



NATIONAL ASSOCIATION OF ABANDONED MINE LAND PROGRAMS

Meeting Minutes

**2012 NAAML P Annual Business Meeting
September 26, 2012
Des Moines, Iowa**

General Session Business Meeting called to order at 8:15 am by President Roanhorse.

Proxies: Chuck Williams for Alabama, Wayne Van Buren for Arkansas, Bob Gibson for Illinois, Mike Mueller for Missouri, Mike Sharp for Oklahoma

Roll Call by Vice President, Members Present:

AL (Chuck Williams), AK (Justin Ireys), AR (Wayne Van Buren), CO (Bruce Stover), IL (Bob Gibson), IN (Steve Herbert), IA (Todd Coffelt), KS (Murray Balk), KY (Bob Scott), MD (Mike Garner), MO (Michael Mueller), MT (John Koerth), Navajo (Madeline Roanhorse), NM (John Kretzman, Lloyd Moiola), ND (Bill Dodd), OH (Blake Arthur), OK (Mike Sharp, Dianne Ireton), PA (Eric Cavazza), UT (Luci Malin), VA (Richard Davis), WV (Eric Coberly, Joe Reppy), WY (Alan Edwards).

Also in attendance: IMCC (Greg Conrad); OSMRE (Al Whitehouse, Anne Walker, Ervin Barchenger, Jeff Fleischman, Rick Buckley); BLM (Stephanie Odell); National Park Service (John Burghardt); Amber Fortner (URS corp.)

Approval of Meeting Agenda-

The meeting agenda was modified by President Roanhorse to accommodate mid-afternoon departures for several attendees. Kansas moved to accept the revised agenda, Utah seconded, motion carried unanimously.

Approval of the Minutes from 2012 Winter Business Meeting in St. George Utah-

Minutes were passed out by the Secretary and reviewed. Iowa moved to accept the 2012 winter meeting minutes, seconded by Kansas, motion carried unanimously.

Treasurer's Report-

Hardcopies of the report were distributed to all representatives by the Treasurer. As of 10-September 2012 there is \$43,356.30 in the checking account and \$25,530.45 in two CD's. Total Account Value is \$68,686.75.

Kansas moved to Accept Treasurer's Report, Pennsylvania seconded; motion carried unanimously.

Old Business

- OSM's new guidance for removal of pre-law gob piles as AML Enhancement Projects: Virginia and West Virginia again pointed out irregularities and differences in guidance and interpretations from OSM field offices that are holding up projects. Al Whitehouse stated this is a regional issue and should be sorted out in meetings with OSM field offices. There seem to be no issues in other regions.
- Undelivered Orders: IMCC reported that NAAMLPL's Undelivered Orders report and data was delivered to the hill, and that staffers thanked IMCC and NAAMLPL for providing the information. Whitehouse had no additional information to share on a year-end chart or actual numbers, but indicated this issue continues to be of serious importance to OSM as Congress and GAO continue to look for funds for set-asides and program cuts. OSM grant specialists will be pressuring state and tribal programs to spend down available funds and close out grants as quickly as possible. PA pointed out that they have had some closed grants in to OSM for over 18 months, and that OSM has failed to close out grants in a timely fashion due to staff workload issues. ***Action Item-** Members agreed to continue updating the NAAMLPL Undelivered Orders Report and dataset each year. All member states and tribes agreed to furnish 2012 expenditure data to Todd Coffelt by Dec 31, 2012 for the previous five grants and the newest one. New data will be compiled by Jan 31st and a revised report ready for delivery to the hill by March 1, 2013.*

OSM Update – Al Whitehouse

- AML plan revision still on hold. No 884 letters anytime soon.
- OSM is funded through March 2013 via the recently passed Continuing Resolution (CR).
- Potential future required budget "sequestration" due to the "fiscal cliff" could be 8% or more. OSM is planning to go forward with the annual funding distribution as planned, but "proportionally" due to CR going only through March 2013.
- Coal Combustion Residue (CCB)- rule making is stalled until after the November Election.
- \$15M Cap on AML Payments to Certified States Issue- (the recent amendments to SMCRA in the Transportation Bill and in the CR); OSM has determined it will require rule-making to amend the regulations, and this could take a minimum of 3 months through the standard rulemaking process. OSM does not believe this will delay distribution of grant funds, as the amendments were "self implementing".
- OSM/VISTA program- continues to grow in VA and CO, with NM in the works hopefully. OSM has received a legal opinion from solicitors that AML grant funds CAN be used to fund Vista programs.

