

Stream Buffer Zone (SBZ)

- Rather than going forward with this ill-advised and illegal OSM-BLM consolidation, OSM should be implementing the 2008 stream buffer zone rule.
- OSM has wasted millions of taxpayer dollars to launch an unnecessary and unjustified stream protection rule and yet another environmental impact statement.
- The new rule results in significant and sweeping changes to coal mining regulatory programs well beyond the scope of the stream buffer zone rule.
- Before any public comments were even received, OSM admitted that they had already decided that they were going to rewrite the stream buffer zone rule.
- OSM promised their friends in the environmental community to publish the new rule by February 28, 2011 and tried to accomplish this by rushing its rulemaking process, limit public participation and preventing State regulators from providing meaningful comments.
- Stakeholders have unanimously and repeatedly condemned the OSM stream protection rulemaking process, including written objections from eight State cooperating agencies, three State Governors, the Western Governors Association, the Interstate Mining Compact Commission, and numerous members of Congress. Even environmentalists have publicly criticized the agency's effort "an expensive fiasco."
- OSM's current analysis demonstrated that the rule would cripple the coal mining industry by eliminating 25-33% of the surface coal mining in the Appalachian, Gulf Coast and Illinois basin regions, and destroy thousands of coal mining and related jobs across the nation.
- The new rule is not limited to surface mining operations but, includes the potential sterilization of tens of billions of dollars' worth of underground coal reserves and additional job losses as well.
- The rule would eliminate millions of dollars in tax revenue to State and local governments. States and Tribes would also lose substantial coal lease revenues from production royalties and lease bonus bids.
- Instead of going back and reexamining the wisdom of this rule, OSM's contractors have publicly testified that the OSM attempted to pressure them to use fabricated assumptions in order to lower the estimates of how many jobs would be destroyed by the stream protection rule.
- After refusing to use the fabricated assumptions, the contractors were terminated by OSM who then spent almost a million more taxpayer dollars to promptly hire other contractors, who are currently rewriting the economic analysis more to OSM's liking.
- Please stop this rulemaking. America has lost enough jobs in this recession already. Don't make tens of thousands of American families pay the price for the Administration's continuing war on coal.