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

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Over a century ago, a group of concerned individuals banded together to save wildlife and a place known as Yellowstone. The story that follows from the efforts of those visionaries of the Boone and Crockett Club is cherished as one of our nation's greatest accomplishments.

The history of the Hunter / Sportsman is a tale of over 100 years of measured and thoughtful commitment to conservation. It is a commitment that balances human needs with wildlife needs; a commitment that sees deep value in preserving the hunting tradition, as well as in conserving wild lands and wildlife; a commitment that grows out of a powerful love of wildlife, but that is also shaped by a common-sense, business-like approach to managing natural resources.

By the turn of the century, unrestricted killing of wildlife for markets, pioneer settlement of the West, and Native American/government conflict had taken their toll on most North American big game populations, and on many species of bird and fish. At that time, a national conscience that opposed the destruction of America's wildlife and natural resources was in its infancy.

Over the next several decades, Theodore Roosevelt, along with members such as Aldo Leopold and J.N. "Ding" Darling, championed the passage of laws, the establishment of institutions, and the designation of wild lands which today make up our nation's conservation system. Our National Forest's, National Parks, and the National Wildlife Refuge Systems exist today in large part because of the extensive efforts of the Boone and Crockett Club and the sportsmen and women of America.

Abandoned mine lands can have serious negative impacts on wildlife habitat, especially for fish and aquatic species. While we understand the primary focus of AML efforts to clean up and restore sites that pose threats to health and human safety, we would like to see a higher priority given to AML sites that are having significant impacts on fish and wildlife habitat (Priority 3 sites).

At a time when regulators are giving intense scrutiny to new mining permits because of water quality impacts, very little AML funding is available for Priority 3 sites. This is especially true in the Appalachian Region where there was extensive surface mining prior to the passage of SMCRA. While regulators are more diligent than ever on new mine permits, these old “pre-law” mine sites have been polluting water

for at least 35 years. It will take years and probably hundreds of millions of dollars to fix these sites in a manner that will improve water quality, and restore habitat for fish and other aquatic species, some of which are considered imperiled.

The Appalachian coal fields are experiencing some of the worst unemployment rates in the United States, and have the greatest concentration of pre-law coal mine sites. Making more funds available for Priority 3 sites in the Appalachian Region would greatly benefit the ecological integrity of the region as well as provide much needed jobs in doing the cleanup.

With that said, here are a few points we would like the committee to consider.

1. AML funds should be directed to where the greatest needs are for the cleanup and restoration of habitat on pre-law coal mines, and not be tied so heavily to where coal is mined currently. Current coal production is not reflective of where mining occurred before SMCRA was passed. The Appalachians have enormous needs for AML funds, and a state like Tennessee cannot get adequate AML funds because the current production of coal in Tennessee is very low, yet Tennessee has enormous AML problems.
2. We need adequate “Good Samaritan” protection from liability for companies, non-profit groups, local and state governments, and anybody else that might want to voluntarily clean up and restore habitat to an AML site. The disincentives for this must be removed.
3. We would like to see consideration given to dispersing a portion of AML funds through grants in a program similar to current Farm Bill programs like the Conservation Reserve Program, Conservation Restoration and Enhancement Program, Wetlands Reserve Program, and Wildlife Habitat Incentive Program. Non-profit organizations, state agencies, private landowners and other appropriate entities could qualify for grants that would cost-share AML projects. Priority could be given to projects that improved habitat for threatened and endangered, or imperiled aquatic and upland species.
4. We would like to see consideration given to coupling mitigation efforts and AML projects that improve aquatic habitat and can help improve water sources used for municipal drinking water. Some streams in need of reconstruction and channel restoration efforts do not qualify for mitigation efforts because of water quality impairments from pre-law mine sites.
5. Provide more incentives for “re-mining” of AML coal mine sites on private and public lands.
6. While there is a great need for funds to address pre-law hard rock mines, a new source of funding needs to be created specifically for these types of mines so that funds generated from coal mining can be used for the original intent of cleaning up abandoned coal mines.

Let me offer the following project as an example of the success attainable when sportsman’s groups cooperate with mining companies

In 1996 the Rocky Mountain Elk Foundation pledged over \$1.4 million to the state of Kentucky’s elk restoration project. On December 18, 1997, seven elk that had been captured in Western Kansas were

released at the Cyprus Amax Wildlife Management Area in Eastern Kentucky. This was the first of a series of releases that continued thru the winter of 2002. The plan originally contemplated releasing 1,800 elk at a rate of 200 per year for 9 years across a 15 county restoration zone. The translocations were discontinued in 2002, with just over 1,500 elk having been released at 8 different sites, 500 in the final 12 months of the releases. Since 1997, the Foundation has increased it's funding of the project to \$2,000,000.

The elk have thrived in Kentucky. They are achieving a 90% breeding success rate, and a 92% calf survival rate. The absence of predators, relatively mild Kentucky winters and abundant food sources have not only contributed to the remarkable population growth, but also account for the fact that the Kentucky elk are on average 15% larger than elk found in western states. By July 2000, Kentucky had the largest free ranging, wild elk herd east of Montana.

Today, state wildlife officials estimate the herd size has grown to over 10,000 animals. In 2011, more than sixty-one thousand applicants (61,000) applied for one of the eight hundred (800) permits offered by the state for elk hunting. The application process alone generated in excess of \$700,000.00 for the Department of Fish and Wildlife Resources. More importantly, it is estimated that more than Twenty-three million dollars (\$23,000,000.00) was generated in the local economy from elk hunting, elk viewing, elk tours, hotel stays and restaurant visits. This one project alone has been a tremendous boost to the economy of south-east Kentucky.

In summary, we need to strive to alleviate the disconnect between the many different interests that view these AML sites. Working to a like cause, one wherein wildlife as well as people benefit from a well thought out well executed project. This is where we should strive to be. We need every abandoned mine and disturbed soil site turned back to a wildlife restoration tool. As we approach these new projects before us, we need every energy site a showcase for innovative wildlife friendly restoration designs that address the pertinent issues. From sage grouse to deer, elk, small mammals, song birds, pollinators, and other wildlife, all these species are reliant to our doing what is best. This is more than a pipe dream, the technology, scientific resources, research data, and enthusiastic groups are in place to accomplish these goals and create jobs in an economy that desperately needs them.