State governments are faced with significant responsibilities and challenges in their roles as primary regulators of mineral development and associated environmental protection.

States are pressed from all sides to perform their regulatory or research roles regarding mineral production in such a way to satisfy environmental, multiple-use socioeconomic and industrial concerns. They must consider various and differing ways to address concerns.

One tool is the development of coalitions—local, regional and national. Mineral development and environmental impact do not respect state boundaries, making the use of coalitions practical. Minerals must be mined where they are found and the environmental consequences of mineral development may spread beyond even the best designed and projected permit area. That and the possible economic impact from interstate competition illustrate the need for interstate cooperation.

The Interstate Mining Compact Commission (IMCC) was designed to handle just such situations. Drafted in the mid-1960s and enacted first by Kentucky in 1966, followed by Pennsylvania and North Carolina, the new compact was an advisory tool open to states to aid in interstate cooperation and resource issues.

The mining compact is designed to be advisory and not regulatory, and its defined purposes are to:

- Advance the protection and restoration of the land, water and other resources affected by mining;
- Assist in the reduction, elimination or counteracting of pollution or deterioration of land, water and air attributable to mining;
- Encourage programs in each of the party states that will achieve comparable results in protecting, conserving and improving the usefulness of natural resources, so that the most desirable conduct of mining and related operations may be universally facilitated;
- Assist the party states in their efforts to facilitate the use of land and other resources affected by mining, so that such may be consistent with sound land use, public health and public safety. To this end, the compact will study and recommend, wherever desirable, techniques for the improvement, restoration or protection of such land and other resources; and
- Assist in achieving and maintaining an efficient and productive mining industry and increasing economic and other benefits attributable to mining.

With the entry of Oklahoma in 1971, the compact was declared in existence and operational. Since 1972, 15 additional states—Alabama, Arkansas, Illinois, Indiana, Louisiana, Maryland, Missouri, New York, North Dakota, Ohio, South Carolina, Tennessee, Texas, Virginia and West Virginia—have become full members. In addition, three states—New Mexico, Utah and Wyoming—have become associate members.

The compact's duties include:

- studying mining operations, processes and techniques;
- studying conservation, adaptation, improvement and restoration of land and related resources affected by mining;
- gathering and disseminating information;
- making recommendations; and
- cooperating with the federal government and any public or private entities with an interest in any subject within the purview of the compact.

In particular, the compact provides opportunities and forums for interstate action and communication on issues of concern to member states. The compact is actively engaged in a variety of state/federal partnerships and programs arising from such statutes as the Surface Mining Control and Reclamation Act, the Mine Safety and Health Act, the Resource Conservation and Recovery Act and the Federal Water Pollution Control Act.

On the coal side, the IMCC deals extensively with the federal Office of Surface Mining (OSM) on such issues as federal oversight of state regulatory programs, federal grants to support funding of these pro-
programs, reauthorization of the Abandoned Mine Land program and other significant OSM rulemakings and policies. The compact works extensively with the U.S. Environmental Protection Agency (EPA) on such matters as mine placement of coal combustion wastes and effluent limitations applicable to coal mines.

The IMCC administers the COALEX system, a computerized legal research and informational network available only to the states through a grant from the Office of Surface Mining. The compact also undertakes studies on behalf of the states as evidenced by its report on Non-Coal Mineral Regulation in the United States.

The real value, however, of multistate organizations like the IMCC is their ability to coordinate action and to speak as one voice on issues important to the states. Without opportunities and forums such as these, the states are left to fend for themselves or, worse yet, are criticized as being unable to effectively handle issues or resolve problems that are uniquely within the province of the states.

For their part, the states shoulder the primary responsibility for planning, designing, implementing and enforcing programs to achieve federal and state goals and standards. This involves exercising discretion in the design and operation of environmental programs as long as program goals are achieved. It also involves the right to establish standards more stringent than federal minimums, in accordance with the states’ fundamental obligation to protect their citizens’ health and welfare.

The states recognize that a strong federal presence in setting national goals, providing assistance and exercising performance-based oversight is appropriate in environmental programs. But states must have flexibility in implementing and achieving federal goals. Flexibility is also one of the best incentives the federal government can offer for innovative and speedy environmental protection.

For their part, the states must be willing to continue shouldering the responsibility and demonstrating their ability to administer the public trust in a competent and comprehensive manner.

