



**MEETING MINUTES**  
**2016 Annual Business Meeting**  
**Bozeman, MT**  
**September 28-29, 2016**

**CALL TO ORDER**

The NAAML P Annual Business Meeting was called to order soon after 1:30 p.m. by President Chuck Williams. The meeting began with a greeting from President Williams and an introduction from all meeting attendees.

**PROXIES**

Mr. Bruce Schottel was authorized as Proxy for Greg Pinto of Illinois. Mr. Jeryl Gardner was authorized as Proxy for California.

**ROLL CALL BY SECRETARY TREASURER (Bob Scott) — MEMBERS PRESENT**

AL (Chuck Williams, Jeff Butler); AK (Justin Ireys); AR (James Stephens); CO (Jeff Graves, Tara Tafi); Crow (Laura Little Owl, Sylvan Coverup); Hopi (Norman Honie) IL (Bruce Schottel, Brent Guttman); IN (Marvin Ellis, Mark Stacy); IA (Susan Kozak); KS (Murray J. Balk); KY (Bob Scott); MD (Mike Garner, Connie Loucks); Louisiana (Abby Alkire); Missouri (Michael Mueller); MT (Autumn Coleman, Bill Snoddy, Erica Mortensen); Navajo (Madeline Roanhorse); NV (Robert Ghiglieri, Jeryl Gardner); NM (Lloyd Moiola); ND (Jim Deutsch, Bill Dodd); OH (Jim Bishop); OK (Robert Toole, Mike Sharp, Diane Ireton); PA (Eric Cavazza, Brian Bradley, John Stefanko); (Steve Fluke); VA (Richard Davis); WV (Rob Rice, Travis Parsons); WY (Alan Edwards, Bill Locke).

**MEMBERS Participating by Conference Call**

Illinois (Greg Pinto) TN (Trevor Martin); TX (Mark Rhodes)

**MEMBERS ABSENT FROM MEETING**

Arizona, Mississippi

**ALSO IN ATTENDANCE**

IMCC (Greg Conrad, Ryan Ellis); OSMRE (Joe Pizarchik, Yolande Norman, Sterling Rideout, Ann Walker, Dawn Pacula, Paul Ehret, Moira Russell); BLM (Miyoshi Stith, Larry Jackson); USDA-Forest Service (Bob Wintergerst), OTHERS (Bruce Stover)

## **APPROVAL OF MEETING AGENDA**

Wyoming made a motion to approve agenda, seconded by Kansas, motion carried unanimously.

## **APPROVAL OF MINUTES FROM MARCH 9-10, 2016, WINTER MEETING IN SACRAMENTO, CA.**

Minutes of the March 9<sup>th</sup> – 10<sup>th</sup>, 2016 winter business meeting from Sacramento were distributed to the membership in advance by e-mail. Comments were received; the minutes were so edited for final distribution. Pennsylvania made a motion to approve the minutes, seconded by Indiana, motion carried unanimously.

## **TREASURER'S REPORT (Bob Scott)**

Beginning Balance-January 2016 = \$21,386.80; Current Balance-September 23, 2016 = \$40,495.18; Conference proceeds from New Mexico were \$34,896.50

Major 2016 expenditures since winter business meeting,

- IMCC =\$10,000.00 6 months services provided
- 2016 Winter Business meeting = \$8,354.29
- Hardrock awards= \$1088.34
- Kings Mill Resort Deposit for 2018 NAAML P Conference in Virginia = \$5,000
- Roberts and Company, IRS 990 form = \$395.00

Publication fees have been received from all states and tribes except for West Virginia, Arkansas, California and Louisiana. Second notice of invoices was sent to these states on September 7th.

Kansas moves to accept the Treasurer's report, seconded by Alaska, motion carried unanimously.

## **OSMRE UPDATE (Joe Pizarchik, Sterling Rideout, Yolande Norman)**

1. AML Grant Distributions AML grants have been announced and will be subject to 6.8% sequestration. The grant was announced at approximately \$224 million dollars.

2. Update on SMCRA Reauthorization OSMRE has nothing new to add to concerning Reauthorization.

3. 2017 Budget and Legislative updates Joe Pizarchik gave an update on Continuing Resolutions and what may be anticipated in the months to come.

