

**March, 2023 Cumulative Report of the Executive Director on the  
Activities of the Interstate Mining Compact Commission during  
March, 2022 – March, 2023**

**Overview:**

Last year, this report related that IMCC had achieved a much greater degree of success than we could have ever believed possible when we undertook efforts to secure abandoned mine lands (AML) reauthorization seven years ago. Congress appropriated almost \$11 billion for coal AML in November 2021, reauthorized AML fee collection at 80% of previous rates for thirteen years *and* authorized a first-of-its-kind hardrock AML program in the Infrastructure Investment and Jobs Act (IIJA). Since then, the battleground for the states in Washington has shifted.

The past success of the coal AML program made it an obvious candidate for increased funding when Congress was seeking out ways the government could stimulate a national economy diminished by the COVID pandemic. However, the increased funding brought a much higher profile and well-intentioned efforts to change the program to make it even better than before. The challenge for the states over the last year and, perhaps, for some time into the future is to keep the program from becoming a victim of the success that brought it to this point. “Improvements” to the program and the increased funding must be implemented in a way that does not impede the efficient and effective core functioning of the program. The basic things that allowed it to be a success in the past must be preserved. A theme for IMCC in this effort has been: “If ain’t broke, don’t fix it.”

IMCC engaged with the Interior Department regarding IIJA implementation almost before the ink from the President’s pen was dry on the bill Congress sent him. Since then, the states, through IMCC, have continuously advocated for sensible implementation of the coal AML provisions of the IIIJA.

- Within two months following enactment, IMCC had:
  - o urged Interior Department Secretary Haaland to interpret the IIJA to allow portion of grant funds under the new law to be “set aside” to pay for the long-term costs of addressing Acid Mine Drainage (AMD), as previous law allowed;
  - o led a virtual meeting of states, NGOs and other stakeholders to present the case favoring interpretation of the IIJA to allow states to set aside up to 30% of their annual IIJA grants in a state account to pay for the long-term costs of addressing AMD;
  - o advised Office of Surface Mining Reclamation and Enforcement (OSMRE) Acting Director Owens of the states’ urgent need for estimates of annual grant amounts under the IIJA so states could begin planning for putting the new funds to use; and
  - o suggested to the Chair of the Council on Environmental Quality and Director of the Office of Management and Budget that their new geo-spatial tool for

identifying “disadvantaged communities” for purposes of the Administration’s Justice 40 Initiative needed to be modified to include AML-impacted areas.

- Within three months, IMCC wrote to Acting Director Owens to:
  - o reinforce the need for OSMRE to consider input from states, which carry out 99% of the AML program on the ground, in organizing the IJJA AML program;
  - o urge OSMRE to implement all AML programs through a single annual grant application; and
  - o question the timing of OSMRE’s decision to undertake a comprehensive examination of state AML plans, as states’ primary objective should instead be efficiently and effectively putting the new AML funds to work.

Note: Actions in the above bullet points are outside the period of this review but are included to provide context regarding IMCC’s overall work on IJJA implementation.

- Four and a half months after the IJJA became law, at the invitation of the House Energy and Mineral Resources Subcommittee, which has oversight jurisdiction over OSMRE, IMCC provided written testimony for a hearing of the Subcommittee in which it advised Congress of its concerns regarding issues in the efficient implementation of the IJJA.
- About five months after enactment, IMCC provided Acting Director Owens with the states’ recommendations for how the IJJA’s miner’s preference, which was not a smooth fit for the AML contracting process, could be construed in a manner that would allow for efficient implementation.
- Within six months after enactment, IMCC conducted a survey of state AML programs regarding their anticipated personnel needs for implementation of the new program:
  - o to provide a valuable benchmarking tool for states’ use in program planning; and,
  - o to provide OSMRE with information it needs to plan training for the new employees that will be hired to implement the IJJA.
- Within seven months of enactment, IMCC:
  - o surveyed the states and compiled a summary of their questions and concerns regarding IJJA implementation that was provided to Acting Director Owens in advance of the initial briefing OSMRE held on its draft guidance for IJJA implementation;
  - o developed and carried out a plan for providing state comments on OSMRE’s draft IJJA guidance;
  - o provided detailed written comments on the OSMRE draft IJJA guidance; and,
  - o provided detailed written comments on the performance metrics contemplated by the OSMRE draft IJJA guidance.
- Within eleven months of enactment, surveyed the states, compiled their questions on IJJA implementation issues and submitted them to OSMRE in advance of the face-to-face meeting between states, tribes and OSMRE at the NAAMLTP meeting in October 2022;
- On the one-year anniversary of enactment, provided the forum for another face-to-face meeting with OSMRE and Department of the Interior representatives at the IMCC’s Midyear meeting in November 2022.
  - o This forum provided an important opportunity for states to express their growing frustration with OSMRE’s failure to:

- address continuing state questions regarding IJA implementation; and,
    - consider state input on important IJA implementation concerns.
  - Importantly, IMCC arranged for Subcommittee staff from the House Subcommittee that oversees OSMRE to attend this meeting and hear the discussion of the issues and states' concern, first-hand.
- Within thirteen months of enactment, IMCC:
  - Arranged a roundtable summit-style virtual meeting between states and OSMRE that was oriented toward improving the federal-state relationship and enhancing the states' influence in IJA implementation decisions; and,
  - Provided detailed written comments opposing a request for collection of information OSMRE had published in the Federal Register regarding changes it hoped to make to an OSMRE form that would compel states to provide project lists, that OSMRE itself had decided were too cumbersome in the 1990s, and advertise these lists for public comment.
- Within fourteen months of enactment, in January 2023, IMCC:
  - Arranged a second summit-style meeting, face-to-face this time, at OSMRE headquarters, between state AML program representatives and OSMRE that was oriented toward improving the federal-state relationship and enhancing the states' influence in IJA implementation decisions;
  - Arranged face-to-face meetings between state AML program representatives and majority and minority staff for the committees of both houses of Congress with jurisdiction over OSMRE to discuss concerns with OSMRE's implementation of the IJA; and,
  - Arranged opportunities for two of the state representatives who participated in the meeting at OSMRE headquarters to meet, face-to-face, with a member of their state's delegation to Congress to acquaint them with their IJA implementation concerns.
- As a direct result of the meetings in January 2023:
  - A federal-state work group for the project list issue has been formed and produced a recommendation for an alternate way of addressing the Interior Department's concerns and greatly reduce the associated burden on the state AML programs;
  - OSMRE has agreed to form other federal-state workgroups to address other IJA implementation issues; and,
  - Staff for three U.S. Senators met with OSMRE to express concerns over IJA implementation and, as result of OSMRE's responses to their inquiries, generated a letter signed by six U.S. Senators to the Acting Director of OSMRE and the Assistant Secretary of the Interior Department in which they expressed concerns about the burdensome nature of OSMRE's project list requirement and its failure to include state input in IJA implementation decisions.

As much time as IMCC has devoted in the past year to IJA implementation issues, the efforts outlined above may have been less time intensive than IMCC's efforts to secure authority to set aside IJA grant funds for long-term AML costs from Congress. Within a month following the Interior Department's decision that the IJA did not allow this, IMCC led an effort with other

stakeholders to recruit bipartisan sponsors for clarifying legislation in both houses of Congress. This bill became known as the STREAM Act.

IMCC, itself, authored the first version of this bill that Senate staff used with legislative counsel on Capitol Hill to draft the bills that were introduced in both Houses of Congress about a year ago. IMCC also authored a two-page summary of the reasons why this bill was needed that was widely circulated across Capitol Hill among congressional staff and stakeholder representatives.

After introduction, IMCC actively recruited bipartisan cosponsors for the STREAM Act in both houses of Congress. Throughout the rest of 2022, IMCC was in constant contact with staff for members of Congress from both parties, committee staff on Capitol Hill, plus stakeholders from the NGO community and industry to build support for the STREAM Act and quell opposition to it. A legislative hearing was held on the STREAM Act before the Energy and Mineral and Natural Resources Subcommittee of the House Natural Resources Committee (HNR) in June, 2022, with a markup hearing before the full HNR Committee in July, followed soon thereafter by passage in the House by a wide, bipartisan majority, 391-9.

With just as many pressing issues of great national concern and fewer Senators to deal with them than members of Congress in the House, the STREAM Act stalled a bit in the Senate. By the time of IMCC's November Midyear Meeting, the number of legislative days left in the 117<sup>th</sup> Congress was dwindling and the hearing that was essential to bill's prospects of advancing had yet to be held in the Senate. The STREAM Act was in real danger of dying as the 117<sup>th</sup> Congress wound down. This would force the effort to pass the bill to start over in the 118<sup>th</sup> Congress. With the change in control of the House as a result of the 2022 midterm elections, its future was very uncertain in the 118<sup>th</sup> Congress.

