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## **Office of Surface Mining Reclamation and Enforcement (OSMRE) Publishes Final Rule 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](#) (OSMRE) today published in the [Federal Register](#) a final rule that will allow eligible states and tribes to reclaim non-coal mine sites without incurring certain civil liabilities.

Under a previous interpretation of the Surface Mining Control and Reclamation Act of 1977, OSMRE determined that certified states and tribes could not use [Abandoned Mine Land](#) (AML) funding for non-coal projects and enjoy limited liability. After the 2006 Amendments to SMCRA took effect, many states and tribes began avoiding potential projects that might incur monetary and civil liabilities due to the interpretation. In 2011, when the states and tribes raised the issue with former Secretary Ken Salazar and Director Joe Pizarchik, OSMRE began to address their concerns.

“We carefully listened to the states and tribes with respect to this issue,” said [OSMRE Director Joe Pizarchik](#). “It became very clear to us that many AML projects were placed on hold for no other reason than the states and tribes believed they might expose themselves to liability if they proceeded. I must also mention [U.S. Senator Jon Tester](#)’s name for his efforts to raise awareness and see the rule change through to the end.”

“This common-sense change in the rules will allow states like Montana and various Tribes to move forward with important AML-related projects,” said Senator Tester (D-MT). “I appreciate the Department’s work on this front and commend them for working with folks on the ground to resolve this issue.”

Four states, Louisiana, Montana, Texas and Wyoming\* and three tribes, the Navajo Nation, the Hopi and the Crow Tribe have certified to the Federal government that they have completed reclamation of all known coal-related AML sites within their borders. These states and tribes, however, have non-coal abandoned mines that threaten human health, safety, or the environment, and they may use AML dollars as a result of the rule change. The rule will not impose additional costs on certified states and tribes or the coal industry because it creates a voluntary opportunity to redirect existing funds.

*\* The State of Mississippi notified OSMRE it had certified its completion of all coal mining related reclamation, and Director Pizarchik has approved its request for certification on December 18, 2014. However, at this time, Mississippi’s certification is pending final publication in the Federal Register.*

