

IMCC 2015 Annual Meeting to be Held in Baltimore

The Interstate Mining Compact Commission's (IMCC) 2015 Annual Meeting in Baltimore, Maryland is fast approaching. The meeting will be held April 26 - 29, 2015 at the Royal Sonesta Harbor Court Hotel located at the scenic Inner Harbor.

A welcoming reception will take place on the evening of Sunday, April 26. Officials from the Office of Surface Mining and the Mine Safety and Health Administration, will meet with the IMCC member states to discuss issues of mutual concern on Monday, April 27. In the evening the group will travel by water taxi to Captain James' Landing for a traditional Baltimore crab feast.

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. Speakers have been invited from the U.S. Environmental Protection Agency to address the group during the committee meetings and we are awaiting confirmation. 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>.

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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.

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Wyoming is Welcomed as the Newest Full Member of IMCC

The Interstate Mining Compact Commission (IMCC) is pleased to welcome the state of Wyoming as a full member. The state had previously been an associate member of the Compact.

The legislature of the state of Wyoming passed legislation (SEA0014 SF0034) bringing the state into the Interstate Mining Compact Commission as a full member and Governor Matt Mead signed the bill into law on February 25, 2015.

IMCC 2015 National Minerals Education Award Winners

The Interstate Mining Compact Commission (IMCC) recently announced the recipients of its 2015 annual minerals education awards. Begun in 1999, the minerals education awards are presented each year in two categories: the mining awareness educator category and the public outreach category. The mining awareness educator award is presented to a teacher or school from one of the 26 member states of the IMCC that has achieved excellence in one or more of the following categories: provided educational outreach in an innovative manner that increases the level of understanding in the classroom and/or community about mining and its impacts; promoted environmental

stewardship while enhancing the understanding of issues associated with mining and natural resource development; and/or created unique educational materials or curriculum demonstrating the production and/or use of minerals and associated environmental protection. The criteria can be met through classroom and/or out-of-classroom (i.e. field trips, mine tours, etc.) activities. The winner will receive a framed award certificate and a \$500 gift certificate for classroom resource materials. The public outreach award is presented to an industry, environmental, citizen or other group, or to a state government body, that has achieved excellence in one or more of the following categories: provided educational outreach in an innovative manner that increases the level of understanding in the community about mining and its impacts; promoted awareness of environmental stewardship associated with mining through active involvement of citizens; fostered cooperation and partnerships with diverse groups to achieve understanding; enhanced the understanding of issues associated with mining and natural resource development; and/or fostered public education through mine tours, visitor centers, community awareness days, career days, personnel volunteerism in the schools, maintaining adopt-a-school programs or education partnerships, or any other innovative initiative deemed deserving by the awards committee. The awards will be presented at a banquet held in conjunction with the IMCC Annual Meeting, April 26 – 29 in Baltimore, Maryland.

The winner in the public outreach category for 2015 is the McCaw School of Mines located in Henderson, Nevada. The McCaw School of Mines is a unique science, technology, engineering, and mathematics (STEM) field trip destination and learning facility that provides a quality educational experience for 4th grade students in the Clark County School District of Nevada and the general public. McCaw was constructed over a two year period on 1 ¼ acres of land adjacent to Gordon McCaw Elementary School in downtown Henderson, Nevada in the Las Vegas Valley. Exhibits and hands-on activities offer visitors a look at Nevada's historic and modern mining operations and the importance of mineral resources in everyday life. The facility showcases the many advances in technology, mine safety, and environmental stewardship practiced by today's mining operations. The McCaw facility was constructed and is funded through the generosity of donors including mining companies, corporations and many individuals, at no cost to taxpayers or the Clark County School District. Private funding is handled through the McCaw School of Mines Foundation, a 501(c) 3 organization.

