

Registration Begins for IMCC's 2015 Annual Meeting in Baltimore

The Interstate Mining Compact Commission (IMCC) 2015 Annual Meeting will be held April 26 - 29, 2015 at the Royal Sonesta Harbor Court Hotel located at the scenic Inner Harbor in Baltimore, Maryland. Those who wish to attend are encouraged to register early. A registration form is included with this issue of the "Compact."

A welcoming reception will take place on the evening of Sunday, April 26. Officials from the Office of Surface Mining, the Mine Safety and Health Administration, and the Environmental Protection Agency are being invited to meet with the IMCC member states to discuss issues of mutual concern on Monday, April 27. Planning for an evening social dinner is underway.

On Tuesday, April 28, the IMCC Standing Committees will meet, starting with a joint meeting of the Noncoal Section of the Environmental Affairs Committee and the Mine Safety and Health Committee in the morning. Immediately following, the Coal Environmental Affairs and Abandoned Mine Land Committees will meet jointly and will reconvene after lunch. The Annual Awards Banquet will take place in the evening where the IMCC 2015 National Reclamation and Minerals Education Awards will be presented.

IMCC's Finance and Administrative and Resolutions Committees will meet jointly on the morning of Wednesday, April 29. The Executive Commission Business Meeting will follow immediately and will conclude the Annual Meeting.

For more information, contact: Beth A. Botsis at 703.709.8654 or E-mail: bbotsis@imcc.isa.us. Information about the IMCC Annual Meeting is also available on the IMCC website at: <http://www.imcc.isa.us/Conference.htm>.

A Newsletter Published by
Interstate Mining Compact
Commission

Upcoming Meetings:

IMCC 2015 Annual Meeting

April 26 - 29, 2015
The Royal Sonesta Harbor Court Hotel
Baltimore, MD

IMCC 2015 Mid-Year Meeting

October 26 - 28, 2015
La Fonda Hotel on the Plaza
Santa Fe, NM

For more information on IMCC Meetings as it becomes available, visit our website: www.imcc.isa.us and click on the "Conferences" tab. Some presentations from IMCC Meetings and Workshops can also be viewed on the website at the "Conferences" tab. Copies of IMCC's Compact Newsletter are available on the website by clicking on the "Publications" tab.

Contact Information:

Interstate Mining Compact Commission
445-A Carlisle Drive
Herndon, VA 20170

IMCC 2014 Mid-Year Meeting Held in Washington, DC

The Interstate Mining Compact Commission's (IMCC) 2014 Mid-Year was held at the Westin Georgetown Hotel in Washington, DC on October 15 - 17.

A full day of federal and state agency panel discussions took place on October 15 with officials from the U.S. Army Corps of Engineers (Corps), the U.S. Environmental Protection Agency (EPA), the U.S. Bureau of Land Management (BLM), and the U.S. Fish and Wildlife Service (FWS) in attendance. During the opening session with the Corps, William James, Deputy Chief of the Corps' Regulatory Program discussed topics such as: wetlands mitigation; Section 404 permits in Appalachia; and state primacy programs under Section 404. Ellen Gilinsky, Senior Policy Advisor with the EPA Office of Water, and Stacey Jensen, Program Manager with the Corps, discussed the proposed rule on the Definition of Waters of the U.S. and the related Connectivity Study. Ms. Gilinsky also engaged in discussion with the states on Good Samaritan issues and the NPDES (Section 402) permitting process in Appalachia. A panel of BLM and state officials opened the afternoon session. In attendance from BLM were Brian Amme, Planning and NEPA Branch Chief, and Rick Deery and Adam Merrill, Geologists with the Division of Solid Minerals. Topics discussed included: NEPA compliance and its impact on permit issuance on federal lands; EPA's Proposed Rule on Financial Assurance under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA); and the Greater Sage Grouse. A final session with officials from FWS concluded the day. FWS panelists included Patrice Ashfield, Chief of the Branch of Consultation and Habitat Protection Plans, and Carey Galst, Biologist in the

Endangered Species Program. Issues discussed included: bat protection issues; the Greater Sage Grouse; and other Endangered Species Act issues related to mining. A reception was held in the evening.

