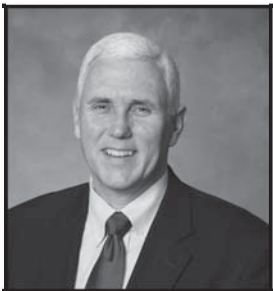


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**Illinois**



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Department of Natural  
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Chris Smith  
Deputy Director  
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Governor  
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**Kentucky**



Allen Luttrell  
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Department for Natural  
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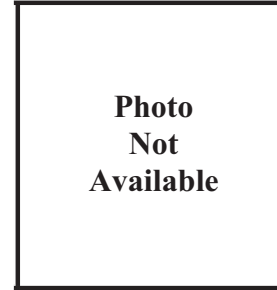
**Commissioners**



Governor  
John Bel Edwards

**Louisiana**

**Commissioner's Official  
Representative**

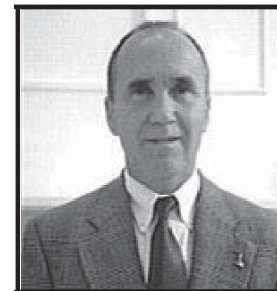


Vacant



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C. Edmon Larrimore  
Program Manager  
Department of the  
Environment, Mining  
Program



Governor  
Phil Bryant

**Mississippi**



James L. Matheny  
Division Director  
Mining and Reclamation  
Division  
Office of Geology

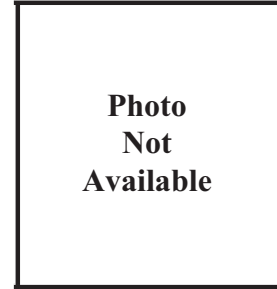
**Commissioners**



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Jay Nixon

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**Commissioner's Official  
Representative**



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Governor  
Susana Martinez

**New Mexico**

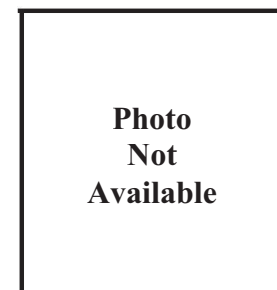


Fernando Martinez  
Director  
Division of Mining  
and Minerals



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Vacant

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Director  
Reclamation Division  
Public Service Commission



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Jim Zehringer  
Director  
Department of Natural  
Resources

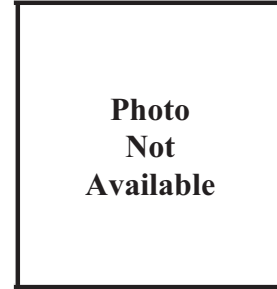
**Commissioners**



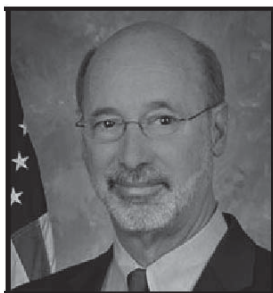
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Deputy Secretary  
Office of Active & Abandoned  
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**South Carolina**



R. Craig Kennedy  
South Carolina Mining  
Counsel

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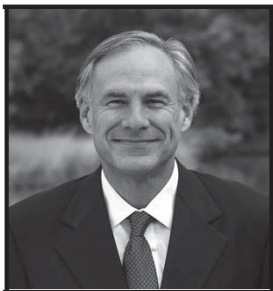


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Ryan Sitton  
Commissioner  
Railroad Commission  
of Texas

**Texas**



Governor  
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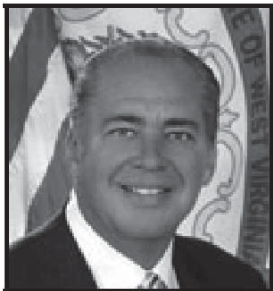
John R. Baza  
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Governor  
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Virginia (Ginny) Brannon  
Director  
Division of Reclamation,  
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Governor Henry McMaster

**Mississippi**

Governor Phil Bryant

**Tennessee**

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**Missouri**

Governor Eric Greitens

**Texas**

Governor Greg Abbott

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Inspections Division  
Department of Labor

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Deputy Commissioner  
Department of Natural  
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Senior Manager/Chief  
Geologist, Mining &  
Administration, Office of Land  
Resources, Department of  
Environmental Quality

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Director, Department of Natural  
Resources

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Deputy Director  
Department of  
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Commissioner, Department for  
Natural Resources

### Louisiana

Vacant

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Program Manager  
Department of the Environment  
Mining Program

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Division Director, Mining and  
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Director, Division of Mining  
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Vacant

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Mineral & Land Resources,  
Dept. of Environmental Quality

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Division, Public Service  
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Director, Ohio Department of  
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### Oklahoma

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### South Carolina

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Commissioner, Department of  
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Commissioner  
Railroad Commission of Texas

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Division of Oil, Gas & Mining

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Deputy Director, Department of  
Mines, Minerals and Energy

### West Virginia

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Cabinet Secretary, Department  
of Environmental Protection

### Wyoming

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Director, Department of  
Environmental Quality

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Misael Cabrera, P.E.  
Director, Department of  
Environmental Quality

#### Colorado

Virginia (Ginny) Brannon  
Director, Division of  
Reclamation, Mining & Safety



**Interstate Mining Compact Commission**  
**445 Carlisle Drive, Suite A**  
**Herndon, VA 20170**  
**Ph: 703.709.8654 / Fax: 703.709.8655**  
**Website: [www.imcc.isa.us](http://www.imcc.isa.us)**