



Policy and Procedures Manual

of the

NATIONAL ASSOCIATION OF ABANDONED MINE LAND PROGRAMS (NAAML)

September 2012

(With revisions and updates through 12/09/2016)

ALABAMA ALASKA ARIZONA ARKANSAS CALIFORNIA COLORADO CROW HOPI ILLINOIS
INDIANA IOWA KANSAS KENTUCKY LOUISIANA MARYLAND MISSISSIPPI MISSOURI
MONTANA NAVAJO NEVADA NEW MEXICO NORTH DAKOTA OHIO OKLAHOMA
PENNSYLVANIA TENNESSEE TEXAS UTAH VIRGINIA WEST VIRGINIA WYOMING

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NAAML P By-Laws

**NATIONAL ASSOCIATION OF ABANDONED MINE LAND PROGRAMS
BY-LAWS**

Adopted January 27, 1993
Amended January 26, 1994
Amended September 21, 1994
Amended September 17, 1996
Amended September 27, 2000
Amended March 1, 2007

**ARTICLE I
PURPOSE**

The purpose of the National Association of Abandoned Mine Land Programs is as follows:

1. To provide a forum to address current issues, discuss common problems, and share new technologies regarding the reclamation of abandoned mine lands.
2. To foster positive and productive relationships between the states and tribes represented by the Association and the federal government.
3. To serve as an effective, unified voice when presenting states'/tribes' common viewpoints.
4. To coordinate, cooperate, and communicate with the Interstate Mining Compact Commission, Western Interstate Energy Board, and all other organizations dedicated to the wise use and restoration of our natural resources.

**ARTICLE II
MEMBERSHIP**

SECTION 1 - ELIGIBILITY

Membership is open to any state or Indian tribe that has reclamation activities funded through the Office of Surface Mining Reclamation and Enforcement (OSMRE) within their geographic boundary, pursuant to Title IV of Public Law 95-87, the *Surface Mining Control and Reclamation Act of 1977 (SMCRA)*. States and tribes without OSMRE-funded reclamation activities within their geographic boundaries are also eligible for membership, subject to the limitations set forth in Article IV, Section 4. Individual memberships will not be offered.

SECTION 2 - DUES

Dues may be assessed by the Association, with ratification by the Membership, as per Article V, Section 1B. If assessed, all members shall be required to pay dues by the deadlines fixed by the Finance Committee in order to remain in good standing and retain membership and/or voting rights. Dues shall not exceed \$250.00 per annum.

ARTICLE III
OFFICERS

SECTION 1 - ELECTED OFFICERS

Officers of the Association shall be President, Vice President, and Secretary/Treasurer. Officers shall be elected by a plurality of votes at the annual conference business meeting through an open nomination format and shall be a named delegate or alternate from any member state or tribe. If more than one candidate is nominated for an office, the vote shall be by secret ballot. Only one representative from a member state or tribe may serve as an officer at any one time.

SECTION 2 - TERM OF OFFICE

All elected officers shall serve one-year terms and will begin their terms immediately following the business meeting at which they were elected. Officers shall be limited to two consecutive terms in the same office but are eligible to return to that office following a two-year hiatus.

SECTION 3 - PRESIDENT

The President shall preside over all meetings of the Association and will serve as the official representative of the Association. The President shall set the agenda for regular business meetings and call additional meetings by request of a majority of the Membership. The President will affix his/her signature to formal resolutions, minutes of meetings, and other pertinent documents and will appoint the Chairpersons of all committees, except the Membership Committee, as per Article V, Section 5.

SECTION 4 - VICE PRESIDENT

The Vice President shall act as an assistant to the President and shall perform the duties of the President in his/her absence from a business meeting. The Vice President shall serve as Chairperson of the Membership Committee. The Vice President also will assume the full duties of the President in the event a mid-term vacancy occurs.

SECTION 5 - SECRETARY/TREASURER

The Secretary/Treasurer shall prepare and keep a record of the minutes of all business meetings of the Association and shall sign, along with the President, all the minutes prepared under his/her direction. As Treasurer, he/she shall be the custodian of all funds of the Association and shall present a financial report to the Membership at the annual conference and all formal business meetings. The Secretary/Treasurer also shall collect dues if they are assessed in accordance with Article V, Section 1B.

SECTION 6 - REMOVAL

Any officer elected by the Association may be removed from office by a two-thirds majority vote of the Membership.

SECTION 7 – VACANCIES

A vacancy in the office of President shall be filled in accordance with Article III, Section 4. Vacancies in the office of the Vice President or Secretary/Treasurer shall be filled by a special election.

ARTICLE IV **MEETINGS**

SECTION 1 - ANNUAL CONFERENCE

There shall be an annual technical conference of the Association at a location chosen by the Membership. The Association shall develop guidelines for developing the annual technical conference.

SECTION 2 - BUSINESS MEETING

There shall be not less than one business meeting per year, which shall be held in conjunction with the annual conference. Additional meetings may be called if determined necessary by the officers or if requested by a majority of the Membership.

SECTION 3 - QUORUM

Attendance by a simple majority (51 percent) of the Membership shall constitute a quorum for all business meetings.

SECTION 4 - VOTING

Voting shall be limited to one vote per Member. Members that do not have OSMRE-funded reclamation activities within their geographic boundaries will be required to abstain from voting on OSMRE grant or SMCRA-related issues.

Each Member shall name a delegate and an alternate to represent the state or tribe at all Association business meetings. In the event both the named delegate and the alternate are unable to attend a meeting, the delegate may appoint a replacement to represent his/her own state or tribe through written notification to the Chairperson of the Membership Committee in advance of the meeting.

Proxy voting by other Members on behalf of Member states or tribes that are unable to attend a business meeting will be allowed only if written notice of the proxy assignment has also been given to the Chairperson of the Membership Committee prior to the business meeting. The proxy notice will be read into the record of the meeting by the President prior to the start of the business meeting for which it applies. Proxy representation will not be counted for purposes of achieving a meeting quorum per Section 3, above.

Voting by mail ballot also may be conducted at the request of the President.

To pass, a resolution of the Association will require a unanimous vote from the attending Members and those with approved proxy authority. Voting for all resolutions will be by Roll Call and will be recorded accordingly in the meeting minutes. Resolutions that fail for lack of a unanimous vote may be reflected as an opinion of the Association indicating majority and minority votes and, if requested, respective narrative viewpoints [or explanations].