On October 16, Joe Main, Assistant Secretary for the Mine Safety and Health Administration (MSHA), along with other MSHA officials, met with the states prior to the Joint Meeting of the Noncoal Environmental Affairs and Mine Safety and Health Committees. Immediately following, Joe Pizarchik, Director of the Office of Surface Mining (OSM), OSM Regional Directors, and other OSM officials met with the states prior to the Coal Environmental Affairs and Abandoned Mine Land Committees Joint Meeting. A luncheon was held on that day. Tim Charters, Staff Director for the Subcommittee on Energy and Mineral Resources, U.S. House Committee on Natural Resources, was the luncheon speaker.

On the morning of October 17, the IMCC Resolutions Committee and Finance and Administrative Committee met jointly. The Executive Commission Business Meeting will followed and concluded the Mid-Year Meeting.

For more information, contact: Beth A. Botsis at 703.709.8654 or E-mail: bbotsis@imcc.isa.us.

IMCC Welcomes New Commissioners and Officers in 2015

Following this year's mid-term elections, IMCC will welcome six new commissioners to our ranks in 2015. The following newly elected governors will serve in this new capacity for the organization: Bill Walker of Alaska; Bruce Rauner of Illinois; Asa Hutchinson of Arkansas; Tom Wolf of Pennsylvania; Greg Abbott of Texas; and Larry Hogan of Maryland. The following governors who were re-elected will also continue on as commissioners: Robert Bentley of Alabama; John Hickenlooper of Colorado; Brian Sandoval of Nevada; Susan Martinez of New Mexico; Andrew Cuomo of New York; John Kasich of Ohio; Mary Fallin of Oklahoma; Nikki Haley of South Carolina; Bill Haslam of Tennessee; and Matt Mead of Wyoming. The following governors were elected to serve as officers of IMCC for 2015: Chairman – Governor Robert Bentley; Vice Chairman – Governor Terry McAuliffe of Virginia; and Treasurer – Governor Bill Walker.

IMCC Executive Director Briefs Chinese Delegations on Mining Laws

IMCC Executive Director Greg Conrad, upon invitation from the Chinese government, recently provided briefings to two delegations from Chinese governmental agencies. On October 14, Mr. Conrad met with a 25 person delegation from the State Administration of Coal Mine Safety and presented an overview of U.S. mine safety and health laws and regulations. On December 15, Mr. Conrad met with a 20 person delegation from the Department of Land and Resources in Henan Province and presented an overview of U.S. environmental laws and regulations as they impact mineral development. Mr. Conrad also briefed the delegations on the formation, purposes and operation of the Compact and the interplay between state and federal governments in the areas of miner health and safety and environmental protection.

IMCC Executive Director Presentation to NMA Environment Committee

On October 10, Interstate Mining Compact Commission (IMCC) Executive Director Greg Conrad presented a speech to the Environment Committee of the National Mining Association in Washington, DC. Mr. Conrad addressed several regulatory and legislative developments that will directly impact the states and the way they interact with industry and the federal government. Among the topics covered in Mr. Conrad's remarks were: the status of state primacy, the courts' emerging role in environmental regulation, pending federal rulemakings, issues related to bonding, the status of abandoned mine land reclamation, and others.

The full text of Mr. Conrad's remarks is available on the IMCC website at this link: <http://www.imcc.isa.us/Presentations.htm>.

OSM and States Hold Regional Meetings to Discuss Key Issues

The Office of Surface Mining (OSM) and state regulators from the Mid-Continent and Western regions of the country met in separate meetings recently to discuss a variety of issues and concerns related to implementation of their respective duties under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). On November 19 and 20, agency representatives from 12 states met with OSM officials in St. Louis to discuss several key topics including geospatial innovations and initiatives; self-reporting of water quality violations; logging prior to permit approval; Endangered Species Act issues related to the 1996 biological opinion and bat protection; Clean Water Act Section 404 issues; public outreach; impacts from oil and gas activity at or near mining sites; and a host of abandoned mine land

issues. On December 16, state agency representatives met with OSM officials in Denver to discuss western region issues including program oversight, state program amendments; AML issues; in-situ coal gasification updates; a project status report on the GeoMine project and the OSM image server; state/federal coordination issues related to federal lands permitting and mining plan decisions; and e-permitting and work flow updates. At both meetings, the states provided updates on the status of their respective primacy programs and current issues arising under their programs. OSM provided updates on pending rulemakings and the status of the federal budget and appropriations for FY 2015. IMCC's Greg Conrad provided an overview of key legislative and regulatory issues on the horizon for 2015.

For more information, contact: Greg Conrad at 703.709.8654 or E-Mail: gconrad@imcc.isa.us.

