Meeting Minutes
2013 Annual Business Meeting
Daniels, West Virginia
September 25, 2013

Call to Order

The NAAMLP Annual Business Meeting was called to order at 8:15 am by President Todd Coffelt. The meeting began with introductions from all meeting attendees. The three NAAMLP Scholarship recipients each made a brief presentation about themselves and what the scholarship means to them.

Proxies


Roll Call by Vice President - Members Present

Alabama (Chuck Williams and Jeff Butler); Alaska (Justin Ireys); AR (Wayne Van Buren); Colorado (Bruce Stover, Kirstin Brown); Hopi (Norman Honie); Illinois (Greg Pinto); Indiana (Steve Herber); Iowa (Todd Coffelt); Kansas (Murray Balk); Kentucky (Bob Scott, Mark Meade); Maryland (Mike Garner, Constance Loucks), Montana (John Koerth); Navajo (Madeline Roanhorse); Nevada (Robert Ghiglieri, Bill Durbin); New Mexico (John Kretzman, Steve Lakatos); North Dakota (Bill Dodd); Ohio (James Bishop); Oklahoma (Mike Sharp and Diane Ireton); Pennsylvania (Eric Cavazza, Brian Bradley); Tennessee (Trevor Martin); Texas (Mark Rhodes); Utah (Luci Malin); Virginia (Travis Stills): West Virginia (Robert Rice, Nick Estes); Wyoming (Bill Locke)

Members absent from the meeting: Arizona, California, Crow, Louisiana, Mississippi, and Missouri

Also in attendance: OSMRE (Al Whitehouse, Jay Bautista, Tara Shifflet, Roger Calhoun, Ann Walker); IMCC (Greg Conrad); BLM (Errin Shirley); NPS (John Burghardt); Hedin Environmental (Bob Hedin); DOE (Ray Pliness)
Approval of Meeting Agenda

Kansas moved to approve the meeting agenda, Indian seconded, and the motion carried unanimously.

Approval of the Minutes from 2013 Winter Business Meeting in Annapolis, MD

Minutes were forwarded to attendees via email prior to the meeting. The minutes were reviewed briefly. Ohio moved to accept the 2013 Winter Business Meeting minutes, Indiana seconded, and the motion carried unanimously.

Treasurer’s Report

Hardcopies of two reports were distributed to all representatives by the Treasurer. These included the 2013 year-to-date summary of the NAAMLP checking and the certificate of deposit (CD) accounts and a summary of NAAMLP assets and outstanding obligations. As of 3-September 2013 there was $28,361.13 in the checking account and $25,412.97 in two CD’s. Total Account Value is $53,774.10.

Kansas moved to Accept Treasurer’s Report, Arkansas seconded; and the motion carried unanimously.

Old Business

Undelivered Orders Issues: Grant Funding, Expenditures and Obligation
Indiana provided updated guidance document on how member programs should compile data for NAAMLP’s annual committed funds analysis. The guidance provides a framework for compiling and submitting the data including expectations, updated definitions of the five categories, timeframes for submission, and what the data will be used for. A spreadsheet for entering the data and submitting it on to NAAMLP was also provided. Each state/tribe was encouraged to be consistent year to year in their interpretation of how they categorize and submit their information. It was agreed that this report should continue to be prepared annually with all member states submitting their information by December 31 of each year. The committed funds analysis will be based on federal fiscal year timeframes (October 1 through September 30).

Update on OSM’s review of proposed changes to Categorical Exclusions (CE) for NEPA compliance
Al Whitehouse of OSM shared with the group that OSM has hired a new employee whose primary responsibility will be NEPA issues. The new employee is scheduled to begin work on October 1st and the CE issue will be one of their first assignments. OSM will have an update at the NAAMLP Winter Business Meeting in Alaska in February 2014.