4. Status of Pilot Program for 3 Appalachia States \$90 million dollars from General Fund have been included from the 2016 Omnibus Bill as detailed in HR 2029 bill for the 3 Appalachian States with the highest documented inventory for AML reclamation in conjunction with economic and community development. OSMRE declared the funding to be available to the states through a letter dated in February 2016. A proposed second round of AML Pilot Projects that would total \$105 million to 6 states, (\$25 million each to PA, WV, and KY then \$10 million to 3 new states Ohio, Virginia and Alabama). This proposal would still be general fund dollars,

if approved. Discussions ensued regarding the initial Pilot Program, the proposed second round, and current OSMRE guidance on the website, that the Pilot would shape the RECLAIM Act and Reauthorization. Sterling Sharp gave an update on Pennsylvania's Pilot Program, they have 14 projects proposed, a ground breaking has already taken place. West Virginia is considering 6 projects and Kentucky has 8 projects submitted with 2 approved, 2 pending, and 4 waiting for additional information. These projects are to focus on AML Reclamation with an emphasis on Economic and Community Development. A question was raised why Maryland would not be considered for the second round of pilot projects as it would be the only Appalachian State not included.

5. Status of RECLAIM Act Yolande Norman gave an update of the RECLAIM Act that would distribute \$200 million dollars of AML funds over a 5 year period, with \$195 million per year going to states that have not certified and \$5 million per year going to states and tribes that have certified. Discussions ensued regarding distribution of money, requirements to qualify, and how some states may be excluded based verbiage in the Bill.

6. e-AMLIS (OSMRE) Sterling gave an update on eAMLIS and some of the issues that are confronting the eAMLIS program.

7. Update on Recent OIG Investigations and Audit of OSMRE's Management of the AML Grant Program Sterling gave details of the OIG audit. The Indiana investigation seems to be a final report but is still officially considered a draft report. A second investigation involves certified states and this is still in a preliminary stage and there is not a draft report yet.

8. MSHA Jurisdiction of AML Sites Sterling stated that he had nothing to update on this. Some Discussion ensued. Currently, MSHA is asserting jurisdiction on AML sites that extract in-situ coal or extract coal refuse and remove these products from the site for sale. Eric Cavazza gave an update on how MSHA is asserting jurisdiction on some PA projects that involve coal extraction. Ohio, Kentucky and Virginia are experiencing similar involvement with MSHA. Greg Conrad discussed a meeting that was held with Kevin Strickland of MSHA.

9. Update on UMWA Pension Fund Sterling Rideout and Joe Pizarchik discussed the UMWA pension fund. General discussion ensued touching on \$490 million dollar cap on treasury funds, the UMWA health benefit fund, the 1974 pension plan obligation of coal operators and budget offset requirements.

10. Davis Bacon Act, Applicability to and impact on AML Program OSMRE is waiting on a solicitor's review of whether AML funding must abide by requirements of the Davis Bacon Act. For the time being, OSMRE is deferring to earlier requirements of the Federal Assistance Manual and will allow AML programs to defer to individual state requirements. Pennsylvania, West Virginia and Kentucky have prevailing wage laws and scale wages are required. Indiana's prevailing wage law has been revoked.

11. Status of OSMRE Rule Makings Sterling gave brief update indicating he anticipated the Stream Protection Rule (SPR) would be out before the end of the year. Other Rules (Cost Recovery Rule, Coal Combustion Rule, Blasting Rule, Bonding and Dam Safety) would be anticipated in 2017 or later.

12. Training Program Update Ann Walker and Dawn Pacula gave an update of the Training Program. The NTTP and TIPS Steering committees have been combined. NTTP trained over 700 individuals. TIPS trained 287 individuals. Importance of training needs survey was discussed. Need for finding and training new instructors was stressed. Needs Survey indicate that 1,500 training slots are needed this coming year for current OSMRE and State employees as determined by the previous needs survey.

