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Opening Statement of
Chairman Doug Lamborn
Before the Subcommittee on Energy and Mineral Resources
Oversight Hearing on:
“Obama Administration’s Actions Against the Spruce Coal Mine:
Canceled Permits, Lawsuits and Lost Jobs”
Friday May 31, 2012

Today we will hear an update on the ongoing legacy that is the Spruce Coal Mine in Logan County West Virginia. This saga is one of the most disappointing legacies of federal bureaucracy in American history. This is the story of how one agency - the Obama Administration’s Environmental Protection Agency - can attempt to singlehandedly decide to retroactively pull permits, destroy jobs, and cripple our economy without consequence.

At the heart of this issue is the lack of confidence in permitting by the federal government. If without cause an agency can retroactively veto issued permits, then how can any company, contractor or concessionaire have confidence to invest in America when their permit is not worth the paper it is written on. Fortunately, U.S. District Judge Amy Jackson found that the EPAs actions in this matter were essentially a stunning power grab not justified by the statute.

And yet, even with such a staunch rejection by the courts, the Obama Administration is committed to their “war on coal” by appealing this clear decision. This appeal will consume tax dollars and time in our courts and for what? To destroy good, important jobs for Americans. Yes that is the goal of this Administration’s appeal, they want to destroy jobs and expand the power of the EPA to have “extra-legal new power” to revoke permits.

This subcommittee frequently hears discussion about certainty, how domestic investment requires certainty for investors to create jobs. Should the Administration win this case and grant EPA the power to retroactively revoke permits, it would destroy all certainty in permitting for projects across the country. This would be terribly destructive for the American economy.

Unfortunately, this permit isn’t the only one the EPA has withdrawn that has cost jobs and destroyed the livelihood of hard working Americans. In 2009 the EPA withdrew the permit issued to the Desert Rock Energy Plant on the Navajo Nation. That \$4 billion investment would have created thousands of jobs, generated tens of millions in revenues for the Navajo Nation, and supplied power to the hundreds of thousands of homes in the West. One added bonus would have been the electrification of a broad section of the Navajo nation were people currently live without electricity. But that permit, after being issued was withdrawn by the EPA. The Obama

Administration's "war on coal" can be felt throughout the country, east – west, Appalachia-Rocky Mountains, Logan County, West Virginia and Farmington, New Mexico.

Americans should be deeply concerned with this trend and the Administration's ongoing effort to retroactively pull permits, destroy jobs and our economy.

Today we will hear from folks who are interested in talking about other topics than the reckless disregard for the law as demonstrated by the EPA in this case. There will be distractions about selenium, water quality, and the general process of mining. None of that is the topic of today's hearing. Today is about a reckless Administration and an agency that believes they are above the law as they crusade against domestic jobs and domestic energy.