SECTION 5 - BUDGET REQUIREMENTS FOR MEETINGS

The Association shall develop budgetary guidelines for the annual conference and mid-winter meeting.

ARTICLE V **COMMITTEES**

SECTION 1 - LISTING

There shall be four standing committees of the Association appointed from the Membership as defined in Article II.

A. Membership Committee

Maintains Membership rolls, mailing lists, and names of Member delegates; makes a record of attendance for all meetings, including all Members, designees, and proxy assignments; and determines eligibility of new Members. The Committee also shall maintain a listing of other committee assignments, membership and terms and shall actively work to promote Association Membership. The Vice President shall serve as the statutory Chairperson of the Membership Committee as per Article III, Section 4.

B. Finance Committee

Reviews and audits the financial reports of the Treasurer; recommends amount of annual dues to be paid by the Membership, with ratification by a two-thirds majority of the Members; sets dates for payment of annual dues; makes recommendations with regard to outside professional services described in Article VI; confers with the Treasurer and jointly prepares federal tax reports when required; and performs other duties related to financial matters as may be assigned by the President.

C. Public Information/Education Committee

Develops newsletters, public information documents, and accomplishment charts; provides assistance to the host state in marketing the annual conference; and coordinates the development of education materials directed to the Office of Surface Mining Reclamation and Enforcement, members of Congress, or other interested parties, as determined necessary by the Membership.

D. Research Committee

Works directly with the responsible federal agency on setting priorities for the AML research program, reviews research proposals, and reports to the Membership at the business meetings.

SECTION 2 - OTHER COMMITTEES

The President may establish, on an as-needed basis, other committees or working groups dedicated to specific topics or the development of Association positions on special issues.

SECTION 3 - DUTIES

Each committee shall function as a task force within its specific topic area and shall be authorized to formulate Association positions for consideration by the Membership.

SECTION 4 - COMMITTEE MEMBERSHIP

Committees shall consist of volunteers from the Membership. The size limits for each committee shall be determined by the President with concurrence by a majority of the Membership.

SECTION 5 - CHAIRPERSONS

With the exception of the Membership Committee, the President shall appoint a Chairperson to each committee from among the committee membership.

SECTION 6 - LENGTH OF TERM

All committee members, including Chairpersons, shall serve a two-year term, with the exception of the Chairperson of the Membership Committee (Vice President), who shall be limited to a one-year term, unless re-elected to the office of Vice President as per Article III. Committee members may serve consecutive terms on a committee if there are no new volunteers.

ARTICLE VI
PROFESSIONAL SERVICES

The Association is empowered to purchase commodities (letterhead, postage, copy paper, newsletters, etc.), to hire staff, or enter into contractual arrangements with outside organizations, vendors or individuals in order to further the goals of the Association. Contractual obligations must be in written form and be executed by the President and Secretary/Treasurer, with the concurrence of the Finance Committee that sufficient funds are available to carry out the contractual obligation.

ARTICLE VII
AMENDMENTS

By-laws may be amended by a two-thirds majority vote of the attending Members at a duly called business meeting, provided that any proposed amendment has been mailed with a notice of the vote at least 30 days prior to the scheduled vote. However, any proposed amendments to Article IV, Section 4, Paragraph 5 or Article VII with respect to resolutions of the Association shall require a unanimous vote.

ARTICLE VIII
NONPROFIT ORGANIZATION

The Association shall be a nonprofit organization formed for the benefit of the public. The Association shall be incorporated as a public benefit corporation in the State of Wyoming. No distributions, payments of dividends, or any part of the income or profit of the Association shall be made to any member, director, or officer. The Association shall not lend money to any member, officer, director, or organization.

Members shall not be admitted without their consent. Members may not transfer their membership to any individual, state, tribe, or other organization. The Association may not purchase any of its memberships. Members may be expelled only under a procedure that is fair and reasonable. The Association shall give fair and reasonable notice to members of any meetings. Members shall elect no less than three individuals as officers, and those officers also shall serve as the directors of the corporation and comprise the board of directors. The officers shall have the power to act during an emergency. Officers are not individually liable for any actions, inactions, or omissions by the nonprofit corporation.

Any proxy voting shall be valid only for the meeting in which the proxy was read into the record. The minimum vote required for a plan of merger, plan of consolidation, sale of assets not in the regular course of business, or the dissolution of the Association is two-thirds of the votes cast.

Upon the dissolution of the Association, any net assets will be distributed to the member states and tribes in proportion to the support paid by each member state and tribe during the most recently concluded fiscal year of the Association, and the member states and tribes receiving such a distribution shall expend such assets for a public purpose.

Duties of the Elected Officers

**NATIONAL ASSOCIATION OF ABANDONED MINE LAND PROGRAMS
OFFICER DUTIES**

Duties of the President

1. Represent the Association to the public, Office of Surface Mining, the Interstate Mining Compact Commission and Congress.
2. Set the agenda and preside over business meetings.
3. Call additional meetings by request of a majority of the membership.
4. Track issues that impact AML programs and distribute information to the membership.
5. Work with the membership and IMCC to develop testimony and comments on pending issues, legislation and regulation.
6. Work with the state or tribe hosting the Winter Meeting and the Annual Meeting to sign contracts and provide general assistance as needed.
7. Sign formal resolution, meeting minutes and other pertinent documents.
8. Appoint Chairperson of all Committees, except the Membership Committee.
9. Organize the Stan Barnard Award and presents it at the Annual Conference Banquet.
10. Serve on the Dave Bucknam Award review team.
11. Write the "Message from the President" article for the NAAMLN Newsletter.

Duties of the Vice President

1. Assist the President and perform Presidential duties in his/her absence.
2. Maintain an updated Delegates List.
3. Serve as Membership Committee Chair.
4. Assume full duties of the President in the event of a mid-term vacancy.
5. Maintain the Policy and Procedures Manual.