The concept for McCaw began in the early 1990s after two 4th grade teachers attended a teacher workshop co-sponsored by the Nevada Division of Minerals and Nevada Mining Association. Their original idea was to build a paper mache mining exhibit in an unused classroom, but the principal suggested they "think bigger". A coalition was formed between teachers, students, community leaders, Clark County School District staff, and local geologists and mining engineers. With the volunteer help of a local architect, the coalition envisioned what the facility should be. Phase I was completed in 1996 and included construction of a simulated underground mine building and collection of historic and modern mining equipment for exhibits. Students from Gordon McCaw Elementary School assisted in surveying the site, dug the first shovels of dirt to begin construction, and were involved in other aspects of the construction. At that time, plans were already under way for phase II, which was completed in 2000. It included a visitor's center with restroom facilities, a conference room, and a gift shop. The grounds include hundreds of displays of historic and modern mining equipment with signage and descriptions of the role each item plays in successful mining operations. A visitor's center conference room wall mural depicting the evolution of mining from Native American to present day was painted by the entire K-5 student body of Gordon McCaw Elementary School. Donations of funds, professional services, construction materials, plumbing, electrical, labor, mining equipment, mineral collections, and exhibits made the project possible.

Since the first student field trips took place at McCaw School of Mines in January 1997, through the end of 2014, over 85,000 students have visited. Trained tour guides include adult volunteers, 4th and 5th grade students known as "Mighty Miners" from Gordon McCaw Elementary School, and high school volunteers from Las Vegas High School and Foothill High School. In addition to gaining knowledge about mining and minerals, the "Mighty Miners" learn self-confidence and public speaking skills while interacting with their peers. A select group of master teachers aligned the tour guide instruction manual to the latest Nevada and Clark County School District science standards. Before bringing their students to McCaw on a field trip, each teacher must attend a 4-hour in-service and have their students complete a pre-field trip curriculum on Nevada Mining. One class of students per day may visit, and the tour is 2 – 3 hours long. Priority is given to 4th grade classes, since the 4th grade has both Nevada history and Earth Science curriculum requirements. Open houses are also held throughout the year to introduce the general public to Nevada mining past and present, and to mineral education.

The winner in the mining awareness educator category for 2015 is Karen Swacker, 6th grade Life Science and 7th grade Earth Science teacher at Rickover Junior High School in Sauk Village, Illinois. Ms. Swacker was nominated for the Rocks and Minerals Unit she developed and engages her students in every year, and for her commitment and success in instilling enthusiasm and desire for learning more about science into her students. After attending an Illinois Association of Aggregates Producers teacher workshop five years ago, Ms. Swacker integrated the new activities she learned into her existing Earth Science curriculum. She has developed unique and effective hands-on activities to teach her students about rocks and minerals.

Rickover Junior High School is a low income school located in a district that is ranked the second worst in the state. The materials and facilities the teachers have to work with are dire, including outdated books, a copier that breaks down frequently, heating and sewage issues, outdated and limited technology, and little to no resources for classroom activities. Ms. Swacker works tirelessly to help provide an enriching curriculum, and invests heavily to provide science resources for her students at her own personal expense. She was influential in convincing the science department to invest in rock samples for every 7th grade teacher at the school. She also organizes fundraisers to reduce the cost of transportation in order to provide for field trips for the students. A field trip to a quarry and a science expo with a geologist and earth scientists as presenters is part of the Rocks and Minerals Unit she developed. Also, for the past seven years, she has taken 10 – 15 girls annually to the Career Day for Girls held at the Robert R. McCormick School of Engineering and Applied Science at Northwestern University where they learn about career opportunities in engineering and applied science. She also helped start the Forensics Club at the school and collaborated with the Museum of Science & Industry in Chicago to start the Science Minors Club at Rickover, which is now the Robotics Club. Ms Swacker serves as the co-leader for the club. Ms. Swacker was also chosen as a Heliophysics Educator Ambassador in 2010 – 2011, a NASA program which focuses on in-depth learning experiences around Earth, Space, and Physical Science topics for educators teaching in middle and high school grades. The program's goal is to develop the capacity of and provide opportunity for educators to train other teachers on NASA Heliophysics science and educational resources.