New Business

New NAAMLP Publication: “Safeguarding, Reclaiming, Restoring”
Indiana provided one copy of the newly updated publication to each attendee. Additional copies will be sent to each state/tribe for their use within the next few weeks. An attempt will be made to get a copy of the publication in electronic format so it can be forwarded to Diane Ireton for posting on the NAAMLP website. A draft cover letter prepared by NAAMLP in cooperation with IMCC was circulated for review and comment. The cover letter is intended to accompany the updated publication that will be provided to each member of Congress. IMCC will use an intern to hand deliver a copy of the updated NAAMLP publication to each member of Congress or to one of their key staff members.
The letter will be signed only by the President of NAAMLP. Utah moved to approve the letter as drafted for NAAMLP president’s signature only. The motion was seconded by Oklahoma. The motion was approved unanimously.

Sequestration Issues:

- **AML grant repayments of the overage from sequestration cuts**
  OSN withheld 10% for sequestration which ultimately ended up being only 5.1%. Each state tribe should have received the additional 4.9%. Depending on timing of each state/tribe’s grant start date, some programs may not have received the additional funds yet. In order to receive the funds, a grant amendment would be required. Some states/tribes may have received the overage in their initial grant award if their grant start date was late enough in the year such that the final grant amount was known at the time of application.

  Oklahoma asked the status of any response NAAMLP might have received relative to a letter that was submitted to OMB by NAAMLP in early April requesting a justification for explanation of why the AML Program was subject to sequestration and why the minimum program states were not paid the full $3 million required in the Act.

- **OSM’s regional and national conversations on “SMCRA Fiscal Constraints Prioritization”**
  AI Whitehouse of OSM indicated that the fiscal constraints affecting OSM due to sequestration impact the Title V programs and have a much smaller impact of the Title IV AML Program.

  Significant discussion of many varied items pertaining to OSM’s budget priorities ensued including Watershed Cooperative Grant Program (WCAP), full funding for minimum program states/tribes; Training (both NTTP and TIPS), and sequestration. Ideas which have been floated to cut costs for the training programs were outlined by Bruce Stover.

  Greg Conrad of IMCC began a debate/discussion of OSM discretionary spending with a goal of trying to develop the priorities from NAAMLP’s perspective. While complete consensus was not achieved, the AML priorities were generally training, full funding for minimum programs, and WCAP grants.

Sequestration Clarification
Pennsylvania asked for a clarification of a statement made by OSM regarding the portion of the sequestered funds which originated from the AML Trust Fund and not the federal Treasury and whether this money would remain in the trust fund or be lost. AI Whitehouse reiterated that OMB has not yet decided what will happen to that money — whether or not it will go back into the AML Trust Fund or not.

SMCRA Reauthorization- States and Tribes viewpoint
A general discussion of reauthorization and what that might look like took place. The idea of establishing a work group within NAAMLP to lead any effort was also discussed.

Greg Conrad of IMCC pointed out key items which have been included in recent OSM budgets including returning the fee collection to pre-2006 levels; restricting funding to high-priority coal sites only; advocating for a non-coal AML fund; and eliminating grants to certified states and tribes. It was also pointed out that the coal industry, which is paying the fees supporting the AML fund, would like to see more money focused on coal reclamation — not on non-coal/hard rock reclamation. The
need/impact of the UMWA combined benefit trust fund at that time is uncertain. Greg will reach out to fund administrators to gauge their need/interest in another reauthorization.

IMCC will work to develop a mission statement for a working group which will be presented and discussed at the winter business meeting in Alaska.

**OSM Update**

- **Sequester Impacts** - OSM’s AML Program Priorities within fiscally imposed SMCRA work prioritization, and alternative means of fiscal support. - Al Whitehouse - Nothing to add to earlier discussions.

- **Proposed FY-2014 Budget and legislative proposals for certified-state funding cuts and hardrock AML fee & program** - Al Whitehouse - This is all out as part of the President’s proposed budget.

- **Undelivered Orders and Open Grants** - Jay Bautista - Provided a handout of undelivered orders (as of September 19, 2013 - Not end of federal fiscal year) which still depicts a summary of all Title IV grants awarded but not yet drawn down whether or not those funds are committed or not. The newly updated NAAMLP publication and cover letter being sent to all members of Congress will help provide justification for the way the chart looks. Steve Herbert noted that about 35% of the total shown on the chart reflects grants which have been awarded over the last eight months.

