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Abandoned Mined Lands: Innovative Solutions for Restoring the Environment, Improving Safety and Creating Jobs

Witnesses

Panel I

The Honorable Joe Heck (R-NV)

Panel II

The Honorable Marcilynn Burke

Deputy Director, Bureau of Land Management

The Honorable Joel Holtrop

Deputy Chief, U.S. Forest Service

Anu Mittal

Director, Natural Resources and Environment, Government Accountability Office

Loretta Pineda

Director, Division of Reclamation, Mining, and Safety, Colorado Department of Natural Resources and on behalf of the Interstate Mining Compact Commission and the National Association of Abandoned Mine Land Programs

Laura Skaer

Executive Director, Northwest Mining Association

Thomas Martin Baker

Safari Club International

Lauren Pagel

Policy Director, EARTHWORKS

Subcommittee members present

Doug Lamborn, Chairman (R-CO)

Rush Holt, Ranking Member (D-NJ)

Glenn Thompson (R-PA)

On July 14, 2011 the House Committee on Natural Resources Subcommittee on Energy and Mineral Resources held a hearing to discuss current federal and state programs addressing abandoned mine lands and possible innovative solutions to improve such programs. The hearing addressed specific cleanup sites as well as abandoned mined lands as a whole.

Chairman Doug Lamborn (R-CO), gave an opening statement in which he stated his desire for innovative ways to restore the environment and improve safety while creating new jobs. He referenced a previous hearing in which the witness, Laura Skaer of Northwest Mining Association, gave a recommendation for a Good Samaritan provision to help remediation of abandoned hardrock mines. Voluntary or Good Samaritan, cleanup refers to efforts on behalf of volunteers, independent organizations, and even industry to aid in remediation. Lamborn has supported such efforts before when he introduced the "Good Samaritan" Cleanup of Inactive Mines Act (HR 3203) in the 111 Congress. Ranking Member Holt described the challenges of remediation, citing an Environmental Protection Agency (EPA) estimate that 40 percent of stream headwaters have been affected by abandoned hardrock mines. Although he was looking forward to hearing about Good Samaritan cleanup efforts, he warned against letting remediation be an excuse for allowing construction of new mines.

As the first witness, Joe Heck (R-NV) spoke of his bill, the Three Kids Mine Remediation and Reclamation Act (H.R. 2512), which was referred to the subcommittee on July 14. Under the Act, the contaminated federal lands of the Three Kids Mine would be conveyed to the Henderson Redevelopment Agency, a third party between the state and federal government, at fair market value for reclamation. In exchange, the federal government would be released of its liability with the entire site. Funding for the cleanup would come from private capital and a proposed Nevada Community Redevelopment Law, an incremental property tax collected

over a 30 year period; the cleanup would not include federal funding.

The second panel focused primarily on understanding the scope of the problem nationwide and the efforts to pass a Good Samaritan bill for cleanup. In his testimony, Thomas Baker described the role of sportsmen and women in preserving national lands and the impact they could have in abandoned mine lands cleanup. "Our National Forests, National Parks, and the National Wildlife Refuge System exist today in large part because of the extensive efforts of the Boone and Crockett Club and the sportsmen and women of America," he said. The hunting community understands the value of wildlife habitats and the impact mining can have on them. With a Good Samaritan provision, sportsman organizations could be involved in the remediation process. In response to a question from Glenn Thompson (R-PA), Baker stated even though the groups have plenty of energy to help, the main challenge sportsmen clubs face is lack of funding.

Marcilynn Burke spoke about the Bureau of Land Management (BLM) abandoned mine lands (AML) program, stating it "is one of the agency's most challenging due to the sheer number of AML sites, their associated safety and environmental hazards, and the complexity of remediating them." The BLM estimates it contains 31,000 AMLs on its property. She described the nature of the problems found on these sites; "Each year there are tragic and potentially preventable stories about the loss of life, such as a devastating fall into an open shaft of an abandoned mine" She cited a story of a geothermal company worker who fell to his death while exploring an abandoned site on his day off. Burke affirmed the BLM is making efforts to improve its strategy of mitigating hazards, but is confident the AML program will continue to succeed.

Joel Holtrop testified on the National Forest Service's (NFS) AML program. He spoke of physical hazards and health contaminants as the two principal categories of problems facing AML reclamation. He explained cleanups ranged in size and cost, varying from hundreds of thousands to many millions of dollars. Estimates on the number of AML sites on NFS land are given by the U.S. Geological Survey (USGS) and range from 27,000 to 39,000 abandoned mines. However, "regardless of the exact number, the scope AML cleanup on land managed by the Forest Service is large and could consume an estimated \$4 to \$6 billion," Holtrop said.

Anu Mattil stated one of the biggest challenges in AML remediation is the lack of information. The Government Accountability Office (GAO) created a standard AML criterion for their report. From that criterion they identified 161,000 AMLs in 12 western states and Alaska. Of those, 33,000 have degraded the environment. Mattil's testimony focused on the scope of the problem and urged the chairman that while innovative approaches are needed, it is important to better understand the magnitude of the problem. Loretta Pineda gave the committee three recommendations for AML cleanup: consistent funding, a strong state lead for implementation of remediation programs, and a Good Samaritan Provision. She emphasized that for every dollar spent by local government on construction, \$2.70 is spent in the local economy. Currently, Good Samaritans incur Clean Water Act liability when they begin cleanup efforts on the quality of the discharge "even though they did not create the discharge and even if their cleanup efforts improved the overall quality of the discharge."

Laura Skaer stated the AML problem is a finite one created by historic practices within the mining industry and government. Therefore, she argued it is a problem that will not grow in the future. She warned that historic processes should not prevent future building of hardrock mines because doing so "is the equivalent of showing a picture of a 1957 Chevrolet Bel Air and stating that it does not have seat belts, air bags, pollution control devices or meet CAFE requirements and therefore GM should not be allowed to produce new cars in 2011." Skaer also supports a Good Samaritan provision that would allow non-federal entities to help in remediation. "Effective Good Samaritan legislation makes sense and can be a win-win-win-win for the environment, for the Good Samaritan, for the community, and for the Nation."

Lauren Pagel agreed with Pineda, stating the lack of a steady stream of funding is the largest challenge in the reclamation process. Pagel expressed support for hardrock mining companies to pay royalty fees. Additionally, she mentioned the Obama Administration's efforts to enact a reclamation fee of 1%, which would give \$200 million for AML restoration and create 13,000 jobs per year in the mining industry. She also supports the implementation of a Good Samaritan provision.

During questioning, both Burke and Pineda gave estimates that 20 percent of AML sites pose environmental threats, while the other 80 percent represent more physical safety hazards. Skaer was also able to shed light on the role past wars have had on hardrock mining waste. For example, during World War II, the federal government pushed for maximum mining and showed little concern for the waste. The chairman asked witnesses to share some of the costs or benefits they foresee should a Good Samaritan provision be implemented. Witnesses agreed they would see greater participation from independent groups and from industry. Holtrop agreed that because of the magnitude of the problem it would be beneficial to use all tools and people available, but that government oversight would help in preventing unintended consequences.

The chairman's opening statement, witness testimonies, and an archived webcast are found at the House Committee on Natural Resources website.