13. Jay Bautista indicated that there has been a 17.5 % reduction in fee collections from 2015 to 2016 based on reporting from 3 first quarters

### **Other Federal AML Program Updates**

BLM – Update on BLM AML Activities -Larry Jackson, AML Program Lead, provided an update for the Bureau of Land Management. BLM has 12 state offices, National Operations Center, a National Training Center and the central office in Washington DC. BLM and Larry’s involvement includes 67 employees, 245 million acres, and a 17.2 million dollar appropriation. Their data base shows there is 51000 sites with 94,000 features existing in the present data base. Discussion included the Gold King Mine incident and how this has increased public interest and congressional interest.

USFS – Update on USFS AML Activities - Bob Wintergerst, Acting Regional Environmental Engineer, Region 1, US Forest Service. USFS is divided into 9 regions and Bob gave an update on USFS interactions with AML sites. USFS has reclaimed 73 sites.

### **IMCC UPDATE - Greg Conrad and Ryan Ellis IMCC**

(Greg Conrad, Executive Director, Interstate Mining Compact Commission)

#### 1. Update on FY 2017 Budget - Continuing Resolution (CR)

IMCC is actively monitoring the CR, discussed how Zika virus, Louisiana and Alabama flooding, Flint-Michigan water crisis, and WRRDA ((Werda) - Water Resource Reform and Development Act) are influencing the Federal Budget. House will vote on CR later in the evening. Stop Gap funding measures were discussed. Lame Duck Congressional session was generally discussed. Funding Bills were discussed as well as how all of this will be influenced by the outcome of the November Presidential/National election.

#### 2. OSMRE Rulemakings

There are implications for coal production based on some of the Rule Making. This may affect production and hence AML funding. SPR would affect production. SPR has raised visibility of SMCRA, and this is both good and bad. There are implications for resources based on Rule Making. OSMRE has to reallocate resources for SPR.

### 3. Legislation Update

Ryan Ellis gave updates on Coal Miner Protection Act (MANCHIN Bill). Will shore up pension funds, funding cap, protect certified state funds. Only passed senate finance. Looks like UMWA will not be addressed.

Reauthorization will be discussed tomorrow. Preparation will be critical. This will be affected by what is done with RECLAIM. Fee collection is set to expire in 2021. Reauthorization will likely be a priority of the 115<sup>th</sup> Congress.

Ryan discussed the Good Sam Bill, the Lamborn Bill, and the Colorado Bill. Pennsylvania has an Environmental Good Samaritan Bill that is being used as an example.

Sequestration has taken approximately 14 million dollars from the AML programs this year and close to 60 to 70 million since 2013. Ryan indicated that OSMRE is tracking this money. Sequestration has been extended until 2025.

Hard Rock Bill / legislation- Bill with most momentum is the Lamborn Bill, it includes a Good Samaritan Component. Locatable Minerals Claim Location and Maintenance Fees Act of 2015- HR 3843- Would give \$17 million to BLM

4. Transition Team for pending Federal Administration Transition - Greg indicates the IMCC has prepared Transition Team reports for various federal agencies. Greg discussed the previous transition reports from 8 years ago that were developed for the Obama administration. Greg emphasized time sensitive nature of these reports and associated resolutions. This will also be discussed at next month's IMCC meeting in Utah.

5. IMCC Contract for Services with NAAML - (Review of services rendered since March of 2016) Greg Conrad passed around an overview of what has transpired under the contract over the last 6 months. An invoice has been submitted to NAAML. Chuck indicates that the Finance Committee has reviewed this and has approved the contract for services.

**Executive Session called at 5:15 pm** The business meeting went into executive session at 5:15 P.M. on Wednesday, September 28<sup>th</sup>, business was conducted and recessed for the evening at 6:56 P.M.

**Executive Session reconvened at 8:06 am** On Thursday, September 29<sup>th</sup>, the executive session reconvened, business was conducted, and executive session concluded at 12:44 pm.

