

Protecting Bureaucracy, Not Streams

STREAM PROTECTION RULE

The Office of Surface Mining and Reclamation Enforcement’s (OSMRE) proposed Stream Protection rule (SPR) provides no discernable environmental benefits while duplicating extensive existing environmental protections—something that is expressly prohibited under the Surface Mining Control and Reclamation Act (SMCRA).



2,200-page rule that is a win for bureaucracy and extreme anti-mining groups, and a loss for everyday Americans.

The Rule:

- Disregards state authority and expertise.** States were shut out of the rulemaking development process. Eight out of 10 states that originally signed on as state cooperating agencies have withdrawn from their agreements after a four-year period without any dialogue because of OSMRE’s lack of cooperation despite its legal obligation to do so.
 - Nineteen states have written letters to OSMRE urging the agency to comply with congressional mandates and reengage with the states.
- Duplicates, contradicts and creates confusion around established state and federal regulations.** Extensive environmental protections are currently administered by the Environmental Protection Agency, the Army Corps of Engineers, the Fish and Wildlife Service and the states’ regulatory authorities. SMCRA expressly prohibits rulemaking that creates regulatory overlap resulting in uncertainty through inconsistent requirements.
- Harms U.S. jobs.** A technical analysis of the impact of the proposed rule shows that up to 78,000 coal mining jobs are now at risk. When coal-supported jobs in manufacturing, power plants and freight rail are included, the toll on employment rises to between 113,000 and 280,000. Estimated job losses are based upon an independent analysis performed at 36 operating surface and underground mines across the country. By contrast, OSMRE’s analysis of economic impacts relied upon “hypothetical mines.”
- Blocks access to important American resources.** Under the rule, one half or more of total U.S. coal reserves could be off limits to mining—a result at direct odds with SMCRA, which finds that the regulatory policies should encourage surface and underground mining.
- Devastates much-needed tax revenues in coal communities and states.** Coal mining contributes more than \$18.5 billion annually in state and federal tax revenues. Those revenues are expected to be reduced by between 15 and 35 percent as a result of the rule, devastating communities that have already been hit hard by job losses and reduced mining activity.

Costs vs. Benefits	
⊖ Conflicts with the agency’s authority, Clean Water Act and the Endangered Species Act existing regulatory authorities ⊖ 113,000 – 280,000 American jobs lost ⊖ 15-35 percent reduction in state and federal tax revenues	⊕ Job security for federal government employees wading into areas already regulated by the states and other agencies. ⊕ A win for extreme anti-mining groups looking to lock natural resources in the ground, at any cost.