Duties of the NAAMLN Secretary/Treasurer

1. Obtain Signature Cards for First Interstate Bank in Cheyenne, WY, to authorize the newly elected Secretary/Treasurer to sign on behalf of the Association.
2. File the Nonprofit Corporation Annual Report with the Wyoming Secretary of State (due before January 1).
3. Prepare Financial Reports for distribution at the winter meeting and fall conference.
4. Send Publication Fee invoices to member states and tribes.
5. Deposit Publication Fees into the Associations checking account.
6. Record the business meeting minutes and distribute a draft version to the membership for review. Make any revisions to the minutes and distribute to the membership.
7. Maintain the Associations paper and electronic files.
8. Write checks on behalf of the Association, consulting with the Finance Committee as needed for approval of expenditures.
9. Assist the Association member that is completing the IRS 990 tax form.
10. Manage the Certificates of Deposit (First Interstate Bank in Cheyenne, WY).

NAAML P Annual Conference and Business Meeting Guidelines

NAAML P CONFERENCE AND BUSINESS MEETING GUIDELINES

The following are guidelines to be used in developing the NAAML P Annual Technical Conference:

- A. The locations of the NAAML P Annual Technical Conference will be determined three years in advance, whenever possible.
- B. Seed money may be available a year in advance for the program(s) hosting the conference. Host program(s) will need to submit a request for seed money to the Finance Committee for review and approval.
- C. The conference will begin on Sunday at 1:00 pm with committee meetings.
- D. An optional Pre-Conference Tour may be arranged by the host state(s)/tribe(s). The individual per-person cost of the Pre-Conference Tour will be determined by the host program(s) and should completely cover all of the costs associated with the Pre-Conference Tour.
- E. A reception for attendees will begin on Sunday at 6:00 pm.
- F. Prior to the close of the annual technical conference the host state will compile and distribute a list of attendees.
- G. The Public Information and Education Committee (formerly known as Public Relations Committee) will aid the host state in scripting the conference banquet for the President. The state or tribe hosting the conference will work with the Public Information and Education Committee on presentations to be used during the banquet.
- H. The banquet will normally be held on Monday night of the conference. The banquet will be closed with the presentation of the Dave Bucknam Training Award and then the Stan Barnard Memorial Award. OSM will be given time on the agenda for presentation of the Abandoned Mine Land Reclamation Awards.
- I. Wednesday morning each of the reclamation award winners will present a 20-30 minute technical presentation on their award-winning project.
- J. No technical sessions will take place on Tuesday as technical tours will be conducted that day.
- K. An informal evening dinner/barbeque may be scheduled Tuesday evening by the host program(s).
- L. The NAAML P Annual Business Meeting will be conducted on the last days (normally Wednesday and Thursday) of the conference. The Annual Business Meeting will normally begin at 1:00 pm on Wednesday. The meeting will conclude on Thursday with the entire day available for the meeting should necessary association business so warrant.

The following are the budgetary guidelines for the meetings:

- A. Each host state or tribe shall prepare a budget in advance for the Finance Committee approval. The host state or tribe will include in the budget a certain amount of revenue to be generated by the registration fee and possible sponsorship support.

NAAML P CONFERENCE AND BUSINESS MEETING GUIDELINES

- B. The budget shall include the costs for the meeting rooms (including audio visual equipment), meals, refreshments and other related items. The contract for the hotel/meeting facility shall also be presented in advance to the Finance Committee for review and approval.
- C. The annual technical conference should include but is not limited to:
 - 1. meeting room(s) (Sunday through Wednesday);
 - 2. one (1) continental breakfast each day of the conference (Monday through Wednesday);
 - 3. two (2) refreshment breaks on Monday and one (1) refreshment break on Wednesday;
 - 4. one (1) reception (Sunday evening);
 - 5. one (1) awards banquet (Monday evening);
 - 6. one or more technical and/or social tours (Tuesday);
 - 7. one (1) optional dinner/barbeque (Tuesday evening)
 - 8. one (1) luncheon for the Annual Business Meeting (Wednesday);
 - 9. one (1) optional luncheon for the Annual Business Meeting (Thursday).
- D. The host state or tribe shall establish a bank account to track all revenue and expenditures associated with the conference. The Finance Committee will provide the host program(s) with an electronic account register (Excel Spreadsheet) which includes typical categories of income and expenses associated with hosting the conference.
- E. If it becomes apparent that there will be a significant shortfall in revenue to offset the costs of the conference, the host program(s) should notify the Finance Committee and NAAML P officers for assistance in addressing the shortfall.
- F. Excess funds generated from the host states' or tribes' Annual Technical Conference shall be deposited in the NAAML P account for future expenditures. A minimum target for the host program(s) is to return enough money to the Association to support the annual scholarship program and support the IMCC contract for services.
- G. The host state or tribe will submit a detailed a written report or balance sheet to the Finance Committee chairman that outlines all the income and expenses associated with the annual technical conference. The report or balance sheet will be submitted at the earliest opportunity following the close of the annual technical conference but no later than April 1 of the following year.
- H. The Finance Committee shall be responsible for reviewing income and expenditures associated with the Annual Conference.
- I. The hosting state or tribe will ensure that an IRS W-9 form has been completed and is available for state and tribe travel.

NAAMLPL CONFERENCE AND BUSINESS MEETING GUIDELINES

The following are guidelines to be used for hosting the NAAMLPL Winter Business Meeting:

- A. The locations of the NAAMLPL Winter Business Meetings will be determined three years in advance, whenever possible.
- B. Seed money may be available a year in advance for the program hosting the meeting.
- C. The Winter Business Meeting may be conducted on a single day or split over two days at the discretion of the current NAAMLPL officers and amount of association business to be conducted.
- D. The Winter Business Meeting should include but is not limited to:
 - 1. a meeting room;
 - 2. two (2) refreshment breaks per each full day during the business meeting;
 - 3. one or two (1 or 2) luncheon(s) during the business meeting depending on the meeting format;
 - 4. optional special meetings for priority topics as may be required;
 - 5. one (1) optional AML-related field trip

NAAMLPL Meetings Policies and Procedures

Approved March 1, 2007 (Updated December 9, 2016)

Resolutions

RESOLUTION
OF
THE NATIONAL ASSOCIATION OF ABANDONED MINE LAND PROGRAMS

WHEREAS, OSM has indicated that AML Emergency Program funding will be eliminated in the 2011 federal budget.

WHEREAS, Section 410 of SMCRA authorizes OSM to address AML Emergencies.

WHEREAS, SMCRA does not require states and tribes to administer an AML Emergency Program.

