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the compact

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IMCC 2025 Mid-Year Meeting November 2-5 in Washington DC

Following our 2025 Annual Meeting in Gillette, Wyoming next month, the IMCC's 2025 Mid-Year Meeting will be held at the historic Mayflower Hotel, which just celebrated its 100th Anniversary this year. Registration forms will be sent out following our 2025 Annual Meeting. More details to follow as we work to provide another great Mid-Year Meeting experience for you all.

Meeting information can also be found on the website.

Upcoming Meetings:

IMCC 2025 Annual Meeting
June 22-25, 2025
The CAM-Plex & Arbuckle Lodge
Gillette, Wyoming

IMCC 2025 Mid-Year Meeting
November 2-5, 2025
The Mayflower Hotel
Washington, DC

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Colorado Adopts Bill for Full IMCC Membership – SB025-054

Bill Number SB025-054, which adopts the Interstate Mining Compact in Colorado, among other things, has passed both houses of the Colorado General Assembly and was signed by Governor Jared Polis on May 16, 2025. This makes Colorado a full, voting member of IMCC. According to Article VIII(a) of the Compact, Colorado's membership in the Compact takes effect as soon as this enactment takes effect:

"This Compact shall enter into force when enacted into law by any four or 2 more States. Thereafter, this Compact shall become effective as to any other State upon its enactment thereof."

Please join us in welcoming Colorado as a full member of IMCC.

Nevada Senate Passes IMCC Bill – SB 464

On May 15, 2025, the Natural Resources Committee of the Nevada Senate held a hearing on SB 464. This bill adopts the Interstate Mining Compact in Nevada, making Nevada a full member of IMCC. Rob Ghiglieri of the Nevada Division of Minerals presented the bill. The Nevada Mining Association and a county official from Eureka County, one of Nevada's largest mining counties, spoke in support of the bill. No one opposed the bill. After all presentations concluded and the Committee's questions were answered, the Committee voted to advance the bill to the full Senate with a recommendation that it do pass.

On May 21, 2025, the Nevada Senate passed SB 464 unanimously. The bill now moves to the Nevada Assembly for consideration.

Texas Adopts Bill to Withdraw from IMCC - Senate Bill 1147

On May 13, 2025, Texas Governor Greg Abbott signed Senate Bill 1147 into law. This bill repeals the Interstate Mining Compact in Texas. Senate Bill 1147 passed the Texas Senate by a vote of 30-0 on April 8, 2025. It passed the Texas House by a vote of 139-7 on April 28, 2025.

Texas' withdrawal from IMCC will not take effect until one year after Texas has provided notice to the Governors of all other IMCC member States. Article VIII(b) of the Compact provides:

> Any party State may withdraw from this Compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing State has given notice in writing of the withdrawal to the Governors of all other party States. No withdrawal shall affect any liability already incurred by or chargeable to a party State prior to the time of such withdrawal.

We understand that Governor Abbott will be sending notice of Texas' withdrawal from IMCC to the Governors of the other member States soon.

MacGregor Confirmed as Deputy Secretary of Interior

On May 14, 2025, the United States Senate voted 54 – 40 to confirm the nomination of Katharine MacGregor to serve as Deputy Secretary of the Department of the Interior. Her nomination was supported by all Senators of the majority who voted. Senators Fetterman (PA), Kelly (AZ), Heinrich (NM), and Gallego (AZ) of the minority crossed party lines to vote for her confirmation. Six Senators did not vote. Ms. MacGregor is scheduled to formally start work as Deputy Secretary on Tuesday, May 27, 2025.

April 30, 2025, Confirmation Hearing for Leslie Beyer as Interior's ASLM

The Senate Energy and Natural Resources Committee held a hearing on April 30, 2025 to consider the nomination of Leslie Beyer to serve as the Assistant Secretary of Interior for Lands and Minerals Management (ASLM), among other things. The ASLM is in charge of the Bureau of Land Management (BLM) and the Office of Surface Mining Reclamation and Enforcement (OSMRE). The Committee advanced Ms. Beyer's nomination to the Senate floor.

Reorganization and Personnel Changes at OSMRE

Glenda Owens, Deputy Director of OSMRE for many years, Assistant Director Sterling Rideout, Western Regional Director David Berry, and 80+ other OSMRE personnel have taken the deferred resignation program offer provided to all federal employees. Tom Shope, long-time OSMRE Appalachian Region Director, has stepped in as Acting Director pending Senate confirmation of OSMRE Director nominee Lanny Erdos.

OSMRE is also undergoing significant reorganization as part of a Department-wide consolidation effort. OSMRE's finance, grants management, training, and human resources functions have been centralized under DOI. We are told that OSMRE personnel will generally remain in their current positions but will now report to DOI and have new DOI email addresses.

