

WPCAMR Regional Coordinator's Report

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LEGISLATIVE ROUNDUP

STATE

- **State Budget**

The General Assembly passed the state budget on June 25th and it was signed by the Governor on June 30th.

FEDERAL

House Bills

- **RECLAIM Act HR1733** (*Previous number: H.R. 2156*)

RECLAIM was re-introduced in the previous Congress in the US House of Representatives April of 2019. The RECLAIM Act now reintroduced on March 10, 2021 would expedite the distribution of \$1B from the AML fund beginning in fiscal year 2022. The primary sponsor is Rep. Matt Cartwright (D-PA). GT Thompson (R-PA) was one of the original co-sponsors in the previous Congress and again is an original co-sponsor. This is a bi-partisan bill with 41 co-sponsors.

We understand that the main sticking points have been worked out by language changes. Those sticking points were: distribution of unused funds and the public comment period. RECLAIM still has a hard time moving along in Congress due to the lack of “pay for”.

- **Surface Mining Control and Reclamation Act Amendments HR1734** (*Previous number: HR4248*)

Introduced by Rep. Matt Cartwright (D-PA) and Rep. Glenn Thompson (R-PA) March 10, 2021, this bill extends the SMCRA fee and also addresses the points required by the PA AML Campaign. It was reported out of the House Committee on Natural Resources on May 26, 2021.

- **Surface Mining Control and Reclamation Act Amendments HR2462**

Introduced by Rep. Liz Cheney (R-Wyoming), this bill proposes even lower fee rates than the Senate bill put forth by Wyoming Senators Barasso and Enzi during the last Congress and extends the fee collection to 2028. This bill is endorsed by the Wyoming Mining Association and the NMA and has 5 co-sponsors, all Republicans. It was referred to the House Committee on Natural Resources and the Committee on the Budget. It's likely this bill won't move but it seems to be serving as a source for negotiations between parties.

- **Community Reclamation Partnerships Act (CRPA) H.R.1146 (Previous number: HR 315)**

This is the third iteration of this bill. 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 continues to be very promising. This bill proposes a way to protect watershed groups working on AMD by amending SMCRA. WPCAMR had supported CRPA but recognizes it needs more work to be relevant to our community. It was reported out of the House Committee on Natural Resources by unanimous consent on May 26, 2021. If this measure does pass the House, it is unknown whether it will go anywhere in the Senate since there doesn't appear to be much interest from Senators. We will watch this bill closely.

Senate Bills

- **The Abandoned Mine Land Reclamation Fee Reauthorization Act S.1600 (Previous number: S.3971)**

Re-introduced by Senator Barasso (R-WY) in March of 2021, this bill had gotten quite a bit of support from NMA but has largely been panned by the national environmental groups. In a nutshell, it contains a SMCRA reauthorization measure, a RECLAIM-type of incentive that doesn't address economic growth, exempts AML grants to the States from Sequestration and returns sequestered funds to the states, and the Community Reclamation Partnership Act (Good Sam-type of bill). The downfalls of this bill were: reauthorization for only 7 years; lack of economic parameters for the additional RECLAIM-like distributions from the unappropriated balance; and, perhaps more importantly, the 35% decrease in fees collected for all types of coal mined currently. There was no general consensus from the States on supporting this bill. In spite of its problems, it is a good start to negotiating something that will work for everyone. Since its re-introduction, the sponsors have worked with Senator Manchin (D-WV) to craft something mutually agreeable to attach to the Bipartisan Infrastructure package.

- **AML Fund Fee Re-authorization S.1447** (*Previous number: S.1193*)

In April 2021, Sen. Joe Manchin (D-WV) re-introduced legislation to extend the SMCRA fee on active coal mining. This bill seems to have been designed as a sort of “placeholder” bill. Obviously, it needs to have more than just an extension of the fees for 15 years. This bill has 4 co-sponsors at this time (all Democrats) including Senator Casey from Pennsylvania. If it is needed, and this bill gains momentum, the PA AML Campaign would like to see the following items put into the bill at some point in this Congress:

- 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 \$5M annually.