WHEREAS, AML Emergencies occur often and pose a "sudden danger with a high probability of substantial physical harm to the health, safety and general welfare of people before they can be abated under normal program operation procedures".

WHEREAS, since 1989, fifteen (15) states have agreed to implement state Emergency Programs contingent upon OSM providing funding. As such, OSM retained the authority to "declare" when emergency procedures are warranted.

WHEREAS, Ten (10) states and tribes rely solely on OSM to address AML emergencies.

WHEREAS, Reallocation of approximately \$26 million dollars annually from the Emergency Program to other discretionary spending is contrary to the primary purpose of the Reclamation Fund described in Section 401, "reclamation and restoration of land and water resources adversely impacted by past coal mining ...".

WHEREAS, the intention of Congress for OSM to continue funding the federal Emergency Program was made clear in the 2006 Amendment to SMCRA by leaving Section 410 unchanged but otherwise requiring the Secretary to ensure "strict compliance" of states and tribes with the non-emergency funding priorities found in Section 403(a).

WHEREAS, If OSM eliminates funding for AML emergencies, high cost emergency projects in Minimum Program States or states with small AML programs would require postponing other high priority projects or could result in emergency situations not being addressed due to insufficient funding.

NOW, THEREFORE BE IT RESOLVED that NAAML P requests the Congress continue funding OSM's AML Emergency Program in OSM's current and future budgets at the appropriate level so that the sudden and unpredictable dangers of AML emergencies can be eliminated expeditiously for the protection of the Public.

ISSUED THIS 23RD DAY OF FEBRUARY, 2010

ATTEST:



PRESIDENT, NAAML P

RESOLUTION

OF

THE NATIONAL ASSOCIATION OF ABANDONED MINE LAND PROGRAMS

WHEREAS, Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) established the Abandoned Mine Land (AML) reclamation program; and,

WHEREAS, the National Association of Abandoned Mine Land Programs (NAAML) was established as a nonprofit corporation to accomplish the objectives of its thirty member tribes and states to reclaim land and water resources adversely affected by mining and left in an abandoned or inadequately restored condition; and,

WHEREAS, NAAML members administer AML programs funded and overseen by the Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior; and,

WHEREAS, all tribes and states who are members of NAAML have approved abandoned mine reclamation plans; and,

WHEREAS, SMCRA Title IV, at 30 U.S.C. § 1235 (l), provides:

No state shall be liable under any provision of federal Law . . . as a result of actions taken or omitted in the course of carrying out a state abandoned mine reclamation plan [except for gross negligence or intentional misconduct] (herein "SMCRA Limited Liability provision"); and,

WHEREAS, 30 U.S.C. § 1235(l) was restated verbatim in OSM's regulations pertaining to the AML program at 30 CFR 875.19 in 1994; and,

WHEREAS, Congress amended SMCRA in 2006, with the Limited Liability provision remaining intact; and,

WHEREAS, on June 20, 2008, OSM published proposed regulations implementing the 2006 amendments to SMCRA (See 73 Fed Reg 35214) in which no changes were made to the Limited Liability provision at 30 CFR 875.19; and,

WHEREAS, on November 14, 2008, OSM published proposed regulations implementing the 2006 amendments to SMCRA (See 73 Fed Reg 67576 - herein Final Rule) in which OSM stated, in preamble language, that the Limited Liability provision would no longer be applicable to AML non-coal programs implemented by certified states and tribes under SMCRA; and,

WHEREAS, OSM never formally proposed to eliminate this limited liability protection for certified states and tribes; and,

WHEREAS, the Limited Liability provision is necessary for the effective reclamation of the nation's land and waters under the AML programs established by Congress and administered by the tribes and states who are members of the NAAML P; and,

WHEREAS, AMI programs are necessary for the protection of the health, safety and welfare of the citizens of the United States and also provide jobs for engineers, contractors, construction workers, suppliers, vendors, and transporters of persons and material used to reclaim the nations abandoned mine lands.

NOW, THEREFORE:

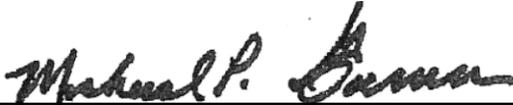
BE IT RESOLVED BY THE NATIONAL ASSOCIATION OF ABANDONED MINE LAND PROGRAMS, ITS MEMBER TRIBES AND STATES, THAT:

THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT CLARIFY, BY REGULATION THAT THE LIMITED LIABILITY PROTECTION AT 30 CFR § 875.19 CONTINUES TO APPLY TO THE NONCOAL AML RECLAMATION PROGRAMS ADMINISTERED BY NAAML P MEMBER STATES AND TRIBES; AND

THE NAAML P PETITION THE PRESIDENT OF THE UNITED STATES AND MEMBERS OF CONGRESS TO URGE OSM TO RESTORE THE CONGRESSIONALLY- INTENDED APPLICATION OF 30 CFR § 875.19 TO STATE/TRIBAL NONCOAL AML RECLAMATION PROGRAMS.

ISSUED THIS 23RD DAY OF FEBRUARY, 2010

ATTEST:



PRESIDENT, NAAML P

RESOLUTION

OF

THE NATIONAL ASSOCIATION OF ABANDONED MINE LAND PROGRAMS

WHEREAS, Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) established the Abandoned Mine Land (AML) reclamation program; and,

WHEREAS, the National Association of Abandoned Mine Land Programs (NAAML) was established as a nonprofit corporation to accomplish the objectives of its 30 member states and tribes to reclaim land and water resources adversely affected by mining and left in an abandoned or inadequately restored condition; and,

WHEREAS, NAAML members administer AML programs funded and overseen by the Office of Surface Mining, Reclamation, and Enforcement (OSM) within the US Department of Interior; and,

WHEREAS, SMCRA, Title IV, established a reclamation fee on each ton of coal mined in the United States to pay for abandoned mine land reclamation, which fee has been and is continuously collected by OSM; and,

WHEREAS, Fifty percent (50%) of the reclamation fees collected were previously remitted to the states and tribes from which coal was mined to pay for reclamation programs administered by states and tribes; and,

WHEREAS, state and tribal AML programs annually use remitted reclamation fees to reclaim lands and waters in their respective lands and remove thousands of tons of waste from lands and rivers at abandoned mine sites throughout the United States and thereby protect and enhance the health, safety, and environment of all Americans; and,