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- AML Awards- Al passed out the flyer for this year's award nominations.

Interstate Mining Compact Commission (IMCC) Update – Greg Conrad

- Greg provided a very detailed flip-chart analysis of the recent amendments to SMCRA contained in the Transportation Bill (AKA “ the MAP-21 Amendment”) as well as the “FIX” contained in the recent CR intended to ensure uncertified states are not also collaterally damaged or affected by the Transportation Bill Amendment. It's a very complex issue that no one is really sure about at this point; there are many uncertainties, unanswered questions and unresolved issues to be sorted out. Other potential fixes and tweaks are still in the works, including a proposed \$76M in funding for an AML hardrock program within DOI. These SMCRA amendments are extremely important to all state and tribal AML programs, not just WY. Each program was urged to keep their congressional delegations well informed of the consequences of undesirable interpretations these new amendments.
- Pending AML related legislation- (HB785/SB897 to allow using prior share balance for hardrock AML); Greg reported disappointing news that the legislation was actually passed out of the House Natural Resources Committee, but later died through a last minute “point-of order” process that required “scoring” for budget issues. The measure now appears dead, and is not expected to succeed at this time.
- No other major legislation is expected out of this Congress; another Omnibus bill is expected out of the new congress in March.
- Rulemaking in all agencies has essentially been shut down until after the election. There could be an avalanche of SMCRA and other agency rule makings next year, in the general order of: limited liability for certified states, cost recovery of permitting fees, coal ash, stream buffer/protection, temporary cessation.
- EPA's CERCLA 108(b) Rulemaking on Financial Assurance - Draft State reports are all but wrapped up, but the process is “dead in the water” for time being. Don't expect anything substantive to happen anytime soon. EPA is consulting with BLM and USFS on their bonding provisions and methods.
- OSM/BLM Consolidation- ongoing inter-agency discussions, lingering concerns that state and tribal programs will not have any ability to comment or be party to changes or new initiatives. Greg recommended a formal resolution from NAAMLIP requesting that OSM and BLM include existing State program input and consultation on any new AML hardrock programs or consolidation efforts that affect existing programs.

Wyoming moved to adjourn the General Session and go into an Executive Session. Colorado seconds, motion passes unanimously. President Roanhorse adjourned the general session and non-members left the room. President Roanhorse called an Executive Session to order.

Executive Session-

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In-depth detailed discussions continued on the recent SMCRA amendments and the myriad of possible implications to Title IV programs. Pennsylvania moved to send a letter to the OSM Director requesting that an interpretation of the new SMCRA amendments be provided to states and tribes PRIOR to the annual funding distributions. Kentucky seconds, motion passed unanimously. Cavazza (PA) and Conrad (IMCC) began drafting such letter for adoption by NAAMLPL.

There being no other executive session business, Kentucky moves to adjourn executive session, Utah seconds, motion passed unanimously and session was adjourned.

General Session reconvened and called to order after lunch-

NTTP Report- Anne Walker

Anne Walker gave the annual NTTP training and annual overview report.

SMCRA Amendments Issue, per Motion from the Executive Session-

A draft letter from NAAMLPL requesting the OSM Director to provide an official interpretation and analysis of the new SMCRA amendments to states and tribes prior to the annual funding distributions was distributed for review by the membership. After some additional discussion Kansas moved to send the letter of request to Director Pizarchik; Alabama seconded, and the motion carried unanimously. President Roanhorse to sign the letter and get it sent early next week.

