

Resolution

Interstate Mining Compact Commission

A Resolution Concerning Reauthorization of Fee Collection Authority Under Title IV of the Surface Mining Control and Reclamation Act PL. 95-87

BE IT KNOWN THAT:

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

WHEREAS, The Interstate Mining Compact Commission is a multi-state organization representing the natural resource and environmental protection interests of its 26 member states, including the reclamation of land and water resources adversely affected by past mining and left in an abandoned or inadequately restored condition; and

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

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

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

WHEREAS, The reclamation fee authorized under SMCRA Title IV will expire by operation of law on September 30, 2021; and

WHEREAS, Since the enactment of SMCRA, as of September 30, 2018, 858,900 GPRA acres of AML hazards have been abated by the state and tribal AML programs; and

WHEREAS, The use of AML funding is diligently tracked by both the state and tribal AML programs and OSMRE; and

WHEREAS, All AML funding has been utilized for congressionally directed activities, with the vast majority being utilized to facilitate the reclamation of coal AML sites; and

WHEREAS, As of FY 2016, of the \$5.5 billion in AML grants provided to state and tribal AML programs, \$3.48 billion has been spent directly on construction of AML projects, \$1.02 billion has been spent on designing and engineering AML projects, \$.48 billion has been spent on administrative

costs, \$.29 billion has been spent on AMD set-aside, and \$.26 remains available for pending AML projects; and

WHEREAS, The AML programs strive for and have achieved efficiency in the use of AML grant funding, which is demonstrated by the fact that only 8% of AML grant funding has been utilized for the purpose of administrative costs; and

WHEREAS, As of September 30, 2018, there are 998,361 GPRA acres of AML hazards (totaling approximately \$10 billion in construction costs) that still need to be remediated; and

WHEREAS, Without the funding generated by the Title IV reclamation fee, these remaining AML hazards will not be addressed, prolonging indefinitely the subjection of our citizens and environment to the hazards associated with abandoned mine lands; and

WHEREAS, To enable the states to continue reclaiming these serious AML hazards and safeguard residents of the nation's coalfields, reauthorization of SMCRA Title IV fee collection authority is a necessity.

THEREFORE BE IT RESOLVED,

That the Interstate Mining Compact Commission:

Strongly endorses reauthorization of Title IV reclamation fee collection authority to continue ongoing mandatory grants to states and tribes; and

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

Strongly supports the continuation of states and tribes as the sole delivery mechanism for AML funds given their demonstrated 40-year history of effective and efficient program implementation; and


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

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



Issued this 24th day of October, 2018

ATTEST:


Executive Director