

ROB BISHOP, UT
CHAIRMAN
DON YOUNG, AK
LOUIE GOHMERT, TX
DOUG LAMBORN, CO
ROBERT J. WITTMAN, VA
JOHN FLEMING, LA
TOM McCLINTOCK, CA
GLENN THOMPSON, PA
CYNTHIA LUMMIS, WY
DAN BENISHEK, MI
JEFF DUNCAN, SC
PAUL A. GOSAR, AZ
RAÚL R. LABRADOR, ID
DOUG LAMALFA, CA
BRADLEY BYRNE, AL
JEFF DENHAM, CA
PAUL COOK, CA
BRUCE WESTERMAN, AR
GARRET GRAVES, LA
DAN NEWHOUSE, WA
RYAN ZINKE, MT
JODY HICE, GA
AMATA COLEMAN RADEWAGEN, AS
TOM MacARTHUR, NJ
ALEX MOONEY, WV
CRESENT HARDY, NV

JASON KNOX
STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

RAÚL M. GRIJALVA, AZ
RANKING MEMBER
GRACE F. NAPOLITANO, CA
MADELEINE Z. BORDALLO, GU
JIM COSTA, CA
GREGORIO KILILI CAMACHO SABLAN, CNMI
NIKI TSONGAS, MA
PEDRO R. PIERLUISI, PR
JARED HUFFMAN, CA
RAUL RUIZ, CA
ALAN LOWENTHAL, CA
MATTHEW CARTWRIGHT, PA
DON BEYER, VA
NORMA J. TORRES, CA
DEBBIE DINGELL, MI
MARK TAKAI, HI
RUBEN GALLEGOS, AZ
LOIS CAPPS, CA
JARED POLIS, CO

DAVID WATKINS
DEMOCRATIC STAFF DIRECTOR

Opening Statement of
Chairman Louie Gohmert
Subcommittee on Oversight and Investigations

On Wednesday, May 20th, 2015
1334 Longworth House Office Building

"State Perspectives on the Status of Cooperating Agencies for the Office of Surface Mining's Stream Protection Rule"

The Subcommittee on Oversight and Investigations is meeting today to hear directly from states impacted by what appears to be another harmful federal regulation made by yet another federal agency that is not following the law.

Since 2009, the Office of Surface Mining Reclamation and Enforcement ("OSM") has been trying to issue a new rule to regulate mountain-top mining. I say "trying," because it's now six years and millions of dollars later and OSM still doesn't have even a proposed rule to show for the millions of dollars.

In the course of trying to make this new rule - the Stream Protection Rule - the Department of the Interior and OSM have run roughshod over the very states that they were supposed to be working with, according to the law the Department and OSM appear to have been violating.

The states that are represented here today entered into agreements with OSM that recognized them as "cooperating agencies" under NEPA. "Cooperating agencies" are entitled to participate throughout the environmental review process.

But instead of including the states, OSM has systematically excluded them from the process.

In fact, Secretary Jewell herself recently testified before Congress that the states would have a chance to comment on the proposed rule after it's published, "just like everyone else." Let's see the video of that.

[PLAY CLIP - 30 seconds]

The problem is that these states aren't "just like everyone else." They are legally entitled to participate in this NEPA process throughout the process.

They have local expertise and practical experience with mining operations in their states that can and should actually form the basis of OSM's rulemaking process, particularly since they normally have more experience in these matters than those creating the rules in their

cubicles. This is part of the reason that the cooperating agency process was created and even exists in the first place.

This unfortunately seems to give substance to the view across much of the country that Washington arrogance is exceeded only by its ignorance of what it regulates, and that, once again, more regulations are promulgated that damage states without actually taking the states' expertise & damage done into account.

In any event, today, now that we have heard the statement of Secretary Jewell by video, we will provide an opportunity for the states to be heard. We will also welcome compliant responses to our prior requests from the Department of Interior soon after the hearing today. If the Department wishes to respond to comments made by representatives of the three states represented here today, they are welcome to do so when they supply the answers we requested in April.

This oversight hearing is entitled HState Perspectives on the Status of Cooperating Agencies for the Office of Surface Mining's Stream Protection Rule. " As I began looking into these issues recently, and then began preparing for this hearing, I learned a great deal of information about this issue that we simply had not dealt with in my own district. That is also why I am particularly grateful for our witnesses before us here today and their expertise. I look forward to hearing about their experiences as "cooperating agencies."

The states are understandably frustrated after years of trying to work with OSM and having OSM ignore their concerns.

This Natural Resources' sub-committee on Oversight is likewise quite frustrated at the improprieties of the Interior Department's responses to this committee's legitimate requests.

This Subcommittee sent a letter to Director Pizarchik on April 2nd requesting documents and information on this topic, including copies of the MOU's that OSM signed with the states. Coincidentally, OSM produced copies of the MOUs only last night _ LAST NIGHT_ over a month after the documents were due. To be clear, the majority of the Subcommittee's requests REMAIN unfulfilled, and we will continue to seek the outstanding documents from OSM.

We are also hopefully approaching a time finally, once again, when an agency or department that inappropriately responds or is not properly responsive to Congressional oversight requests loses a significant amount of funding in the next year.

Some of us believe very strongly that it: a bureaucracy is not adequately responding to Congressional oversight of the people's funds, then those funds should stop being sent by Congress-to that non-responsive bureaucracy. I believe we are quickly re-approaching that day, & I, for one, look forward to it.