WHEREAS, reclamation fees collected exceeded remittances to states and tribes, resulting in a surplus of funds retained by OSM; and,

WHEREAS, the Congress of the United States, in 2006, acknowledged the surplus of reclamation fees retained by OSM, the right of states and tribes to return a portion of those fees to the state of their origin, and the need to return a portion of those fees to the states without affecting the interest earned on those fees by OSM, which interest was to be used for the United Mine Workers Benefit and other funds to finance health care for retired miners; and,

WHEREAS, Congress acted to address the issues recited in the paragraph immediately above by enacting the 2006 Amendments to SMCRA; and,

WHEREAS, the proposed 2010 Budget of the United States would eliminate remittance of funds to certified states which continue to reclaim abandoned mine lands; and,

WHEREAS, if adopted by Congress, the proposed 2010 Budget of the United States will halt reclamation of abandoned mine lands within certified states, jeopardize reclamation of abandoned mine lands in others, cause unemployment of contractors, suppliers, technicians, and others currently engaged in the reclamation of abandoned mine lands, and allow the continued pollution of lands and waters within the United States by failure to fund reclamation of abandoned mine lands in some states.

NOW, THEREFORE:

BE IT RESOLVED BY THE NATIONAL ASSOCIATION OF ABANDONED MINE LAND PROGRAMS, ITS MEMBER TRIBES AND STATES, THAT:

THE NAAMLPT PETITION THE MEMBERS OF CONGRESS WHO REPRESENT ITS MEMBER TRIBES AND STATES TO PROVIDE FUNDING FOR CERTIFIED STATES IN ACCORDANCE WITH THE 2006 AMENDMENTS TO SMCRA.

RESOLUTION

OF

THE NATIONAL ASSOCIATION OF ABANDONED MINE LAND PROGRAMS

WHEREAS, Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) established the Abandoned Mine Land (AML) reclamation program; and,

WHEREAS, the National Association of Abandoned Mine Land Programs (NAAML) was established as a nonprofit corporation to accomplish the objectives of its thirty member tribes and states to eliminate health and safety hazards and reclaim land and water resources adversely affected by past mining and left in an abandoned or inadequately restored condition; and,

WHEREAS, NAAML members administer AML programs funded and overseen by the Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior; and,

WHEREAS, pursuant to the cooperative federalism approach contained in SMCRA, all tribes and states who are members of NAAML have federally approved abandoned mine reclamation plans; and,

WHEREAS, SMCRA, Title IV, establishes a reclamation fee on each ton of coal mined in the United States to pay for abandoned mine land reclamation; and,

WHEREAS, SMCRA, Title IV, mandates that fifty percent (50%) of the reclamation fees collected annually are designated as state/tribal share funds to be returned to the states and tribes from which coal was mined to pay for reclamation programs administered by the states and tribes; and,

WHEREAS, SMCRA Title IV also mandates that a minimum level of funding should be provided to ensure effective state program implementation; and,

WHEREAS, Congress enacted amendments to SMCRA in 2006 to address, among other things, funding for state and tribal programs and fee collection to address existing and future AML reclamation; and,

WHEREAS, the 2006 Amendments established new, strict criteria that ensures states and tribes expend funds on high priority AML sites; and,

WHEREAS, the proposed FY 2012 budget for the Office of Surface Mining Reclamation and Enforcement within the U.S. Department of the Interior would abandon the 50/50 state-federal partnership established under SMCRA and renege on the funding formula

under the 2006 amendments by, among other things, eliminating mandatory funding for those states and tribes who have certified the completion of their coal reclamation work and adjusting the mechanism by which non-certified states receive their mandatory funding through a competitive bidding process; and,

WHEREAS, if statutory changes are approved by Congress as suggested by the proposed FY 2012 budget for OSMRE, reclamation of abandoned mine lands within certified states and tribes would halt; reclamation of abandoned mine lands in all states would be jeopardized; employment of contractors, suppliers, technicians and others currently engaged in the reclamation of abandoned mine lands would be endangered; the cleanup of polluted lands and waters across the United States would be threatened by failing to fund reclamation of abandoned mine lands in some states; minimum program state funding would be usurped; the AML water supply replacement program would be terminated, leaving coalfield citizens without potable water; and the intent of Congress as contained in the 2006 amendments to SMCRA and its 2006 Amendments would be undermined.

NOW, THEREFORE:

BE IT RESOLVED BY THE NATIONAL ASSOCIATION OF ABANDONED MINE LAND PROGRAMS THAT ITS MEMBER TRIBES AND STATES:

OPPOSES THE LEGISLATIVE PROPOSAL TERMINATING FUNDING FOR CERTIFIED STATES AND TRIBES AND ALTERING THE RECEIPT OF MANDATORY AML FUNDING FOR NON-CERTIFIED STATES CONTAINED IN THE FY 2012 BUDGET PROPOSAL FOR THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT AND INSTEAD SUPPORTS THE AML FUNDING MECHANISM CONTAINED IN CURRENT LAW.

ISSUED THIS 22ND DAY OF FEBRUARY, 2011

ATTEST:



PRESIDENT, NAAML P

RESOLUTION OF

THE NATIONAL ASSOCIATION OF ABANDONED MINE LAND PROGRAMS

WHEREAS, The National Association of Abandoned Mine Land Programs (NAAML), recognizes that western states funded under the Surface Mining Control and Reclamation Act (SMCRA) Title IV have safeguarded thousands of hardrock abandoned mine openings since 1980; and,

WHEREAS, western states have also worked cooperatively with the Bureau of Land Management pursuant to authority under federal mining and land management laws to reclaim abandoned hard rock mine sites; and,

WHEREAS, the western SMCRA Title IV State Programs have 30 plus years of experience in developing, designing, contracting for and managing construction of abandoned and inactive hardrock mine reclamation projects which has resulted in over 10,000 mine closures; and,

WHEREAS, the western SMCRA primacy states have established successful working relationships with OSM, BLM, USFS, NPS, USFWS, EPA, SHPOs, and other federal, state and local agencies, and,

WHEREAS, these western states are recognized as experts in accomplishing hardrock reclamation.

NOW, THEREFORE BE IT RESOLVED that NAAML urges that the US Department of Interior, the Bureau of Land Management and the Office of Surface Mining, include experts from western SMCRA primacy states in the decision making process regarding any consolidation planning and policy development efforts pursuant to Secretarial Order Number 3320 dated April 13, 2012.

