

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 continue to report on developments.

FEDERAL

- **RECLAIM Act (H.R. 2156)**

RECLAIM has been re-introduced in the US House of Representatives in April. The RECLAIM Act would, once again, expedite the distribution of \$1B from the AML fund beginning in fiscal year 2020. The primary sponsor is Rep. Matt Cartwright (D-PA). Original co-sponsors are: Rep. Hal Rogers (R-K), Rep. Don Beyer (D-VA), and GT Thompson (R-PA).

There is some level of support but certainly not overwhelming at this time. We suspect the markup will be happening soon and we understand that supporters want this bill to move fairly quickly out of the House to the Senate. We also understand that there will be a Senate version coming soon.

(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).

- **American Miners Act of 2019**

The issue of miners' health insurance was addressed by Congress in the last congress. However, the issue of the miners' pensions is still up in the air. This bill, introduced in January 2019, is sponsored by Sen. Joe Manchin (D-WV) with co-sponsors Kaine (D-VA), Warner (D-VA), Brown (D-OH), Jones (D-AL), and Casey (D-PA). The purpose of this bill is to to secure our nation's retired miners pensions by: 1) shoring up the 1974 Pension Plan which is headed for insolvency due to coal company bankruptcies and the 2008 financial crisis, 2) ensuring that the miners who are at risk due to 2018 coal company bankruptcies will not lose their healthcare, and 3) extending the Black Lung Disability Trust Fund tax at \$1.10 per ton of underground-mined coal and \$0.55 per ton of surface-mined coal for ten years. This tax is critical for supporting the Black Lung Disability Trust fund, which provides healthcare and benefits to more than 25,000 miners and their dependents.

- **AML Fund Fee Re-authorization (S.1193)**

In April, Sen. Joe Manchin (D-WV) introduced legislation to extend the SMCRA fee on active coal mining. It's a simple bill with only the fee extension but we understand that Manchin is very willing to work with our community to incorporate other important items into the bill. This bill is now in the Senate Committee for Energy and Natural Resources.

Overall, there seems to be broad support in addressing SMCRA reauthorization in the House and Senate. We hear that there will be a reauthorization bill introduced in the House once the RECLAIM Act has moved on to the Senate for consideration.

We continue to 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.

I organized and facilitated the PA AML Campaign meeting at Juniata College in March to further hone our message and to finalize our position. I have completed a position letter to be sent to the PA Delegation on behalf of the Campaign and have worked on the draft resolution that will be sent to the County Conservation Districts to present to their County Commissioners. We will be busy this summer getting as much support and resolutions for reauthorization so that, by late fall, we'll have a significant movement going for reauthorization and, hopefully, an acceptable reauthorization bill in Congress.

Both Houses of Congress were on recess and in their districts from Feb 18th – 22nd and also in March. WPCAMR and TU staff and several members of the PA AML Campaign made visits to key members of the PA Congressional Delegation during these times. We will continue to increase communications with DC with regard to reauthorization because of competition from RECLAIM and other interests. Anne has recently made additional visits to other members of the PA Delegation in the past week or two to drum up support for reauthorization.

The PA AML Campaign would also like to see the following items put into the bill:

- Restoring fees to 1977 levels to account for inflation.
- Exempting funds from sequestration limits.
- Establishing a direct line item in the OSMRE budget for emergency projects.
- Increasing minimum program state/tribe funding to \$5 million annually.

WPCAMR had received funding from FPW to fund our SMCRA Title IV travel and advocacy for a one year period starting June, 2018 and running through June 2019. Securing this funding was one of the points from our Funding Plan last year.

- **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) (H.R. 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 bill is currently still in the Senate Committee on Energy and Natural Resources.

OTHER ITEMS

Quick Response

We are just over 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. I will be requesting additional funds from DEP to amend our current QR contract and will see if we can get those funds. That should help keep the program going until the next round of Growing Greener applications.

2019 Statewide AMR Conference

We've been continuing to work on 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 the committee has been getting more sponsors. 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 accounts information to Henninger Associates and will begin getting the information ready for the review. I also have been consulting with our bank and also with Henninger regarding how involvement in a potential large project could affect our organization and potential costs involved.

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 12 months has been \$42,000.

Additionally, I have been starting to work with Chelsea on a fundraiser. While this is in it's beginning stage, it has a lot of potential. We hope that the Board will approve the idea so we can finalize the details.

Other Meetings

- PA annual AMR conference planning committee, Conference calls March, April.
- Met Rep. Conor Lamb's staff, Pittsburgh, PA
- Met with Rep. Doyle and staff, Pittsburgh, PA
- Met with our accountant, Greensburg, PA
- Monitored the House Natural Resources Committee Hearing streaming video in March.