- **Update on OSM Rule Makings (Stream Protection, Cost Recovery, Limited Liability, Coal Combustion Residues, Temporary Cessation of Operations, Dam Safety, and Civil Penalties)** - Al Whitehouse - Al provided an update of proposed and final rulemaking which are in process within OSM. The status of each is summarized on a handout provided by OSM.

- **Grant Projections** - Al Whitehouse - OSM to send out 2013 updated projections to Todd Coffelt for distribution to all members. OSM will also send out the revised projections for 2014 when completed sometime in December. Todd will also forward those projections out to all members.

- **SMCRA Amendment under the Transportation Bill (MAP-21)** - Greg Conrad - Helium Bill (S. 783) passed the Senate last week which amends MAP-21 language. Passed the House long ago. Would restore $60 million to Wyoming for 2014 to offset impacts from Map-21. Differences exist between bills which must be resolved or House may accept the Senate bill as passed. (Footnote - The bill passed and was signed into law by the President on October 2. (A copy of the pertinent language amending Section 411 of SMCRA will be sent to the members with the draft meeting notes)

- **SMCRA Reauthorization** - OSM viewpoint - Al Whitehouse - OSM acknowledges that we will be a long way from being finished with high-priority AML in 2021. Al believes NAAMLP is on the right track. He also suggested that we should solicit support from the environmental community.

- **Inventory System** - Al Whitehouse - System works.

- **e-AMLIS** - Tara Shifflett - Moved into second phase of modernization of the e-AMLIS system. OSM’s Aaron Eckert is working to clean up GIS coordinate data in e-AMLIS. Will be moving on to clean up costs and units early next year. Arkansas brought up issues with RAMP data included in e-AMLIS. General Welfare sites will be looked at and removed by OSM very soon also.

- **NTTP Training Program update** - Ann Walker - Completed a PowerPoint presentation with many training statistics from the last fiscal year.
• OSM-BLM Consolidation – Al Whitehouse – Wooden stake through the heart. The consolidation is now dead.

IMCC Update – Greg Conrad

• SMCRA Legislation – S. 222 and H.R. 488 – revival of S. 897 which failed to gain a vote in the House in the 112th Congress even though it passed the Senate. The bill would allow certified states and tribes to use their prior balance share funds for non-coal and AMD Set-Aside. S. 222 was approved by the Senate Energy and Natural Resources Committee on April 22 and is ready for a vote by the full Senate. Could be voted on by the unanimous consent procedure. No action yet. The companion bill in the House would require a legislative hearing, but none is scheduled. IMCC tried to get the bill included with other germane legislation, but so far has been unsuccessful.

• Other Possible Legislation
  o CARE Act – Would allow the use of accrued interest on the AML Trust Fund and excess Treasury funds for the UMWA Retirees. S. 468 was introduced by Senator Rockefeller and H.R. 980 was introduced by Congressman Rahall. No hearings and no action on either bill to date. Would have no impact on the AML Program.
  o Mining Law Reform, including hardrock AML program – H.R. 2467 introduced by Congressman Markey – Not expected to see any action in House or Senate. Senator Harry Reid is opposed to any mining law reform.
  o Latest Good Samaritan Bills – Greg provided a handout which provides a comparison (details and differences) between the Lamborn (former H.R. 3203), Udall (S. 1443) and Tipton (H.R. 2970) Bills. No action on either bill yet, but there is some interest in the House with a tentative legislative hearing scheduled for November in Durango, CO. Someone from the state of Colorado (Bruce Stover?) will be the likely witness for NAAMLP and IMCC.

• Budget and Appropriations – Much of this topic was previously covered and discussed earlier in the meeting. One important note for FY2014 is that sequestration will be 7.2% in addition to the 5.1% cut implemented for FY2013 [I don't think these get added together, so that FY 2014 receives an 11.9% cut. What happened is that the FY 2012 base saw a 5.1% reduction in FY 2013 and the FY 2013 enacted numbers will see another 7.2% reduction in FY 2014, for a total impact on FY 2012 numbers of 11.9%, but not an 11.9% cut of the FY 2013 enacted number, which is how I read your sentence.] In Interior appropriations bills – House rejected all recommendations included in the Administration’s budget. Senate did agree to the Administration’s recommendations. Likely will not see any appropriation bills this year but likely will continue to operate on CRs.