Madeline Roanhorse, President
National Association of Abandoned Mine Land Programs

DATE: _____



Resolution

National Association of Abandoned Mine Land Programs

A Resolution Concerning Reauthorization of Fee Collection Authority under Title IV of the Surface Mining Control and Reclamation Act PL.95-87

BE IT KNOWN THAT:

WHEREAS, Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) established the Abandoned Mine Land (AML) reclamation program; and

WHEREAS, The National Association of Abandoned Mine Land Programs (NAAML) consists of 31 states and Indian tribes, each with interests in abandoned mine land remediation, including the reclamation of land and water resources adversely affected by past mining and left in an abandoned or inadequately restored condition; and

WHEREAS, pursuant to the cooperative federalism approach contained in SMCRA, 28 NAAML member states and tribes administer AML programs approved, funded and overseen by the Office of Surface Mining Reclamation and Enforcement (OSMRE) within the U.S. Department of the Interior; and

WHEREAS, SMCRA Title IV establishes a reclamation fee on each ton of coal mined in the United States to fund abandoned mine land reclamation; and

WHEREAS, Congress enacted amendments to SMCRA in 2006 to address, among other things, continued collection of AML fees and funding for state and tribal programs to address existing and future AML reclamation; and

WHEREAS, The reclamation fee authorized under SMCRA Title IV will expire by operation of law on September 30, 2021; and

WHEREAS, Since the enactment of SMCRA, 6,151,789 AML hazards (totaling some \$4 billion in construction costs) have been abated by the state and tribal AML programs; and

WHEREAS, Presently, there are 14,384,171 AML hazards (totally some \$9 billion) that still need to be remediated; and

WHEREAS, Without the funding generated by the Title IV reclamation fee, these remaining AML hazards will not be addressed, prolonging indefinitely the subjection of our citizens and environment to the hazards associated with AMLs.



WHEREAS, To complete reclamation of the remaining AML hazards, reauthorization of SMCRA Title IV fee collection authority is a necessity.

THEREFORE BE IT RESOLVED, that the National Association of Abandoned Mine Land Programs:

Strongly endorses reauthorization of Title IV reclamation fee collection authority to continue ongoing mandatory grants to states and tribes; and

Urges Congress to enact legislation reauthorizing Title IV fee collection authority for a period of fifteen years beyond September 2021; and

Strongly supports the continuation of states and tribes as the sole delivery mechanism for AML funds given their demonstrated 35-year history of effective and efficient program implementation; and

Advocates the consideration of other appropriate, related amendments to Title IV of SMCRA based on our ten years of experience since enactment of the 2006 amendments (see related attachment); and

Will cooperate with OSMRE and interested and affected stakeholders to assess these additional potential amendments

A handwritten signature in blue ink, appearing to read 'C. Williams', is written over a horizontal line.

Chuck Williams, President
National Association of Abandoned Mine Land
Programs



Proposed Legislative Amendments to Title IV of SMCRA

Existing Provisions Requiring Amendment:

- Extend fee collection to 2036
- Increase Mandatory Minimum Program funding to at least

\$5 million New Provisions:

- Fund all AML emergency programs as a mandatory expenditure from the Secretary's discretionary share under 402(g)(3)
- Allow all State and Tribal AML programs to utilize up to 30% of their entire, respective grant amounts for Acid Mine Drainage (AMO) set-aside
- Exempt AML funding from sequestration reductions under the Budget Control Act of 2011 or other deficit reduction laws and authorize the release of previously sequestered funding to the respective states and tribes
- Exempt AML reclamation projects from jurisdiction under the Mine Safety and Health Act of 1977
- Exempt state and tribal AML projects from NPDES permitting requirements under the Clean Water Act
- Any Treasury payments pursuant to section 402(h) required to shore up the UMWA pension plans that would cause the \$490 million cap to be exceeded shall not reduce treasury payments to certified states and tribes notwithstanding the pro rata reduction provision in section 402(h)(3)(B)

Existing Provisions to Maintain Without Amendment:

- AML grant funding must remain an off-budget, mandatory appropriation
- Interest from the AML Fund shall continue to be transferred to the UMWA Pension Plans, but Principal from the AML Fund should remain dedicated exclusively to AML work
- Use of AML funds as local match for other federal programs (e.g. CWA 319 grants) shall be maintained
- AML Fee structure and priority ranking criteria shall remain unchanged
- Funding for Certified states and Tribes should be maintained

Current Committees and Committee Members



NAAML COMMITTEE MEMBERSHIPS AS OF 09/29/2016

Training Committee

Bob Scott (Chair) KY
 Mike Sharp OK
 Richard Davis VA
 Travis Parsons WV

Scholarship Committee

Mike Garner (Chair) MD
 Jeff Butler AL
 Susan Kozak IA
 Murray Balk KS
 Eric Cavazza PA
 Dana Dean UT

**National Coal Mining
 Geospatial Committee**

Mike Sharp (Chair) OK

Research Committee

Travis Parsons (Chair) WV
 Bob Scott KY
 Mike Sharp OK

Membership Committee

Bob Scott (Chair) KY

**Minimum Program
 Committee**

Justin Ireys (Chair) AK
 James Stephens AR
 Susan Kozak IA
 Murray Balk KS
 Mike Garner MD
 Mike Mueller MO
 John Kretzmann NM
 Bill Dodd ND
 Robert Toole OK
 Trevor Martin TN

Finance Committee

Eric Cavazza (Chair) PA
 Chuck Williams AL
 Justin Ireys AK
 Susan Kozak IA
 Marvin Ellis IN
 Murray Balk KS
 Mike Garner MD
 Mike Mueller MO

**Public Information &
 Education Committee**

Jim Bishop (Chair) OH
 James Stephens AR
 Greg Pinto IL
 Connie Loucks MD
 Autumn Coleman MT
 Dianne Ireton OK
 Dana Dean UT
 Steve Fluke UT

Hardrock Committee

Glenda Marsh (Co-chair) CA
 Jeff Graves (Co-chair) CO
 Tara Tafi CO
 Murray Balk KS
 Autumn Coleman MT
 Madeline Roanhorse Navajo
 John Kretzmann NM
 Jeryl Gardner NV
 Robert Ghiglieri NV
 Mike Sharp OK
 Mark Rhodes TX
 Dana Dean UT
 Steve Fluke UT
 Greg Conrad IMCC
 Ryan Ellis IMCC

Hardrock Awards SubComm.

