

# Obama admin will reverse Bush reclamation rule, support hardrock cleanups

Manuel Quinones, Environment & Energy Publishing, 3-2-12

The Obama administration will propose a rule this year offering liability protections for states that use coal-reclamation cash to clean up abandoned hardrock mines.

In a reversal of a George W. Bush administration policy, the Obama Office of Surface Mining rule would focus on certified tribes and states that have finished coal cleanups.

Sen. Jon Tester (D-Mont.) led the push to reverse the policy on Abandoned Mine Land (AML) payments. His persistence was praised by Interior Secretary Ken Salazar.

"Based on your persuasive advocacy," Salazar wrote Tester yesterday, "and after reviewing this issue with my staff, I have concluded that the Department can and should propose the regulatory change that you have requested."

Tester is also concerned about hardrock-cleanup projects being delayed by a controversial administration budget proposal to eliminate AML payments to certified states and tribes. President Obama has proposed charging hardrock mines a new fee and focusing AML dollars on coal projects.

But Western lawmakers say AML dollars also belong to them. And while the administration chafes at states using the money for purposes other than mine reclamation, Tester said that's largely not the case in Montana.

In a June 2011 letter to Salazar, Tester said a \$3.2 million cleanup project in Granite County had been put on hold. "The disastrous result on the ground will be a missed opportunity to create good paying jobs for Montanans and pollution problems will remain," he wrote.

Lawmakers from Wyoming and the Navajo Nation, which are also certified, have also advocated for continued payments.

While lobbying the Interior Department, Tester has also been pushing [H.R. 1455](#) to clarify liability concerns and facilitate the flow of AML dollars to hardrock cleanups.

Salazar promised the new rule, which will be published later this year, will ensure that certified states and tribes "receive limited liability protection when they use their AML funds to clean up hardrock abandoned mine sites in certain circumstances."

Separately, the House Natural Resources Committee this week passed legislation, which the Senate has already approved, to free coal AML dollars for hardrock cleanups in uncertified states like New Mexico, which have not finished reclaiming priority abandoned coal mines but also have pressing hardrock sites.