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HOUSE MEMORIAL 34

**49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010**

INTRODUCED BY

Sandra D. Jeff

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

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1 to provide funding, both for the initial surveying of these  
2 mines and for potential subsequent reclamation where warranted;  
3 and

4 WHEREAS, the Surface Mining Control and Reclamation Act of  
5 1977 is a federal law that mandates a reclamation fee on each  
6 ton of coal produced in the country, and Title IV of that act  
7 provides for abandoned mine reclamation; and

8 WHEREAS, in 2006, the United States congress passed  
9 amendments to Title IV of the Surface Mining Control and  
10 Reclamation Act of 1977 providing that the funds collected from  
11 the reclamation fees will now go directly to the states rather  
12 than be appropriated by congress; and

13 WHEREAS, the solicitor of the department of the interior  
14 has interpreted those 2006 amendments to limit uncertified  
15 states, such as New Mexico, from using the funds available  
16 through the Surface Mining Control and Reclamation Act of 1977  
17 for non-coal mine reclamation; and

18 WHEREAS, following the 2006 amendments, the office of  
19 surface mining reclamation and enforcement promulgated  
20 regulations that restrict uncertified states from using funds  
21 available through the Surface Mining and Control Reclamation  
22 Act of 1977 for non-coal mine reclamation; and

23 WHEREAS, Secretary Ken Salazar of the department of the  
24 interior has suggested that a legislative solution is necessary  
25 in order to allow funding distribution under Section 411(h)(1)

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1 of the Surface Mining Control and Reclamation Act of 1977 to be  
2 used for non-coal mine reclamation;

3 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
4 REPRESENTATIVES OF THE STATE OF NEW MEXICO that congress be  
5 requested to expedite the passage of legislation to enact the  
6 necessary amendments to the Surface Mining Control and  
7 Reclamation Act of 1977 to clarify that uncertified states have  
8 authority to use payments for non-coal mine reclamation  
9 projects; and

10 BE IT FURTHER RESOLVED that copies of this memorial be  
11 transmitted to the speaker of the United States house of  
12 representatives, the president pro tempore of the United States  
13 senate and the New Mexico congressional delegation.