Steve Fluke (Co-Chair) UT
 Tara Tafi (Co-Chair) CO

**SMRCA Reauthorization
 Workgroup**

Susan Kozak (Co-chair) IA
 Brian Bradley (Co-chair) PA
 Glenda Marsh CA
 Mark Stacy IN
 Madeline Roanhorse Navajo
 Mike Mueller MO
 Bill Dodd ND
 Eric Cavazza PA
 Travis Parsons WV
 Alan Edwards WY
 Greg Conrad IMCC
 Ryan Ellis IMCC

**SMRCA Reauthorization
 Committee**

(Includes all in workgroup)

Jeff Butler AL
 Justin Ireys AK
 Jeff Graves CO
 Tara Tafi CO
 Marvin Ellis IN
 Susan Kozak IA
 Brian Troglia KS
 Bob Scott KY
 Connie Loucks MD
 Mike Garner MD
 Autumn Coleman MT
 Jim Bishop OH
 Mike Bowden OH
 Robert Toole OK
 Bill Snoddy MT
 Pat Webb PA
 Steve Fluke UT
 Richard Davis VA
 Rob Rice WV

Stan Barnard Award and Dave Bucknam Award Guidelines

STAN BARNARD MEMORIAL AWARD GUIDELINES

1. AWARD

Stan Barnard was very active in the National Association of Abandoned Mine Land Programs (Association) while he was Wyoming AML Administrator. He served two terms as Secretary/Treasurer before becoming Vice President, then President. Committed to the betterment of the Association, he worked diligently with the member states and tribes as well as the Office of Surface Mining. Stan was instrumental in beginning the process to register the Association as a nonprofit corporation with tax-exempt status.

Stan was dedicated to the AML Program. He worked for increased grant funding for the states and tribes, testifying before Congress on the need to release the trust fund to reclaim abandoned mine lands dangerous to the health and safety of the public. Stan worked with all the states and tribes to address various issues raised by the Association on behalf of its members.

In addition to his leadership skills, Stan was a hard worker and a good team player. Stan's positive attitude and great sense of humor were infectious. He had a way of putting people at ease and getting everyone to work together. Stan was also involved in many of the Association's behind-the-scenes functions. At the Association's 1993 annual meeting in Jackson, Wyoming, he organized an evening of wildlife appreciation by arranging a field trip to listen to elk bugle. And for relaxation, Stan was always planning the next golf excursion.

This award is presented in memory of Stan Barnard (1958 - 1998), and the title of this sculpture is aptly named "Dedicated."

2. QUALIFICATIONS

The Stan Barnard Memorial Award (SBMA) may be given to anyone who exhibits Stan-like qualities of outstanding dedication, commitment, and hard work toward the enhancement of the Association. This can be overall work and/or a special project undertaken on behalf of the Association.

3. NOMINATIONS

- A. Each voting state and tribe in the Association may make one nomination for the Stan Barnard Memorial Award (SBMA).
- B. The SBMA nominations will be submitted to the Association President by June 30 of each year.

4. SELECTION COMMITTEE

- A. The SBMA Selection Committee members will consist of:
 - 1. First year - Association officers
 - 2. Second year - Association officers plus first year's SBMA winner
 - 3. Third year - Association officers plus first and second years' SBMA winners
 - 4. Fourth year - Association officers plus the previous two (2) SBMA winners
- B. The SBMA Selection Committee will review nominations and select a winner.
- C. The SBMA Selection Committee will forward the name of the SBMA winner to Oklahoma by July 1 of each year.
- D. Oklahoma will be responsible for having the trophies engraved and brought to the annual meeting.

5. PRESENTATIONS

- A. The Association will award one (1) SBMA winner per year.
- B. The Association will award a traveling trophy and an individual trophy. The traveling trophy will be given to the current SBMA winner to be held for one year, then it will be passed from the current SBMA winner to the next SBMA winner at the next annual Association meeting. An individual trophy will be given to each SBMA winner to keep.
- C. For the first year, Stan's widow, Sue Barnard, will be invited to present the Stan Barnard Memorial Award. The current SBMA winner will present the traveling trophy and an individual trophy to next year's SBMA winner. In the event the current SBMA winner is not able to make it to the annual Association meeting, then the Association President will present the award.

**Stan Barnard Memorial Award
Nomination Form**

Name of Nominee:

Nominee's Affiliation:

AML Work Experience:

Explain in narrative form why the nominee should receive this award:

Nominated by State/Tribe:

Date:

DAVE BUCKNAM “INSTRUCTOR” AWARD GUIDELINES

“Promoting Training Team Work”

Sponsorship

between

Office of Surface Mining

and

National Association of Abandoned Mine Land Programs

1. Introduction

Anytime Dave Bucknam was present in a group of National Association of Abandoned Mine Land Programs (NAAML) members discussing their respective programs, Dave invariably steered the exchange towards training needs. Whether it was encouraging participation in the existing training courses or inviting suggestions for new subject matter, Dave, with his ever present pocket notepad used for jotting down remarks, tirelessly promoted the educational needs of state, tribal, and federal employees.

The Honorable Mark Udall, congressman from Colorado, paid tribute to the late Dave Bucknam on March 10, 2005, in the United States House of Representatives, saying, “Dave Bucknam taught junior high history and geography for several years, worked for the Colorado Land Use Commission, and then for over 24 years with the Colorado Department of Natural Resources. He retired as Director of the Office of Active and Inactive Mines, and when asked what he did, he always smiled and said he “closed up old mines.” Under Dave’s leadership, Colorado’s Inactive Mine Reclamation Program and the Colorado Mine Safety and Training Program were nationally recognized. He was a mentor and role model for many of the employees in the Department. His competence and dedication – coupled with his compassion for his co-workers and his leadership on national issues – made a lasting impact not only on the Division, but the state and the nation as well. In 1990 he served as president of the National Association of Abandoned Mine Land Programs and continued to provide leadership to the Association by serving on several national committees.”