In addition to the award winners, one honorable mention will be presented this year in the public outreach category to Alaska Resource Education located in Anchorage, Alaska, for their Natural Resource Patch Program and curriculum in partnership with the Girls Scouts of Alaska.

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

IMCC Announces Winners of the 2015 National Reclamation Awards

The Interstate Mining Compact Commission (IMCC) recently announced the recipients of its annual national reclamation awards. Named after the charter executive director of the Compact, the Kenes C. Bowling National Mine Reclamation Awards are presented each year to mining operations in the coal and noncoal categories that have demonstrated excellence in reclamation based on achievement in five categories: compliance; contemporaneous reclamation; drainage control; bond release (or reclamation success); and innovativeness. The awards will be presented at a banquet being held in conjunction with IMCC's Annual Meeting, April 26 - 29, 2015, at the Royal Sonesta Harbor Court Hotel in Baltimore, Maryland.

The 2015 winner in the coal category is Harlan Reclamation Services, LLC for its work on the Right Fork Mine located in Coalgood Kentucky. The 2015 winner in the noncoal category is Luck Stone Corporation for its Charlottesville Plant located in Charlottesville, Virginia. Harlan Reclamation Services, LLC, Right Fork Mine (permit 848-0322) is a multi-seam surface contour, auger and area mining operation located near the community of Coalgood in Harlan County, Kentucky. The permit was originally issued to New Horizons Coal, Inc. (permit 848-0201) and was approved for 429 acres of surface disturbance and 46 acres overlying augering totaling 475 acres. An additional 19 surface acres have been added through successive permitting revisions for a total of 490.6 acres. The permit area contains eleven bonded increments and coal removal was completed in May 2013. The company's record of compliance has been excellent. This permit has been violation free since the permit was transferred to Harlan Reclamation Services in August of 2012. The company has successfully established the approved post mining land uses of forestland and wildlife habitat that will provide benefit to local wildlife, pollinators, the community and the property owners. The plan also includes an Indiana Bat Protection and Enhancement Plan (PEP). The approved revegetation plan required the establishment of an herbaceous ground cover that contained a mixture of permanent grasses and legumes with the planting of four species of trees and shrubs. The seed mixture also contained at least one annual or short-lived perennial species for quick cover and erosion control. The trees planted on the permit, which included White Oak, Sycamore, Red Oak, Green Ash, Sawtooth Oak, Black Oak, and Black Locust, exceeded the number of species required in the reclamation plan. The ash and the oaks provide exfoliating bark as required by the approved Indiana Bat PEP, and they are also excellent nut and timber species. Groundcover rates of nearly 100% have been established through the reclaimed site, which helps promote stability of the backfill by eliminating rills and gullies. The revegetation plan is highly suitable for the large population of white-tailed deer in the area, and will also attract other species including ruffed grouse, turkey, small furbearers and non-game birds. Minor depressions were left throughout the reclaimed permit that will provide the establishment of seasonal wetlands. All surface drainage is directed to and contained within stable, well-vegetated diversions. All hollow fill drainage and backfill drains are rock lined and stable. The company has experienced no water quality compliance problems on the permit. One of the most significant benefits resulting from this remining operation has been restoration of the site to a more environmentally stable condition by reclaiming existing "pre-law" highwalls, thereby leaving the site in a more accessible and usable condition.

