

# the compact

## Upcoming IMCC Meetings

The Interstate Mining Compact Commission will be holding its Annual Meeting next month from April 2-5 at the Notary Hotel in Philadelphia, Pennsylvania. The meeting will kick off with a Welcome Reception for all attendees on Sunday, April 2. The next morning, Richard Negrín, Acting Secretary of the Pennsylvania Department of Environmental Protection, will welcome everyone to the Keystone State, followed by a meeting between the member state attendees and officials from the Department of the Interior (DOI) and the Office of Surface Mining Reclamation and Enforcement. Joining us from the Interior Department will be Deputy Assistant Secretary of Land and Minerals Management Steve Feldgus and OSMRE Acting Director Glenda Owens.

IMCC committee meetings will then continue over the three days during which attendees will also receive presentations from:

Stephen Tryon, DOI's Office of Environmental Policy and Compliance Director, on the state hardrock AML grants program;

Shahid Mahmud, the Environmental Protection Agency's Office of Mountains, Deserts and Plains Director, on the mining and abandoned mine lands activities of his office;

Rebecca Konolige, House Natural Resources Committee, Energy and Mineral Resources Subcommittee Professional Staff, on her subcommittee in the 118<sup>th</sup> Congress; and from

Patricia Silvey, Deputy Assistant Secretary for Operations with the Mine Safety and Health Administration (MSHA), on MSHA's priorities and initiatives.

On the evening of Tuesday, April 4, the Compact will be holding its annual Awards Banquet to honor the winners of the 2023 Reclamation, Mine Safety and Health Training, and Education Awards and introduce their amazing work. We are looking forward to seeing and working with everyone in the city that was once the nation's capital.

IMCC's next meeting, its 2023 Mid-Year Meeting, is scheduled for October 16-18 at the Kimpton Armory Hotel in Bozeman, Montana, located only 90 minutes outside of Yellowstone National Park. We hope that you will be able to join us!

**Volume 41, Issue 1  
March 2023**

**A Newsletter  
Published by the  
Interstate Mining  
Compact Commission**

### Upcoming Meetings:

#### **IMCC 2023 Annual Meeting**

April 2-5  
The Notary Hotel  
Philadelphia, Pennsylvania

#### **IMCC 2023 Mid-Year Meeting**

October 16-18  
The Kimpton Armory Hotel  
Bozeman, Montana

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## **Montana's Bill for IMCC Membership Advances**

A bill is advancing in the current session of the Montana Legislature that would adopt the Interstate Mining Compact and, thereby, make Montana a full member of IMCC. Montana has been an associate member since 2019.

SB 55 was introduced by Senator Steve Hinebach at the request of the Montana Department of Environmental Quality in December 2022. After a hearing on the bill on January 25, 2023, the Natural Resources Committee of the Montana Senate reported the bill out of Committee on a 11-0 vote. Upon a third reading in the Senate, the bill passed that chamber by a vote of 36-14. The Natural Resources Committee of the Montana House of Representative held a hearing on the bill on March 17, 2023 and subsequently reported the bill out of Committee on a vote of 15-0. Second and third readings of the bill must be held before a final vote on it can occur in the House. We are optimistic that the bill will pass the House and be sent to Montana's Governor before the Montana Legislature adjourns in early May.

IMCC Executive Director Tom Clarke provided testimony in support of the bill before both legislative committees. In January, he traveled to Helena, Montana to meet with the bill's sponsor and provide supporting testimony for the bill, in person, during the Senate Natural Resources Committee's Hearing. Kyle Wendtland of Wyoming also provided supporting testimony during this hearing.

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## **States Encourage Congress to Increase Hardrock AML Funding**

Section 40704 of the Infrastructure Investment and Jobs Act (IIJA) authorized \$3 billion for a hardrock AML grants program, \$1.5 billion of which was allotted for grants to states and tribes. However, an appropriation of funding for this new program was omitted from the IIJA. FY22 and FY23 congressional appropriations provided relatively limited funding, a combined \$10 million, to be shared among the states, tribes, and federal agencies. The funding appropriated so far is simply not enough for the full-fledged state hardrock AML grants program envisioned by the IIJA. IMCC has been working closely with the Office of Environmental Policy and Compliance (OEPC) on the design of the program.

IMCC and the National Association of Abandoned Mine Lands Programs (NAAMLPL) cooperated to provide written testimony to the House Appropriations Committee, where all government funding bills must originate. The testimony highlighted the need for more hardrock AML funding and discussed other mining and AML related funding needs and matters of importance to states and tribes.

