



U.S. Congressman  
**Nick Rahall**  
*WORKING FOR WEST VIRGINIANS*

*For Immediate Release  
December 15, 1989*

*Contact: Jim Zoia  
(202) 226-7761*

**WAYNE NATIONAL FOREST THREAT AVERTED**

**Rahall Commends OSM Director Snyder For Strip Mining Decision  
*Viewed As Clear Signal New OSM Leadership Will Uphold Law***

**CHARLESTON, W.V.** -- A decision by the director of the Office of Surface Mining to prohibit surface mining in a National Forest sends a signal to coalfield residents that the federal agency intends to enforce the law Congress has charged it with implementing, the chairman of the House Subcommittee on Mining and Natural Resources, U.S. Rep. Nick J. Rahall (D-WV) said today.

"This decision was, in a sense, a litmus test issue for the new leadership at the Office of Surface Mining. I view it as a clear signal to those who live in the Appalachian coalfields that the federal Office of Surface Mining now intends to enforce the law Congress has charged it with implementing. Director Snyder should be commended," said Rahall who was in Charleston discussing his Abandoned Mine Reclamation Program reauthorization legislation before a meeting of the West Virginia Contractors Association.

The Office of Surface Mining today announced that Snyder had denied an application for valid existing rights affecting over 5,000 acres of land within the Wayne National Forest in southeastern Ohio. Under the Surface Mining Control and Reclamation Act of 1977, new surface coal mining operations on lands within the National Forest System are largely prohibited unless a person can make a showing of valid existing rights; in effect, that a pre-existing right to mine was in place prior to the enactment of the 1977 federal surface mining law.

One year ago, the agency made a positive valid existing rights determination on the same parcels of land that were the subject of today's ruling. In light of the controversial nature of that determination, Rahall launched an investigation by his Subcommittee and in a June report found that the December 1988 decision had been made in violation of Ohio law and federal policy. As a result, OSM Director Snyder moved to reconsider the decision.

"The decision by Director Snyder comports with the investigatory findings in this case made by my Subcommittee last June. We found that there is no legal basis for a decision other than one which would deny the valid existing rights application and Director Snyder evidently now has reached the same conclusion."

**MORE**



Rahall explained that in the absence of a federal definition of what constitutes valid existing rights, Office of Surface Mining policy is to rely on the definitions adopted by the coal mining states. However, he said that today's decision should not be viewed as relieving the agency from its responsibility to promulgate a federal definition of valid existing rights. Noting concern over valid existing rights applications pending in other areas, such as the New River Gorge National River in West Virginia, Rahall has announced that the House Mining and Natural Resources Subcommittee will continue to monitor the agency's activities on this matter during the next session of Congress.

In his remarks before the Contractors Association of West Virginia, Rahall said that the October 23rd vote of 281 to 63 by the House of Representatives on his bill, the Abandoned Mine Reclamation Act of 1989, signified the strong commitment many Members of Congress have toward mitigating health, safety and environmental threats posed by abandoned coal mines. The Rahall bill, H.R. 2095, would reauthorize the Abandoned Mine Reclamation Fund originally established by the Surface Mining Control and Reclamation Act of 1977 to address problems resulting from past coal mining practices. In effect, Rahall said, the Abandoned Mine Reclamation Fund and the programs it supports is the coal industry's equivalent to the "Superfund."

According to Rahall, in West Virginia alone, over \$174 million has been made available to the Division of Energy to undertake reclamation construction projects. Another \$30 million has been spent in the State by the federal Office of Surface Mining primarily for emergency type projects. In addition, a separate program administered by the Soil Conservation Service, commonly called the RAMP program, has been responsible for more than \$18.5 million worth of reclamation work in West Virginia.

The Congressman expressed his appreciation to the Contractors Association for their support of the reauthorization of the program and noted that while the National Coal Association maintains opposition to the bill, the West Virginia Mining and Reclamation Association and a number of individual coal companies, including the Nation's largest, Peabody Coal, are backing the bill. The legislation, H.R. 2095, is currently pending before the Senate Committee on Energy and Natural Resources.