IMCC will also be presenting an honorable mention to Paramount Coal Company Virginia, LLC for their Red Onion Surface Mine (permit #1101849), located in Pound, Virginia. The permit consisted of 740 acres, a majority of which had been mined prior to the enactment of the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The site was restored to approximate original contour. All highwalls created by the mining activity were eliminated. In addition, approximately 28,000 linear feet of pre-SMCRA highwall was eliminated during mining and reclamation of the permit. The area was backfilled and regraded so that all areas affected by the operation were restored to an ecologically sound land use compatible with the prevailing land uses in the surrounding area. The company constructed sediment control structures to meet regulatory requirements, salvaged topsoil for redistribution during final grading and established vegetation on disturbed areas. Paramount worked closely with the Dickenson County Industrial Development Authority in obtaining necessary approvals. The company also worked in conjunction with the American Chestnut Foundation to plant an area of the permit with chestnut seedlings and nuts. The Commonwealth of Virginia's Department of Mines, Minerals and Energy (DMME) was seeking a suitable site for demonstration of an Unmanned Aerial Vehicle (UAV) which the company allowed to take place on the permit. The demonstration resulted in capture of high-resolution aerial photography along with accurate elevation data. The demo was conducted by Caron East and provided DMME and coal industry representatives with the opportunity to evaluate the benefits of this technology.

The 2015 winner in the Noncoal Category is Luck Stone Corporation's Charlottesville Plant, located in Charlottesville, Virginia, which began operations in 1936 and has operated continuously since then. 144 acres are covered by the state mine permit with 129 of those acres bonded for mining activity. The material mined at this site is basaltic in nature containing a number of minerals including epidote. Mining is carried out in a typical multiple-bench operation utilizing blasting, haulage, crushing, and screening components. The quarry currently consists of five levels and a depth of approximately 275 feet. Luck Stone used the best available materials and techniques to handle difficult drainage issues. Run-off and sediment were properly controlled during the projects. No reclamation violations were issued by the Virginia Department of Mines Minerals and Energy during the time period covering these projects. The Luck Stone property is bordered to the east by Stone-Robinson Elementary School, an Albemarle County public school built in 1961. Through the years Luck Stone has been able to combine its need to dispose of excess overburden material with the school's need to expand and enhance its facilities to create a win-win outcome. In 1998/99, both Luck Stone and Albemarle County were interested in purchasing a two-acre parcel of land on the opposite side of the school situated between the school property and property owned by Luck Stone. The county wanted the land for future expansion of the Stone-Robinson facility. Luck Stone wanted the property because the topography and the way it joined the company's existing property offered the chance for placement of a sizable amount of overburden. To serve the needs of both parties, Luck Stone proposed donating a portion of its property on the south side of the school to the county for its future needs. The county accepted the donation in 1999, giving it 11 acres of more desirable land including access to the Rivanna River. In March of 2000, Luck Stone bought the two-acre parcel on the other side of the school and included the school in its long range planning for those two acres. After filling a deep ravine on the property with overburden, more overburden was used to fill a portion of the adjoining school property as well. This raised the elevation of the school property to equal that of the school's nearby playground area, allowing the school to enlarge the playground and add new equipment. During 1999 and 2000, a portion of the 11 acres donated was graded to an elevation that allowed the school to build a track and soccer field. Around 2008, Luck Stone heard that Albemarle County was looking for places to build a much needed baseball field. The company asked if county-owned property behind Stone-Robinson was being considered. The site, which immediately adjoined quarry property, had been judged unsuitable since it was a mostly wooded, low, ravine-like area and lacked the acreage to support a ball field. After discussing it with the school, Luck Stone proposed installing proper drainage measures on the site and filling the area with overburden material from the quarry along with donating 0.6 acres of land to make the area suitable and large enough to support a baseball field. The county accepted this proposal and the baseball field was built in 2010/2011. In accomplishing these projects, the company transformed property with difficult terrain and limited potential to a higher and better use.