In addition, IMCC has provided a customizable template letter for Governors or Department heads of interested states to send to members of their respective Congressional delegations, encouraging them to supported increased hardrock AML grant funding in FY24 appropriations. IMCC also drafted a letter for NAAMLPL leadership to send to members of Congress. At the upcoming Annual Meeting, IMCC will consider a resolution in support of increased hardrock AML funding. These efforts will make the case for increased state hardrock AML grant funding.

## GAO Report: Federal Agencies Must Improve Reporting of Hardrock AML Liabilities

On February 13, 2023, the Government Accountability Office (GAO) released a report entitled “Abandoned Hardrock Mines - Land Management Agencies Should Improve Reporting of Total Cleanup Costs” (GAO-23-105408). The report was prepared at the request of Representative Raul Grijalva (D -AZ), now the ranking member of the House Natural Resources Committee. Rep. Grijalva was Committee Chair when he requested the report.

The report discusses the hardrock AML work conducted by the Departments of Interior and Agriculture from 2017-2021. Its major finding is that both Departments need to improve financial reporting on the liabilities hardrock AML hazards pose to the government. The Report includes recommendations for expanding this type of information. Both Departments have concurred with the Report’s findings and recommendations and committed to actions necessary to address them.

It is not clear exactly what changes will be made pursuant to this Report or what impact it will have on the state and tribal hardrock AML grants program, but it will certainly increase the impetus for the government to develop cost estimates for outstanding hardrock AML hazards across the country. IMCC continues to work with the Office of Environmental Policy and Compliance (OEPC) on overall program design for the new hardrock AML grants program as well as the United States Geological Survey (USGS) on design of a new hardrock AML inventory to be used in the new program.

More information is available in IMCC’s e-memo of Feb 21, 2023, “New GAO Report on Hardrock AML Program Costs”. The GAO report can be found through [this link](#).

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## IMCC and States Meet with OSMRE and Congressional Staff in Washington

A group of IMCC member state representatives traveled to Washington, DC in January for meetings with federal agency and congressional staff. On January 18<sup>th</sup>, the group met with representatives of the Department of Interior (DOI) and Office of Surface Mining Reclamation and Enforcement (OSMRE) at a “roundtable” session to discuss coal AML program issues. OSMRE was represented by Acting Director Owens, each of OSMRE’s three Regional Directors, and several people from OSMRE’s Program Support Directorate. Associate Deputy Secretary for DOI Sarah Greenberger and Senior Advisor and Infrastructure Coordinator Winnie Stachelberg provided remarks on behalf of DOI leadership.





The roundtable meeting focused on improving the relationship between OSMRE and state AML programs. In-depth discussion was held on OSMRE-state communication and cooperation in implementation of the coal AML funding provided by the Infrastructure Investment and Jobs Act (IIJA). This included issues such as OSMRE's proposed project list requirement, public engagement, e-AMLIS, grant reporting, state plan amendments, and the STREAM Act. The meeting led to the formation of an OSMRE-states workgroup to explore potential solutions to IIJA implementation issues, beginning with the project list.

The following day, January 19<sup>th</sup>, the same group of state representatives had a series of meetings on Capitol Hill with majority and minority staff of the House Natural Resources and Senate Energy and Mineral Resources Committees. These are the congressional committees of jurisdiction for AML and mining issues. IMCC also arranged a meeting between the AML program manager from Indiana and staff for Senator Braun (R-IN). These meetings allowed for direct discussion between state AML program leaders and congressional staff regarding: the committees' plans for mining and AML issues in the new Congress; the states' current goals and concerns regarding IIJA and AMLER implementation; and, the need for increased hardrock AML funding. Congressional staff were very receptive to the states' perspectives on these issues.

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## **House of Representatives Considers Permitting Reform Legislation**

The House Natural Resources (HNR) Committee has been considering a number of measures related to mining permitting reform, including:

- The Transparency, Accountability, Permitting, and Production of American Resources Act of 2023 (The TAPP Act), H.R. 1335, sponsored by HNR Chairman Westerman (R-AR)
- The Permitting for Mining Needs Act of 2023 (PERMIT-MN), H.R. 209, sponsored by Rep. Stauber (R-MN)
- The Building US Infrastructure through Limited Delays & Efficient Reviews (BUILDER) Act of 2023, H.R. 2515, sponsored by Rep. Graves (R-LA)

These bills have now been combined with a variety of other measures into H.R. 1, the Lower Energy Costs Act. There are a number of provisions in H.R. 1 with direct relevance to mining, most notable are those that would streamline permitting for mining and energy infrastructure projects and end the moratorium on new coal leases.

The text of H.R. 1 can be found at [this link](#).