BLM Update Report- Stephanie Odell

- Stephanie reported that BLM is within a few months of adopting new comprehensive AML underground entry procedures, currently under review by AML program leadership.
- There is a training program team made up of BLM and OSM staff that is looking at opportunities to merge or streamline OSM-BLM training programs. BLM is evaluating NTTP program in light of the different authorities the two agencies work under. They are about 8 months behind schedule but continuing to work on it.
- Remote sensing for AML inventory purposes- feasibility reports being developed; USGS pilot projects in northern AZ or NV. CA inventory data being assessed, as well as updates to USGS quadrangles to count AML features on surface.
- NIOSH report on personnel safety protocols for work on AML uranium mine closure sites is now final and available on the NIOSH website. UT and CO AML programs contributed significantly to the study and report.
- WQ pilot programs have been in the backseat since OIG audits focused BLM's AML budgets on safety closure issues; now CA and other states need to re-visit developing WQ improvement watershed groups and goals. New handbook on WQ policy is coming out.

National Park Service Update- John Burghardt

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John gave an update on National Park Service's AML reclamation accomplishments and initiatives. Many state programs have been instrumental in assisting NPS with accomplishing reclamation in 13 different states. At present NPS's budget is extremely limited for AML work.

Committee Reports and Discussion

- **Finance Committee** – Murray Balk: The Finance committee distributed a draft contract for services between NAAML P and IMCC for review by the membership. IMCC has provided significant legislative liaison and other services to NAAML P for many years without charge or cost, but times and budgets change, and IMCC needs to cover some of its costs moving forward. The membership reviewed and discussed details of the proposed one-year contract with IMCC in the amount of \$15,000.00, renewable each year as circumstances and NAAML P finances permit. After much discussion and a strong show of thanks and support from the NAAML P membership for IMCC's services throughout the years, Utah moved to approve the contract for services with IMCC. Oklahoma seconded, motion carried unanimously. As there were no changes to the contract language, President Roanhorse and Executive Director Conrad were able to immediately sign the contract, which takes effect on 1-October 2012.

After review of the Treasurer's report and association finances, the Finance Committee recommended that starting in 2013, the annual publication fee for each member state and tribe be raised from the current \$50.00 to \$100.00 to cover increased costs. After discussion by the membership Utah moved to raise the annual publication fee from \$50 to \$100, Kentucky seconded, and the motion passed unanimously.

The Finance Committee informed the membership that they had approved a contribution from NAAML P to the Stephen Jenkins (CA) Memorial Fund in the amount of \$250.00

- **Research Committee**- John Koerth (Nothing to report)
- **Training Committee** – Luci Malin: Luci attended two steering committee meetings during the year. Moving forward, the steering committee is only meeting once/year; next meeting is set for Nashville in June. There are continuing issues with very late notices of travel approval from OSM to students and instructors, which are problematic for many program's out-of-state travel authorization and administrative policies.
- **Membership Committee**- Todd Coffelt (Nothing to report)
- **Minimum Program Committee** – Mike Sharp: (Nothing to report)
- **Public Relations Committee** - Luci Malin: A discussion of formal vs. informal agendas for the business meetings indicated that some members need certain attributes in official agendas to allow for travel to meetings and per-diem re-imburement. Spanish language stay-out, Stay-alive program and brochures have been developed by Utah and Colorado. A Video to highlight

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AML program successes at the 35th annual conference next year is still in the works; Utah to work on this, but the membership MUST provide historic photos, stills and clips of video for this to happen; look for an e-mail to come out on this initiative.