IMCC Comments on EPA/Corps Proposed Rule on Definition of the Waters of the U.S.

The Interstate Mining Compact Commission (IMCC) recently filed a letter with the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) in support of individual comments submitted by several IMCC member states on the EPA/Corps proposed rule on the "Definition of Waters of the United States" (WOTUS).

In enacting the Clean Water Act (CWA), Congress set limits to federal jurisdiction and gave states the primary role in managing land and water resources within their borders. IMCC pointed out that, contrary to the cooperative federalism prescribed in the CWA, the relevant federal agencies did not consult with the states in previously drafting guidance that evolved as a result of Supreme Court rulings over the last decade with respect to the term "significant nexus" under the Section 404 process. The WOTUS proposed rule attempts to place a variation of that guidance into regulation, notably by applying the term "significant nexus" for the purpose of defining jurisdictional waters by requiring that a water, or wetland, have a significant nexus, or direct connection, to a jurisdictional water.

IMCC also stated that, though the preamble to the proposed rule states "The purposes of the proposed rule are to ensure protection of our nation's aquatic resources and *make the processes of identifying 'waters of the United States' less complicated and more efficient*" (79 FR 22190), the proposal put forth merely replaces the current "other waters" case-by-case analysis for determining jurisdiction with a new "significant nexus" analysis, which is also to be carried out on a case-by-case basis in order to determine jurisdiction. The states are concerned this will result in little more than exchanging one collection of uncertainties for another and will create more confusion, rather than streamlining and clarifying jurisdictional decision making as intended. In addition, the comments call out impracticalities of the "significant nexus" approach due to its complexities and claim the rule will place significant impacts on available resources to implement CWA programs. Further, IMCC asserted that the proposed rule adds several new terms which are undefined, thereby causing additional uncertainty, both for the state regulatory authorities and the affected parties. In the absence of an appeal process under the proposed rule, the states are concerned this approach could result in individuals and entities unnecessarily being forced to go through the costly and uncertain process of obtaining a discharge permit in order to avoid potential federal enforcement action and criminal or civil penalties due to the uncertainties in determining jurisdiction, when in fact there may well be no jurisdiction for the federal permitting process.

Another concern for the states identified in IMCC's letter is the use of a one-size-fits-all approach by EPA and the Corps that doesn't take into consideration the significant differences in geography, soils, hydrogeology, rainfall, and other unique conditions throughout the country. IMCC urged EPA and the Corps to consider whether there might be better approaches to the rulemaking that would recognize these regional differences. For example, in the state of Alaska, which contains 63% of the country's wetlands, the majority of those wetlands are dependent on continuous or discontinuous permafrost. It can be difficult to demonstrate a "significant nexus" to downstream waters in areas of permafrost. Many other unique features which are uncommon or entirely absent in the rest of the country can also be found in Alaska, including tundra, muskegs, boreal forest spruce bogs, glaciers, and massive snowfields. In other parts of the country that have very arid climates, there are also unique circumstances which should be considered. IMCC urged EPA and the Corps to take into account several scientific studies based on work in Alaska, as well as differences within other parts of the country when constructing a final rule.

IMCC commented that the rulemaking also does not take into consideration comprehensive state programs that are already in effect, and that EPA and the Corps may be relying on inadequate and inaccurate information regarding the breadth and scope of some states' laws and programs. EPA officials have referred to reliance on a 2013 Environmental Law Institute (ELI) study titled, "State Constraints – State-Imposed Limitations on the Authority of Agencies to Regulate Waters Beyond the Scope of the Federal Clean Water Act" to defend the proposition that this rulemaking is needed because state programs for protecting water resources are inadequate, according to IMCC's comments. EPA purports that the proposed rule will address regulatory inadequacies in the states. However, IMCC said the ELI study fails to identify some regulations already in place in the states, such as codified statutes and regulations that have provided the foundation for the regulatory program in the state of Pennsylvania for decades. IMCC asserted that the

states are in the best position to provide effective, fair, and responsive oversight of water and land use within their communities and have consistently and conscientiously done so.