Finally, the Senate Energy and Natural Resources (ENR) Committee included the STREAM Act in one of its last legislative hearings of the year on December 1, 2022. Thereafter, a late amendment of the bill was offered by the Ranking Member of the Committee, a Senator from Wyoming, who sought to expand the scope of the bill beyond just long-term AMD costs to authorize a set aside account that could be also used for long-term mine fire and subsidence costs. In many cases, an amendment changing the scope of a bill this late in the 117<sup>th</sup> Congress might have been enough to cause the bill to die, but IMCC worked intensively with staff for the Senate ENR Committee minority and majority and key stakeholders to bring them together. As IMCC had done when the STREAM Act was first being considered in March of 2022, it drafted the first version of the bill that combined language of both the original bill and the proposed amendment. It then circulated this discussion draft to staff for all appropriate members of Congress and committees. Second, IMCC also worked with stakeholders to explain the nature of the amendment and gain their support for the bill as potentially re-written. This effort resulted in a new version of the bill being discharged from the ENR Committee and adopted by the Senate by unanimous consent on December 15, 2022. Still, though, the bill's prospects remained uncertain because the version adopted by the Senate was different from the version passed by the House and Congress had only a couple major pieces of legislation it was willing to consider before it adjourned for the rest of the year. One of these was the FY 2023 Omnibus Budget Bill. Fortunately, Senate and House leadership agreed to include the STREAM Act as one of a limited

number of riders that were chosen to be included as part of the Omnibus Budget Bill before it passed.

The President signed the Omnibus, including the STREAM Act, into law on December 29, 2022. As a result, more states than ever were able to utilize the pre-existing AMD set aside provision will be able to use the new IJA set aside established by the STREAM Act. They will do so for a broader set of long-term AML costs than allowed by pre-existing law. Obtaining passage of an entirely new bill by Congress in less than nine months from its introduction does not happen often. IMCC's persistence throughout this time was instrumental in getting this done for the states. As with other IJA implementation issues, IMCC will lead the effort to assure that the voice of the states is heard as OSMRE makes decisions on STREAM Act implementation.

Historically, a goal of IMCC has been to expand its focus to encompass issues beyond those related to coal. Because of the long history of cooperative federalism under the Surface Mining Control and Reclamation Act (SMCRA), state coal regulatory and coal AML programs have a strong incentive to bring themselves together behind the unified voice that IMCC provides them with the federal government. That incentive has not been quite as strong in the past for state non-coal and hardrock regulatory and AML programs. Things are changing, though.

A year ago, this report detailed initial efforts to organize the hardrock AML program authorized by the IJA. IMCC has continued to work closely with the Interior Department's Office of Environmental Policy and Compliance (OEPC), the United States Geologic Survey and state AML programs from a wide variety of states to establish a framework for a program that will serve the nation well for many years to come. The OEPC has proposed to enter a Memorandum of Understanding with IMCC to cement its role as the voice of state AML programs in this program going forward. As part of this, IMCC is seeking a seat at the table in a technical working group among federal agencies so the perspective of the AML programs that have real experience can be heard in federal policy discussions as the program moves forward.

While a ten-year, \$3 billion program was envisioned, an appropriation matching that vision did not make it into the IJA. Without the appropriation, the new program has been left to obtain its funding from Congress in annual appropriations bills. So far, Congress has not come through with funding at anywhere near the levels that are justified by the magnitude of the hardrock AML problem. Just \$5 million per year has been appropriated in FY 2022 and FY 2023, with \$1.7 million per year of this total going to grants directly to states.

A portion of the total of \$3.4 million appropriated for states over these two years has gone to help fund development of the new national inventory USGS is developing for OEPC. IMCC has provided input, informed by the experience of the states, throughout development of this inventory. Once populated with data, the new federal inventory will perform a very important role in informing Congress of the scope of the problem and the level of funding needed to adequately address it.

About \$2.5 million is left from the two years of appropriations for state hardrock AML grants. Very soon, the OEPC will be announcing a Notice of Funding Opportunity through which grants to state AML programs will be available. We are very pleased that OEPC and USGS have

welcomed IMCC input on the structure of this grant program. Obviously, \$2.5 million will not go far, but IMCC is actively working with state programs and their congressional delegations to advocate for more hardrock AML funding from Congress.

Just before this evaluation period began, the Administration announced its “Fundamental Principles for Domestic Hardrock Mining Reform” and, simultaneously, the Interior Department announced the formation of an Interagency Working Group on Mining Law Reform (IWG), led by its Deputy Assistant Secretary for Land and Minerals Management. While bills for mining law reform have been debated in Congress for many years, the announcement of the “Principles” and formation of the IWG are significant because they represent elevation of these issues as an issue of Presidential concern. The charge of the IWG is much broader than simply recommending tweaks to the General Mining Law of 1872. It is expected to also consider the right way to encourage increased domestic production of critical minerals and rare earth elements, including permitting reforms, the nation’s hardrock AML needs, Good Samaritan protections and, of course, the perennial issue of the appropriate amount of revenue the government should receive from mining on federal lands.

The IWG has recognized IMCC as the voice for state mining programs across the country. Through IMCC, the IWG held a meeting in June 2022 to receive general input from states on the issues the Administration charged the IWG with considering. Before this meeting, IMCC held a states-only meeting for states to discuss the issues being examined by the IWG and to prepare for the meeting with the IWG. In August 2022, IMCC held another states-only meeting to provide states with an opportunity to benchmark with one another regarding the issues they would address in each states’ individual written comments to the IWG. IMCC also circulated its draft comments to the IWG with state mining program managers well in advance of the IWG’s comment deadline to (1) assist states with preparation of their comments to the IWG and (2) obtain state input on the IMCC comments. In December 2022, again through IMCC, each of the IWG’s six subgroups met with state mining program managers in two days of meetings to receive additional state input in the specific areas of each subgroup’s focus. The IWG’s report, which is expected to be released any day now, is expected to provide the Administration’s view on the many hardrock mining issues the IWG was charged with examining. It is likely to provide a starting point for consideration of hardrock mining policy and legislation for the remainder of President Biden’s time in office. IMCC has been instrumental in driving the IWG’s consideration of the unique state perspective.

While in the past year, policy developments affecting the SMCRA Title V regulatory programs have not come at nearly the same pace or intensity as those affecting the AML program, that is expected to change significantly in the coming months as OSMRE is expected to produce proposed rules on ten day notices and citizens inspections and dam safety. We will coordinate state responses and comments, as well as IMCC comments on those rulemakings when they come. We will also continue to monitor implementation of the 2020 Biological Opinion and provide a platform for state benchmarking in the Endangered Species Act. Another development that may be on the horizon is federal action based on an NGO petition for rulemaking on use of

coal combustion residuals at mine sites. If and when that action comes, you can expect IMCC to coordinate state responses to any action taken.

After a couple of years without a face-to-face meeting of state mine safety and health regulators with the Mine Safety and Health Administration (MSHA) due to the COVID pandemic, IMCC is pleased to announce that MSHA has just confirmed a time and date for resumption of these meetings. A meeting is scheduled for June 14, 2023 at 9:30 AM EDT in MSHA headquarters. Several MSHA representatives will also attend the upcoming IMCC Annual Meeting in Philadelphia. More information on this meeting will be forthcoming.

As in the past, IMCC will remain engaged in the wide variety of policy decisions the Administration, Congress and federal agencies will be making that are likely to impact state mining regulators and AML program managers. These include action on environmental justice, Justice 40, reversing and revising nearly ever regulatory action taken by the previous administration under the Clean Water Act, Clean Air Act, National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), reform of the General Mining law of 1872, permitting reform, and critical minerals. The Administration's approach to mining is still evolving. There should be no doubt, though, that IMCC and the states will soon face a wide variety of new regulatory and policy developments. Much work of momentous import lies ahead for us. Most assuredly, though, IMCC will continue to advance the interests of state mining regulators on all fronts as the Administration's policy agenda in Washington unfolds.

Below, I report on the activities of the Compact during the evaluation period from March 2022 to the present in format of the recently revised forms for evaluation of the Executive Director:

## **Merit Criteria**

### *1. Is effective in supervising IMCC staff and activities.*

IMCC has now been utilizing its current complement of three full time staff, plus a part-time accountant/bookkeeper, to operate the Compact and serve the member states' needs for about a year and a half. While we have not utilized our consulting contract with former IMCC Executive Director Greg Conrad in that time, we continue to budget a small amount each year for consulting services should the need arise and have not canceled the contract. This gives us flexibility to utilize his services should the need arise and he be willing to serve. With the current staff in place, the Compact is in position to not only function at a high level, but to do so in a very cost-efficient manner for the foreseeable future. The volume of activity shown on attachments A, B and C certainly reflects this. IMCC continues to not only keep the Compact on course but to also pursue, effectively, all the vitally important legal, regulatory, and policy issues that are the foremost concerns of the state mining regulatory and abandoned mine land (AML) programs of today.

There are many examples of effective management of essential IMCC activities during the evaluation period. Foremost among them are two examples: (1) extensive, intensive work to ensure that the IJIA coal AML program is implemented in a rational, effective way, and (2) the

work IMCC did with Congress and a multitude of stakeholders to cause the STREAM Act to be enacted, a very important clarification of the IJJA, in less than nine months from the introduction of this legislation. From a strategic standpoint for the future, maybe just as important has been the work IMCC has done in organizing state efforts to shape the new hardrock AML program and to serve as a voice for state non-coal regulatory programs with the IWG and Congress. IMCC has assumed a position of influence on behalf of all state mining programs with Congress and the federal government. IMCC has brought the necessary groups of states together, led many conference calls and virtual meetings among states and coordinated meetings on their behalf with the IWG and others.

