

## Watershed Cooperative Agreement Program, Take Action

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*By Keith Pitzer, President Eastern Coal Regional Roundtable*

*(Editors' Note: The Eastern Coal Regional Roundtable, based in Mullens, WV, is a 501(c)3 non-profit organization that provides informational resources to watershed groups throughout the Appalachian coal region so they can more effectively deal with environmental challenges. ECRR serves mine scarred watersheds through training, capacity building and providing a collective voice for underserved communities seeking to restore the well being of their citizens and environment. Keith also serves as executive director for Friends of the Cheat, a very successful watershed group in northern West Virginia grappling with massive amounts of acid mine drainage in an otherwise magnificent watershed.)*

For 10 years, the Watershed Cooperative Agreement Program (WCAP) has been a crucial source of funding for Acid Mine Drainage (AMD) abatement projects throughout Appalachia. WCAP is provided through the U.S. Office of Surface Mining (OSM) in which it provides complimentary or matching funds to augment other sources of funding for constructing AMD treatment systems. Only non-profit groups, like watershed organizations, are eligible to receive WCAP. Until recently, WCAP had a special legal provision allowing that funding to act as cash match for other federal funding, a provision that was used often and to great effect. That ability is very important in instances where other federal grants are used as the primary source of construction money, but where the other federal grant requires that an additional cash match be provided. WCAP filled that niche well, and without it many projects would have never been able to proceed to construction for lack of matching funds.

The special provision enabling WCAP funds to act as federal matching dollars has actually had to be approved annually through Congress's appropriation process in which it produces an annual Federal Appropriations Bill. From WCAP's inception through federal fiscal year 2008 (FY 08), the language to authorize WCAP to act as federal match was a standard part of each Appropriations Bill. For some reason, the WCAP language was absent in FY 09's proposed budget as it was sent from the White House to Congress. We became aware of the situation prior to the final passage of the FY 08 Appropriations Bill and made this known to a number of Congressional members. While we're told the absence of the provision was an oversight, the language did not make its way into the final FY 08 Appropriations Bill. Recently the FY09 budget has been given to Congress with the WCAP provision again absent. Our Congressional members should learn of this unfortunate situation so that appropriate action can be taken, i.e. taking the necessary steps to insert WCAP language in the FY10 Appropriations Bill before it is finalized.

We also believe Congressional members should be made aware that the amount of the annual WCAP appropriation has witnessed decline over the last 5 years and future abilities to clean up AMD-impacted streams will be in part limited to the funding appropriated to WCAP. We therefore support actions that will increase WCAP funding to at least its former levels.

## **There are two potential outcomes if we don't take action:**

1. Fewer organizations will be able to use WCAP because it won't be able to serve as match for other vital federal funding. This will result in fewer projects being put on the ground
2. If fewer organizations use WCAP funds, then this gives the appropriators the impression that WCAP is a program that's not needed.

WCAP funds are critically needed as well as the need to use those funds effectively.

## **What Can You Do?**

The fix itself is relatively simple but we need to act now. It is imperative to have the following language inserted in the FY10 and all future appropriations bills to allow the match exemption:

*Provided further, That funds made available under title IV of Public Law 95-87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act.*

The language above is identical to what was used in prior appropriation bills.

## **Our Congressional Representatives and U.S. Senators Can Help**

Contact your U.S. Representative and Senators about this important issue. A sample letter is given below along with the link that will take you to the contact information page of the US Congress.

Dear [Insert appropriate Senator or Congressman Name]:

Insert letter to Congress here.