

**Governor's Mined Land Reclamation Advisory Committee Meeting
August 19, 2004**

Present:

Bob Brendlinger
Roger Jones
Vanessa Perry
Phil Shelton
Les Vincent

Absent:

Keith Horton
Patricia Martin
Tommy McAmis
Dan McCoy
Harry Meador
Mike Thomas

Also Present:

Sandy Smith
Benny Wampler

NOTE: There was not a quorum for this meeting. The agenda items were discussed for information purposes.

An informational meeting of the Governor's Mined Land Reclamation Advisory Committee was held at the Department of Mines, Minerals and Energy Office on August 19, 2004. Chairman Roger Jones called the meeting to order. Mr. Jones called for a motion to approve the minutes as written of the January 15, 2004 meeting. The minutes were unanimously approved.

Les informed the members that Ed Burns has resigned from the Advisory Committee.

Abandoned Mine Land (AML) Reauthorization

Les Vincent reported that the rule for two-year liability period for remaining permits expires on September 30. Permits issued after that date will have the five-year liability period. It is of concern to the Division that in addition to facing a loss of fees, the incentives for industry to remine and reclaim AML areas will also disappear.

Benny Wampler stated that he believes if it were not for the Combined Benefits Fund, there would not be an AML Program. OSM will prepare a rule by September 30 to arrive at a tax amount necessary to maintain funding for the Combined Benefits Fund. Due to Congress adjourning/campaigning, there will not be enough time to reauthorize AML under any of the bills before them at the present time. Benny speculates that Senator Byrd may work to add a one to two-year extension of the AML Reauthorization Program under a continuing resolution. Money has been appropriated for AML through 2005.

Committee members discussed AML incentives, remaining, certification of Wyoming/mining practices, etc. Bob Brendlinger requested to be kept up-to-date on the reauthorization. Benny advised he would keep him informed.

Underground Mine Mapping

Benny discussed the Division's digital mine mapping. Current mining maps are done on an ongoing basis. DMLR is currently identifying and scanning old underground mine maps to show where mining occurred in the past. That will become more significant to active operators in the future to identify where reserves may be more feasible. DMLR received \$317,000 to enhance its effort in this mapping. More than 17,000 old maps have been scanned and catalogued. 2,600 of those maps have been geo-referenced. Staff members from DMLR and the Division of Mineral Resources are working to identify and name mining seams. They will assign a confidence value to the mapping on each seam.

A DMME software program is being using to do a computerized 3-D flyover of selected areas. Benny explained the many uses of this type of digital mapping, i.e., economic development, providing

companies with information in particular mining areas, show “red” zones where caution should be taken, etc.

Daniel Kestner presented an overview of the DMME mine mapping system.

Committee members discussed the DM Rewrite and digital mapping; electronic transmission of map certifications; acid mine drainage; raising conductivity to decrease interference from power lines, etc.

Bonding

Les provided the status of the pool bond amendment. It has been approved by the State and published in the “Register” and becomes final in September. The amendment has been submitted to OSM. It will become effective sixty days after OSM’s publication. In the meantime, DMLR will begin accepting phased bond release applications. Bond release applications will be processed up to the point of release and held for final approval from the state and OSM.

Material from the Bonding Forum attended by Benny was distributed to Committee members. Benny briefly reviewed his comments concerning bonding from the previous meeting – Travelers is basically the only surety company interested in bonding for the coal mining industry. Roger Jones mentioned that AIG might be planning to get back into bonding.

Benny stated that bond release is an issue. Several companies do not request bond release at the Phase III final release period. A State initiated bond release regulation has been discussed. Coal companies could reimburse the State to do an administrative bond release. Les remarked that the Division is willing to discuss this option with industry.

There was a lengthy discussion of acid mine drainage seeps.

Title V Performance Measures

Benny recommended this topic be continued at the next meeting.

Les distributed material on “Performance Measures: Title V Part Three – Data Elements” and informed Committee members the State is measuring performance according to the items listed on the document.

Coal Combustion Residue

Les stated a coal combustion by-product project is being proposed for the first time since the issuance of fly ash guidelines. Alpha Resources is proposing to combine fly ash from the Carbo Plant with their slurry and use that mixture to fill in the refuse slurry impoundment at their Moss 3 mine. Carbo has a finite capacity in their existing landfill for the fly ash. If a deal can be worked out with Alpha, it could give Carbo 8 to 10 more years of additional generating capacity. Alpha would get volume to help reclaim its slurry impoundment. It would be a win win situation for both. A proposal has been submitted to Lee Daniels of Virginia Tech to do some initial bench testing to see how the two products mix. Lee has also submitted a proposal to OSM for additional follow-up research on a coal combustion project for the Powell River Project.

Issues/problems with the Nationwide 21 permits were discussed.

There being no further discussions, the meeting was adjourned.