• Rulemakings
  o CERCLA 108(b) rulemaking on hardrock mining financial assurance. – Delayed. Would be undertaken by EPA. Would require new financial assurance for hardrock mining operations. Could have significant consequences for states because it could preempt what states are already doing. IMCC will be joining the new WGA Executive Director to meet and discuss this with EPA on September 26.
  o Limited Liability Proposed Rule – Covered by Al Whitehouse earlier.
  o Mine Placement of CCRs – Covered by Al Whitehouse earlier.
- Stream Protection Rule - Covered by Al Whitehouse earlier.
- Cost Recovery Rule - Covered by Al Whitehouse earlier.

- OSM-BLM Consolidation – The consolidation is now dead.

- IMCC Contract for Services with NAAML P – (Review of Services Rendered)
  Greg provided a handout which provides a summary of the key work completed by IMCC on behalf of NAAML P during the period of March 15, 2013 through September 25, 2013.

**Lunch Break (12:15 pm – 1:30 pm)**

The NAAML P Annual Business Meeting was called back to order at 1:30 pm by President Todd Coffelt.

**Alternate Delegates and Committee Memberships**

Lists of delegates and current committee memberships were circulated for updating. Each member state/tribe was asked to provide contact information for alternate delegates.

**Other Federal Program Updates**

- **Bureau of Land Management (BLM) –** Erinn Shirley, Acting AML Program Lead. Stephanie O’Dell left in June. Handed out copies of the FY 2009 - FY2011 AML Accomplishment Report. Also handed out Feasibility Report for Physical Safety Hazards completed in 2011 and it includes an estimated cost of $401 million to take the 22,000 sites in their inventory to completion. Will also be releasing the revision to BLM’s AML Manual. Budget should be about $16 million this upcoming year. Much of the money will go to the Red Devil site in Alaska. Continuing partnership with Bat Conservation International to get bat surveys completed.

- **National Park Service (NPS) –** John Burghardt – Last year NPS was in the final stages of an assessment of AML on Park Service lands. This effort was completed in January 2013 and released an interim report. NPS needed California data to finalize. California data has been received as of September 23 and a final report will be prepared and released. As of last year, NPS had 23,000 AML features, but only 2,900 require remediation. NPS anticipates another 12,000 features in California bringing the total number of features needing remediated to an estimated at 3,300 sites located in 131 of the 401 parks nationwide with a total cost of $65 million.

**Technical Assistance Grants for Small AMD Treatment Systems: PA’s experience – Bob Hedin**

Bob Hedin completed a presentation about the AMD Technical Assistance Program that his firm is involved with in cooperation with Trout Unlimited (TU) in Pennsylvania since 2005. TU’s AMD Technical Assistance Program is designed to support watershed restoration through assessment, development of conceptual treatment design plans, biological surveys, monitoring and troubleshooting of AMD treatment systems. Projects have been completed at 111 projects for non-profits, state agencies, conservation districts and universities. The grants do not include engineering. Amy Wolfe of Trout Unlimited has been the director of the program. Most grants are very small and in the range of $5,000 - $20,000. Bob feels the program has been very successful and could serve as a
model for a similar program nationwide or in individual states which may be interested. Bob provided details about some of the projects undertaken and how the program works and how it could work in other states or on a national basis. Bob and Amy will put together information and forward to the members for consideration.

**Executive Session**

The Meeting was called into Executive Session at 2:05 pm by President Todd Coffelt. The Executive Session ended at 2:35 pm and, following a short break, the Annual Business Meeting resumed at 2:50 pm.