IMCC will present an honorable mention in the noncoal category to Kinross Fairbanks Gold Mining, Inc. for their True North Gold Mine, located in Fairbanks, Alaska. The company exhibited an extraordinary effort to go above the standard required by the state for revegetating the site, ensuring stability of the pit, addressing drainage to negate the need for long-term maintenance, and working cooperatively with the community on the post-mining land use. The site is an example of the company's exemplary commitment to provide a positive image of mining in Alaska. The True North Gold Mine commenced operation at the end of January 2001. A total of 36.4 million tons of material were mined from January 2001 to December 2004. The climatic conditions of the Fairbanks area are consistent with interior Alaskan subarctic conditions, which include short warm summers and long cold winters. Due to the climate, reclamation typically occurs during the summer months from June through August. The efforts of the company effectively eliminated the water issues occurring in the mine's three pits. True North provides a habitat to a large variety of Alaskan species including moose, wolves, bear, sandhill cranes, and birds of prey. Understanding the local community's desire for traditional land use, the company worked, and continues to work, with trail user groups and the Alaska Department of Natural Resources (ADNR) Easements Section to accommodate trail uses throughout the minesite lease boundary. A total of 25,150 feet of trails have been installed. Kinross worked with the University of Alaska Fairbanks and a local arborist to develop a plan for harvesting and germinating local seeds, which were not

available locally for purchase. They planted seedlings on the site for the species of Black Spruce, White Spruce, Birch, and Alder, despite the fact that ADNR does not require trees to be planted.

IMCC Files Statement on MSHA's FY 2016 Budget Request

The Interstate Mining Compact Commission (IMCC) recently filed a statement with the Subcommittees on Labor, Health and Human Services, and Education and Related Agencies of both the House and Senate Appropriations Committees in support of the fiscal year (FY) 2016 budget request of the Mine Safety and Health Administration (MSHA). IMCC's statement expressed appreciation for MSHA's request for state assistance grants to be funded at \$8,441,000, while urging the Subcommittees to restore funding to the statutorily authorized level of \$10 million in order to allow states to meet the training needs of miners and fully and effectively carry out state responsibilities under the Mine Safety and Health Act of 1977 (Act). MSHA's proposed grant amount is consistent with amounts appropriated by Congress over the past several fiscal years and does not consider inflationary and programmatic increases being experienced by the states, according to the statement.

The past 35 years have demonstrated that the states are often in the best position to design and offer mine safety and health training that insures the goals and objectives of the Act are adequately met. MSHA's budget justification document estimates that the states will train approximately 180,000 miners in FY 2016. However, IMCC noted that the number of miners trained by the states has decreased over the past few years due to the reductions and/or delays in state grant funding, which continues to be a serious challenge for state training programs. As of March 20, 2015, six months into the fiscal year, the states were still awaiting the allocation of grant awards. IMCC also expressed states' concerns about the appropriateness, fairness and overall effectiveness of a new formula MSHA is intending to use for distributing grant moneys among the states based on production and employment figures over a five year period of time.

Another area of concern to the states addressed in the statement is a recent attempt by MSHA to assert jurisdiction over an abandoned mine land (AML) project site being reclaimed by the Commonwealth of Pennsylvania as part of its approved AML program under Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) (*See related article*), and the subsequent revelation that MSHA is seeking to exercise jurisdiction going forward over any and all AML projects that involve reclamation. IMCC will continue to work with MSHA and the Office of Surface Mining (OSM) on this matter, but urged the Subcommittees to include language in their reports on MSHA's budget prohibiting the agency from exercising jurisdiction over AML projects under Title IV of SMCRA.

For more information, or a copy of IMCC's statement, contact: Beth Botsis or Greg Conrad at 703.709.8654, or E-Mail: bbotsis@imcc.isa.us.

IMCC/MSHA/OSM Meet Re. Jurisdiction at AML Project Sites

A meeting between the Interstate Mining Compact Commission (IMCC), the Mine Safety and Health Administration (MSHA), and the Office of Surface Meeting (OSM) was held at MSHA's headquarters on March 17. The purpose of the meeting was to address whether and to what extent MSHA has jurisdiction over abandoned mine land (AML) project sites, in particular those where coal is incidentally removed and sold as part of the project.

The question of MSHA's potential jurisdiction at AML sites was precipitated by an AML reclamation contractor in Pennsylvania requesting an MSHA identification number for the project. MSHA had never previously asserted jurisdiction at such sites. The request prompted review by MSHA, which then determined that it would assert jurisdiction resulting in unprecedented certification and training requirements for a wide range of AML reclamation projects. This would include not only sites where extracted minerals are sold to offset the costs of reclamation, but also more traditional AML reclamation activities. MSHA provided a set of limited exceptions to its jurisdiction and reported that the agency envisions a case-by-case inquiry being necessary to determine jurisdiction at individual sites.