The HNR Energy and Mineral Resources (EMR) Subcommittee held a hearing on the TAPP Act (H.R. 1335) and PERMIT-MN (H.R. 209) on February 28, 2023. Statements from the majority members of the committee highlighted the need for increased timeliness and certainty in permitting for oil, gas, and mineral development, citing in particular the need for domestic sources of minerals necessary for renewable energy development and electrification, and the relatively strong environmental and labor standards for mining in the US compared to other countries. The minority members expressed concerns that the reforms contemplated by the legislation would weaken the quality of environmental reviews and lead to unnecessary increases in fossil fuel production and suggested that increased funding and personnel resources for federal permitting agencies would be a more effective means of reforming permitting processes.

Hearing witnesses included Dan Naatz, Chief Operating Officer of the Independent Petroleum Association of America (IPAA), Rich Nolan, Chief Executive Officer of the National Mining Association (NMA), Dr. Mark Squillace of the University of Colorado Law, and Paul Thomsen of Ormat Technologies (a geothermal energy company). Witness questioning focused on the need for increased supplies of oil, gas, and mineral resources, the difficulties in current permitting processes, the possibility of fulfilling minerals demand through recycling, and the potential merits and problems in various specific aspects of legislation, such as changes to environmental reviews and the mining claims system for public lands.

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## **Detail on President Biden’s Proposed FY 2024 Budget Released**

The White House has released a detailed breakdown of the President’s proposed budget for the federal government for Fiscal Year (FY) 2024. This follows the earlier release of summary FY 2024 budget information. Here are some highlights from the proposed budget:

*SMCRA Title V Grants* - The same amount as in FY 23, \$65m, is appropriated for Title V state grants. This comes from OSMRE’s budget for regulation and technology. Interestingly, the budget detail provides that an amount “not to exceed \$5,000 may be used for official reception and representation expenses” out of its regulation and technology budget.

*AMLER* - The budget detail includes the same topline amount as in FY 23, a total of \$135m. From this amount, a total of \$133,312,500 is proposed to be distributed as follows to states and tribes:

- \$86,850,000 for three Appalachian states with the greatest need, based on inventory. This is \$1,174,000 less than in FY 23. It amounts to \$28,950,000 apiece for these states, which is \$391,333 less than in FY 23.
- \$34,740,000 for the next three Appalachian states in terms of need, based on inventory. This is \$478,000 less than in FY 23. It amounts to \$11,739,333.33 apiece for these states, which is \$159,333 less than in FY 23.
- \$11,722,500 for tribes, which is \$17,500 less than in FY 23.

The amount of AMLER funding proposed to be distributed to states and tribes is 1.25% less than the topline number topline number proposed for AMLER as a whole. This corresponds to the amounts in a proviso to the AMLER budget language that would steer 0.75% of the total to OSMRE for program

administration and 0.5% to the Office of Inspector General for oversight. To fund the amounts given to OSMRE and the Inspector General, the budget would reduce proposed grants to states by roughly 1.67% and proposed grants to tribes by about 0.15% from FY 2023 levels.

*Hardrock AML (IIJA Section 40704)* – A total of \$30m is proposed for the Energy Communities Revitalization Program (ECRP). While the ECRP has included both an orphaned oil & gas well plugging program and a hardrock AML program, the proposal clarifies that none of this funding is requested for the oil & gas well plugging program. The budget detail further clarifies the following breakdown of the \$30m in funding:

- \$14m for state grants
- \$5m for tribal grants
- \$9m for the federal program
- \$2m for program management

*MSHA* – The full amount of \$10,537,000 is proposed for state assistance grants.

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## **IMCC Requests Membership Information**

### Permits Issued and Land Disturbed Data

This data covers the 2022 calendar year. Please provide your state's data to the IMCC office promptly. These statistics from our member states populate our IMCC Annual Report and delays in receiving this data delays production of our Annual Report. A fillable form is available to all members on the Compact's website on the [Members Page](#).

### Membership Directory

Please review your state's committee assignments and their contact information so IMCC, and as well as fellow Compact members, can reach you. Your state's information and the full Membership Directory is available to all members on the Compact's website on the [Members Page](#).

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## **Brittany's Fond Farewell to IMCC**

After five amazing years with IMCC, I will sadly be leaving for another position. I am sincerely grateful for the opportunity that I have had to grow within this role and I am grateful to have worked with and served the many hardworking and dedicated people in our member states. While I am sad to be leaving the Compact, I am also excited to continue to challenge myself and grow in new ways. I will carry the lessons I have learned and the memories I have made with me, and I look forward to seeing the continued success of IMCC in the future.

*- Brittany Mills*

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