



Western Interstate Energy Board/ WINB

December 15, 2003

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Douglas C. Larson
Executive Director

Ms. Nancy Broderick
Office of Surface Mining
1951 Constitution Ave. N.W.
Washington, D.C. 20240

Mr. Greg Conrad
Interstate Mining Compact Commission
445-A Carlisle Drive
Herndon, VA 20170

Dear Nancy and Greg:

The WIEB Reclamation Committee has had an opportunity to review the document “Performance Measures – Title V Part Three -- Data Elements” and offers the following suggestions:

1. Review of the document was difficult for states that have not been party to its development. We recommend that Part Three be packaged with the other sections into a coherent complete document that would give the reader a better understanding of the context for the proposed data elements.
2. There was confusion over definitions of some of the data elements thus making review difficult. We recommend that definitions of the data elements be added.
3. We believe that the proposed approach to test the application of the performance measures in a few states is appropriate. We intend to confer with the Western prototype state(s) part way through the six-month prototype period to better understand operational issues that arise from trying to apply the performance measures. We recommend that at the conclusion of the prototype period there be a meeting of all states to discuss and review the experience of the prototype states and determine whether the performance measures do, in fact, tell a stronger or better story to budget agencies and appropriators.
4. The operation of Reg 8 has worked well in the West. In many states, it has created a constructive partnership between the state and OSM to address important “on-the-ground” reclamation issues. We are pleased that Reg 8 will remain the bedrock of OSM oversight. However, given the bad experience in the past with OSM “bean counting” efforts and the power of numerical data, no matter how misleading, to overwhelm thoughtful discussion of real problems, we approach the proposed data elements with caution.

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I also want to pass on the attached detailed comments from Montana which are integrated into the data elements document.

As a member of the work group developing the performance measures document, I think we've made progress. However, we have not done as thorough a job as we should have in developing a document that allows states which haven't been part of the effort to understand the proposal. The other major unanswered question from our effort is whether the data will convey the information necessary to ensure adequate resources to continue to operate effective Title V programs. Unfortunately in government budgeting, success often leads to reduced budgets and failure to increase budgets to fix identified problems. We've seen this in OSM's budget over the years.

I look forward to the development of a complete document and the testing of the performance measures in the prototype states.

Sincerely,

/signed

Rick Chancellor, Chairman
WIEB Reclamation Committee

cc: Al Klein, OSM Denver

Attachment