The meeting highlighted the fact that more deliberation is needed to address the ramifications of requiring MSHA training and certification for AML contractors, especially with respect to how such a requirement would affect the ability of state programs to swiftly respond to dangers to public health and safety posed by emergency AML sites, such as landslides and subsidence. IMCC and the National Association of Abandoned Mine Land Programs (NAAMLPL) will continue working to determine the practical and policy implications of expanded MSHA jurisdiction.

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

Hearing on the OSM's FY 2016 Budget Request

The House Appropriations Subcommittee for Interior, Environment and Related Agencies held a hearing on March 18 regarding the Department of Interior's FY 2016 budget proposal. John Stefanko of Pennsylvania testified at the hearing on behalf of the Interstate Mining Compact Commission (IMCC), and Eric Cavazza of Pennsylvania testified on behalf of the National Association of Abandoned Mine Land Programs (NAAML) concerning the Office of Surface Mining's (OSM) FY 2016 budget request. Among the items discussed were proposed state grant funding levels for FY 2015 under both Title V and Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), proposed increases in funding for OSM's program operations and the justifications for those increases, as well as five OSM legislative proposals regarding the AML Trust Fund under Title IV of SMCRA. The latter proposals include: elimination of payments to certified states and tribes, return of the AML fee to pre-2006 levels, establishment of a hardrock AML fee and accompanying regulatory program, enhancement of the payment schedule for the United Mine Workers pension funds, and a proposal to accelerate dispersal of \$1 billion from the AML Fund for the purposes of economic revitalization projects.

The House Subcommittee on Energy and Mineral Resources held a hearing on March 18 titled, "Effect of the President's FY 2016 Budget and Legislative Proposals for the Office of Surface Mining on Private Sector Job Creation, Domestic Energy Production, State Programs and Deficit Reduction." OSM Director Joseph Pizarchik was the sole witness at the hearing. Notable topics of discussion included the President's Power Plus Plan, part of which includes the AML Trust Fund Economic Revitalization Proposal, and the status of the states as cooperating agencies with regard to development of a draft Environmental Impact Statement to support OSM's soon to be published proposed rule on Stream Protection. IMCC and NAAML submitted written testimony.

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

President's Power Plus Plan's AML Economic Revitalization Proposal Fact Sheet Released

The Office of Surface Mining (OSM) released a fact sheet in March regarding the proposal to accelerate the disbursement of \$1 billion from unappropriated balances in the Abandoned Mine Land (AML) Trust Fund to states and tribes to "build new development opportunities and new jobs in communities impacted by abandoned mine lands," as part of the Administration's more general "Power Plus Plan." Under the proposal, in each year over a five year period, \$200 million would be made available to states and tribes in addition to existing grants, with the additional funds specifically aimed at reclamation of AML sites and related water pollution "in a manner that promotes economic diversification and development in economically distressed coal county communities." The fact sheet provides further details regarding the timetable and allocation method for the additional funds. Allocations will be based on the Historical Coal Share formula, which is based on historical coal production tonnage in each state or tribe. In each year, OSM will make 10% of the potential grant amount for each state or tribe available for the purpose of developing a plan to identify and reclaim sites in a manner consistent with the Economic Revitalization proposal's "Eligibility and Project Prioritization Criteria." Site prioritization criteria include increased recreation/tourism, reforestation, agricultural/horticultural production, and siting of a business or other entity that contributes to the local community's property tax base. States and tribes will also be expected to prioritize certain regions with regard to above average unemployment, below average per capita income, and loss in coal mining employment over the previous 5 years. Grants will be allocated pending approval by OSM of the state's or tribe's approach to meeting these criteria. If less than 100% of a grant is "obligated" during a grant year, only the reduced amount will be available in the subsequent grant year.

