

WPCAMR Regional Coordinator's Report

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LEGISLATIVE ROUNDUP

STATE

- The Governor's budget presented on Feb 5th, outlines several cuts in programs. One of those is for the Environmental Stewardship Fund (ESF). Various amounts are proposed to be taken out of the ESF and some funds going back in with the bottom line being a net LOSS to the ESF of \$14.7M. I understand that these are not proposed to be one-time transfers. Rather, they are proposed to last at least 5 years. We understand that the only way these project funds will be made up is if Restore PA passes, and then only for 4 years. However, it is doubtful that Restore PA will be enacted because of Republican opposition to the severance tax. Apparently, Gov Wolf fought administrative costs being paid for out of these special funds, and now he's proposing to do that himself.

Taking funds from those accounts could give various environmental groups more energy for a lawsuit against the use of special funds for admin costs due to violation of the Environmental Rights Amendment. Either way you look at it, the ESF is taking a bit hit, therefore any funding for grants will be slim. We will stay close to this issue and report on developments.

FEDERAL

- **RECLAIM Act (H.R. 1731)**

There doesn't seem to be a future for RECLAIM with the new Congress. Its supporters are trying to find the offsets and a champion or champions. We don't expect RECLAIM to survive long.

(With regard to RECLAIM, once again it bears repeating that, in its current form, the funds to be distributed will be from the "Unappropriated balance"...funds that were supposed to be distributed to the states at the end of the current AML reauthorization if the AML fee collection isn't reauthorized in 2021. Distribution of these funds to the RECLAIM Act would negatively impact the "Unappropriated Balance" whose current balance is approximately \$2Billion. Without a reauthorized fee collection in 2021, this balance will lose \$1Billion and could potentially lose more of the remaining balance as it is funneled to RECLAIM. The unappropriated balance was originally intended to be distributed to the states if/when the Title IV fee collection stopped. Without this source

of funding, state Bureaus of Abandoned Mine Reclamation may have no other source of funding for their work.

Another point to note is that in this current version of the RECLAIM Act, Pennsylvania would be negatively affected. Pennsylvania would actually lose funding. That funding would be distributed to other states, according to the new distribution formula, presumably to get the other states more interested in supporting the bill).

- **S.1911 - Miners Pension Protection Act**

The issue of miners' health insurance was addressed by Congress. However, the issue of the miners' pensions is still up in the air. This bill was introduced by Manchin (D-WV) on October 4, 2017 and, unless it's re-introduced, is unlikely to go any further.

- **SMCRA Fee Re-authorization**

We continue to work head up the PA AML Campaign with Trout Unlimited and work with NAAML/IMCC on re-authorization of the Title IV fees for SMCRA, participating in conference calls, etc. The National Association of Abandoned Mine Lands Programs (NAAML), of which, the State of Pennsylvania is a member, has begun definite efforts to increase awareness about re-authorization. Principally, they have worked with the State of Wyoming to come up with video spots for publicity. We continue to work closely with the NAAML through our association with the PA AML Campaign.

Both Houses of Congress will be on recess and in their districts from Feb 18th – 22nd and also in March. WPCAMR and TU staff and likely several members of the PA AML Campaign will be making appointments to visit key members of the PA Congressional Delegation during these and future times. We will be amping up communications with DC with regard to reauthorization because of competition from RECLAIM and other interests. WPCAMR had received funding from FPW to fund our SMCRA Title IV travel and advocacy for a one year period starting June, 2018. Securing this funding was one of the points from our Funding Plan last year.

Anne attended an NAAML winter meeting to find out details on how the NAAML is going to address reauthorization. She will provide an update on her report.

- **Sequestration**

Still goes on with PA losing funding from its annual Title IV grant. Part of what the AML Campaign is looking for is an end to the sequestering of Title IV grant funds.

- **Community Reclamation Partnerships Act (CRPA) HR 2937**

This bill is a type of Federal Environmental Good Samaritan bill introduced in the House and reported out of committee. Most of the work on this has been done through the Interstate Mining Compact Commission, TU and the States. This is very promising. This bill proposes a way to protect watershed groups working on AMD by amending SMCRA.

According to sponsor, Rep. Darin LaHood (R-IL), HR 2937 addresses impediments potential “Community Reclaimers” face in the reclamation process by allowing states to assume liability on their behalf, shielding them from any undue legal liability under the law. The bill has undergone markup in Committee and has been reported out and was scored positively by the Congressional Budget Office. The crafters of CRPA were looking for a Senate champion to take up the fight in that chamber. They did not succeed. Now, with the new Congress, the bill has been re-introduced in the House and apparently the House has put it on a fast track.

OTHER ITEMS

Quick Response

We are about half way through expending funds from QR8. The use of QR8 funds has been brisk. We may want to apply during the next round of Growing Greener for a Quick Response 9 grant as soon as the round opens.

2019 Statewide AMR Conference

We’ve been working on planning the 2019 joint conference with the National Association for Abandoned Mine Land Programs (NAAML). We are currently working on locating scholarship funding for that conference. I have secured \$10,000 for scholarships at this time and we hope to have more sponsors in the coming weeks. Additionally, I have secured another \$7,000 for WPCAMR for our expenses related to work on the conference this year. We hope that attendance from the nonprofit watershed community will be good. Anne will have more information on details surrounding that conference.

Administrative

At our last meeting, the Board decided to opt for a financial review as opposed to a full financial audit for 2018. We had a full audit for 2017. I delivered the engagement letters to Henninger Associates and will begin getting the information ready for the review.

During this period, I met with Cosmos Technologies to look at potential collaboration on projects regarding AMD treatment.

Funding Plan

We completed our work with the WPCAMR Finance Committee to refine our “ask” for foundation funding in the early spring and are continuing to make progress. We have finalized our plan and received funding for one of our projects under the plan in June 2018, the project concerning advocacy, principally for SMCRA Title IV work. FPW has funded us for one year as we can increase our work with legislators and TU toward reauthorization.

Chelsea and I then met with the RK Mellon foundation after our August Board meeting to go over our list of projects and we were received well. Although there was interest in all of our projects presented, the AMR Conference was of particular interest. The AMR conference funding and our request for related expenses (a total request for \$20,000) was funded by the FPW for \$17,000. The OM&R project was also of interest but it appears that the foundation is working on their own project regarding OM&R and wish to see how that pans out before going any further with interest in our proposal. We will continue to push other avenues of funding along the way. The total amount brought in from our funding plan efforts over the past 10 months has been \$42,000.

Other Meetings

- PA annual AMR conference planning committee, Conference calls November, Jan, Feb.
- Met with representatives of Cosmos Technologies at DEP, Ebensburg Feb 5, 2019 to understand their projects, describe WPCAMR’s work, and examine potential collaboration.