National Center for Interstate Compacts
Current Projects Update

**Interstate Compact for Juveniles.** The Council of State Governments, in cooperation with the Office of Juvenile Justice and Delinquency Prevention, is supervising the introduction of the Interstate Compact for Juveniles.

At issue are the management, monitoring, supervision and return of juveniles, delinquents and status offenders who are on probation or parole and who have absconded, escaped or run away from supervision and control to states other than where they were sentenced.

The revised compact has been adopted in 30 states. Five additional states are expected to adopt the agreement in 2006–2007, thereby activating the new compact.

**Interstate Compact for the Placement of Children.** The Council of State Governments, in cooperation with the American Public Human Services Association, has drafted a revision to the Interstate Compact for the Placement of Children.

Currently enacted by all 50 states, the District of Columbia and the U.S. Virgin Islands, the compact is in need of a massive overhaul to repair its outdated construction and enhance its effectiveness in ensuring that interstate placements are made in a timely and effective manner.

The new compact has been enacted in Ohio (June 2006) and is available to all states for consideration. CSG will work closely with APHSA in 2006 and 2007 to secure enactment of the compact in the states and begin operation of the critical agreement.

**Educating Military Children Compact.** The Council of State Governments, in cooperation with the U.S. Department of Defense—Office of Personnel and Readiness, is working to create a new interstate compact to address the unique educational transition issues affecting military children.

Military families move between posts on a regular basis. While reassignments can often be a boon for career personnel, they usually play havoc with children of military families: losing and making new friends, adjusting to new cities and bases and changing schools.

While the Armed Services have made progress in easing the transition of personnel, much remains to be done at the state and local levels for military spouses and, most importantly, their children. The purpose of the compact is to:

1. explore and develop an interstate compact addressing the educational transition issues affecting military children;
2. create an agreement transcending state and local boundaries; and
3. create uniform standards of practice for each of the identified deficiencies.

Drawing on existing research and practices developed in communities and states, the purpose of the Educating Military Children Compact is to remedy these and other educational issues. A coalition of local, state and federal policymakers, educational experts and other key external stakeholders will be directly and primarily responsible for developing the compact. A draft of the new compact will be complete by 2007.

**Great Lakes-St. Lawrence River Basin Water Resources Compact.**

Since 2001, the Council of Great Lakes Governors (CGLG) has worked to develop a framework of binding agreements among the Great Lakes states and Canadian provinces for managing the Great Lakes resource.

The culmination of this effort is the new Great Lakes-St. Lawrence River Basin Water Resources Compact. The agreement details how states and provinces will manage and protect the Great Lakes and St. Lawrence River Basin.

CSG provides technical assistance and support to the CGLG as the compact is considered in the Great Lakes states. Created in 2005, legislation adopting the new agreement has already been considered in Illinois, New York and Ohio.

For more information on these projects or to access CSG’s online interstate compacts library and database, please visit www.csg.org or contact John Mountjoy, director—National Center for Interstate Compacts at (859) 244-8256 or jmountjoy@csg.org.
Interstate Forest Fire Compacts

by David A. Frederick
Southern Group of State Foresters’ Fire Representative

Forest fires ravage diverse sections of our country each year. In 2005, more than 42,000 separate forest fires were reported in North America, affecting more than 5.8 million acres. 2006 is on track to surpass these numbers, with more than 75,000 fires already reported at the time of writing, affecting 6.2 million acres, according to the National Interagency Fire Center (www.nifc.gov).

While states have invested in forest fire prevention and localized response, interstate cooperation plays a significant role in the overall response to forest fires. The United States has seven regional forest fire compacts—each providing the legal framework for states to assist each other with wildfire prevention and suppression needs. The compacts address issues of reimbursement, liability and personnel qualifications, and allow for sharing resources between states and even between compacts.

Approximately two-thirds of the forest land in the United States is privately held. Despite this private ownership, state forestry agencies are responsible for wildfire prevention and suppression on state and private lands. In 2005, 75 percent of the nation’s wildfires were under the jurisdiction of state forestry agencies.

The seven regional forest fire compacts are listed below along with their member states and provinces. Note that several states are members of more than one forest fire compact.