**Committee Reports and Discussion**

- **Research Committee** – John Koerth – Committee did not meet. No proposals out at time. OSM has recently solicited ideas for future applied science proposals. No money currently available to pursue Applied Science Grants for the foreseeable future.
- **Training Committee** – Lucia Malin – The NTTP training program is working with severe budgetary limitations. Trying to stay on top of what is going on with both the NTTP and TIPS training programs.
- **Scholarship Committee** – Murray Balk – Committee met to discuss whether to limit scholarships to undergraduates but did not favor the change, but to stick with current criteria.
- **Minimum Program Committee** – Mike Sharp on behalf of Mike Kastl – Committee did not meet. Letter to OMB was discussed as well as the discretionary funding ideas.
- **Finance Committee** – Murray Balk – Committee met and approved the following:
  - A motion approved to provide $5,000 in seed money for Ohio for next year's AML Conference
  - Approved cashing in the 6-month CD (11/01/2013) to provide more working capital for NAAMLP
  - Approved conversion of the 12-month CD to a 6-month CD to provide more flexibility in the event the funds are needed
  - Renewed the IMCC contract for services for another year payable in 2 semi-annual payments of $7,500
  - Committee recommended raising the annual publication from $100 to $250 to raise more capital. Opened up to the floor for discussion and debate. Motions to raise the fee were entertained. A motion to raise the fee to $250 for 2014 was made by Indiana, seconded by Maryland. Colorado noted that $250 is the highest the fee can be set at under the current by laws. Motion carried.
  - Committee recommended reducing the number of scholarships for 2014 from 3 to 2. One would generally be available for a student east of the Mississippi and one for a student west of the Mississippi. Opened up to the floor for discussion and debate. Utah questioned the need to reduce the number from 3 to 2. Motions to reduce the number of scholarships from 3 to 2 were entertained. A motion to reduce the number of scholarships was made by Maryland, seconded by Arkansas. The motion carried on a mixed vote with several members voted against.
  - Committee asks that consideration be given to amending the By Laws in Anchorage to make a stipulation that owner of the facility hosting the NAAMLP Conference undergo an AVS check. Discussion ensued as to whether this should be a By Law amendment or a change to the policies and procedures manual relative to the guidelines developed
for conducting an annual conference. Indiana raised concerns because NAAMLP is a free standing non-profit corporation and should not burden itself with AVS checks. Alabama asked that OSM provide direction on this requirement. OSM indicated problems they had with this year's facility dealt with the room rate being higher than the allowable per diem and not any AVS issues. No final action was taken and the matter was tabled.

- Consider amending the By Laws to allow remote voting through conference calls and/or video conferencing.
- Handout covering list of services provided to NAAMLP by IMCC was circulated.
- Membership Committee (proxy & future call-in voting issues) – Bruce Stover – Reiterated the idea of allowing remote voting. Proposing that members take a look at what the definition of attendance is. Current by laws are based on Robert's Rules which require a delegate or their proxy to be in attendance to vote. Arkansas raised concern that members may be denied travel approval if all business can be conducted remotely. Bruce went on definitions of alternate delegate and proxy. Oklahoma raised concern about allowing remote voting. Alabama concurred that the person doing the voting should be in attendance. Indiana favors meaningful participation and persons denied travel should not be blocked from participation. Utah raised the distinction between video conferencing and teleconference. West Virginia indicated that the videoconference equipment would cost several hundred dollars. No final action was taken and the matter was tabled.

- Public Information and Education Committee – Luci Malin – Committee has been inactive lately. Connie Loucks has agreed to join the committee. Will be working to update the NAAMLP website to make it more user-friendly and to provide better information to the members.

- Hardrock Committee – Bruce Stover – A DOE Uranium report entitled “Report to Congress on Defense-Related Uranium Mines” from Ray Pliness was handed out and discussed. Bilingual Stay Out/Stay Alive sign is now available and they cost less than $10 each. The signs are made in Kansas. Bruce will send contact information for the printer and the sign manufacturer. Public education program being developed in the West to counter various fraudulent mining issues. Montana brought up an issue of reprocessing waste metal mine dumps under permitted mining scenarios. Currently not being conducted under the AML Program, but AML can provide data and locations. Colorado seeing similar projects.

- AMLIS Committee – Todd Coffelt – Nothing to report.

