

CHANGE REQUEST for FY 08-09 BUDGET REQUEST CYCLE

Department:	Natural Resources/Division of Reclamation, Mining and Safety
Priority Number:	17 of 18
Change Request Title:	Technical Revision-Correction to CFE Letternote

SELECT ONE (click on box):

- Decision Item FY 08-09
- Base Reduction Item FY 08-09
- Supplemental Request FY 07-08
- Budget Request Amendment FY 08-09

SELECT ONE (click on box):

Supplemental or Budget Request Amendment Criterion:

- Not a Supplemental or Budget Request Amendment
- An emergency
- A technical error which has a substantial effect on the operation of the program
- New data resulting in substantial changes in funding needs
- Unforeseen contingency such as a significant workload change

Short Summary of Request:

The request is to amend the letternote on the Cash Funds Exempt (hereafter referred to as “CFE”) total for the Long Bill line “(B) Inactive Mines” to specifically state that the \$30,000 funding transfer from the Colorado Department of Public Health and Environment (hereafter referred to as “CDPHE”) is from federal funds anticipated to be received from the U.S. Department of the Interior, Environmental Protection Agency. The transfer funds are from the CDPHE Long Bill line “(B) Watershed Assessment, Outreach, and Assistance, Local Grants and Contracts.”

Background and Appropriation History:

The Program’s Mine Site Reclamation funding is used as cost-share grants to local/special government entities to use as matching funds to receive federal funds from the U.S. Environmental Protection Agency for Clean Water Act “319” projects via CDPHE. These projects control harmful metals and acids that leach from historic mines into water ways, with the risk of negatively impacting aquatic species or downstream water users. A FY 2005-06 request for additional funding for the Mine Site Reclamation line included \$30,000 to contribute to the cost of Inactive Mine Program staff who coordinate the selection and management of the cost share projects. The letternote referencing the \$30,000 CFE did not specifically indicate the type of funding being

transferred from CDPHE, which could lead to confusion for the members of the General Assembly and/or the general public when reviewing the Long Bill. The intent of this request is to amend the letternote to clarify that the transfer funds are federal funds from CDPHE that originated from the U.S. Environmental Protection Agency. No adjustment is required on the associated line in CDPHE of (B) Watershed Assessment, Outreach, and Assistance, Local Grants and Contracts to fulfill this request.

General Description of Request:

The accuracy of funding sources and spending authority values in the Long Bill is important for budget decisions made by the Executive and Legislative branches of state government and for funding transparency for the general public/interested parties. For this purpose, it is requested that the letternote on the CFE bottom-line total for (B) Inactive Mines be amended to state, "...and \$30,000 (T) shall be transferred from the Department of Public Health and Environment from federal funds anticipated to be received from the U.S. Environmental Protection Agency."

Consequences if Not Funded:

Not applicable -- technical revision.

Calculations for Request:

Summary of Request FY 08-09	Total Funds	General Fund	Cash Funds	Cash Funds Exempt	Federal Funds	FTE
Total Request	\$0	\$0	\$0	\$0	\$0	0.0
(2) (B) Inactive Mines Mine Site Reclamation Amend wording of letternote on CFE associated with this line per (A) shown below.	\$0	\$0	\$0	\$0	\$0	0.0

Summary of Request FY 09-10	Total Funds	General Fund	Cash Funds	Cash Funds Exempt	Federal Funds	FTE
Total Request [Items below total to this]	\$0	\$0	\$0	\$0	\$0	0.0
(2) (B) Inactive Mines Mine Site Reclamation Amend wording of letternote on CFE associated with this line per (A) shown below.	\$0	\$0	\$0	\$0	\$0	0.0

(A) CFE Letternote Wording: *Of this amount, \$499,762 shall be from the Abandoned Mine Reclamation Fund created in Section 34-34-102(1), C.R.S., and \$30,000(T) shall be transferred from the Department of Public Health and Environment from federal funds anticipated to be received from the U.S. Environmental Protection Agency.*

Assumptions for Calculations:

The request only impacts the letternote on the Cash Funds Exempt bottom-line total for (B) Inactive Mines – no dollar amount change is requested.

The federal funds spending authority is already accurately shown in CDPHE’s Long Bill line titled (B) Watershed Assessment, Outreach, and Assistance—Local Grants and Contracts; therefore, no changes to their Long Bill are required.

Impact on Other Government Agencies:

The Long Bill will properly reflect the type of funding being transferred from CDPHE, thus avoiding questions posed to either state agency by persons reviewing the Long Bill.

Cost Benefit Analysis:

Not applicable to this technical revision.

Implementation Schedule:

Not applicable.

Statutory and Federal Authority:

Abandoned Mine Reclamation Plan 34-33-133, C.R.S. [2007]

(1) The office of active and inactive mines is authorized and directed to develop, in accordance with the provision of Title IV of the federal "Surface Mining Control and Reclamation Act of 1977", as amended, and the rules and regulations there under, an abandoned mine reclamation program which may provide for, but need not be limited to, the following:

(a) Protection of public health, safety, general welfare, and property from the dangers and adverse effects of past mining practices;

(b) Acquisition, reclamation, and restoration of land and water resources previously degraded by the adverse effects of mining, including measures for the conservation and development of soil, water, woodland, fish and wildlife, recreation and tourism resources, and agricultural productivity;

(c) The protection, repair, replacement, construction, or enhancement of public facilities in communities affected by coal or other energy development.

(2) The office of active and inactive mines is authorized and directed to:

(a) Apply for, receive, and expend grant moneys or other funds for the development, administration, and fulfillment of the requirements of an abandoned mine reclamation program;

(b) Apply for, receive, and expend such funds legally available to Colorado from the abandoned mine reclamation fund established by Title IV of the federal "Surface Mining Control and Reclamation Act of 1977", as amended;

(c) Invite public inspection of, comment on, and involvement in the formulation of the abandoned mine reclamation program;

(d) Submit the abandoned mine reclamation program, after public review, to the secretary for approval and funding;

(e) Amend the approved abandoned mine reclamation program from time to time, after public review of the proposed amendments, as may be necessary or desirable.

Performance Measures:

No performance measure will be affected by this request.