IMCC's letter expressed concern that some streams that were considered isolated in the past by the Corps may now be regulated under the proposed rule and that this could affect remaining sites in the states, particularly since man-made breaks and subsurface flows will not break the jurisdictional connection. Areas that may be jurisdictional based on the definitions of "tributary" and "other waters" in the proposed rule do not contribute significant amounts of water, if any, to traditional navigable waters. In states such as North Dakota, for example, a large percentage of the closed depression prairie potholes do not overflow and don't contribute any water to the traditional navigable waters. However, it appears many of these could be determined to be jurisdictional under the proposed rule for other reasons. Also, flows in ephemeral streams located in arid and semi-arid regions frequently dissipate before reaching a navigable stream and otherwise provide very little water to traditional navigable waters. IMCC urged EPA and the Corps to provide specific examples of tributaries, especially ephemeral streams, and isolated water bodies in different regions of the country that would be categorically considered as jurisdictional under the proposed definition, and those that would not be jurisdictional.

Additionally, IMCC urged EPA and the Corps to clearly exempt waters held in abandoned mines from jurisdiction. Otherwise, reclamation work to eliminate hazardous conditions will unnecessarily be subject to the lengthy Section 404 process. Citing the state of North Dakota as an example, many of the hazardous abandoned coal mines that the state reclaims hold water in final mine pits and in mine spoils. It is unclear whether these areas would be considered "water filled depressions created incidental to construction activity" which would be exempt from the proposed WOTUS definition.

For more information or a copy of IMCC's comments, contact: Beth A. Botsis at 703.709.8654 or E-mail: bbotsis@imcc.isa.us.

Congress Passes Omnibus Appropriations Bill

The Senate passed an Omnibus Appropriations bill for the balance of fiscal year (FY) 2015 on Monday, December 15. The House had passed the bill on Thursday, December 11, along with a short term extension to allow time for the Senate to consider and vote on the bill.

The Administration's proposal to cut state Title V regulatory grants was rejected, with the Committees finding (per the joint House/Senate Managers' Report on the Omnibus) that "the budget proposal to reduce regulatory grants would undermine the State-based regulatory system." The grants will be restored to the FY 2014 level of \$68.6 million. The Managers' Report goes on to say, "the agreement does not provide funds to expand and enhance Federal oversight activities of State programs."

The actual FY 2015 allocation of the Title IV Abandoned Mine Land (AML) grants is yet unknown, but is expected to be announced by the Office of Surface Mining (OSM) within the next few weeks. The AML grants are a mandatory payment and thus not contingent on congressional approval. OSM is awaiting confirmation of AML fee receipts as well as a resolution of a recent request by the state of Mississippi to certify under Title IV as having completed all high-priority coal AML work, both of which will affect the final distribution formula.

The Managers' report also contained language pertaining to the United Mine Workers (UMW) Combined Benefit Fund (CBF), which is funded in large part through interest accruing to the AML Fund. The report states that there are "additional threats to miners' pension and health plans as a result of the 2008 financial crisis and a recent corporate bankruptcy," and goes on to recommend that the Administration consider legislative options to address the long-term solvency of the UMW funds in its FY 2016 budget request.

The Managers' Report contained no specific mention of state assistance grants to be allocated by the Mine Safety and Health Administration (MSHA) for FY 2015. However, in MSHA's FY 2015 budget, there is a specific line item providing "not less than" \$8.4 million for the grants. Considering the prohibition against reprogramming of amounts larger than \$1 million, it is safe to assume that MSHA will be required to provide this funding in full to the states, as was the case in FY 2014.

The Omnibus bill contained several policy riders on subjects of interest to the states including:

- Sage Grouse – The sage grouse rider bans the Department of the Interior (DOI) from proposing or finalizing Endangered Species Act listings for the Greater Sage Grouse as well as the Gunnison Sage Grouse.
- Financial Assurance – The rider directs the Environmental Protection Agency (EPA) to collect and analyze information from the commercial insurance and financial industries regarding the use and availability of

necessary instruments for meeting new financial responsibility requirements. This analysis must be made available to House and Senate Appropriations Committees and to the public on the Agency's website no later than 90 days prior to the proposed rulemaking. The rider also requires that the Agency's plan avoid requiring financial assurances that are duplicative of those already required by other federal agencies.

- Water Riders – Language prohibits the use of funds to regulate dredge and fill activities related to certain agricultural practices that are statutorily exempt from permitting requirements under the Clean Water Act. It would also stop the EPA's proposed agriculture interpretive rule issued with the Agency's proposed "Definition of the Waters of the U.S." rule.

For more information, contact: Greg Conrad at 703.709.8654 or E-Mail: gconrad@imcc.isa.us.

