



Steve Leventhal
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

RE: Stream Protection Rule, RIN: 1029-AC63

Dear Mr. Leventhal:

I am contacting you to express my concerns about the proposed Stream Protection Rule that is currently under review analysis with the Office of Management and Budget, and the effects this proposed rule will have on my constituents and our home state of Indiana as a whole.

I respectfully request that OMB return the rule to the Office of Surface Mining for further revision. My request is based on the following concerns:

- The rule will create serious inconsistencies and interfere with other federal and state agencies' regulatory programs.
- The rule creates a new water quality regulation framework that duplicates and conflicts with the existing framework under the Clean Water Act (CWA) administered by the Environmental Protection Agency, state CWA authorities, and the U.S. Army Corps of Engineers. This overlap will create grave uncertainty through inconsistent requirements — a result specifically prohibited under SMCRA.
- The rule also conflicts with state SMCRA programs by seeking to vest the U.S. Fish and Wildlife Service with ultimate discretion over the issuance of SMCRA permits — authority given exclusively to state SMCRA regulators.
- The rule fails to adequately assess costs and benefits and likewise fails to promote economic growth and job creation.
- The rule would be disastrous for economic growth and job creation with an independent analysis based on 36 actual operating mines predicting a loss of 40,000-78,000 coal mining jobs, between 112,757-280,809 coal and linked sector jobs, lost production value between \$14-\$29 billion annually, and lost federal and state tax revenue between \$3.1-6.4 billion.

If the result of this rule is higher cost to produce coal, or the inability to obtain mining permits leading to increases in electrical rates, then coal may become noncompetitive with other fuels, leading to job losses throughout our state – and that will impact constituents in my district.

The impact of this rule will cause a ripple effect on manufacturing and industry jobs across our state. Job and tax-revenue losses to the state and the counties would cause significant harm to schools, roads, state and county-provided services – as well as the overall economy.

I'm very concerned with the impact this rule, if finalized, will have upon constituents in my district, and again, respectfully ask that OMB remand the proposed rule back to OSM for further revision.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Gilfooy, Jr.", is written over a red wavy line at the bottom of the page.

Mayor Jack Gilfooy, Jr