

Resolution
Interstate Mining Compact Commission

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

BE IT KNOWN THAT:

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

WHEREAS, the Interstate Mining Compact Commission is a multi-state organization representing the natural resource and environmental protection interests of its 25 member states, including the reclamation of land and water resources adversely affected by past mining and left in an abandoned or inadequately restored condition; and

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

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

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

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

WHEREAS, the proposed 2017 budget for the Office of Surface Mining Reclamation and Enforcement (OSMRE) within the U.S. Department of the Interior would eliminate mandatory funding for states who have certified under Section 411 of SMCRA, Title IV; and

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

states. Therefore, the vast majority of AML fees generated in certified states and tribes is distributed to uncertified states; and

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

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

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

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

NOW THEREFORE BE IT RESOLVED:

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



Issued this 19th day of October, 2016

ATTEST:


Executive Director