*2. Schedules and conducts all official meetings of the IMCC, including the preparation of meeting summaries and minutes.*

IMCC has used the significant opportunities of the post-COVID “new normal” meetings in the virtual environment to great advantage. As a result, IMCC is able to better serve the interests of the states than ever before. Meetings of the type, scope and import that IMCC may have once needed to plan for months in advance for face-to-face settings can now be scheduled virtually just days in advance. We are much more agile and effective in bringing the right groups of states together, more quickly to discuss our common issues and develop policy approaches and solutions. The biggest example of this in the past year has been our ability to quickly and conveniently schedule discussions among states and with our federal partners from the Interior Department regarding the seemingly unending array of IJJA implementation issues we are confronting.

The Executive Director scheduled and conducted meetings of the: IMCC Finance and Administration Committee on March 31, 2022; IMCC Annual Meeting, April 10-13, 2022; IMCC Coal Environmental Committee on February 7, 2023; IMCC Hardrock Environmental Committee three times - June 7, 2022, August 4, 2022 and February 17, 2023; IMCC AML Committee May 25, 2022, June 2, 2022 and August 2, 2022; and IMCC Midyear Meeting on November 14-16, 2021. Scheduled and yet to come in Fiscal Year 2023 is a meeting of the Finance and Administrative Committee and the IMCC Annual Meeting, the latter of which will include meetings of all IMCC committees. The Executive Director has also convened a great number of meetings of various workgroups that operate as extensions of IMCC’s committees on substantive policy issues. IMCC has also had nine meetings with OSMRE or DOI management regarding BIL implementation.

In addition to planning and conducting the official meetings, IMCC has planned and led many meetings both virtually and by conference call on diverse other topics throughout the year. These are summarized on **Attachment A**. Official Compact meetings are shown in **blue font** on **Attachment A**. In addition, meetings of many workgroups that operate as extensions of IMCC’s Committees, of which there were many during the evaluation period, are not shown in blue font. Minutes have been prepared for the Executive Commission business Meetings in April 2022 and November 2022. Summaries of many other meetings have also been prepared and distributed.



3. *Administers fiscal oversight of IMCC's finances, by reviewing annual audits, quarterly financial reports, and reporting to the committee within a timely manner.*

Since 2018, when IMCC's cash reserves reached a low in recent years of about \$300,000, the Compact has achieved the best reserve position in the Compact's history. IMCC finished Fiscal Year 2022 with \$771,494 in cash assets, an increase of \$195,000 over the amount at year end of Fiscal Year 2021. We are on target to finish the current Fiscal Year with about the same level of cash assets. This is the Compact's best financial condition, ever.

At the same time the Compact's reserves are rising, the expenses that are the basis for calculating member states' dues can be expected to fall. Despite rising inflation, the net projected operational expenses for the FY 2024 – FY 2025 dues cycle is \$1,215,200. This is the amount upon which the *currently proposed* IMCC dues calculation is based. Notably, the FY 2024 – FY 2025 amount is *a decrease* from the net projected expenses of \$1,241,700 for the current (FY 2022 – 2023) dues cycle.

Independent accounting and auditing continue to provide assurance of the integrity of IMCC's finances. Accounting services for the Compact have been provided throughout the year by Richard Lindsay, a Certified Public Account. The Executive Director engaged the services of Rogers and Company as external auditors for the Compact for Fiscal Year 2022 and hosted them during their virtual onsite visits to the Compact's offices in August and September 2022. During these meetings many questions regarding the Compact's financial transactions and records were posed and answered. Subsequently, the Executive Director secured the necessary confirmation letters from the banking institutions at which the Compact's accounts are maintained so the auditors could complete their work. The Executive Director reviewed several drafts of final audit documents prior to the receipt of a final audit report and letter from Rogers and Company on October 13, 2022, concluding its audit of IMCC's finances for Fiscal Year 2022. Importantly, the audit was a clean one with no negative findings. Two minor, immaterial misclassifications the auditors pointed out during the course of the audit were immediately corrected. One of these involved a Certificate of Deposit (CD) that had matured but was still included on the unaudited financial statement as a CD, instead of as cash. The other involved the payment by the State of Nevada for services rendered that was treated as if it was a dues payment by a member state. The Executive Director anticipates to once again engage our independent auditors with Rogers and Company for a Fiscal Year 2023 audit of IMCC's financial statements. On-site audit activity at IMCC for the annual audit can be anticipated to be once again scheduled in July or August 2023.

During IMCC's Midyear Meeting held on November 14-16, 2022, the Executive Director reviewed and explained the Fiscal Year 2022 audit findings, the audited financial statement for Fiscal Year 2022 and the unaudited financial statements for the first quarter of Fiscal Year 2023 with the IMCC membership. Also during this meeting, the membership heard presentations on several other matters that are integral to an understanding of the Compact's financial status, including the status of dues collection for FY 2023. The Compact's first quarter FY 2022 unaudited financial statement was also reviewed with the IMCC membership during the November 2022 meeting. The most notable aspect of the first quarter FY 2023 financial

statement was that cost of employee expenses were exceeding the budgeted amount. One quarter of the way through the year, actual expenses were about one third of budget for this expense category.

A proposed IMCC dues calculation for the FY 2024 and FY 2025 dues cycle was first discussed during the Annual Meeting in April 2022, but action on it was deferred until the Midyear meeting. At the Midyear Meeting in November, the Executive Director again reviewed the proposed dues calculation for FY 2024 and FY 2025 and it was approved by a vote of the membership. Since that time, a review of the second quarter FY 2023 unaudited financial statement shows that, midyear, actual employee benefit expenses were \$51,000, about 72% of the FY 2023 budgeted amount of \$70,500. On an annualized basis, IMCC can be forecast to exceed its employee benefit budget by about \$32,000. At the time the *actual* budget FY 2023 budget and the *projected* budgets for the FY 2024 and FY 2025 dues calculation were prepared, the amounts were based upon employee benefit expense from the most recent audited financial statement, which was for FY 2021. A problem with using the FY 2021 amounts as a basis for projecting the budget needs for FY 2023, 2024 and 2025 is that IMCC only had two full time employees during FY 2021, while it is projected to have three full time employees during these latter years. To avoid a shortfall of over \$60,000 in the budget for employee benefit expenses in FY 2024 and FY 2025, the Executive Director has proposed new dues calculations for these years for consideration by the membership at the 2023 Annual Meeting.

Two other contingencies affect the dues calculation for the FY 2024 - FY 2025 period. First, the Legislature of the State of Montana is considering a bill for full membership in IMCC. At the time the Annual Meeting is held, the Montana Legislature will remain in session. The final disposition of Montana's bill for IMCC membership is unlikely to be known until after the meeting. Accordingly, the Executive Director is recommending that the membership adopt a budget to address this contingency at the Annual Meeting. Second, since the 2022 Midyear Meeting, a meeting of a group of states was convened to consider dues fairness issues first raised by Texas. One idea advanced to address these concerns was to adjust the multiplier that establishes the cap on a member state's annual dues obligation. Previously, the dues cap was set at twice the amount of an equal split of IMCC's projected expenses among full member states. It has been proposed that this cap be lowered to 1.5 times the equal split amount. Proposed dues calculations that would adopt this proposal have also been prepared for consideration by the membership at the Annual Meeting.

The Compact's third quarter FY 2023 unaudited financial statement will be reviewed with the IMCC membership during the upcoming Annual Meeting of the Finance and Administration Committee in April 2023.

4. *Maintains good communication with state and federal governments and industry to implement policy development and effectively communicate state positions on key issues.*

The Executive Director and IMCC have been very active during the review period. The Executive Director has been in communication with state mining regulators in at least 25 of the

IMCC's 26 member states during the evaluation period regarding policy and regulatory concerns of the states. In addition, IMCC convened or attended a number of other meetings on behalf of the Compact this year. These are listed on **Attachment A**. At nearly all of these meetings, IMCC advanced state priorities, interacted with key decision-makers, or presented updates on legal, regulatory, and policy issues affecting state mining programs.

During the evaluation period, IMCC produced at least 99 E Memos on 152 subjects. These provided timely information and analysis on recent regulatory developments of interest to state mining regulators. These E Memos and topics are shown on **Attachment B**. Note: This summary includes several memos that are not specifically labeled as "E Memos" that provide the same type of analysis of recent legislative or regulatory developments that is typical of our other E Memos. The numerous meetings listed on **Attachment A** also demonstrate that IMCC has been very vigorous in its outreach to states, Congressional staff, federal agencies, industry, NGOs and other mining stakeholders on many important regulatory and policy developments over the past year. A third list of IMCC activity over the past year is on **Attachment C**. This Attachment includes matters on which IMCC has surveyed the states or solicited comment from them during the past year. Some of the topics of these surveys were for the purpose of assisting IMCC to continue to do high level work on behalf of the states, while others gathered important input for formulating state positions or comments on regulatory developments. All of this information, taken together, shows very significant effort to enhance communication among states, the federal government, and mining stakeholders.

*5. Conducts IMCC business in an ethical, professional, and effective manner.*

The Executive Director has maintained relationships with external accountants and external auditors to provide assurance of integrity in the conduct of the Compact's financial affairs. The final report of our external auditors, Rogers and Company, received on October 13, 2022 reflected a clean audit of the Compact's financial statement for Fiscal Year 2022. A virtual on-site visit of Rogers and Company for its Fiscal Year 2023 audit of IMCC is anticipated to be held in late July to early August 2023.