The Interstate Mining Compact Commission (IMCC) and the National Association of Abandoned Mine Land Programs (NAAML) provided high-level comments on the viability of the proposal and its possible practical and policy ramifications during the budget hearings on March 18. IMCC participated in a briefing for congressional staff on the subject on February 25 in conjunction with Trout Unlimited. IMCC Executive Director Greg Conrad also discussed the proposal during the NAAML's Winter Meeting in Orange Beach, Alabama on March 5. IMCC and the NAAML continue to evaluate the proposal in light of the new details provided by the fact sheet.

Cooperating Agency States Send Letter to OSM Director Re. Stream Protection Rule EIS Process

On February 23, 2015, a letter was sent to Joseph Pizarchik, Director of the Office of Surface Mining (OSM) by ten states (UT, NM, KY, TX, MT, WY, WV, AL, IN and VA) that signed a Memorandum of Understanding (MOU) with OSM in 2010 agreeing to serve as cooperating agencies concerning the development of an environmental impact statement (EIS) to accompany a proposed rule on stream protection. The letter was also signed by an eleventh state (OH) which had agreed to participate as a state commenter in the process. The 11 states wrote that, since January of 2011, despite the agreement, the agency has not shared documents or allowed for meaningful participation by the

cooperating agency states in preparation of the EIS, as is required by the Council on Environmental Quality (CEQ) regulations addressing cooperating agency status "to implement the National Environmental Policy Act (NEPA) mandate that federal agencies responsible for preparing NEPA analyses do so 'in cooperation with state and local governments'." The letter states that no additional outreach from OSM to the cooperating states has occurred after January 2011, though OSM has significantly revised the EIS since that time. In addition, on several occasions during meetings of the Interstate Mining Compact Commission (IMCC), Director Pizarchik indicated that the agency does not envision re-engaging with the cooperating states on the draft EIS.

The 11 states wrote, "Based on our experience to date with OSM's development of the draft EIS for the stream protection rule, we assert that OSM has not provided for meaningful participation by the cooperating agency states in the preparation of the EIS and it seems unlikely that the agency will do so prior to release of the draft EIS and proposed rule this spring. The cooperating agency states are therefore left with a decision about whether and when to withdraw from the process in order to protect our interests and to craft an appropriate statement for inclusion in the draft EIS regarding the nature and level of our participation and our decision to withdraw."

Three of the cooperating agency states have since withdrawn from the process pursuant to provisions of their respective MOU's with the agency.

Director Pizarchik recently responded to the letter proposing a meeting with the 11 states to discuss the EIS. The meeting is scheduled to take place in April. The stream protection rule is currently under review at the Office of Management and Budget and is expected to be published sometime this spring.

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

Utah Governor Directs Agencies to Develop Plan to Protect Greater Sage Grouse

Utah Governor Gary Herbert signed an executive order in February directing state agencies to develop a Greater Sage Grouse conservation plan designed to protect the bird's habitat in the hopes of preventing a federal listing under the Endangered Species Act (ESA). The order directs state agencies to maintain and enhance habitat on more than 17 million acres which contain 94% of the Greater Sage Grouse located in the state. The acreage is confined to 11 protected areas of the state where currently authorized activities will be allowed to continue. Governor Herbert called for the executive order to be implemented "in a serious and thoughtful way," but must also "address the needs of society, private landowners and the economy."

FWS Director Memo to BLM and USFS Re. Greater Sage Grouse Recommendations

A confidential memo from U.S. Fish and Wildlife Service (FWS) Director Daniel Ashe dated October 27, 2014 containing recommendations regarding land use allocations in "highly important landscapes" to protect the Greater Sage Grouse was disclosed in February. The memo was sent to the Director of the Bureau of Land Management (BLM) and the Chief of the U.S. Forest Service (USFS) and indicates it was written in response to a request from BLM "to identify a subset of priority habitat most vital to the species persistence, within which we recommend the strongest levels of protection." Maps attached to the memo identified areas within Priority Habitat Management Areas (PHMA) that "represent recognized 'strongholds' for the species that have been noted and referenced by the conservation community as having the highest densities of the species and other criteria important for the persistence of the species."