- National Coal Mining Geospatial Committee – Mike Sharp - (GeoCommittee)
  - GeoMine draft final report is being reviewed by Agency Executives with target publication date of October 31.
  - GeoMine Pilot has developed two viewers for geospatial data of importance to mining/reclamation.
  - GeoMine Viewer-SMCRA State Data + Federal Data (FWS, EPA, OSM, COE, USGS)
  - Four states in pilot (WV, VA, KY, TN)
  - All state/tribe data to be phased in over 5 years
  - AML data to be added as states/tribes make it available
  - Federal Viewer-Federal Data Layers
  - Most helpful to AML Program in conducting NEPA review
  - Federal Viewer to be open to the public.
  - Public availability of GeoMine Viewer being considered.
  - Continue development of state/tribe geospatial data steward communication.
• **TIPS Steering Committee** – Mike Sharp
  - No face-to-face meeting, held web conference September 3, 4 & 5 - Four, 1.5 hour sessions.
  - GeoMine briefing.
  - TIPS FY13 budget cut 15%-$231,567
  - Training cut $122,000-9 scheduled classes cancelled
  - FY14-budget cuts may require SC to set priorities on training & software
  - TIPS website is being redesigned. Simplified navigation.
  - Training
  - FY14-22 Instructor-led classes scheduled
  - TIPS online classes - currently 6 available, 6 more under development for FY14/15 - some are instructor facilitated while some are self-paced.
  - ESRI free online classes
  - Will not be available between Oct 1 and Feb 1 however if enrolled prior to Oct 1 class can still be taken
  - For information contact Tonya Mullins, TIPS Training Program Lead
  - tmullins@osmrc.gov 276-523-0042 ext.13
  - Satellite imagery
  - Apollo Image Server will provide access to all TIPS satellite images
  - Undergoing security review
  - Expect to be operational sometime in October - begin data transfer
  - Unmanned Aerial Systems - Drones
  - Being tested in WV, CO, MT - primarily Title V inspections
  - Coal seam fire mapping in WV and MT.
  - WV conducting ROI study.
  - Software
  - Can track usage down to the individual
  - Watershed Modeling System (WMS) was added to core software
  - There are now 29 Core Software TIPS supports
  - Outstanding TIPS Contributor Award
  - Mike Dunn - OSM AR Pittsburgh

**West Virginia Conference Summary**

Rob Rice provided preliminary numbers which indicate that approximately $10,000 will be returned to NAAMLP once the books are closed on the 2013 NAAMLP Conference.

**Future Meetings Update**

*Winter 2014 – Anchorage, Alaska* – Meeting will take place on February 27-28, 2014 at the Hilton Anchorage. A Winter Business Meeting flier was handed out with additional details.

*Fall 2014 – Columbus, Ohio* – The meeting will take place at the Sheraton Columbus Hotel at Capitol Square during September 20-24, 2014. More details will be provided soon.

*Winter 2015 – Gulf Shores, Alabama* – Details will be forthcoming.
**Fall 2015 – Santa Fe, New Mexico** – Tentatively scheduled for the dates of September 27-30, 2015 at the historic La Fonda Hotel in downtown Santa Fe.

**Winter 2016 – Philadelphia, Pennsylvania or TBD, California**

**Fall 2016 – TBD, Montana**

**Winter 2017 – Glenwood Springs, Colorado**

**Fall 2017 – TBD, Kentucky**

**Nominations and Elections of NAAML-P Officers for 2014**

President – Bruce Stover nominated by IN, second by KY. No contest.
Vice President – Eric Cervazza nominated by IN, second by OK. No contest.

Secretary/Treasurer – Chuck Williams (AL) was nominated by IN, second by AR and John Koerth (MT) was nominated by UT, second by IL. No other nominations. On a vote administered by the standing President and VP, Chuck Williams (AL) was elected Secretary-Treasurer.

**Meeting Adjournment:**

Utah motioned to adjourn the meeting. The motion was seconded by New Mexico. The vote to adjourn the meeting was unanimous. President Coffelt adjourned the meeting at 4:25 pm.

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Signed:

Bruce Stover, NAAML-P President

Chuck Williams, NAAML-P Secretary/Treasurer

Date: 2/16/14

Date: 2/18/14