COURTS AND SUITS

mineral lapse statute upheld

In January, the U.S.Supreme Court upheld an Indiana Law which allows, in some circumstances, the return of mineral rights to the surface owner. Referred to as the "mineral lapse statute", the law states that where a mineral interest has not been used in twenty years and the owner does not file a claim in the county courthouse, that mineral interest may revert back to the surface owner. SOCM, seeing the implications of the decision on problems that exist in Tennessee, filed an "amicus" brief in support of the law. The successful decision may have important implications for the thousands of surface owners who do not own their minerals.

OSM assessment case

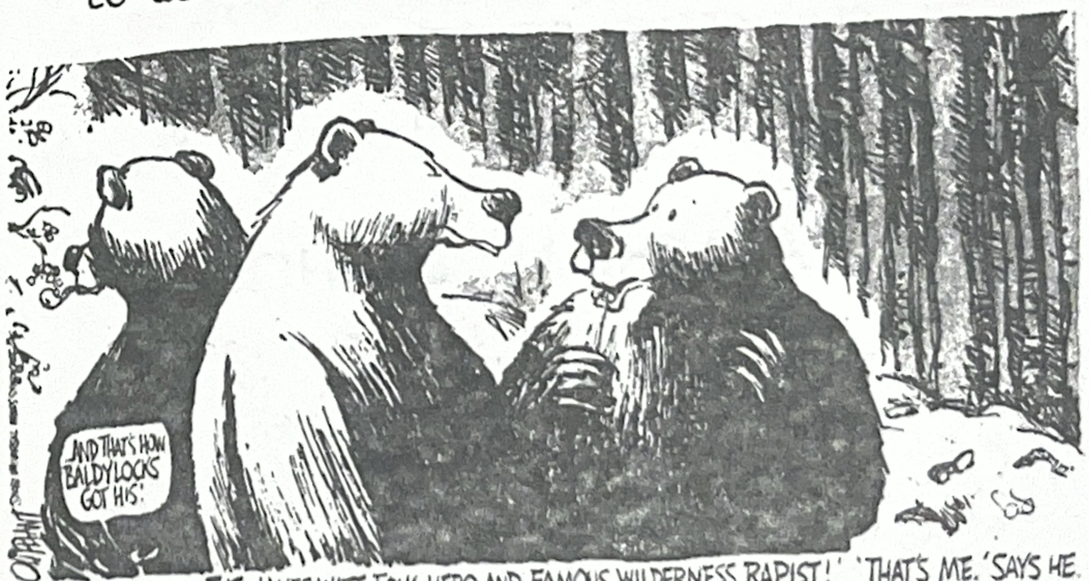
SOCM is one of a number of plaintiffs in a case which seeks to force the Federal Office of Surface Mining to collect over $43 million in fines to companies for violation of the Federal Strip Mine Law. Recently a Federal District Judge ruled that OSM should begin collecting these fines. A final order is still being worked out.

SOCM adds to OSM suit

In October, SOCM filed an amendment to its suit against OSM's approval of the Tennessee Stripmine Program, challenging that parts of the program still incomplete are not minor ones and should have been completed before approval. These include: details about staffing, how the state will work with other agencies, some problems with regulations. This was added to SOCM's pending suit challenging the legality of having two mining representatives on the Board of Reclamation Review.

reclamation bond suit

Knowing well the state's problems with setting mine reclamation bonds too low, SOCM is now in the process of filing a suit to force DSM to consider all legally required criteria, including the requirement that the bond be sufficient to pay for reclamation if the state has to do it.



'SURELY,' SAYS I, 'NOT THE JAMES WATT FOLK-HERO AND FAMOUS WILDERNESS RAPIST!' 'THAT'S ME,' SAYS HE. AND I SAYS, 'NOT THE RENOWNED DESPOILER OF OUR PRECIOUS NATIONAL HERITAGE!' 'RIGHT,' SAYS HE. SO I ATE HIM.'