To remain current on issues in the ethical sphere, the Executive Director also seeks out and attends appropriate courses in legal ethics as a part of his obligation, as a licensed attorney, to attend Continuing Legal Education (CLE) training. He has met all ethics training requirements imposed by the Bar and is making plans to meet or exceed the required number of credit hours of ethics training for his current CLE reporting period, which ends June 30, 2024.

The Executive Director has begun planning for the next phase of the Compact's existence. Even though the current IMCC Strategic Plan was developed just four years ago in 2017, the mining regulators of America face a significantly different, potentially rapidly changing, policy landscape. This discussion started during the May 2021 meeting of the Finance and Administration Committee, and more discussions have been held in meetings since then. A discussion of adoption of an updated Strategic Plan is on the agenda for the coming Annual Meeting. A meeting of state volunteers for a work group to consider dues fairness issues has

also been held. The agenda for the upcoming Annual Meeting includes discussions on that topic as well.

6. *Ensures all records and archives are maintained in proper order and are accessible to member states.*

All Compact records are available at the Compact's offices in Herndon, Virginia. Changes to IMCC bylaws adopted at the Annual Meeting in Tucson, Arizona in May 2019 authorize electronic record keeping and the adoption of a records retention policy. IMCC has compiled records policies from various sources and sought the advice of the Compact's external auditors as to models that should be followed in both the maintenance of records, electronically, and in a records retention policy. IMCC will use this information to develop a policy for more efficient record keeping. An important element of that policy will be appropriate back-up to avoid loss of records maintained electronically.

7. *Seeks, administers, and monitors all contracts that advances the mission of the IMCC by providing training and other workshops to state members.*

IMCC has continued its contract to provide services to the National Association of Abandoned Mine Land Programs (NAAML) in exchange for the sum of \$30,000, to be paid in two installments. IMCC has enjoyed this contractual relationship with NAAML over many years.

IMCC arranged an extensive number of meetings and briefings on implementation of both the IIA coal and hardrock AML programs in the past year. These are among the meetings listed in detail on Attachment A. Consider the observation one AML program manager made going into a session with OSMRE earlier this year for the states on IIA implementation issues: "the states will be better prepared on the issues than OSM at these meetings."

8. *All IMCC publications including newsletters and annual reports are published on time with up to date information.*

During the evaluation period, the IMCC produced at least 100 E Memos on 154 subjects. These provided timely information and analysis on recent regulatory developments of interest to state mining regulators. These E Memos and topics are shown on Attachment B. Note: This summary includes several memos that are not specifically labeled as E Memos that provide the same type of analysis of recent legislative or regulatory developments that is typical of IMCC's other E Memos.

An IMCC newsletter was produced in December 2022. Others are anticipated to be produced before the end of March 2023 and in June 2023. In addition, several of the E Memos IMCC has

sent to the states over the past year are similar to IMCC's newsletters in terms of content because they each cover multiple topics.

IMCC distributed an Annual Report for calendar year 2021 on November 2, 2022, soon after receiving the necessary information from the states.

*9. Aids in communications among member states, federal entities, and industry to enhance state regulatory program implementation.*

This category may overlap somewhat with topic number 4 above. Some of the discussion there and in the Overview may also be relevant here.

Many of the E Memos sent during the evaluation period communicate information on recent regulatory developments that is useful in program implementation. Others present news on important Compact business. Topics covered by E Memos sent during the period are listed in **Attachment B**. The numerous meetings listed on **Attachment A** also demonstrate that IMCC has been very vigorous in its outreach to states, Congressional staff, federal agencies, industry, NGOs and other mining stakeholders on many important regulatory and policy developments over the past year. A third list of IMCC activity over the past year is on **Attachment C**. This Attachment includes matters on which IMCC has surveyed the states or solicited their comments during the past year. These surveys or solicitations of comments were for the purpose of assisting IMCC to continue to do high level work on behalf of the states, while others gathered important input for formulating state positions, or comments on regulatory developments. All of this information, taken together, shows very significant effort to enhance communication among states, the federal government, and mining stakeholders.

*10. Provides sound legal representation to IMCC representatives for consideration.  
Conducts all legal representation in an ethical and professional manner with sensitivity towards politically charged issues.*

Throughout the year, legal analyses have been provided in the E Memos listed on **Attachment B**. There is a conscious effort to go beyond simply providing basic news on legal, regulatory, and policy developments in these communications. IMCC is attempting to provide information that is insightful, as well. In addition, legal analysis and insight have been provided through presentations at the meetings listed on **Attachment A**. On numerous other occasions, the Executive Director has also consulted with representatives of individual state programs and provided advice and counsel on legal and policy issues. The changing political dynamic of the times has always been factored in as a component of the advice rendered.

*11. Continues to increase knowledge base on topics and issues before IMCC, including AML, Coal Regulatory, Non-Coal Regulatory, Hard Rock Issues, and Mine Safety.*

As part of the ongoing effort to provide valuable information to IMCC members on legal, regulatory, and policy developments, the Executive Director must necessarily remain informed of the latest developments in the areas of surface coal mining, hard rock mining, non-coal mining, critical minerals, rare earth elements, the Clean Water Act, the Endangered Species Act, the National Environmental Policy Act, the Mine Safety and Health Act, the Comprehensive Environmental Response Compensation and Liability Act, and other laws on a constant basis. Through the E Memos listed on **Attachment B** and presentations at meetings, IMCC has presented insightful information on developments in these areas. The scope and depth of the information IMCC is providing in these E Memos is broader than in the past.

While, as noted above, a certain amount of Continuing Legal Education (CLE) requirements must be met through attendance at courses devoted to ethics, the majority of the required training must be in substantive areas of legal expertise. The Executive Director meets these requirements by attending mining-specific courses to fulfill his CLE obligations as a member of the bar because these courses are germane to IMCC's interests and function. The Executive Director intends to continue to meet his CLE obligations by attending functions such as the meetings of the Energy and Mineral Law Foundation (EMLF) and the Rocky Mountain Mineral Law Foundation. These Foundations are prestigious groups of lawyers from academia, industry, environmental groups, and government that are focused on mineral law issues. The content of their courses is helpful in remaining current on the newest legal developments affecting minerals regulation. Ethics training is nearly always included in these meetings. Most recently, the Executive Director attended an EMLF course on Mine Safety and Health Law in Washington, DC in September 2022. Whenever possible, The Executive Director intends to take advantage of opportunities like this to receive mining-specific credit toward meeting his CLE obligations, without incurring travel expense.

*12. Continues efforts to meet with member states to obtain input on their individual priorities and concerns.*

The Executive Director has been in communication with state mining regulators in at least 25 of the IMCC's 26 member states during the evaluation period regarding policy and regulatory concerns of the states. On August 9-10, 2022, the Executive Director attended a virtually held annual OSMRE-Appalachian states regional meeting. On August 30-31, 2022, the Executive Director attended a virtually held annual OSMRE-Western states regional meeting. Because of a scheduling conflict, the Executive Director was unable to attend the September 20-21, 2022, OSMRE - Midcontinent states regional meeting. IMCC's Director of Legislative and Regulatory attended this meeting in his stead. At all three OSMRE - states meetings, IMCC made presentations on emerging issues affecting the regulation of mining and AML programs. In addition, the Executive Director attended the meetings of the National Association of Abandoned Mine Lands programs on October 16 – 19, 2022 and on February 28 – March 2, 2023. At these

NAAMLPLP meetings, IMCC presented updates on legal, regulatory, and policy issues affecting AML programs, plus the regulatory and policy direction being taken by the Administration in Washington. In addition, quite a few of the meetings listed on **Attachment A**, and numerous communications by telephone between the Executive Director and state personnel, have involved individual state issues and concerns.

### **Bonus Criteria**

*Improves methods for communication with and information exchange among the Member States (and State Government Agencies) to enhance State Regulatory Performance Implementation.*

Last year, this report stated that the review period had been the most important year for the AML program since the adoption of Title IV of SMCRA in 1977. However, this past year and the year to come may be even more important.

The adoption of the IJJA not only secured the program's future but elevated it to an entirely new level. Developments in implementing this new, much higher profile AML program will determine whether the potential that all the increased new funding creates for the program can be realized. Implementation decisions this past year and in the coming year will make or break the program. Through IMCC, the states have been front and center as developments have unfolded. IMCC has been the information hub for state programs on all mining-related IJJA implementation issues. This will certainly continue. IMCC has become the voice for states on non-coal and hardrock mining issues, too.

In addition, the numerous meetings and surveys listed on **Attachments A and C** should demonstrate that IMCC has been working extremely hard on the states' behalf. As the E Memos listed on **Attachment B** should demonstrate, IMCC has also been working hard to keep the states informed on developments that impact program implementation. Good things are happening. The states are being well-represented.

*Enhances existing working relationships with Federal Government Agencies and Congress to effectively communicate State positions on key issues and to foster partnerships.*

As the meetings listed on **Attachment A** should demonstrate, IMCC has been very busy with Congress, stakeholders, and federal agencies over the past year, advancing the states' interests. We have been involved in nearly 40 virtual meetings with staff for members of Congress or Congressional committees of jurisdiction regarding mining issues. In addition, we have worked extensively with all of the stakeholders necessary to the success of our efforts in Congress. In the federal government, we have reached a point at which OSMRE and Interior Department leadership recognize that the states are the leaders in implementing SMCRA and no new policy initiatives should be undertaken without significant state input. IMCC is recognized as the go-to voice for the states on mining issues. The positions it puts forth are a matter for attention at levels above the OSMRE Director within the Interior Department.

