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**FOR IMMEDIATE RELEASE:**

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## **Mining Act Forfeiture Fund an EMNRD priority for 2021 session**

**Santa Fe, NM** – The Energy, Minerals and Natural Resources Department (EMNRD) announces that the Mining Act Forfeiture Fund, sponsored by Representative Nathan Small, is an agency priority in the 2021 legislative session. The legislation explicitly authorizes the state to receive and manage financial assurance to pay for long-term reclamation in the rare case that a mine operator defaults.

“EMNRD takes its backstop mine reclamation role seriously, and this bill will ensure that we have the tools and funds to properly remediate mine sites in the event that an operator permanently goes out of business,” said EMNRD Secretary Sarah Cottrell Propst. “This bill does not add costs to the industry, so it is a win-win-win for industry, the state, and the environment.”

“Reclamation and restoration are just as important as the valuable resources New Mexico's mines produce,” said Representative Small. “Our legislation ensures New Mexicans are protected even in rare and catastrophic events, and is a responsible safeguard that doesn't add additional cost.”

The Mining Act Forfeiture Fund would ensure that, in the event a mine operator is unable or unwilling to complete necessary reclamation, the financial assurance already in place would be easily available to EMNRD's Mining and Minerals Division after it was forfeited. The existing language in the Mining Act does not explicitly authorize the state to establish a “Fund” to accept forfeited financial assurance if a forfeiture occurs. Without this authority, reclamation could be delayed indefinitely, causing environmental damage. This bill creates that authority, and in addition, allows for it to be placed in an interest-bearing account, and protects the funds from being allocated for any other use besides mine reclamation at the mine that forfeits the financial assurance.

An overview of the legislation can be found [here](#).

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*The Energy, Minerals and Natural Resources Department provides resource protection and renewable energy resource development services to the public and other state agencies.*

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