OSM to Pursue Revised Rule on Blasting in Response to WEG Petition

On December 12, The Office of Surface Mining (OSM) announced a decision by Director Joseph Pizarchik to pursue a revision of OSM's rules with regard to blasting operations at coal mines in the U.S. The decision came in response to a petition that WildEarth Guardians (WEG) filed with the Agency in April of this year. WEG asked OSM to consider a rule to prohibit the production of visible nitrogen oxide during blasting operations for coal mining activities. Typically, released nitrogen oxide is evident by an orange-tinted cloud of gas if the blasting charges are not properly detonated. The Surface Mining Control and Reclamation Act (SMCRA) already prohibits blasting that would harm people or property, but OSM stated in a press released that the rules are not as clear as they could be with respect to toxic gases.

"After careful consideration, I have decided that OSMRE must clarify its rules to prevent harm to people and property during blasting operations," said Director Pizarchik. "There are many responsible operators and regulators who understand they must and do blast in a manner that protects people."

"Unfortunately not everyone understands their legal obligations, or they are willing to take unnecessary risks," he added. "I have directed our specialists to craft a rule that makes it clear to all that the prevention of harm to people and property from toxic gases is covered by the law."

Following review of public comments received in response to a *Federal Register* notice published in July, Director Pizarchik decided it was appropriate to move forward with a proposed rulemaking. The rulemaking is intended to clarify the current regulations to define "blast area," and make it clear that blasters must recognize and protect the public from toxic gases that result from explosive operations at coal mines. A Notice of Proposed Rulemaking will be published at the appropriate time.

Recent EITI Developments

Interstate Mining Compact Commission (IMCC) Executive Director Greg Conrad and Legislative and Regulatory Affairs Specialist Ryan Ellis attended the most recent meeting of the U.S. Extractive Industries Transparency Initiative (EITI) Multi-Stakeholder Group (MSG) on December 10 - 11, 2014 at the Department of the Interior (DOI). The MSG continued to discuss hurdles to implementation of the initiative in the U.S., such as state and tribal involvement, a definition of "project level" for purposes of data reporting, and the potential inclusion and treatment of corporate income taxes as part of company reporting.

The most notable recent development has been the unveiling of DOI's new data portal designed to increase transparency by providing the public with a "one-stop shop" to access information on revenues paid to the federal government for the development of energy and mineral resources. Once fully developed, the data portal will include information on over 550 companies meeting the payment threshold of \$100,000 in payments to the Office of Natural Resource Revenue (ONRR) in a given year. The launch of the portal represents the first time that this information will be available from ONRR by company and by commodity. The data portal can be viewed here: <https://useiti.doi.gov/>.

Gunnison Sage Grouse Listed as a Threatened Species by FWS

On November 14, 2014 the U.S. Fish & Wildlife Service (FWS) listed the Gunnison Sage Grouse as a "threatened" species under the Endangered Species Act (ESA). The Gunnison Sage Grouse is estimated to number around 5,000 and is located in western Colorado and eastern Utah. Originally the FWS proposed to list the species as "endangered" under the ESA in January 2013. Efforts by the states of Colorado and Utah, along with tribes, local communities private landowners, and other stakeholders to conserve the species and its habitat have helped reduce the threats to the bird sufficiently to give it a more flexibly protected status of "threatened," according to the FWS.

According to a press release issued by FWS, many of the area's agricultural landowners who previously entered into agreements known as "Candidate Conservation Agreements with Assurances" need only continue to abide by those agreements in order to fully comply with the ESA. Other landowners who participate in the U.S. Department of Agriculture's Natural Resources Conservation Service programs including the "Sage-Grouse initiative," "Working Lands for Wildlife," and the "Conservation Reserve Program" can continue to implement the practices covered by those programs with the knowledge that they will be consistent with the ESA. Because the species is listed as "threatened," rather than "endangered," the ESA allows the FWS flexibility to tailor conservation measures through a special 4(d) rule. The Service intends to propose the 4(d) rule in early 2015. It would allow other landowners who commit to protection measures for the species to continue to manage their lands without additional restrictions.

"While many people hoped that the extraordinary conservation efforts by our partners in Colorado and Utah would resolve all the threats faced by the Gunnison Sage Grouse, the best available science indicates that the species still requires the Act's protection," said FWS Director Dan Ashe. "This is a work in progress, however, and we will continue to join our partners in protecting and restoring the rangelands with the hope that, in the near future, the Gunnison Sage-Grouse will no longer need additional protection."

