

**Statement of
Jim Lyon, National Wildlife Federation
Before Office of Surface Mining Reclamation and Enforcement
January 30, 2012**

Thank you for the opportunity to make a statement concerning Order 3315, merging the Office of Surface Mining (OSM) into the Bureau of Land Management (BLM). My name is Jim Lyon, Vice President for Conservation Policy for the National Wildlife Federation (NWF). NWF is one of the nation's largest conservation membership organizations with four million members and supporters.

Throughout the 1970s, NWF advocated for the passage of the Surface Mining Control and Reclamation Act (SMCRA), and creation of a strong OSM, because of devastating impacts on land, water, wildlife and communities caused by poorly regulated coal mining.

We are a non-partisan conservation organization. When an Administration takes action that protects wildlife and advances conservation, we are pleased to give it credit. Conversely, when actions are to the contrary, we are compelled to speak out. While we have worked well with the current Department of Interior, we must publicly oppose this initiative to fold OSM into the BLM. Given time restrictions I'll limit my comments to 5 reasons.

- 1. Lack of Justification and Prior Consultation** - We are unaware of any consultation the Department had with any coalfield or conservation organization prior to issuing Order 3315, and that appears to be the case with other stakeholder sectors as well. The reasons and benefits given for the merger are mystifying, weak, and hard to take seriously. Instead, they appear to be driven primarily by an unrelated government-wide initiative to shrink and consolidate government agencies to save a few bucks.
- 2. The Merger Violates SMCRA in Law and Intent** – In the interest of time, I am attaching a copy of Senate testimony by Professor Pat McGinley that concisely lays out how this merger violates SMCRA. Additionally, I encourage the Department to review the extensive legislative history behind SMCRA and the creation of OSM that was based on the compelling need to provide coalfield citizens with a regulatory agency that could not be co-opted by economic and political influence of the industry and states. The leg history is extensive on this point.
- 3. Citizens Need a Stronger OSM not Weaker** – The sad reality today is that the adequacy of surface mining regulation across the coalfields has been deteriorating for many years. Coalfield groups need a stronger, more independent action oriented OSM, not a merger. This action will make it weaker, less responsive to citizens, and more susceptible to coal development influence.
- 4. The Merger is Bad for Land, Water, and Wildlife** – Nothing in this action moves the agency needle to expand and strengthen its mission to protect the environment. Folding it into BLM will likely mean less environmental protection, not more.

5. **This Action Ignores the Lessons of the Gulf Oil Spill** – Less than two years ago, we witnessed the largest environmental disaster in American history. A major contributor to the disaster was a federal regulatory agency (MMS) that was too cozy with the industry it was charged with regulating, and too preoccupied with its energy development responsibilities to adequately regulate BP's operations. We applauded the Department's actions less than one year ago to break up MMS and create a new agency (BOEMRE) with the expressed intent to decouple its regulatory mission from the mission and pressures of managing oil leases. And yet less than a year later, we now have an action to do the exact opposite with the regulatory OSM, to merge it into the management and development agency, BLM. The irony is disturbing, to say the least.

We hope after hearing all the testimony that points to major problems and dangers related to this Action, that the Department will rethink it, and drop it. Thank you.