

News Release

Office of Surface Mining Reclamation & Enforcement
A Bureau of the U. S. Department of the Interior



FOR IMMEDIATE RELEASE

Date: April 2, 2021
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OSMRE Notifies Oklahoma of Jurisdiction Adjustment Following *McGirt v. Oklahoma* Decision

WASHINGTON – The U.S. Department of the Interior’s [Office of Surface Mining Reclamation and Enforcement](#) (OSMRE) has notified the [Oklahoma Department of Mines](#) (ODM) and the [Oklahoma Conservation Commission](#) (OCC) that under the United States Supreme Court decision *McGirt v. Oklahoma*, 140 S. Ct. 2452 (2020), the State may no longer exercise regulatory jurisdiction under the [Surface Mining Control and Reclamation Act of 1977](#) (SMCRA) on Indian Lands within the State.

OSMRE will work with the State of Oklahoma and consult with the Muscogee (Creek) Nation towards a responsible and orderly transition of SMCRA responsibilities on the Muscogee (Creek) Reservation to OSMRE.

In 2020, in the *McGirt v. Oklahoma* case, the Supreme Court legally recognized the on-going existence of the historic Muscogee (Creek) Nation Reservation within the State of Oklahoma. In the decision, the Supreme Court rejected arguments by the United States and the State of Oklahoma that prior congressional action had disestablished the Muscogee (Creek) Nation Reservation. The Court’s determination gives rise to the action OSMRE is taking today.

SMCRA defines “Indian lands” as “[a]ll lands, including mineral interests, *within the exterior boundaries of any Federal Indian reservation*, notwithstanding the issuance of any patent, and including rights-of-way, *and* all lands including mineral interests held in trust for or supervised by an Indian tribe.” 30 U.S.C. § 1291(9). (*Emphasis added.*)

Moreover, SMCRA specifically designates OSMRE as the regulatory authority over surface coal mining and reclamation operations on Indian lands where a Tribe has not obtained primacy. Thus, for lands within the exterior boundaries of the Muscogee (Creek) Nation Reservation, OSMRE will assume the SMCRA Title V and Title IV responsibilities from the Oklahoma Department of Mines (ODM) and the Oklahoma Conservation Commission (OCC). These Titles currently regulate active surface coal mining and reclamation of abandoned mined lands within the State.

The Office of Surface Mining Reclamation and Enforcement (OSMRE) carries out the requirements of the Surface Mining Control and Reclamation Act of 1977 in cooperation with states and tribes. OSMRE’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.