*Advances the Organizational, Institutional, Financial and Administrative Integrity of IMCC.*

IMCC is in its best financial position ever!

At the same time IMCC's reserve position has moved upward to an all time high, the expenses that are the basis for calculation of member dues are decreasing.

IMCC will continue to employ external accountants and auditors to ensure that the Compact's financial records accurately reflect the financial affairs and position of the Compact. The audit for Fiscal Year 2023 will be scheduled in late July or early August 2023.

The COVID years, which are hopefully well behind us, taught us a new way of doing business. Virtual meetings that began as a necessary consequence of the pandemic are now a standard way of doing business. IMCC has embraced the new way and used it to great advantage. As a result, IMCC is better able to bring more states together more quickly and on more issues than ever before. IMCC is much more agile and effective in serving the states' interests. This can be seen from the number of meetings shown on **Attachment A**. As discussed below, IMCC's effective utilization of the new way of doing business has exposed a whole new group of states to the advantages of IMCC membership.

*Retains existing member states confidence while pursuing additional member States.*

IMCC has 26 member states. This is the second highest total number of member states in the Compact's history. As this report is being written, legislation for full IMCC membership in the State of Montana has passed the State Senate and is on second reading in the House. When this bill passes, as is expected, IMCC will have the highest number of full member states in its history. The Executive Director traveled to Montana for a state Senate hearing on the bill in January 2023 and is scheduled to testify virtually as a proponent of the bill before the Montana House of Representatives on March 17, 2023.

IMCC's leadership in developing a first-of-its-kind federal hardrock AML program and in organizing state mining program leaders' interaction with the Interagency Working Group on Mining Law Reform have exposed states from Maine to California to the benefits of a unified voice with the federal government on mining issues through IMCC. Representatives of Arizona, Idaho, Kansas, Michigan, and Nevada have all expressed interest in IMCC membership in the last year. As IMCC continues in the role it has assumed on behalf of all mining states, it will certainly draw from even more states.

The State of Texas has raised issues about the fairness of the IMCC dues structure. These issues have discussed by the IMCC membership as a whole during the last three IMCC meetings. They were also discussed initially in the work group convened to consider updates to the IMCC Strategic Plan and, later, in a virtual meeting of state volunteers for a discussion specifically on this topic. As a result, a proposal to lower the dues cap the Compact has utilized for about ten



years was made. This proposal has been embodied in proposals for the dues structure for FY 2024 and FY 2025 that will be considered by the membership at the upcoming Annual Meeting.

*Completes achievements beyond the basic Director's role.*

It is safe to say that, if not for the dogged efforts of IMCC, the STREAM Act would not have been adopted late last year. Persuading Congress to adopt an entirely new bill in less than 9 months from its initial introduction is, itself, miraculous. This achievement certainly is well beyond the basic Director's role.

The STREAM Act allows states to convert more than \$3 billion in federal funds to state funds. It extends the life of the coal AML program well beyond the twenty-year limits of the IJJA's new coal AML program. States are able to utilize this new set aside authorization for a broader set of long-term AML costs than the provision in pre-existing SM CRA upon which it is modeled. Unlike the parallel provision in pre-existing SMCRA all state programs, certified, uncertified or otherwise, can use the STREAM Act set aside. The STREAM Act is a huge win for all coal AML programs.

The IJJA is the most significant coal AML development since SMCRA was enacted 45 years ago. As demonstrated by the discussion in the overview above, instead of waiting for the federal bureaucracy to move at its pace, IMCC has been taking the states' case to OSMRE on all of our most important implementation issues virtually from the day the IJJA was adopted. The job of implementing a new AML program with much greater funding and a much higher political profile is a once in a generation task that IMCC is carrying out right now. The intensive work on IJJA AML program implementation IMCC has done over the past year also goes well beyond the basic Director's role.

In the course of its IJJA implementation work, IMCC may have performed another miracle. For perspective on this achievement, look at the final 2008 rule promulgated by OSMRE to implement the 2006 AML Re-Authorization legislation. Throughout OSMRE's response to comments in the preamble to this rule, the IMCC/NAAMLPL comments repeatedly asserted that OSMRE had completely ignored state input on the content of the rules and frozen the states out of the process. Does this sound familiar? Implementation of the IJJA's new coal AML program began much the same way. State comments were ignored. States were either marginalized or entirely shut out in the process. Very much unlike the precedent OSMRE set for disregard of state input in 2008, OSMRE has greatly changed its approach in the past couple of months. It has stepped back from the steamroller approach it used with the states historically, in 2008 and in its initial approach to IJJA implementation. We now have good reason to be optimistic that OSMRE will actually *compromise* with the states on one of our most significant IJJA issues, the project or PAD list issue. Throughout the 2008 rulemaking and for the first eight to ten months of IJJA implementation, the states saw no signs that OSMRE would even slow down from its unilateral steamroller approach to actually listen to the states for a minute, much less engage in significant dialog toward a meaningful compromise on such an important issue. Beyond the

project list issue, OSMRE is now willing to form work groups to receive state input on several additional program implementation issues.

The tide may have turned in the AML programs' relationship with OSMRE (at least for the time-being). While there are several reasons for this, the combination of contacts IMCC made on the states' behalf with staff for multiple key members of Congress, the Office of Management and Budget, Interior Department leadership and other stakeholders also had a significant role in persuading OSMRE to change its attitude toward the states. This also goes well beyond the basic Director's role.

As suggested above in relation to retention and recruitment of member states and elsewhere in this report, IMCC has undertaken to provide a voice for all states on mining issues with the federal government. IMCC is stepping beyond its historic coal-based roots and actually providing value that other states see and appreciate. While maybe this should be the basic role of an IMCC Director, the extent of our reach beyond the coal area is greater than in the past and it is paying off through greater interest from other states than in the past. It is hard to remember a previous Executive Director's report that lists as many new states with potential interest in IMCC membership as we have now.

At the same time these achievements are taking place, the Executive Director is also effectively making significant reductions in the cost of IMCC's operations. As a result, IMCC finds itself in its best financial position ever. IMCC is providing great value to its members in ways that rise above and beyond the basic Executive Director's role.

## Attachment A

### March 2022 – March 2023 IMCC Meetings Summary

Throughout the past year IMCC has participated in numerous meetings for the advancement of state interests and management of the Compact. Most of these are listed below. This list includes virtual meetings and meetings through multiparty conference calls. It does not include the many other one-on-one calls and other communications IMCC has had on State and Compact business on a daily basis. Note that there have been over 50 meetings with IMCC Committees, NAAML P, state-federal workgroups, or other multistate meetings; over 50 meetings with Congressional staff or OMB; and about 75 meetings with NGOs, industry, or other stakeholders.

Official Compact meetings are shown in blue font.

- 3/18/22 – PA AML Campaign NGOs
- 3/22/22 – Congressional staff
- 3/23/22 – National Mining Association
- 3/23/22 – Congressional staff
- 3/24/22 – Congressional staff
- 3/25/22 – USDOE re. BIL clean energy on mine sites
- 3/25/22 – PA AML Campaign NGOs
- 3/30/22 – Appalachian Voices - AMLER
- 3/30/22 – IMCC/NAAML P Hardrock AML Inventory Workgroup
- 3/30/22 – BIL implementation - OSMRE Management
- 3/31/22 – House EMR Subcommittee hearing re. BIL legacy pollution cleanup programs
- [3/31/22 – IMCC Finance and Administrative Committee Meeting](#)
- 4/6/22 – Mining and Metallurgical Society of America meeting re. AML
- 4/8/22 – PA AML Campaign NGOs
- 4/8/22 – Congressional staff
- 4/8/22 – Nevada/NAAML P leadership re. hardrock AML cost estimates
- [4/10-13/22 IMCC Annual Meeting](#)
- 4/15/22 – PA AML Campaign NGOs
- 4/22/22 – OEPC re. hardrock AML grants

4/22/22 – PA AML Campaign NGOs  
4/27/22 – USGS re. hardrock AML database  
4/28/22 – BIL Implementation Work Group  
4/28/22 – IMCC/NAAML P Hardrock AML Inventory Workgroup  
4/29/22 – PA AML Campaign NGOs  
5/3/22 – OEPC re. hardrock AML grants  
5/4/2022 – RECLAIM Coalition NGOs  
5/6/22 – PA AML Campaign NGOs  
5/9/22 – Intergovernmental AML Briefing  
5/11/22 – Congressional staff  
5/11/22 – Congressional staff  
5/11/22 – BIL implementation - OSMRE Management  
5/12/22 – House EMR Subcommittee hearing re. hardrock mining reform  
5/13/22 – Intergovernmental AML Briefing  
5/13/22 – PA AML Campaign NGOs  
5/17/22 – NAAML P Leadership re. hardrock AML  
5/20/22 – DOI briefing re. draft IJJA AML guidance  
5/20/22 – PA AML Campaign NGOs  
5/24/22 – Nevada/NAAML P leadership re. hardrock AML  
5/25/22 – OEPC re. hardrock AML grants  
5/25/22 – BIL implementation - OSMRE Management  
[5/25/22 – IMCC AML Committee debrief on DOI briefing re. draft IJJA AML guidance](#)  
5/26/22 – NAAML P leadership and Michigan re. hardrock AML inventory  
5/26/22 – NAAML P leadership and Idaho re. hardrock AML inventory  
5/26/22 – Congressional staff  
5/26/22 – Congressional staff  
5/27/22 – NGOs  
6/1/22 – OSMRE briefing re. IJJA AML guidance  
6/1/22 – NGOs  
6/1/22 – Congressional Staff  
[6/2/22 – IMCC AML Committee briefing re. DOI IJJA draft AML guidance](#)  
6/3/22 – PA AML Campaign NGOs  
[6/7/22 – Hardrock/Non-Coal Environmental Affairs Committee re. hardrock mining reform](#)