The memo outlines criteria used to identify areas within PHMAs in which FWS recommended the most conservative approach should be applied, including: existing high-quality sagebrush habitat for sage grouse; highest breeding densities of sage grouse; areas identified in literature as essential to conservation and persistence of the species; and a preponderance of current federal ownership, and in some cases, adjacent protected areas that serve to anchor the conservation importance of the landscape. Areas in the states of Idaho, Nevada, Oregon, Wyoming, and Montana were among those identified.

Several western states have developed, or are in the process of developing, their own protection plans for Greater Sage Grouse. Wyoming's plan covers 15 million acres and is the product of eight years of stakeholder collaboration. Wyoming's Governor Matt Mead said the state's plan would be jeopardized by FWS' recommendations as contained in the memo.

FWS has set a September 30, 2015 deadline for issuing a determination regarding the endangered status of the greater sage grouse.

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

FWS Proposed 4(d) Rule Re. the Northern Long-Eared Bat

On January 15, the U.S. Fish and Wildlife Service (FWS) published a proposed 4(d) rule for the northern long-eared bat (NLEB) which is intended to be implemented in the event the species is listed as "threatened" on April 2, 2015. A 4(d) rule is a species-specific rule which can only be applied when a species is listed as "threatened," rather than "endangered," and is meant to provide flexibility under the Endangered Species Act (ESA). Under the 4(d) rule, FWS would be directed to issue regulations deemed "necessary and advisable to provide for the conservation of threatened species." It would allow for exemptions from prohibitions of "take" under certain conditions in order to protect private landowners and citizens and assure they "are not unduly burdened by regulations," according to a FWS fact sheet. Without a 4(d) rule in place, a species determined to be "threatened" would be automatically afforded the same protections as though it were listed as "endangered".

The 4(d) rule for the NLEB would affect any areas within 150 miles of the boundaries of the U.S. counties or Canadian districts where White Nose Syndrome (WNS) is confirmed or suspected. The rule exempts "take" of the species in certain specific situations, provided the activities involved put conservation measures in place to protect known maternity roosts and hibernacula. There are no mining specific provisions currently included in the rule, but FWS was seeking input during the comment period, which ended March 18, regarding specific activities that should be included in the final rule.

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Congress Requests Information on NLEB and Delay of ESA Listing Decision

Nine members of the U.S. Senate and two members of the U.S. House of Representatives signed a letter sent to Dan Ashe, the Director of the U.S. Fish and Wildlife Service (FWS) on March 16, 2015 regarding the upcoming listing determination under the Endangered Species Act (ESA) for the northern long-eared bat (NLEB), the related 4(d) proposed rule, and broader efforts to address white nose syndrome (WNS). In the letter, they stated they had requested responses to a number of concerns and questions from FWS by March 13, which they had not yet received. Therefore they were asking that FWS both extend the comment period of the proposed 4(d) proposal (the comment period closed on March 18 and has not been reopened at the time of this writing), and delay the listing decision for the NLEB by at least 60 days. The FWS listing determination deadline for the NLEB is currently April 2.

"Your timely, thorough, and transparent responses should provide greater clarity to the Services' proposals and related activities and will also inform the congressional oversight and appropriations process," the letter stated, "Your responses should also aid citizens who wish to provide more fully-informed public comments on the 4(d) proposal." The letter went on to state, "We are confident that responses can be provided quickly, so long as the Service has performed its due diligence" in the areas where information is being requested.

Finally, the letter urged FWS to "protect the NLEB from population loss associated with WNS, without unduly burdening impacted communities and citizens.... as it is clear that human activities are not a reasonable basis for adding the NLEB to the Endangered and Threatened Species List."
