

**Testimony of
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Department of the Interior
House Natural Resources Committee
Subcommittee on Energy and Mineral Resources**

**Oversight Hearing:
“Abandoned Mine Lands: Innovative Solutions for Restoring
the Environment, Improving Safety and Creating Jobs”
July 14, 2011**

Introduction

Thank you for inviting the Bureau of Land Management to testify today on “Abandoned Mine Lands: Innovative Solutions for Restoring the Environment, Improving Safety and Creating Jobs.”

Nationally, the BLM’s Abandoned Mine Lands (AML) program 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 maintains an inventory of known abandoned mines on public lands, most of which are abandoned hardrock mines. On BLM-managed lands, there are approximately 31,000 abandoned mine sites with almost 66,000 features, such as entryways, contaminated tailings, and other physical and environmental hazards. The BLM is committed to continuing to address and remediate these hazardous sites, and has taken a number of steps to build a comprehensive AML program. Together with the collaborative efforts of the agency’s AML partners, the BLM is making progress to remediate these hazards left from the nation’s mining legacy.

Historical Background

The paradox presented by the abandoned mine challenge is playing out across the West. For a century and a half after gold was discovered in 1848, starting the famous California Gold Rush, miners scoured hillsides and mountains, dug pits, and subsequently abandoned them with little or no reclamation, creating the public safety issues we face today. These years of mining have left thousands of dangerous shafts, portals, and other hazards. In that time, the settlement of the West took root and flourished, and today these growing populations that are eager to enjoy the outdoors by hiking, hunting, and riding off-highway vehicles are at risk from the remnants of our mining past.

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. One such case occurred in Nevada in March. A worker for a geothermal company was exploring abandoned mine sites with friends on a day off when he fell approximately 180 feet to his death at the Rex Mine site. The Nevada Department of Wildlife and the BLM had previously secured some of the hazardous features of the Rex Mine, but the site is difficult to access and is in an extremely remote location.

The BLM is updating its national AML inventory database continuously as new sites are discovered and further inventories are completed. While a majority of AML sites pose safety hazards such as open mine shafts and pits, unstable rock, decaying support beams, and even explosive and toxic chemicals, approximately 20 percent pose environmental hazards to human health and drinking water. These hazards include mercury contamination in discharge from placer gold mines and mercury mines, and sediment from asbestos mines, arsenic and lead contamination from mine tailings, and acidic mine drainage from large sulfide mines. We have identified many sites with the highest potential for harm to public health and safety and are continuing to work with Federal, State, and Tribal partners to address them.

BLM's AML Program

In contrast to these past practices, hardrock mining today on BLM lands requires companies to post full reclamation bonds for their mining operations. Thus, the BLM's AML program remediates abandoned mine lands from historical development. The AML program supports the BLM's core programs by restoring degraded water quality, cleaning up mine waste that has been contaminated by acid mine drainage and heavy metals, such as zinc, lead, arsenic, and mercury, remediating other environmental impacts on or affecting public lands, and mitigating safety issues.

The BLM's environmental cleanup and remediation activities cover a broad spectrum, and are guided by important laws such as: the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); the Federal Land Policy and Management Act (FLPMA); and the National Environmental Policy Act (NEPA). Through the application of those laws, the agency addresses the impacts from the associated hazards along with the proposed mitigation work necessary to remediate a site.

The BLM's AML program received approximately \$16 million in FY 2011. The BLM prioritizes which sites receive funding based upon AML National Level Evaluation Criteria found in the BLM AML Program's Strategic Plan, which weighs several different criteria for both environmental and physical safety sites. In addition the BLM received approximately \$4 million in FY2011 from the Department of the Interior Central Hazardous Materials Fund. When a responsible party is known, the BLM also seeks cost recovery and in-kind services.

The BLM works to stretch these financial resources by partnering with local and state governments, tribes, and other federal agencies, as well as industry and nonprofit organizations. For instance, after the Rex Mine accident mentioned earlier, the BLM worked with the Great Basin Institute, which conducted archaeological surveys, as well as the Nevada Department of Wildlife, and Nevada Division of Minerals, to secure remaining features at the site. The BLM in Nevada has been a leader in leveraging partnerships. Its roster of current active partners includes educational and nonprofit groups such as Bat Conservation International, Nevada Mining Association, University of Nevada Reno, and the Desert Research Institute; a host of local governments, including the Pyramid Lake Paiute and Walker River Paiute Tribes, and numerous state and Federal agencies.

Through the American Recovery and Reinvestment Act (ARRA), the BLM received nearly \$30 million and was able to undertake 77 mine remediation projects. One of those projects was to close the War Eagle Abandoned Mine on the Western Slope of Colorado. The project used \$30,000 in ARRA funding that provided the workers to close 21 unsafe mine openings in an area popular for hiking, fishing, touring, and off-road vehicle riding. The BLM completed the work on this three-county project with partners from the state, including the Colorado Division of Reclamation, Mining and Safety.

AML Legislative Proposal

The President's 2012 Budget proposes legislation to address AML hazards on Federal, State, Tribal, and private lands. The proposal addresses abandoned hardrock mines across the country through a new AML fee on hardrock production. Just as the coal industry is held responsible for abandoned coal sites, the Administration proposes to hold the hardrock mining industry responsible for abandoned hardrock mines. The proposal will levy an AML fee on all uranium and metallic mines on both public and private lands that will be charged on the volume of material displaced. The fee will be collected by the Office of Surface Mining, while the receipts will be distributed by BLM. An advisory council comprised of representatives of Federal agencies, States, Tribes, and non-government organizations, will create objective criteria to rank AML projects. Using this prioritized list of National sites, BLM will be able to distribute funds to reclaim the Nation's most dangerous and environmentally hazardous sites each year.

Moving Forward

The Office of the Inspector General (OIG) found in a 2008 report that the BLM and NPS needed to better address hazards posed by abandoned mines on their lands.

The BLM has taken a number of steps to build a comprehensive AML program that include: improving the inventory of known ALM sites and features, revising the BLM AML Strategic Plan; implementing the "Fix a Shaft Today" program that encourages volunteers to participate in inventory and safety closure projects; and developing guidance to encourage increased stakeholder involvement and improved coordination with AML partners at the Federal, state and local level. We realize the importance of an effective AML program and the need to best prioritize limited funding.

The program is working, and we will continue to make progress. Of the 31,000 abandoned mine sites mentioned earlier, about 25 percent have either been remediated or have reclamation actions planned or underway. Most of the remaining 75 percent require further investigation and remediation, posing a significant challenge as we seek to protect public health and safety, as well as the environment.

Conclusion

The BLM is operating a dynamic abandoned mine land program in the face of challenging realities on the ground. We are making progress and are committed to making the program a success. Thank you and I am happy to answer any questions.