FWS reported that, in order to build on recent work between the states, counties, and other stakeholders, the Service and the Governor of Colorado will convene stakeholders within the next few weeks to discuss the upcoming 4(d) rule and steps to expeditiously return full management authority to the states of Colorado and Utah through delisting.

A listing decision is to be made by next spring on the Greater Sage Grouse, a larger bird which is far more numerous and located over 186 million acres of public and private lands across 11 western states. The FWS is independently evaluating the Greater Sage Grouse which, in some instances, faces different threats than the Gunnison Sage Grouse.

Governors are Reassured by USFS and BLM Over Greater Sage Grouse Listing

In late September, the Western Governors Association submitted a letter to the U.S. Forest Service (USFS) and the Bureau of Land Management (BLM) severely criticizing the agencies for lagging behind and failing to follow-through on promised meetings with affected western states to work together in an attempt to forestall an endangered species listing for the Greater Sage Grouse. In October, Steven Ellis, Deputy Director of BLM and Leslie Weldon, Deputy Chief of USFS, finally met with western state officials. Following the meeting, Mr. Ellis and Ms. Weldon wrote to Governors John Hickenlooper of Colorado and Matt Mead of Wyoming, co-chairs for the WGA, promising their agencies' full cooperation "to avoid the need to list the species." In the letter, the agency officials said they "recognize how much is at stake and the importance of our ongoing dialogue."

A bi-partisan group of western governors had complained of the Administration's laxity in working with states with large acreages of sage grouse habitat that would be rendered uneconomic by a listing decision that potentially could restrict mining, timber harvesting, developed recreation and other multiple uses on millions of acres. The governors, frustrated with the reluctance of federal agencies to share details of the Fish & Wildlife Service's proposals for the bird, said time was running out. The Service must make a listing decision by September of 2015. Several western states and stakeholder groups have been pro-active in developing measures to protect the species in an attempt to avoid a listing.

In an October 16 letter to Interior Secretary Sally Jewell, House Natural Resources Committee Chairman Doc Hastings (R-WA) and 17 other lawmakers added their concerns over the "lack of transparency" in the Interior Department's handling of the Greater Sage Grouse listing decision. They accused the department of "ignoring or downplaying significant flaws and gaps in its own sage grouse data and science, and failing to incorporate recent data that suggests sage grouse populations are stable and not declining."

BLM Reclamation and Sustainable Mineral Development Award Winners

On October 27, 2014, Michael Nedd, Assistant Director for Energy, Minerals and Realty Management with the Bureau of Land Management (BLM) announced the winners of the Reclamation and Sustainable Mineral Development Awards. Four companies were recognized for advancing the use of sustainable development in their work on public lands.

BLM presented awards in the following categories:

- BLM Hardrock Mineral Community Outreach and Economic Security Award Winner: Stillwater Mining Company, located in Sweet Grass, Montana
- BLM Hardrock Mineral Small Operator Award Winner: NYAC Mining Company, located in Anchorage, Alaska

- "Fix a Shaft Today!" Award Winner: Harding Pegmatite Mine Safeguard Project, located in Dixon, New Mexico
- BLM Hardrock Mineral Director's Award Winner: Intrepid Potash Wendover, located in Wendover, Utah.

"The award winners are outstanding examples of leadership and environmental responsibility in the hardrock mining industry," Assistant Director Nedd said. "These mineral resources are critical to America's infrastructure and vital to the economic wellbeing of many communities."

"These awards are all about development that meets the non-fuel mineral needs of the present generation, without compromising the needs of future generations," Mr. Nedd said. "All of this year's winners illustrate the BLM's concept of sustainable development."

The Hardrock Mineral Community Outreach and Security Award recognizes projects that highlight the economic benefits of mineral development. The award acknowledges operators and other organizations that contribute to the quality of the life or long-term health of their local communities. Winners are also recognized for incorporating community concerns in their development of closure plans in a creative fashion. The Hardrock Mineral Small Operator Award recognizes achievements in environmental stewardship of operators with less than 15 employees. This award recognizes operators who have demonstrated continuous or repeated efforts to successfully meet or exceed federal, state, or local reclamation requirements. The "Fix A Shaft Today!" (FAST!) Award recognizes active participation in the FAST! Campaign, which is a partnership initiative aimed at eradicating unsafe abandoned mine land features, especially open mine shafts. The Hardrock Mineral Director's Award is presented in recognition of outstanding achievement in a particular area of sustainable development.