6/8/22 – BIL implementation - OSMRE Management  
6/9/22 – House EMR Subcommittee hearing re. STREAM Act  
6/9/22 – DOI IWG re. hardrock mining reform  
6/10/22 – PA AML Campaign NGOs  
6/10/22 – OEPC re. hardrock AML grants  
[6/17/22 – IMCC AML Committee meeting re. BIL performance measures comments](#)  
6/17/22 – PA AML Campaign NGOs  
6/22/22 – BIL implementation - OSMRE Management  
6/22/22 – Presentation at PA AMR Conference  
6/23/22 – Presentation to Minnesota Mineland Vision Partnership  
6/24/22 – RECLAIM Coalition NGOs  
6/24/22 – Congressional Staff  
6/24/22 – Congressional Staff  
6/27/22 – IMCC/NAAML P Hardrock AML Inventory Workgroup  
6/30/22 – Western States Water Council  
7/5/22 – DOI Deputy ASLM  
7/6/22 – BIL implementation - OSMRE Management  
7/8/22 – PA AML Campaign NGOs  
7/13/22 – House Natural Resources Committee mark-up hearing  
7/15/22 – OEPC - Hardrock AML Grants  
7/15/22 – PA AML Campaign NGOs  
7/18/22 – DOI IJA AML Guidance Briefing  
7/19/22 – States/Tribes - USGS Proposed Hardrock AML Inventory Design  
7/19/22 – Western States Water Council and Trout Unlimited re. Good Sam  
7/20/22 – BIL Implementation - OSMRE Management  
7/20/22 – Congressional Staff  
[7/21/22 – IMCC Strategic Plan Workgroup](#)  
7/21/22 – NGOs  
7/22/22 – PA AML Campaign NGOs  
7/28/22 – NAAML P leadership re. USGS hardrock AML inventory  
7/28/22 – Congressional Staff  
7/29/22 – NMA re. hardrock mining reform IWG  
7/29/22 – PA AML Campaign NGOs

8/2/22 – IMCC AML Committee Meeting re. IJJA AML final guidance  
8/3/22 – BIL implementation - OSMRE Management  
8/4/22 – IMCC AML Committee – Comments to IWG on Mining Reform  
8/4/22 – Congressional Staff  
8/5/22 – USGS and DOI hardrock AML agencies re. inventory  
8/5/22 – PA AML Campaign NGOs  
8/9-10/22 – OSMRE Appalachian Regional Meeting  
8/11/22 – Congressional staff  
8/12/22 – PA AML Campaign NGOs  
8/15-22/22 – Meetings with individual AMLER states  
8/16/22 – Congressional staff  
8/17/22 – BIL implementation - OSMRE Management  
8/18/22 – Congressional staff  
8/18/22 – Congressional staff  
8/19/22 – PA AML Campaign NGOs  
8/23/22 – Meeting Wyoming Governor’s Staff  
8/24-26/22 – Wyoming Mining Association Meeting; Presentation  
8/26/22 – PA AML Campaign NGOs  
8/30/22 – OSMRE Western Region Meeting  
8/31/22 – BIL implementation - OSMRE Management  
9/1/22 – Montana DEQ Leadership re IMCC Membership  
9/2/22 – PA AML Campaign NGOs  
9/8/22 – Plan for Davis Bacon Training with OSMRE Leadership  
9/8/22 – Congressional Staff  
9/9/22 – PA AML Campaign NGOs  
9/14/22 – BIL implementation - OSMRE Management  
9/16/22 – PA AML Campaign NGOs  
9/16/22 – Congressional Staff  
9/20-21/22 – OSMRE Mid-Continent Regional meeting  
9/20-21/22 – Energy & Mineral Law Foundation – MSHA Assistant Secretary  
9/22/22 – Meet with WV’s DC Rep in Washington  
9/23/22 – PA AML Campaign NGOs  
9/26/22 – OSMRE Leadership re Reclamation Plan Updates

9/27/22 – DOL training webinar re. DBA  
9/28/22 – NAAML P leadership re. conference agenda  
9/28/22 – BIL implementation - OSMRE Management  
9/28/22 – Congressional Staff  
9/29/22 – Senate EPW Committee hearing re. Good Sam  
9/29/22 – DOL training webinar re. DBA  
9/30/22 – PA AML Campaign NGOs  
9/30/22 – Congressional staff  
10/4/22 – OEPC re. hardrock AML grants program  
10/4/22 – NAAML P leadership re. BIL implementation and plans for OSMRE meeting  
10/5/22 – NAAML P Hardrock AML Committee Chair re. meeting planning  
10/6/22 – NAAML P BIL Committee Chair re. meeting planning  
10/7/22 – PA AML Campaign NGOs  
10/11/22 – NAAML P BIL Committee Chair re. meeting planning  
10/11/22 – Congressional Staff  
10/12/22 – OEPC re. hardrock AML grants program  
10/12/22 – BIL implementation - OSMRE management  
10/13/22 – MSHA Quarterly Meeting  
10/13/22 – Congressional Staff  
10/14/22 – PA AML Campaign NGOs  
10/16-19/22 – NAAML P Annual Conference and Business Meeting  
10/18/22 – OEPC and USGS re. hardrock AML grants funding distribution  
10/18/22 – Presentation at 2022 NAAML P Annual Conference  
10/21/22 – PA AML Campaign NGOs  
10/25/22 – Congressional staff  
10/26/22 – BIL implementation - OSMRE management  
10/28/22 – PA AML Campaign NGOs  
10/31/22 – OEPC re. hardrock AML grants program  
10/31/22 – NAAML P Hardrock AML Committee Chair re. draft OEPC MOU  
11/1/22 – RECLAIM Coalition NGOs  
11/1/22 – Multiple Congressional staff

11/1/22 – Congressional staff  
11/2/22 – States-OSMRE project list discussion  
11/4/22 – PA AML Campaign NGOs  
11/4/22 – OEPC re. hardrock AML grants program  
11/4/22 – DOI Leadership discussion re. IMCC meeting  
11/7/22 – OEPC re. hardrock AML grants program  
[11/8/22 – IMCC Strategic Plan Workgroup](#)  
11/9/22 – IOGCC re. orphan wells grants programs  
11/9/22 – BIL implementation - OSMRE management  
[11/14-16/22 – IMCC 2022 Mid-Year Meeting](#)  
11/18/22 – PA AML Campaign NGOs  
11/21/22 – Multiple Congressional staff, NGOs  
11/22/22 – Multiple Congressional staff  
11/22/22 – OMB Examiner for OSMRE  
11/23/22 – Multiple Congressional staff, NGOs  
11/23/22 – BIL implementation - OSMRE management  
11/24/22 – Multiple Congressional staff, NGOs  
11/28/22 – Multiple Congressional staff, NGOs  
11/29/22 – Multiple Congressional staff, NGOs  
11/30/22 – Multiple Congressional staff, NGOs  
12/1/22 – Multiple Congressional staff, NGOs  
12/2/22 – PA AML Campaign NGOs  
12/5/22 – BIL Committee meeting  
12/6/22 – OEPC re. hardrock AML grants program  
12/6/22 – Multiple Congressional staff, NGOs  
12/7/22 – BIL implementation - OSMRE management  
12/7/22 – Multiple Congressional staff, NGOs  
12/9/22 – PA AML Campaign NGOs  
12/9/22 – Multiple Congressional staff, NGOs  
12/12/22 – States Roundtable pre-meeting  
12/13/22 – IWG on Hardrock Mining Reform



12/13/22 – Multiple Congressional staff, NGOs  
12/14/22 – OSMRE-States Roundtable part 1 meeting  
12/15/22 – Multiple Congressional staff, NGOs  
12/15/22 – IWG on Hardrock Mining Reform  
12/16/22 – State project list team  
12/16/22 – PA AML Campaign NGOs  
12/16/22 – Multiple Congressional staff, NGOs  
12/20/22 – BIL Committee meeting  
12/21/22 – Multiple Congressional staff, NGOs  
12/21/22 – BIL implementation - OSMRE management  
12/23/22 – PA AML Campaign NGOs  
12/30/22 – PA AML Campaign NGOs  
1/4/23 – BIL implementation - OSMRE management  
1/4/23 – Multiple Congressional staff  
1/6/23 – PA AML Campaign NGOs  
1/6/23 – Multiple Congressional staff  
1/9/23 – OEPC re. hardrock AML grants program  
1/11/23 – OSMRE management re. Roundtable  
1/11/23 – Multiple Congressional staff  
1/12/23 – Multiple Congressional staff  
1/12/23 – BIL Committee meeting  
1/12/23 – Congressional Staff  
1/13/23 – PA AML Campaign NGOs  
1/13/23 – DOI facilitator for OSMRE-States Roundtable part 2 meeting  
1/18/23 – OSMRE-States Roundtable part 2  
1/19/23 – Congressional staff visits (5 meetings), plus a 6th introduction  
1/20/23 – PA AML Campaign NGOs  
1/20/23 – OEPC re. hardrock AML grants program  
1/23/23 – State project list team  
1/26/23 – OSMRE-State project list work group  
1/27/23 – PA AML Campaign NGOs