### **Reauthorization**

The Reauthorization Committee met on Sunday, September 24<sup>th</sup> and discussed in detail reauthorization of the AML program. A resolution for reauthorization was developed by the committee and was put into draft form by Greg Conrad and Ryan Ellis. There was a need for NAAML to vote on this so it can be part of a transition package. Much discussion took place, modifications were suggested, Greg and Ryan modified the Resolution as other business and committee reports were given. The modified resolution was presented later in the day after the new business session. After further modifications, the resolution was presented with the entire NAAML membership present. Chuck asked for a roll call vote, and the resolution passed unanimously. (See the attached resolution as presented and passed)

## **OLD BUSINESS**

### **1. Status of NAAML P/IMCC Poster (Jim Bishop)**

Jim Bishop has tabled the poster project until first of the year. They are working with IMCC in a collaborative effort.

### **2. Update on NAAML P Website (Steve Fluke)**

Utah has successfully taken over the NAAML P website. All transitions have been successful. Suggestions for improvement are welcome. Website updates can be sent to Steve Fluke. There is a \$12.00 annual charge at this time.

### **3. Update on Grant Modification Proposal (Murray Balk)** Murray says that this modification proposal can be taken off the table. He indicates that OSMRE says it will not be allowed. Denver OSMRE and Jay Bautista say that it can longer be done. A 3 year grant will be required.

### **4. Status UDO Data Submittals (Mike Garner)**

Mike Garner discussed undelivered orders, or money that has been awarded but not expended. Only 17 States have responded with data requests. Discussions ensued of the importance of supplying this information as reauthorization is being considered.

## **NEW BUSINESS**

### **1. Update on Pilot Projects (PA- Eric Cavazza, WV- Rob Rice, and KY- Bob Scott)** The AML Pilot Program will supply 90 million dollars from General Fund from the 2016 Omnibus Bill as detailed in HR 2029 bill for the 3 Appalachian States with the highest documented inventory for AML reclamation in conjunction with economic and community development. Pennsylvania, West Virginia and Kentucky are the 3 eligible Pilot States. The updates for this pilot program were covered sufficiently in previously in conjunction with OSMRE updates, Reclaim Act discussions and reauthorization discussions and no further updates were given.

### **2. NAAML P Hardrock Awards (Jim Bishop, Glenda Marsh, Steve Fluke)** Previous discussions were referenced. Encouraged all states to vote for the projects, including the eastern states.

### **3. Training Update – NTPPS & TIPS (Mike Sharp and Bob Scott)** Mike Sharp indicates the “Virtual Campus” has been shut down due to funding problems. The NTPP and TIPS steering committee have combined. The training schedule should be released in October with the next year’s classes. New instructors training class will be held in July. New instructor nominations should be sent to both TIPS and NTPP OSMRE leads.

### **4. Updates from OSM Grant Workshop-Federal Civil Rights Act Compliance Reviews (Group discussion – led by Eric Cavazza)** A grants training work shop was developed and led by OSMRE in July of 2016 in San Antonio Texas. Handouts relating to the training were distributed. OSMRE may be conducting Civil Rights review of each state. Caution was advised in using terminology of “sub-grants”. It was stated that the Grants Training workshop was beneficial and Directors of AML programs would benefit by attending. OSMRE indicated that the grants class would be offered annually as long as the need is there.

5. National Association of State Land Reclamationists (NASLR) Participation with Future Conferences –NASLR participation with the NAAML P conference was discussed. Autumn gave a summary of the NASLR participation in this year’s conference. NASLR will not participate in the 2017 conference in KY because Kentucky is not a member of NASLR. Virginia is a NASLR member so that can be discussed for the 2018 NAAML P conference in Virginia. Richard Davis indicated that Virginia was interested in having NASLR participating in the 2018 conference.