House Natural Resources Committee Passes Portion of Reconciliation Bill

The House Natural Resources (HNR) Committee, which has jurisdiction over mining and abandoned mine lands issues, passed its portion of the "one big, beautiful" reconciliation bill on May 7. The committee's portion of the bill would reportedly result in $18.5b in savings and new revenue through a combination of spending cuts and expanded energy and mineral production.

The bill contains a number of provisions of importance to IMCC member states, listed below. Perhaps most notably, the bill <u>does not</u> affect funding for state AML or Title V programs.

- Mandating approval of the Ambler Road project in Alaska (§ 80132, pp. 48-51)
- Mandating/expediting/ending the moratorium on coal leasing on federal lands; (§§ 80141 & 80142, pp. 51-54)
- Reducing royalties for federal coal leases from 12.5% to 7% through FY 2034 (§ 80143, pp. 54-55)
- Approving Plan 1, Amendment 3 for Signal Peak Energy's Bull Mountains No. 1 Mine (§ 80144, pp. 55-56)
- Establishing a fast-tracked NEPA process under which a project sponsor can pay a fee to obtain expedited NEPA reviews that purportedly are not subject to judicial review (§80151, pp. 57-60)
- Prohibiting implementation of Resource Management Plans (RMPs) for:
    - Rock Springs Field Office, Wyoming, published January 7, 2025 (§ 80301, p. 86)
    - Buffalo Field Office, Wyoming, published November 27, 2024 (§ 80302, p. 86)
    - Miles City Field Office, Montana, published November 27, 2024 (§ 80303, p. 87)
    - North Dakota, published January 15, 2025 (§ 80304, p. 87)
    - Colorado River Valley Field Office and Grand Junction Field Office, published October 22, 2024 (§ 80305, p. 88)

Flurry of Executive Branch Actions Impacting Mining Regulation

The Trump Administration recently took a number of actions, through Executive Orders and otherwise, that influence the regulation of mining. The most notable of these are summarized below.

EO 14241, Immediate Measures to Increase American Mineral Production – provides a comprehensive approach to increase domestic mineral production through government actions, largely pursued through the National Energy Dominance Council (NEDC), including identifying mineral reserves, removing obstacles to mineral development, and accelerating permitting and government approvals of all kinds necessary for various stages of mineral development.

EO 14261, Reinvigorating America's Beautiful Clean Coal Industry – modifies the above EO to clarify it applies to coal and to further facilitate domestic coal production, including by evaluating coal reserves and identifying steps needed to facilitate their development, expediting environmental reviews for coal mines and related facilities on federal land, identifying and rescinding any federal agency policies that discourage coal production, identifying opportunities for coal exports and ways to facilitate exports, and facilitating technologies to commercialize coal byproducts.

PP 10914, Regulatory Relief for Certain Stationary Sources to Promote American Energy – this proclamation states that the Mercury and Air Toxics (MATS) rule EPA finalized on May 8, 2024 places severe burdens on coal-fired power plants and the viability of the nation's coal sector by requiring compliance technologies that do not yet exist. Identified stationary sources (power generation stations) are exempted from compliance with this MATS rule for two years beyond the current compliance date of July 8, 2027 (through July 8, 2029.)

EO 14260, Protecting American Energy from State Overreach – Directs the Attorney General to identify and take steps to counter state and local laws and regulations that burden domestic energy resources in ways that might be unconstitutional or preempt federal law, especially including those that purport to address climate change, ESG, or EJ related goals.

EO 14262, Strengthening the Reliability and Security of the United States Electric Grid – Follows up on EO 14156, *Declaring a National Energy Emergency,* by giving emergency authorities to require a number of actions by the Secretary of Energy to secure the reliability of the electric grid.

EO 14270, Zero-Based Regulatory Budgeting to Unleash American Energy – targets federal regulations that inhibit energy production by requiring that conditional sunset clauses by inserted into such rules so that they will expire automatically if not extended by the sunset date. Also requires that new such regulations include a sunset date of 5 years. It is specifically noted that OSMRE regulations must be assessed in this way, as well as certain BLM and USFWS regulations.

EO 14219, Directing Repeal of Unlawful Regulations – directs federal agencies to identify regulations that may be unlawful because they rely on US Supreme Court decisions that have been overruled, such as the Sackett v EPA decision regarding Clean Water Act jurisdiction.

Emergency Procedures for Energy Project Permitting – institutes emergency procedures for compliance with NEPA, ESA, and NHPA requirements as part of the effort to facilitate energy projects pursuant to EO 14156, *Declaring a National Energy Emergency.* These new procedures apply to uranium, coal, and critical minerals, among other energy commodities.

CEQ NEPA Regulations Rescinded – rescinds overarching regulations governing implementation of NEPA across the federal government. This means federal agencies are left to implement NEPA under their own respective guidelines, which CEQ also directed should be revised to improve permitting efficiency.

