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SENATE MEMORIAL 30

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

INTRODUCED BY

David Ulibarri

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 SENATE OF THE STATE
4 OF NEW MEXICO that congress be requested to expedite the
5 passage of legislation to enact the necessary amendments to the
6 Surface Mining Control and Reclamation Act of 1977 to clarify
7 that uncertified states have authority to use payments for
8 non-coal mine reclamation projects; and

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