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Office of Surface Mining Reclamation and Enforcement Proposes to Limit Liability for Certified States and Tribes to Reclaim Non-Coal Mine Sites

WASHINGTON, D.C. – The [Office of Surface Mining Reclamation and Enforcement](#) (OSM) today published in the *Federal Register* a [proposed regulation](#) that would allow eligible states and tribes to reclaim non-coal mine sites without incurring certain civil liabilities.

The proposed change in OSM's regulations deals with the use of Abandoned Mine Land (AML) funding by states and tribes that have certified to the Federal government that they have completed reclamation of all known coal-related AML sites within their borders. To date, four states (Louisiana, Montana, Texas, and Wyoming) and three tribes (the Hopi and Crow Tribes and Navajo Nation) have been certified. Some of these states and tribes, however, have non-coal abandoned mines that threaten human health, safety, or the environment.

[The proposed rule](#) would afford certified states and tribes a degree of limited liability protection if a state or tribe uses AML funding to reclaim a non-coal site. Under a previous interpretation of the Surface Mining Control and Reclamation Act of 1977, OSM had determined that certified states and tribes could not use AML funding for non-coal projects and enjoy limited liability. OSM does not anticipate that [the proposed rule](#) will impose additional costs on certified states and tribes or the coal industry since the proposal creates a voluntary opportunity to redirect existing funds.

The public can comment on the rule through April 8, 2013 through the Federal eRulemaking portal at www.regulations.gov. Comments may also be submitted by U.S. mail, hand delivery, or courier to OSM Headquarters, Administrative Record, Room 252 SIB, 1951 Constitution Avenue, NW, Washington, DC 20240.

OSM will hold public hearings on the proposed rule if there is sufficient interest. If so, OSM will announce the hearings via the *Federal Register* and the OSM website (www.osmre.gov). To receive updates on the bureau's activities, follow OSM at www.twitter.com/OSMRE

The Office of Surface Mining Reclamation and Enforcement carries out the requirements of the Surface Mining Control and Reclamation Act of 1977 in cooperation with states and tribes. OSM's objectives are to ensure that coal mining activities are conducted in a manner that protects citizens and the environment during mining, to ensure that the land is restored to beneficial use after mining, and to mitigate the effects of past mining by aggressively pursuing reclamation of abandoned coal mines.