This bill was referred to the Senate Committee on Energy and Natural Resources on April 29, 2021.

- **RECLAIM Act S.1455** (*No Previous number*)

On April 29, 2021, Senator Manchin introduced this Senate version of the House’s RECLAIM Act. This is similar to Cartwright’s bill in the House but is missing some that language. This bill has 4 co-sponsors (all Democrats) at this time including Senator Casey from Pennsylvania. It was referred to the Senate Committee on Energy and Natural Resources on April 29, 2021.

- **Bi-partisan Infrastructure Package (HR3684)**

The legislative vehicle for the Bipartisan Infrastructure package, HR3684 passed in the Senate on August 10, 2021 with a vote of 69/30. With regard to AML, this package contains language for the re-authorization of SMCRA due to the work of Senator Manchin (D-WV). The PA AML Campaign worked with Senator Casey to offer an amendment that would de-couple AMD work from the P1 and P2 sites and that AMD set-aside could be used in areas that were not “Hydrologic Units” as previously required. Unfortunately, the amendment didn’t make it into the language. There is little chance that the amendment will make it in there when it goes to the House. We understand that the best opportunity for the amendment to get in there is perhaps through the reconciliation process.

Having passed the Senate, it will move to the House for an up or down vote only. If it passes there, it goes to the President’s desk.

WPCAMR's Reauthorization Work

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, continues with their 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.

Due to the Coronavirus, WPCAMR and TU staff and members of the PA AML Campaign have not been able to make physical visits to legislators however, we continue to communicate via email, zoom, and telephone.

WPCAMR and EPCAMR in association with the PA AML Campaign have put together informational videos that are now on Youtube and "Our Work's Not Done" websites.

- **Sequestration**

At this time, it 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. .

OTHER ITEMS

Quick Response

We have expended funds from QR8 and sent the final report to DEP in July. We now are expending funds from QR9 and are taking applications for funding to conduct urgent repairs to water quality BMPs, not just for AMD-related projects but other water quality BMPs as well.

2021 Statewide AMR Conference

We've been working on planning the 2021 joint conference . The committee decided it would be best if it were virtual, similar to the October 2020 PA AMR Conference.

Anne will have more information about our conferences and the planning.

Ohio River Basin Workgroup

In the fall of 2020, a regional plan was released from the Ohio River Basin Alliance to confront economic challenges and environmental threats to the region. That plan contains six goals, one of them is Healthy and Productive Ecosystems. The next phase of that goal is to craft an ecosystem restoration plan for the 15-state Ohio River basin that will serve as the foundation for multi-billion-dollar federal investment from the U.S. Congress to address threats to the river, tributaries, wetlands, and ecosystem. Acid mine drainage will be a priority in the plan. I was contacted by National Wildlife Federation and have begun participating in the workgroup organized by them to craft the restoration plan that makes a powerful and compelling case to Congress for restoration investments in the Ohio River basin now and well into the future. The hope is to get a plan that results in \$400 million or more per year from Congress, similar to what other ecosystems such as the Great Lakes are receiving. I will be in this workgroup over the next 12 months or so.

Administrative

I continue arranging for details surrounding our Strategic Planning work that began in May. We have had our first Steering Committee meeting and consult regularly with our facilitator, Rita Coleman Graham.

I continue to perform the usual administrative duties and work with our Treasurer on account reconciliations, check signing, etc. I have worked with Henninger Associates for our annual financial review and will be meeting with her and our Treasurer Chelsea, on Friday, August 13th to go over the draft report.

Other Meetings

- PA annual AMR conference planning committee, monthly conference calls and Zoom mtgs
- Weekly AML Campaign phone calls ongoing.
- Participated in two Ohio River Restoration workgroup zoom calls.
- Attended Indiana County Conservation District Strategic Planning session.
- Attended Indiana County Conservation District new building dedication.
- Various phone calls from watershed groups and/or others.