

# *Resolution*

## **Interstate Mining Compact Commission**

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

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

***WHEREAS***, the Interstate Mining Compact Commission (IMCC) is a multi-state organization representing the natural resource and environmental protection interests of its 24 member states, including the elimination of health and safety hazards and the reclamation of land and water resources adversely affected by past mining and left in an abandoned or inadequately restored condition; and

***WHEREAS***, pursuant to the cooperative federalism approach contained in SMCRA, several IMCC member states administer AML programs approved, funded and overseen by the Office of Surface Mining and Reclamation (OSM) within the U.S. Department of the Interior; and

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

***WHEREAS***, SMCRA, Title IV mandates that fifty percent (50%) of the reclamation fees collected annually are designated as state share funds to be returned to the states from which coal was mined to pay for reclamation projects pursuant to programs administered by the states; and

***WHEREAS***, SMCRA, Title IV also mandates that a minimum level of funding should be provided to ensure effective state program implementation; and

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

***WHEREAS***, the 2006 Amendments established new, strict criteria that ensure states expend funds on high priority AML sites; and

**WHEREAS**, the proposed 2012 budget for the Office of Surface Mining Reclamation and Enforcement within the U.S. Department of the Interior would disregard the state-federal partnership established under SMCRA and renege on the funding formula under the 2006 Amendments by, among other things, eliminating mandatory funding for states who have certified the completion of their coal reclamation work and adjusting the mechanism by which non-certified states receive their mandatory funding through a competitive bidding process; and

**WHEREAS**, if statutory changes are approved by Congress as suggested by the proposed FY 2012 budget for OSM, reclamation of abandoned mine lands within certified states would halt; reclamation of abandoned mine lands in all states would be jeopardized; employment of contractors, suppliers, technicians and others currently engaged in the reclamation of abandoned mine lands would be endangered; the cleanup of polluted lands and waters across the United States would be threatened by failing to fund reclamation of abandoned mine lands; minimum program state funding would be usurped; the AML water supply replacement program would be terminated, leaving coalfield citizens without potable water; and the intent of Congress as contained in the 2006 Amendments to SMCRA would be undermined

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

That the Interstate Mining Compact Commission opposes the legislative proposal terminating funding for certified states and altering the receipt of mandatory AML funding for non-certified states contained in the FY 2012 budget proposal for the Office of Surface Mining Reclamation and Enforcement and instead supports the AML funding mechanism contained in current law.

Issued this 10th day of March, 2011

ATTEST:



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Executive Director