Sustainable development is a concept adopted by the United States and 192 other countries to balance environmental, economic, and social concerns in planning for mining operations. Nominations are screened by BLM state office officials prior to being forwarded to BLM Headquarters for final judging by a panel that includes experts in mining activities from outside the BLM.

PLP Wins Preliminary Injunction Against EPA Permit Veto

In November, the Pebble Limited Partnership (PLP), developers for the proposed Pebble Mine, a copper and gold mine to be located in Bristol Bay, Alaska, won a preliminary injunction against the Environmental Protection Agency's (EPA) efforts to block the mining project. The Partnership argued that allowing EPA to finalize its proposed Section 404 (c) veto of the mine would effectively deny its claims and any relief under the Federal Advisory Committee Act (FACA).

FACA places limits on the consultation and influence that outside parties may have with federal agencies in developing public policy. In its appeal, PLP cited voluminous email communications and other official notations suggesting environmental organizations exercised undue influence over EPA's decisions on the merits of mining in Bristol Bay, in effect becoming an unlawful advisory committee. The judge's order bars EPA from taking further action against the project until related lawsuits are settled.

Meanwhile, the Department of Justice has asked a federal appeals court to deny the Partnership's claims, arguing that EPA's proposed veto was "not final" and in any event "had no legal effects on Pebble."

In late September, the federal district court in Alaska had dismissed a challenge by the Pebble Partnership to EPA's authority to preempt mine permit approval under the Clean Water Act. Ruling on a technicality, the judge sided with the Justice Department's motion to dismiss Pebble's challenge, but left open the option of a further challenge once EPA has taken final action. At that time, the judge accepted the government's argument that since no final action had yet been taken, the court had no jurisdiction over the issue.



Registration Form
Interstate Mining Compact Commission 2015 Annual Meeting
The Royal Sonesta Harbor Court Hotel, April 26 - 29, 2015

<i>Last Name:</i>	<i>First Name:</i>
<i>Title:</i>	<i>State/Org. & Dept.:</i>
<i>Street Address:</i>	
<i>City:</i>	<i>State:</i>
<i>Telephone:</i>	<i>Postal Code:</i>
<i>Email Address:</i>	<i>Attending Spouse/Companion's Name (if applicable):</i>

Registration Fees:	\$375.00 <i>Delegate</i>	\$175.00 <i>Spouse/Companion</i>
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Social Events: PLEASE READ AND FILL OUT COMPLETELY

IMPORTANT:

*The following events are included in the delegate and spouse/companion registration fees. Please indicate your intention to attend the banquet events by **CIRCLING EVENTS** you WILL attend. This will allow us to provide accurate counts for banquet functions.*

INDICATE ATTENDANCE BY CIRCLING:		INDICATE ATTENDANCE BY CIRCLING:	
Delegate:		Spouse/Companion (if applicable):	
Welcome Reception (Sunday p.m.)	Monday Social Dinner Event	Welcome Reception (Sunday p.m.)	Monday Social Dinner Event
All Breaks	Awards Banquet (Tuesday p.m.)		Awards Banquet (Tuesday p.m.)

Important Note: *Early registrations are helpful for our planning purposes. Please register with IMCC by April 6, 2014 or sooner, if possible. Payment does NOT have to be received with your registration form. CANCELLATIONS RECEIVED AFTER April 10 are NON-REFUNDABLE.*

HOTEL RESERVATION INFORMATION: Make your room reservations directly with the Royal Sonesta Harbor Court Hotel by visiting the following link: (Preferred Method) <http://tinyurl.com/na9nfdl>, or call 410-234-0550 and identify yourself with the "IMCC 2015 Annual Meeting" room block. The room rate is the government per diem of \$147 plus tax single or double, or prevailing per diem rate at the time of the meeting. **The cut-off date for room reservations is March 26, 2015.**

Registration fees should be made payable to the Interstate Mining Compact Commission (IMCC) and mailed to:
 IMCC
 445-A Carlisle Drive
 Herndon, VA 20170

We are happy to invoice you for the fee and payment does NOT have to be received by IMCC prior to the meeting. *The registration fee will automatically be invoiced for any registrations received without payment. (Provide the invoice address if different from registrant's address.)*

We cannot accept credit card payments.

Questions? Contact Beth Botsis at: 703/709-8654, fax: 703/709-8655, or email: bbotsis@imcc.isa.us.