- **Hardrock Committee** – Bruce Stover: The Hardrock Committee passed out a draft resolution developed during the committee meeting to request that DOI include existing western state and tribal hardrock AML programs in planning and developing any new hardrock reclamation initiatives that develop through the OSM-BLM merger process. The draft resolution was reviewed and a few wording changes suggested and incorporated. After discussion, Utah moved to adopt the resolution and forward to DOI (OSM & BLM), New Mexico seconded; a roll-call vote of members present passed the motion unanimously.
- **E-AMLIS Committee** – Todd Coffelt: Work continues on an imagery and remote-sensing capability, and some discrepancies in locational information continue to be cleaned up. Al Whitehouse said there were some issues with states and tribes not recording emergencies as emergencies, OSM would like consistency and to be sure to note an emergency project as such in e-Amliss. Overall the consensus is that the system is working pretty well.
- **Policy and Procedure Committee** – Mike Garner: The committee has formalized the duties of each officer to conform to the bylaws, pursuant to discussions and findings at the winter business meeting in Utah. The Vice President is now responsible for maintaining and updating the Policy and Procedures Manual. There are a couple of small corrections needed and with those, the new Policy and Procedures Manual was recommended for adoption. Maryland moved to adopt the corrected Policy and Procedures Manual; Kansas seconded, and the motion to adopt passed unanimously.
- **National Coal Mining Geospatial Committee** – Mike Sharp Reported on the on-going “GEOMINE” project and the data steward issues. Discussion of having another potential Geospatial workshop similar to the one held in Atlanta in 2008; Seems it’s a good time for another one but would need a large commitment in funding, and sponsors are needed. Will keep the association informed on how this plays out; NAAMLPP could be approached to contribute funding. A large commercial sponsor is what is needed. The workshop would probably be in Atlanta again.

New Business

- Eric Cavazza brought up an issue where PA is now unable to proceed with projects that use flyash in mine backfilling grout because OSM is refusing to issue ATP’s w/o a full-blown EA process; this has caused significant delays in emergency projects that in one case resulted in

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loss of a private dwelling to a subsidence event. No other members seem to have this issue or problems with flyash in their regions; OSM personnel seemed surprised that this was an issue in PA; Whitehouse said OSM headquarters would look into it.

Future Meetings Update:

Winter 2013 – Maryland: Mike Garner described possible tours to naval academy and Chesapeake Bay. Things are moving forward and the winter meeting is set for Maryland in 2013.

Fall 2013 – West Virginia: Eric Coberly reported that The Resort at Glade Springs in Daniels WV has been selected for the 2013 Annual NAAML P conference and meeting. Descriptive materials were distributed. The date has been set as September 22-25, 2013. There are a lot of AML projects in the region for various fieldtrips.

Winter 2014- Justin Ireys (AK) discussed Anchorage in February around the Iditarod time. The membership decided on Anchorage; Justin to follow up with potential venues, times and costs.

Fall 2014- Ohio has committed to fall 2014

Winter 2015- TBD; Possibly Pittsburgh PA?, or Orange Beach AL as a backup (?)

Fall 2015- New Mexico and Navajo have committed to 2015 and have begun planning and looking for locations and dates in Santa Fe.

Fall 2016- Montana insisted they wanted 2016, to keep the “6-string” alive.

OFFICER ELECTIONS

Secretary/Treasurer – Nominations, Eric Cavazza (PA) was nominated by UT, second by CO, no other nominations, elected unanimously- no contest

Vice President – Motion Bruce Stover. Second. No contest.

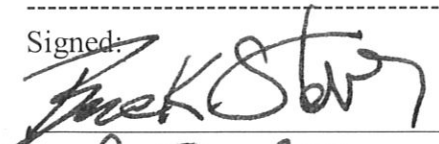
President – Motion Todd Coffelt. Second. No contest.

Todd Coffelt presented Madeline Roanhorse with a token of appreciation from the membership.

Roanhorse presented Coffelt and Stover with tokens of appreciation.

Roanhorse relayed comments of appreciation to NAAML P members, and then adjourned the business meeting at 3:35pm.

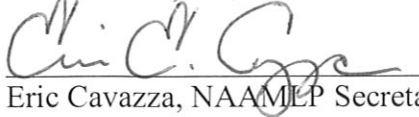
Signed:


7 for Todd Coffelt

Date: 12/MAR/2013

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Todd Coffelt, NAAMLPL President


Eric Cavazza, NAAMLPL Secretary/Treasurer

Date: 3/12/2013