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U.S. House of Representatives

Committee on Natural Resources

Washington, DC 20515

Opening Statement of

Chairman Doug Lamborn

Subcommittee on Energy and Mineral Resources

On Wednesday, March 18th, 2015

1334 Longworth House Office Building

Oversight Hearing on "Effect of the President's FY 2016 Budget and Legislative Proposals for the Office of Surface Mining on Private Sector Job Creation, Domestic Energy Production, State Programs and Deficit Reduction."

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During today's hearing we will hear the Administration justification for the President's proposed FY-2016 budget for the Office of Surface Mining. These proposals include several recommendations for legislative changes to the Surface Mining Reclamation and Control Act or SMCRA.

One such proposal reallocates \$1 billion dollars from its intended purpose to address AML sites that pose the most serious threat to human health and safety to a community reinvestment program.

Such a move takes money that is supposed to be used to protect people and communities from hazardous AML sites – it looks to me like you're trying to appease the people that you've already put out of work.

That proposal would terminate payments to certified States and Tribes - including Wyoming, which generates 54 percent of the AML fees collected, raises AML fees on coal production, and includes a rampant expansion of OSM's AML activities to hardrock mining. It wouldn't be a hearing with OSM without bringing up your perpetual rewrite of the stream buffer zone rule. The 2008 rule was vacated by the court last February and your office officially reinstated the 1983 rule in late December, something that my colleague Mr. Lowenthal had called for in his floor amendment to H.R. 2824 last year.

This 1983 rule has been implemented effectively by the States for 30 plus years. And yet OSM continues to work on the Environmental Impact Study and rulemaking behind closed doors without sincere involvement with the very states that entered into memorandum of understanding as cooperating agencies with OSM.

Last month at a hearing before the House Appropriations Committee, Subcommittee on Interior, Environment and Related Agencies, Secretary Jewell said that you are and I quote "keenly interested in input from the states." A few days later 11 cooperating agency states sent a letter voicing their concern about their perceived involvement in the EIS stating that; "OSM has not communicated with them since 2011, and limited consultation prior to that."

Since then the states of Alabama, New Mexico, and Utah have formally terminated their MOUs with OSM citing their lack of involvement during the past four years. I am deeply concerned with OSM's course of action in violating its obligation to the states as Cooperating Agencies laid out in NEPA, the Council on Environmental Quality (CEQ) regulations at 40 CFR 1501, and the CEQ Memorandum for the Heads of Federal Agencies regarding "Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act."

Aside from blatant disregard for proper procedure I'm also troubled about the amount of money that has been dumped into the completely unproductive endeavor.

Getting OSM to disclose the dollar amount this process has wasted so far took an act of congress. Although it is known this process is ongoing your budget does not explicitly state what request item will continue to fund this effort. I hope to learn a little more about your plans and rationale for the continued allocation of resources toward the rewrite of an already established and effective rule.

These are but two issues we will be discussing today. Among others is the staggering amount of money that is proposed to be "accelerated" for disbursement through the President's Power + Plan; the compulsory proposal to recreate Coal AML reclamation woes upon the Hardrock mining sector, and raising coal AML fees. To that end, I look forward to hearing from our witness today.