1. Big Rivers Forest Fire Management Compact
Illinois, Indiana, Iowa and Missouri

2. Great Lakes Forest Fire Compact
Manitoba, Michigan, Minnesota, Ontario and Wisconsin

3. Middle Atlantic Interstate Forest Fire Compact
Delaware, Maryland, New Jersey, Ohio, Pennsylvania, Virginia and West Virginia

4. Northeastern Forest Fire Compact
Connecticut, Maine, Massachusetts, New Brunswick, New Hampshire, New York, Nova Scotia, Québec, Rhode Island and Vermont

5. Northwestern Forest Fire Compact
Alaska, Alberta, British Columbia, Idaho, Montana, Oregon, Washington and Yukon

6. South Central Forest Fire Compact
Arkansas, Louisiana, Mississippi, Oklahoma and Texas

7. Southeastern Forest Fire Compact
Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia

State forestry agencies share wildland fire resources through a variety of mechanisms. One well-developed interagency system in place for “ordering” fire resources from other wildland fire agencies is the Resource Order and Status System (ROSS). States are able to order fire resources from other state and federal wildland fire agencies through this system through a series of interagency agreements.

Other tools available to states are the various interstate compacts. Compacts are used heavily during periods of high fire occurrence. For example, from December 2005 to March 2006, Oklahoma and Texas experienced more than 4,500 wildfires that burned approximately 1.3 million acres and resulted in 20 fatalities and 555 structures burned. The two Southern Forest Fire Compacts assisted by providing almost 11,000 personnel days, approximately 2,800 dozer days and more than 1,400 fire engine days.

While the ROSS system is useful, states often prefer to order fire resources through the network of interstate compacts. Compact resources are often less expensive, and equipment, training and experience of firefighters is usually similar among state wildfire agencies within a regional compact. Compact members can set their own qualifications for equipment and firefighters. Examples of shared resources under an interstate compact include aircraft (both fixed and rotor wing), fire engines, bulldozers and most important, firefighting personnel.

In addition to the Forest Fire Compacts and ROSS, there is another system that states can use to obtain wildland fire assistance—the Emergency Management Assistance Compact (EMAC). Utilized most notably during Hurricane Katrina, EMAC is also used on a more frequent basis to help states share information and resources in a variety of disaster and emergency situations, including earthquakes, forest fires, floods, hurricanes and terror attacks. Created in 1995 as an outgrowth of both the 1950s era civil defense compacts and the Southern Regional Emergency Management Assistance Compact, EMAC is the national standard by which states work collectively to respond to disasters (www.emacweb.org).

Forest fire compacts have been in existence since 1949, with the development of the Northeastern Forest Fire Compact. More recent compacting efforts include the Northwestern Forest Fire Compact created in 1998. Recognizing that forest fires do not respect political boundaries, three of the active forest fire compacts maintain international agreements with various Canadian provinces in order to share resources on a wider scale.
The Council of State Governments (CSG) hosted the first-ever Summit of States on Interstate Cooperation June 1–2, 2006, at the Westin Hotel in Cincinnati. The summit convened with 90 high-ranking state officials from around the country, representing more than 30 states and jurisdictions.

Hosted by Stan Aronoff, a former CSG chairman and Ohio state senator, the two-day summit continued CSG’s tradition of bridging policy gaps between the states and facilitating the development of interstate solutions to increasingly interdependent issues.

An outgrowth of CSG’s National Center for Interstate Compacts, the summit was a watershed event promoting the tenets of interstate agreements and gathering together key stakeholders from around the country to discuss the future of interstate cooperation.

Following the opening reception at the National Underground Railroad Freedom Center, hosted by John E. Pepper, a former Procter & Gamble chairman and CEO and current Freedom Center CEO, the program featured discussions on several topics, including:

- **Resurgence of Interstate Compacts:** Why are Interstate Compacts Critical to the Policy Landscape?
- **Fostering Policy Partnerships:** Success Stories of Interstate Compacts.
- **Emergency Management Assistance Compact (EMAC):** Hurricane Katrina After-Action Report.
- **Who’s in Charge?:** Compact Governance Models for the 21st Century.
- **State Law and Interstate Compacts:** What Do You Need to Know?
- **Creating and Negotiating Interstate Compacts:** The Road to Development.
- **Administrative Procedures Acts and Interstate Compacts:** Two New Approaches.
- **Policy Roundtable:** The Future of Interstate Compacts.

Subsequent meetings are planned for 2007 and beyond. For more information on the National Center for Interstate Compacts, visit [http://www.csg.org/programs/ncic/default.aspx](http://www.csg.org/programs/ncic/default.aspx).