



U.S. Office of Surface Mining

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OSM Rule Will Yield More Reclamation For Abandoned Mine Land dollars

(Washington) The US Office of Surface Mining has published a final rule to enhance the Abandoned Mine Land (AML) Program, by encouraging reclamation at sites that otherwise might not be reclaimed.

The rule, published November 20 in the *Federal Register*, clarifies an earlier requirement for the government to finance at least 50 percent of any AML reclamation project involving the incidental removal of coal in order for operators to receive specified statutory SMCRA exemptions.

“This change will enable OSM and the States and Indian tribes with AML programs to partner with industry and leverage AML dollars to achieve more reclamation at a lower cost,” said Jeff Jarrett, Director of OSM. “We can now allow private companies to underwrite most of the cost of reclamation at many AML sites that would otherwise have little likelihood for being reclaimed.”

“Abandoned mine reclamation can be financed through the sale of remaining coal at the site,” said Jarrett. “This will greatly reduce the government's or tribe's share of the cost, and the ultimate cost to the AML program. The savings can then be used to reclaim other sites.”

The rule is expected to result in better, more cost effective reclamation by:

- *Facilitating reclamation of hazards which may not otherwise be reclaimed because of limited AML funds.* Because of the safeguards in the AML program, this reclamation can be accomplished without the shadow of further damage to the environment.
- *Facilitating the removal of coal from sites already impacted by mining.* Making it easier to remove coal from previously-mined areas contributes to America's energy supply without causing further damage to the environment and without using up virgin coal reserves. Since mining operators are required to reclaim mined lands as they go, re-

mining also accomplishes reclamation of the original abandoned mining disturbance.

OSM undertook the rule-making in response to the decision by the United States Court of Appeals, District of Columbia Circuit, approving the February 12, 1999, Enhancing AML Reclamation Rule while remanding for further explanation the types of government expenses that will qualify as government financing under the rule.

The rule provides the requested explanation and represents a clarification and not a substantive change to the Abandoned Mine Land program authorized by the Surface Mining Control and Reclamation Act of 1977.

OSM also took the opportunity to explain what is meant by the prohibition in the rule against "in-kind" payments being counted towards the government financing of a "government-financed" construction.