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A MEMORIAL

REQUESTING CONGRESS TO PASS LEGISLATION TO PROVIDE FUNDING TO RECLAIM ABANDONED URANIUM MINES IN NEW MEXICO.

WHEREAS, New Mexico is known to have some of the richest uranium resources in the nation in the area known as "the Grants mineral belt"; and

WHEREAS, dating back to the 1940s, states such as New Mexico mined uranium for the benefit of the atomic energy commission and the federal government's nuclear weapons program; and

WHEREAS, the atomic energy commission did not require that early mines be reclaimed; and

WHEREAS, research shows that many uranium mines were abandoned and never reclaimed; and

WHEREAS, the federal government has direct responsibility to provide funding, both for the initial surveying of these mines and for potential subsequent reclamation where warranted; and

WHEREAS, the Surface Mining Control and Reclamation Act of 1977 is a federal law that mandates a reclamation fee on each ton of coal produced in the country, and Title IV of that act provides for abandoned mine reclamation; and

WHEREAS, in 2006, the United States congress passed amendments to Title IV of the Surface Mining Control and

1 Reclamation Act of 1977 providing that the funds collected  
2 from the reclamation fees will now go directly to the states  
3 rather than be appropriated by congress; and

4 WHEREAS, the solicitor of the department of the interior  
5 has interpreted those 2006 amendments to limit uncertified  
6 states, such as New Mexico, from using the funds available  
7 through the Surface Mining Control and Reclamation Act of  
8 1977 for non-coal mine reclamation; and

9 WHEREAS, following the 2006 amendments, the office of  
10 surface mining reclamation and enforcement promulgated  
11 regulations that restrict uncertified states from using funds  
12 available through the Surface Mining and Control Reclamation  
13 Act of 1977 for non-coal mine reclamation; and

14 WHEREAS, Secretary Ken Salazar of the department of the  
15 interior has suggested that a legislative solution is  
16 necessary in order to allow funding distribution under  
17 Section 411(h)(1) of the Surface Mining Control and  
18 Reclamation Act of 1977 to be used for non-coal mine  
19 reclamation;

20 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE  
21 STATE OF NEW MEXICO that congress be requested to expedite  
22 the passage of legislation to enact the necessary amendments  
23 to the Surface Mining Control and Reclamation Act of 1977 to  
24 clarify that uncertified states have authority to use  
25 payments for non-coal mine reclamation projects; and

1 BE IT FURTHER RESOLVED that copies of this memorial be  
2 transmitted to the speaker of the United States house of  
3 representatives, the president pro tempore of the United  
4 States senate and the New Mexico congressional delegation.=====

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