## **COMMITTEE REPORTS AND DISCUSSION**

1. Finance Committee- The committee approved IMCC contract. There will continue to be 3 scholarships, one for each of the three regions in the country. Murray will step down as chairman of the Finance Committee. Chuck selected Eric Cavazza to chair the Finance Committee. The Publication fee will remain the same at \$250 per year. The IRS 990 form and filing will continue to be handled by the Finance Committee.
2. Research Committee- Bob Scott will step down as the chairman. Chuck named Travis Parsons as chairman of the Research Committee. No further report as there is no funding for research at this time.
3. Training Committee-Bob Scott - Earlier discussions of training issues were covered by OSMRE. NTTP and TIPS committees have merged into one steering committee. Bob encourages all states to fill out training needs surveys accurately because that is what is used by OSMRE to determine which classes to hold. OSMRE is looking to recruit new instructors.
4. Scholarship Committee-Mike Garner -All 3 scholarship winners attended this year’s conference. There were only 12 applicants for this year’s scholarships. There will be 3 scholarships for \$2000 each for 2017. Travel will also be included for scholarship recipients to attend the conference. The flier for the 2017 scholarship will be posted on the website. May 31<sup>st</sup> is the deadline for the applications to be submitted.
5. Minimum Program Committee- Mike Sharp will step down as co-chair. The Minimum Program Committee recommends raising the minimum funding level to \$5 million dollars. The Committee does not support the RECLAIM Act as it is currently proposed.
6. Membership Committee- Justin Ireys Membership committee has decided not to pursue other states at this time.
7. Public Information and Education Committee-Jim Bishop - The Committee will compile data from the annual conferences going back to the 2013 conference hosted by West Virginia.
8. Hardrock Committee-Glenda Marsh / Steve Fluke - Glenda gave a committee report. Subcommittees have been established. A hard rock awards subcommittee has been established. Chuck complimented the committee on the Hard Rock Award. A press release should be developed for the Hard Rock Award winners. A model press release is available on the NAAML P web site.

9. National Coal Mining Geospatial Committee-Mike Sharp Geo-Mine is envisioned to be an interactive web-based digital map of coal mining and reclamation activities in the United States. It is not completely operational yet due to security issues. An Image Server is being developed to make aerial photography and images available to the states. There are security issues with this also. Both of these will be hosted by the Amazon Cloud. There was some discussion of SMCRA GIS Symbol Standardization and the working draft that is being tested in Denver.

### **Election of Officers**

President- Justin Ireys was nominated for President by Murray Balk, seconded by Eric Cavazza, Motion passed unanimously.

Vice-President- Bob Scott was nominated for vice-president by Mike Garner, seconded by Eric Cavazza, Motion passed unanimously.

Secretary Treasurer- Autumn Coleman was nominated by Murray Balk, second by Alan Edwards: Marvin Ellis was nominated by Mike Garner, second by Eric Cavazza  
Ballots were distributed and collected by Justin Ireys and Bob Scott.

Autumn Coleman was elected as Secretary-Treasurer

### **FUTURE MEETINGS UPDATE**

1. Winter 2017 Glenwood Springs, Colorado (Steve Renner)

Hotel Colorado will be the likely location. Dates have not been finalized.

(Note: Winter Meeting location and date was later changed to The Golden Hotel in Golden, Colorado, February 14-16, 2017, because of issues with Glenwood Springs)

2. Fall 2017 Lexington, Kentucky (Bob Scott)

September 24-29, 2017. Hyatt Regency in downtown Lexington will serve as the host hotel. 175 rooms have been blocked out for Sunday, Monday and Tuesday nights. Field trips will include stream restoration projects in the area, an AML enhancement project on the Kentucky River, horse farms, bourbon distilleries, underground blast laboratory operated by UK, Keenland Race track, Kentucky Horse Park and much more.

3. Winter 2018 Texas (Mark Rhodes) This winter meeting will be held at the Historic Menger Hotel in San Antonio Texas, Monday, February 5<sup>th</sup> through Wednesday, February 7<sup>th</sup>, 2018.

4. Fall 2018 Virginia (Richard Davis) The conference will be held at the Kings Mill Resort in Williamsburg Va., with proposed dates of September 9-13, 2018.

5. Winter 2019 -Utah (Steve Fluke) St. George area but dates have not been set.

6. Fall of 2019 - Pennsylvania Location to be determined

7. Winter 2020 - West Virginia Location to be determined

8. Fall of 2020 – Nevada - Location to be determined- Concern was expressed about holding the conference in Tahoe because of the Resort Status and the travel limitations that might cause some states.

**CONCLUDING REMARKS**

Bill Snoddy says that Conference Vests can be ordered at \$65 per vest.

Kansas (Murray Balk) makes motion to adjourn, seconded by AK (Justin Ireys), motion passes unanimously.

Chuck expressed appreciation to Autumn Coleman, the Montana staff, and Wyoming for the successful conference and hosting the business meeting.