Good Samaritan Pilot Program Summit

IMCC attended a limited-invite Summit of key Good Samaritan program stakeholders at the Colorado School of Mines on April 10. The Summit was designed as a first opportunity for discussion of the new program with EPA's Office of Mountains Deserts and Plains (OMDP). Discussion focused on EPA's early plans for implementing the program and what guidance states and other prospective Good Samaritans need from EPA to begin developing projects.

EPA will be in attendance at IMCC's Annual Meeting in June to provide another opportunity for discussion of the Good Samaritan program with states.

Hearing re. Mining Bills in Senate Energy and Natural Resources Committee

The Senate Energy and Natural Resources Committee held a hearing on Wednesday, March 12 regarding six bills related to mining issues, including:

- S. 544, The Mining Regulatory Clarity Act
- S. 362 re. Bull Mountain Mining Plan Modification
- S. 596, The Critical Materials Future Act
- S. 714, The Critical Minerals Consistency Act
- S. 789, The Critical Minerals Security Act of 2025
- S. 859, The Mining Waste, Fraud, and Abuse Prevention Act of 2025

The most notable of the bills featured in the hearing is the Mining Regulatory Clarity Act, which would both address the difficulties regarding disposal of mine waste resulting from the *Rosemont* decision and fund the Abandoned Hardrock Mine Reclamation (AHMR) state and tribal grants program through fees from the new mill-site claims the bill would establish.

All Senators and witnesses that spoke at the hearing seemed to agree on the need to bolster domestic mining and mineral supply chains, especially for critical minerals. The hearing focused on what obstacles currently exist and what permitting and litigation reforms are needed to that end. Several members and witnesses also acknowledged the substantial need for hardrock AML work.

The hearing suggests that a mining-bill package of some kind may be forthcoming, though likely not until after the reconciliation bill and FY26 appropriations are completed. Such a package would require some amount of bipartisan support in order to achieve the 60 votes needed for passage in the Senate.

Status of FY2026 Appropriations - IMCC Submits FY2026 House Budget Testimony

The FY 2026 budget cycle has begun, though it is behind the typical schedule. Congress spent the early part of the session completing FY25 appropriations, which concluded with a full year Continuing Resolution funding the government at the same levels as last year. Since then, most of Congress' attention has been taken up by the reconciliation bill, known as the "one big, beautiful bill", which will be the primary vehicle for the Trump Administration's legislative goals.

The Trump Administration released a "skinny" version of its FY2026 President's budget proposal on May 2 (this is usually released in February.) The skinny budget was light on details, but at high level, recommends a 22% cut for non-defense spending and discusses general principles for the direction of various government agencies and programs. The skinny budget did not contain any specific direction on Title V, coal AML, or hardrock AML funding. The full version of the president's budget is expected in the next few weeks.

As always, IMCC submitted a written statement to the House Appropriations Subcommittee on Interior, Environment and Related Agencies focused on Title V and other mining regulatory issues and a separate statement to the Subcommittee on Labor, Health, and Human Services regarding Mine Safety and Health funding and related issues. IMCC also prepared a written statement for the Interior, Environment and Related Agencies Subcommittee submitted by NAAMLP focused on coal and hardrock AML related issues. Written statements will be prepared in the same manner for the Senate by June 12. The IMCC and NAAMLP statements are summarized below.

IMCC Statement to Subcommittee on Interior, Environment, and Related Agencies – This statement discusses the need for increased funding for state Title V programs, going into detail about recent history of cuts to Title V funding, the impacts of inflation on Title V programs, why federal regulation can not efficiently or effectively replace state regulation, and why declining coal production does not reduce need for regulatory funding. It is also recommended that Congress consider increasing the federal share of costs. The statement encourages Congress to give direction on several things to OSMRE 1) requiring more transparency from OSMRE on how Title V funding is utilized, 2) prohibiting implementation of the 2024 TDN rule, and 3) prohibiting rulemaking on dam safety. The statement concludes with support for hardrock AML and coal AML funding. It encourages direct payments for AMLER to continue and encourages Congress to consider doing the same for coal AML funding.

IMCC Statement to the Subcommittee on Labor, Health, and Human Services – This statement discusses the importance of full funding for state assistance grants provided through the Mine Safety and Health Administration (MSHA), noting they do more than supporting training. It also encourages additional funding for MSHA to ensure it can fulfill its responsibility for supporting mine rescue contests.

NAAMLP Statement to the Interior, Environment, and Related Agencies – This statement begins by recommending development of a national strategy for hardrock AML to include additional funding, focus on state level programs, and permanent Good Samaritan liability protections. It recommends claims maintenance fees as a budget neutral means of funding the hardrock AML program. The statement then discusses the continuing importance and indispensable benefits of the coal AML program. It suggests working with states on increasing efficiency of the coal AML programs, for example by continuing direct payments for AMLER and considering use of direct payments for other AML funding. The statement also suggests maintaining OSMRE funding at the rate needed for the agency fulfill its core functions, such as technical assistance, applied science, and training.