2/1/23 – BIL implementation - OSMRE management

2/2/23 – State project list team leader

2/3/23 – PA AML Campaign NGOs

2/7/23 – [IMCC Coal Environmental Affairs Committee Agenda Planning Meeting](#)

2/10/23 – PA AML Campaign NGOs

2/14/23 – PADEP staff re. STREAM Act

2/15/23 – BIL implementation - OSMRE management

2/15/23 – NAAMLPL Leadership re. Winter Meeting agenda

2/16/23 – OSMRE-State project list work group and states-only pre-meeting

2/17/23 – NAAMLPL Leadership re. NAAMLPL Winter Meeting Agenda

2/17/23 – [IMCC Hardrock/Non-Coal Environmental Affairs Committee Agenda Planning Mtg](#)

2/18/23 – Trout Unlimited re. Good Sam and Hardrock AML funding

2/21/23 – [IMCC Strategic Plan Work Group](#)

2/21/23 – [IMCC Dues Calculation Fairness Work Group](#)

2/23/23 – Trout Unlimited re. Good Sam and Hardrock AML funding

2/24/23 – PA AML Campaign NGOs

2/28-3/2/23 – NAAMLPL 2023 Winter Meeting

3/10/23 – PA AML Campaign NGOs

3/13/23 – Meeting re IJJA Training Needs Survey

3/13/23 – Hardrock AML Letters to Congress

3/13/23 – DOI Deputy ASLM

3/15/23 – BIL implementation - OSMRE management

3/17/23 – Testimony before MT State Legislature re. IMCC membership

3/23/23 – [IMCC Finance and Administrative Committee](#)

**Attachment B**

**Summary of E Memos, Similar Communications, and Topics Covered Therein**  
**March 2022 – March 2023**

3/23/22 –

Briefing for OEPC-States/Tribes Meeting on Hardrock AML Inventory

3/23/22 –

Questions for March 31 EMR subcommittee hearing

3/24/22 –

Announcement of OEPC-States/Tribes Meeting on Hardrock AML

3/24/22 –

AMLER Discussion with DOI Deputy ALSM

3/25/22 –

Soliciting input on IMCC Statement for March 31 EMR Hearing

3/28/22 – E Memo –

IMCC Statement for House EMR Subcommittee AML Hearing

3/28/22 – E Memo –

Proposed Federal Budget for Fiscal Year 2023

3/29/22 –

Recap of Issues for Hardrock AML Inventory Meeting with OEPC, USGS

3/31/22 –

Recap of OSMRE IJA Issues

Solicitation of Comments on Draft Miners Preference Proposal

3/31/22 –

Solicitation of Comments on Hardrock AML Inventory Spreadsheet  
Recap of Recent Meeting with OEPC

4/4/22 –

Recap of NGO AMLER Report  
Solicitation of Comments on NGO AMLER Report

4/6/22 – E Memo

Senate Confirms Christopher Williamson to Lead MSHA  
Bipartisan Bills Introduced to Clarify the BIL as to Long Term AMD Costs  
Comments Sought to Inform Interagency Working Group on Mining Law Reform  
USFWS Proposes to Reclassify Northern Long Eared Bat as Endangered  
Implementation OSMRE Confirms that BIL AML Grants Will Continue for 15 Years

4/19/22 –

Survey re IJJA-related Hiring Plans  
State Support for STREAM Act

4/20/22 –

Update on Program Development Discussions with OEPC  
Solicitation of Comments on Inventory Fields

4/26/22 – E Memo

Survey re IMCC Strategic Plan Update  
IMCC Comments on the Justice 40 Beta Screening Tool  
IMCC Comments on the IJJA “Miners Preference”

4/26/22 – E Memo

Survey re IMCC Letter on OSMRE Dam Safety Rulemaking  
CEQ Finalizes NEPA Rule  
House Appropriations Committee Hearing on Interior Department Budget

4/27/22 –

Survey re Initial Date of State Hardrock/Noncoal Mining Regulation

4/28/22 – E Memo

Meeting with OSMRE to Preview IJJA AML Guidance

5/2/22 – E Memo

Meeting with OSMRE to Preview IJJA AML Guidance

5/6/22 – E Memo

Meeting with the Interior Department to Preview IJJA AML Guidance

5/10/22 –

Meeting with the Interior Department to Preview IJJA AML Guidance

5/10/22 –

Solicitation of Comment on State/Tribe Hardrock AML Database Recommendations

5/11/22 – E Memo

Meeting with the Interior Department to Preview IJJA AML Guidance

5/20/22 – E Memo

Summary of IJJA AML Guidance Issues

State/Tribe Meeting to Discuss DOI Briefing on IJJA AML Guidance

5/23/22 –

Solicitation of Comment on IMCC Plan for Commenting on IJJA AML Guidance

Agenda for State/Tribe Follow-Up Meeting After DOI Briefing on IJJA AML Guidance

5/26/22 – E Memo

Requested Update of Responses to Previous Bonding Survey for Congressional Staff

Notice of House HNR Markup re STREAM Act and Bonding Legislation

Summary of Legislation for House HNR Hearing

5/30/22 – E Memo

June 7, 2022, States-Only Meeting of Regulators re Mining Law Reform

June 9, 2022, Interagency Working Group on Mining Law Reform Meeting with State Mining Regulators

Summary of Recent Mining Law Reform Efforts in Congress and by the Administration

5/31/22 –

Distribution of Compiled State/Tribe Questions for OSMRE IIJA AML Guidance Briefing

6/2/22 – E Memo

Solicitation of Comment re IMCC Statement Supporting the Stream Act for June 9, 2022, Congressional Hearing

6/2/22 –

Agenda for States/Tribes Only Meeting re OSMRE IIJA AML Guidance Briefing

6/7/22 – E Memo

June 9, 2022, Legislative Hearing Before the HNR Committee

Distribution of Updated (2022) IMCC Bonding Survey

Distribution of IMCC Statement Supporting the Stream Act for HNR Hearing

Distribution of Wyoming Testimony for HNR Hearing

6/7/22 –

Soliciting Comment on draft IMCC Comments on IIJA AML Guidance

6/8/22 –

Survey on IIJA Performance Measures

6/9/22 –

Distribution of Former OSMRE Director Uram's Written Testimony on the STREAM Act for HNR Hearing

6/14/22

Distribution of IMCC Comments on Section 40701 IIJA Guidance  
Distribution of Individual State Comments on Section 40701 IIJA Guidance  
SMCRA Title V Grants

6/16/22 –

Solicitation of Comments on draft IMCC Comments on Metrics in OSMRE's Section 40701 IIJA Guidance; Virtual Meeting to Discuss Comments

6/22/22 – E Memo

Survey of SMCRA Title IV and Title V Programs for OSMRE re IIJA Section 40802 Revegetation Study

6/23/22– E Memo

Distribution of IMCC Comments on Metrics in Section 40701 IIJA Guidance  
Distribution of Results of IIJA Personnel Needs Survey  
State Comments on Section 40701 IIJA Guidance

6/29/22 – E Memo

FY 2023 Interior Department Funding Bill and Draft House Committee Report  
Department of Energy Request for Information for IIJA Clean Energy Demonstration Program on Mined Lands

7/1/22 – E Memo

FY23 House Appropriation for Hardrock AML State/Tribal Grants  
Solicitation of Comments on IMCC FY 23 Hardrock AML State Grant Funding Recommendations  
Update on IMCC Discussions with OEPC re. Hardrock AML  
Solicitation of Comments on USGS Hardrock AML Inventory Categories Proposal  
Next Steps on Hardrock AML – State/Tribal Virtual Meeting re. Site Eligibility and Prioritization

7/11/22 – E Memo

HNR Committee Mark Up on the Stream Act

Distribution of IMCC Survey Results re IIJA Section 40802 Revegetation Study

Meeting on Updates to the IMCC Strategic Plan

Solicitation of Additional Information for Letter on EAP/Dam Safety Rulemaking

7/14/22 – E Memo

Announcing Briefing on Final IIJA Section 40701 AML Guidance

7/14/22 – E Memo

Solicitation of Input on USGS draft Hardrock AML Inventory Design

Announcing Hardrock AML Inventory Work Group Meeting

7/21/22 – E Memo

Solicitation of Comment on USGS Proposed Hardrock AML Inventory Fields

Solicitation of Comment on Potential USMIN-Based Grant Funding Formula

7/22/22 – E Memo

Final OSMRE Guidance on the AML Program Under Section 40701 of the IIJA

Comments of the Associated General Contractors (AGC) on the Draft Section 40701 Guidance