One of Dave’s abandoned mine land (AML) passions was training. Dave always believed that one of the most essential facets of a successful AML program was a properly trained staff. He was instrumental in working with the Office of Surface Mining (OSM) and state/tribal AML staff to develop a training program for state, tribal, and federal employees. Dave, along with other state, tribal, and OSM staff, developed the first AML course focused on AML project inspection.

Dave raised the bar very, very high for the training program. He integrated his own AML field experiences into the courses he taught, and he was constantly thinking of ways to improve the AML training program. AML Design Workshops for Dangerous Openings, Dangerous Highwalls, Mine Fires, Subsidence, and Landslides would not have been developed without Dave's guidance and insight.

This award, aptly named the "Instructor," is presented as a tribute to Dave Bucknam (1941-2004).

2. Qualifications

Any active or inactive (retired or no longer teaching) state, tribal, or federal employee designated as an instructor by the OSM National Technical Training Program (NTTP) will be eligible for the Dave Bucknam "Instructor" Award (DBIA). This individual must have at least three years' experience as an active instructor and with at least an overall class evaluation of 4.0 from NTTP classes. This individual must exhibit the special qualities of dedication, leadership, compassion, and commitment in promoting the training of state, tribal, and federal employees.

3. Nominations

- A. Each member of the OSM Steering Committee or each member of NAAML P may make one nomination for the DBIA.
- B. The DBIA Nomination Form will be submitted to the NAAML P President by June 15 of each year.

4. Selection Committee

- A. The DBIA Selection Committee will consist of:
 - 1. President of the National Association of Abandoned Mine Land Programs.
 - 2. NAAML P Steering Committee Representative.
 - 3. Office of Surface Mining Chief, National Technical Training Program, or appointed representative.
- B. The DBIA Committee will review nominations and select a winner no later than July 15.
- C. The DBIA Committee will forward the name of the winner to the Office of Surface Mining Chief, NTTP, no later than July 31.
- D. The Office of Surface Mining Chief, NTTP, will be responsible for having the presentations engraved and brought to the NAAML P Annual Meeting.

5. Presentations

- A. During the NAAML P Annual Meeting the OSM Chief, NTTP, or appointed representative and the President of NAAML P shall present the Award.
- B. The “Instructor” award will be displayed at the Office of Surface Mining’s Washington, D.C., office while an individual award will be presented to the winner.

**Dave Bucknam “Instructor” Award
Nomination**

Name of Nominee:

Nominee’s Affiliation:

Nominee’s Address/Phone Number/Email Address:

NTTP Training Experience:

Explain in narrative form why the nominee should receive this award:

Nominated by OSM Training Committee Member or Member of NAAML P:

Date:

NAAMLPScholarship Flier and Application



Are you planning a career in mine land reclamation?

\$2,000 SCHOLARSHIP AVAILABLE

May 31, 2017 Application Deadline

NAAML is a non-profit, professional organization that promotes the reclamation and restoration of lands affected by abandoned mining throughout the nation. Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) established the national Abandoned Mine Land (AML) Reclamation Program administered by the Office of Surface Mining Reclamation and Enforcement (OSMRE), U.S. Department of the Interior. SMCRA's purpose is to reclaim land and water resources adversely affected by past coal mining and left abandoned or inadequately restored. SMCRA levies fees on active coal mining to pay the reclamation costs. Collected fees are deposited in the AML Fund and distributed to authorized states and tribes to implement their own programs. NAAML is the professional association of States and Tribes who work under the auspices of Title IV of SMCRA.

The \$2,000 NAAML Scholarship is intended to assist in the education of students who intend to work as scientists, engineers or technicians in the field of mine land reclamation.

Letters of application for this scholarship must be received by May 31, 2017.

Scholarship monies will be awarded in the form of a tuition check made out to the accredited educational institution of your choice to be received at the annual NAAML conference. Three (3) scholarships will be given: 1) to a student enrolled in a school in the eastern geographic area of the United States (generally those states within or near the Appalachian Region of the OSMRE); 2) to a student enrolled in a school in the Mid-Continent of the United States (generally those states within or near the Mid-Continent Region of the OSMRE); and 3) to a student enrolled in a school in the Western Region of the United States (generally those states within or near the Western Region of the OSMRE). The scholarship holders are invited to attend the 2017 NAAML Annual Conference in **Lexington, Kentucky from September, 24 to September 27, 2017**. Costs (travel, lodging, per diem up to a total of \$1000) and Conference registration fees will be covered in addition to the scholarship. Scholarship recipients are expected to participate in all Conference activities. Tuition may be used at any accredited institution of higher education. The NAAML Scholarship must be utilized during the 2017-2018 school year.

Application Form attached

or

Or see <http://www.onenet.net/~naamlp/index.html>



SCHOLARSHIP APPLICATION

NAME	<i>First</i>	<i>Middle</i>	<i>Last</i>	
Address – where you will receive mail after June 1, 2017	<i>Street</i>			
	<i>City</i>	<i>State</i>	<i>Zip</i>	
Telephone*	<i>home</i>	<i>cell</i>		
Email address				
School				
Major, if declared				
Major Advisor, if applicable	<i>Name</i>	<i>Telephone</i>	<i>email</i>	
Proof of enrollment (such as tuition receipt)				
Intended date of graduation	BS/BA	MS	Ph'd	
Letter of Support #1	<i>Name</i>	<i>Title</i>	<i>Telephone</i>	<i>email</i>
Letter of Support #2	<i>Name</i>	<i>Title</i>	<i>Telephone</i>	<i>email</i>

A complete application will include:

A complete Scholarship Application Form;

An essay (1-2 pages) in which you address the following criteria:

- Demonstrated commitment to the reclamation and restoration of lands affected by abandoned mining;
- Statement of your intended career;
- Declared (or intended) area of major study;
- Current level of education and educational history;
- Course work, employment, and/or volunteer activities;
- Statement of intent to complete education in the field of mine land reclamation or related area such as biological, physical or environmental science; mining, engineering, or other (describe); and
- Personal Statement of Financial Need

A transcript of last year's course work (if applicable)

Two letters of support (to be included with the application or mailed separately)

Please send completed application to:

Mr. Michael Garner, Chief
 Abandoned Mine Lands Division
 Maryland Mining Program
 Maryland Department of the Environment
 160 South Water Street
 Frostburg, Maryland 21532-2145

For more information see:

<http://www.onenet.net/~naamlp/index.html>

May 31, 2017 Application Deadline