

**Alliance for Appalachia * American Rivers * Appalachian Citizens Law Center *
Center for Biological Diversity * Center for Coalfield Justice (Pennsylvania) *
Clean Water Action * Citizens Against Longwall Mining * Citizens Coal Council * Earthjustice *
Foundation for Pennsylvania Watersheds * Friends for Environmental Justice * Friends of the Earth *
Greenpeace USA * Kentucky Resources Council * The Lands Council (Spokane) *
League of Conservation Voters * Mountain Watershed Association *
Natural Resources Defense Council * Northern Plains Resource Council *
Ohio Valley Environmental Coalition * Powder River Basin Resource Council * Prairie Rivers Network *
Sierra Club * Spokane Riverkeeper * Stand Up to Coal (Illinois) * 350 Colorado *
Western Colorado Congress * Western Organization of Resource Councils * WildEarth Guardians**

December, 2015

Dear Congressperson:

On behalf of our members, the above-listed organizations who actively work to address coal mining impacts across the United States, we wish to express our support for the Stream Protection Rule. We want to commend the Office of Surface Mining Reclamation and Enforcement (OSMRE) and the Obama Administration for their hard work on this important rule, and urge Congress to resist any efforts to roll it back. This rule is essential to protect the waters in mining regions, and to ensure that communities will have viable economies after the resource is extracted and mining ceases. It is essential to the long term well-being of our coal regions. OSMRE's careful and rigorous analysis of impacts on jobs in mining regions indicates that it would have a minimal effect

However, coal mines have damaged above and below ground hydrologic systems that are vital to meeting the future water needs of our communities. Clearly, the Stream Protection Rule is needed to provide clarity and foster better mine plans and reclamation.

Mountaintop removal mining generates some of the most damaging, large-scale environmental impacts of any industrial activity in the country. It is responsible for the destruction of over 500 mountains and approximately 2000 miles of stream channels across Central Appalachia. This form of coal mining devastates both the thriving natural ecosystems of the Appalachian Mountains as well as entire communities of residents who have lived on their homesteads for generations.

In Western coal regions, coal seams that are surface mined often are the aquifer that supports domestic uses and agriculture. Groundwater and intermittent streams are essential in a semi-arid, delicate ecosystem to sustain people, animals and plants.

Current rules fail to prevent serious, persistent, and unmitigated environmental harm from occurring. OSMRE needs to improve many aspects of its mining regulations in order to live up to the mandate that Congress set in the 1977 SMCRA. The Stream Protection Rule is an important step in setting the coal industry back on the right track. It provides clarity and protects water by defining material damage to the hydrologic balance, requiring collection of better chemical and biological monitoring data both before and during mining, ensuring protection and restoration of streams and related resources, and establishing enforceable numerical standards.

It will allow our organizations – and state, tribal, and federal regulators – to hold coal mining companies accountable when damage to water systems occurs and to more importantly better prevent damage from occurring in the first place.

For decades, longwall mine operators have asserted they can mine and successfully protect water. The stream protection rule ensures that will be the case. The coal industry has stated that the proposed rule would preclude longwall mining. What it actually does is hold the mining operator accountable by clarifying that underground mining activities are permitted only if they are located and designed to prevent any adverse impact that would preclude an existing, foreseeable, or designated use of any stream, lake, spring, or groundwater supply. That is not only a reasonable public policy aim under SMCRA, but is required by the Clean Water Act, which protects such water uses and requires compliance with water quality standards. Holding longwall miners accountable for long term water protection is appropriate.

The rule will also generate good restoration jobs at coal mines. According to the Draft Environmental Impact Statement (DEIS) cost-benefit analyses, in most scenarios, the OSMRE expects minimal job loss due to the new rule, because in most scenarios analyzed complying with the rule will create and offset any job losses where coal cannot be safely mined without destroying water resources.

OSMRE's analysis shows that the Stream Protection Rule can be implemented with minimal impacts to coal mine companies and coal production. The proposed rule makes coalfield communities more resilient for a diversified economic future and by safeguarding them from the long-term effects of pollution and environmental degradation that endanger public health and undermine future economic opportunities for affected communities. It also provides mining companies with the regulatory certainty that have long demanded by making it clear which requirements apply to which types of streams, and how to determine what types of streams are present.

While the rule should in fact be stronger, we urge Congress to support the proposed rule as a necessary step to protecting the nation's precious water resources and allow the rulemaking process to proceed without Congressional interference.

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