Vote Scheduled on the STREAM Act in the House of Representatives

7/26/22 – E Memo

Survey for US DOE Clean Energy Demonstration Projects on Mine Land - IIJA Section 40342

8/3/22 – E Memo

OSMRE NOFO – IIJA Section 40701 AML Funds

House Adopts HR 7283, the STREAM Act

FY 2023 Senate Funding Bills and Draft Explanatory Statements



8/9/22 –  
Distribution of Compiled State comments on DOE RFI re. clean energy on mined lands

8/11/22 –  
Update on AMLER Developments  
Solicitation of Comment on Project Vetting Tracking Sheet

8/24/22 – E Memo  
OSMRE Final Rule Extending AML Fee through 2034

8/31/22 –  
Distributing IMCC Comments to IWG on Mining Law Reform

8/31/22 –  
Announcing new OSMRE FAQs on IIJA Implementation

9/1/22 –  
Distribution of Compiled State Recommendations on AMLER Project Tracking Sheet

9/8/22 – E Memo  
OSMRE Webinar on Reclamation Plan Changes for IIJA  
Department of Labor Davis Bacon Training

9/22/22 –  
Distribution of Slides for OSMRE’s State/Tribe IIJA AML Plan Amendments Webinar

11/1/22 –  
Announcing AMLER FY22 Guidance

11/2/22 – E Memo  
IMCC FY22 Final Audit Report  
2021 Annual Report

11/4/22 – E Memo

5 Policy Resolutions for consideration at IMCC Mid-Year Meeting

11/4/22 – E Memo

USDOE Presentation - Clean Energy Demonstration Projects at Mid-Year Meeting

11/7/22 – E Memo

Presentation re. Permitting Reform Legislation at IMCC Mid-Year Meeting

11/7/22 – E Memo

OEPC Presentation on Hardrock AML Program at IMCC Mid-Year Meeting

11/8/22 – E Memo

IMCC Strategic Plan Discussion

Draft Letter to OSMRE regarding its Dam Safety Rulemaking

H.R. 8981, “Securing America’s Mineral Supply Chains Act” (Permitting Reform Bill)

11/18/22 – E Memo

Solicitation of Comment on 4 Draft IMCC Policy Resolutions

Solicitation of Comment on 4 Draft IMCC Letter on Dam Safety Rulemaking

11/18/22 – E Memo

Interagency Working Group on Mining Law Reform

11/23/22 – E Memo

Senate ENR Stream Act Hearing on the STREAM Act

IMCC Policy Resolution on the STREAM Act

11/30/22 –

New Version of Justice 40 Screening Tool

12/1/22 – E Memo

Senate ENR Stream Act Hearing on the STREAM Act

IMCC Policy Resolution on the STREAM Act

12/1/22 –

Draft OSM-51 Revisions

Instructions Narrative for Draft OSM-51 Revisions

12/2/22 – E Memo

Template and Instructions for State/Tribe OSM-51 Comments

12/2/22 – E Memo

Solicitation of Comments on Draft Permitting Reform Legislation at Request of Congressional Staff

12/6/22 – E Memo

Solicitation of Comments on Draft IMCC/NAAML P OSM-51 Comments

12/7/22 –

Analysis of Issues for OSMRE-states Roundtable

12/8/22 – E Memo

Distribution of Final OSMRE Revegetation Study

12/14/22 – E Memo

Senate ENR Hearing re. DOI IJA Implementation

12/15/22 –

Planning and scheduling OSMRE-States Roundtable and Congressional visits

12/16/22 –

Analysis of Project List issues for BIL Committee call

12/16/22 – E Memo

Senate passage of STREAM Act

12/18/22 – E Memo

Foundation for PA Watersheds Comments on OSM-51

12/19/22 –

Solicitation of Comments on State Project List Team Proposal

12/20/22 – E Memo

FY23 Omnibus Appropriations Bills

Distribution of IMCC OSM-51 comments

1/4/23 –

Solicitation of Comments on OSMRE-State Roundtable Part 2 Draft Agenda

1/4/22 –

Planning for Congressional Visits

1/4/23 –

Solicitation of Comments on State Project List Proposal for OSMRE-States Roundtable

1/10/23 –

Analysis of Options for Hardrock AML Grants Program to Inform Discussions at States-OEPC meeting

1/11/23 –

Distribution of Agenda for OSMRE-States Roundtable Part 2 Meeting

1/23/23 –

Analysis of Issues for Project List Work Group

1/24/23 – E Memo

New WOTUS rule

OSMRE-States Roundtable

2/1/23 –

Solicitation of Comments on Appendix II Form Revisions

2/9/23 –

Information on appendix II form revisions

2/13/23 – E Memo

EPA CWA 404(c) Action on Pebble Mine

2/15/23 – E Memo

Coal AML Contracting Information and BABA Implementation

2/17/23 – E Memo

Meeting Between State Mine Safety and Health Regulators and MSHA

Mine Safety and Health Committee Meeting at the IMCC Annual Meeting

2/21/23 – E Memo

GAO Report on Hardrock AML Costs

2/24/23 – E Memo

RCRA/Clean Water Act Decision at SMCRA Title V Bond Forfeiture and AML Sites;  
HNR Hearing re. Mining Bills

USDOE Notice re. Clean Energy Demonstration Program

3/6/2023 – E Memo

6 US Senators Express Concern to DOI Re IJJA Project List Requirement

3/9/2023 – E Memo

Individual State Letters to Congressional Delegations re. Hardrock AML Funding

3/10/23 – E Memo

Coal AML BIL Grants Personnel Workgroup

3/14/23 E Memo

State Personnel and Training Needs Survey

## Attachment C

### Surveys and Solicitation of State Input - March 2022 – March 2023

- March 23, 2022 – Solicitation of Comments - IJIA Implementation Committee - Questions for EMR Hearing
- March 25 2022 – Solicitation of Comments IJIA Implementation Committee – IMCC Statement for EMR Hearing
- March 31, 2022 Solicitation of Comments on Draft Miners Preference Proposal
- April 4, 2022 – Solicitation of Comments on NGO AMLER Report
- April 6, 2023 – Solicitation of Comments re Interagency Working Group on Mining Law Reform
- April 19, 2022 – Survey re IJIA-related Hiring Plans
- April 26, 2022 – Solicitation of Comments re IMCC Strategic Plan Update
- April 26, 2022 – Solicitation of Comments re IMCC Letter on OSMRE Dam Safety Rulemaking
- April 27, 2022 – Survey re Initial Date of State Hardrock/Noncoal Mining Regulation
- May 10, 2022 – Solicitation of Comment on Draft State/Tribe Hardrock AML Database Recommendations
- May, 2022 –Survey of State Personnel Needs – for benchmarking by states and for OSMRE to plan necessary training for new hires needed for IJIA implementation OSMRE’s training program
- May 23, 2022 – Solicitation of Comment on IMCC Plan for Commenting on IJIA AML Guidance
- May 26, 2022 – Solicitation of Responses to IMCC Bonding Survey
- June 2, 2022– Solicitation of Comment on IMCC Statement Supporting the Stream Act for HNR Hearing
- June 7, 2022 – Solicitation of Comment on draft IMCC Comments on IJIA AML Guidance
- June 8, 2022 – Survey on IJIA AML Performance Measures
- June 16, 2022 – Solicitation of Comments on draft IMCC Comments on Metrics in OSMRE’s Section 40701 IJIA Guidance
- June 22, 2022 – Survey of SMCRA Title IV and Title V Programs for OSMRE re IJIA Section 40802 Revegetation Study
- July 1, 2022 - Solicitation of Comments on IMCC FY 23 Hardrock AML State Grant Funding Recommendations
- July 1, 2022 - Solicitation of Comments on USGS Hardrock AML Inventory Categories Proposal

July 11, 2022 – Solicitation of Additional Information for Letter on EAP/Dam Safety Rulemaking

July 21, 2022 – Solicitation of Comment on USGS Proposed Hardrock AML Inventory Fields

July 21, 2022 – Solicitation of Comment on Potential USMIN-Based Grant Funding Formula

July 26, 2022 – Survey for US DOE for Clean Energy Demonstration Projects on Mine Land - IIIA Section 40342

August 10, 2022 – Solicitation of Comment on IMCC Draft Comments for the Interagency Working Group on Mining Law Reform.

August 11, 2022 – Solicitation of Comment on Project Vetting Tracking Sheet

November 2, 2022 – Survey for Utah - Regulatory Approach on Coal to Liquids Plants

November 18, 2022 – Solicitation of Comment on 4 Draft IMCC Policy Resolutions

November 18, 2022 – Solicitation of Comment on 4 Draft IMCC Letter on Dam Safety Rulemaking

December 2, 2022 – Solicitation of Comments on Draft Permitting Reform Legislation at Request of Congressional Staff

December 6, 2022 – Solicitation of Comments on Draft IMCC/NAAML P OSM-51 Comments

December 19, 2022 – Solicitation of Comments on State Project List Team Proposal

January 4, 2022 – Solicitation of Comments on OSMRE-State Roundtable Part 2 Draft Agenda

January 4, 2022 – Solicitation of Comments on State Project List Proposal for OSMRE-States Roundtable

February 1, 2022 – Solicitation of Comments on Appendix II Form Revisions