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

**Opening Statement of Congressman Tom McClintock**  
**Subcommittee on Energy and Mineral Resources**  
**Oversight Field Hearing**  
**State Capitol, Sacramento, California**  
**November 23, 2009**

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Mr. Chairman:

It is a pleasure to join you on behalf of Congressman Doug Lamborn, the Ranking Member of the Sub-committee who was unable to be here today.

But, Mr. Chairman, as we address water QUALITY issues that date back 160 years, I would be remiss in not raising the concern that I know you share over the immediate water QUANTITY crisis caused by the deliberate diversion of 200 billion gallons of water from the Central Valley. This man-made drought has resulted in 40,000 unemployed San Joaquin Valley workers who have urgently pleaded with Congress to turn the Delta pumps back on. I just want to note that I requested the Natural Resources Committee a month ago to hold a field hearing on that crucial subject – a crisis that cannot wait 160 years – or even 160 days -- for redress. I have not yet received an answer.

That said, I welcome the opportunity to sit on the committee today since many of the gold mines that gave birth to California's prosperity are in my district. I just came from a speech in Placerville, which began with the name, "Dry Diggins." Indeed, Sutter's Mill, where the Gold Rush started, is not far from there.

Today we are discovering that the legacy of California's Gold Rush came with a price: that of mercury contamination of our streams and watersheds. Unfortunately, so many years have passed since the closure of these mines that the owners responsible are no longer alive to clean up their long-abandoned sites. Indeed, most of the abandoned mine lands found throughout the Western United States were operated in the 1800's and early 1900's.

I hope that today's testimony follows the formula that Abraham Lincoln laid down in 1858 when he observed, "If we could first know where we are and whither we are tending, we could better judge what to do and how to do it."

With respect to where we are and whither we are tending, I hope that the testimony today can give us a clear and dispassionate perspective of the actual scale and complexity of the problem we face. We are fortunate that the practices that caused this contamination were halted many decades ago, so I presume that the problem is at least not worsening.

Next, I hope that we will receive guidance on how the residue of these mines compares with natural mercury contamination, which should give us some perspective on the magnitude of the man-made portion of the equation.

Finally, since the contamination has been with us for over a century and is only now being assessed, it is important to ask what damage has it already done, either to human health or to the animal population. For example, have we recorded fish die-offs or high mortality rates among natural predators whose diet includes significant amounts of fish.

With respect to what to do and how to do it, I believe that we must be mindful of cost-benefit issues, as well as opportunities that may exist for natural remediation.

For example, one of the best legislative initiatives in our committee's jurisdiction is HR 3203, the "Cleanup of Inactive and Abandoned Mines Act," also known as the "Good Samaritan Act," sponsored by this sub-committee's ranking member, Mr. Lamborn. This bill establishes provisions to encourage the partial or complete remediation of inactive and abandoned mine sites for the public good by "good Samaritans." HR 3203 is designed to limit Clean Water Act liability for entities that voluntarily clean up these abandoned sites. The specific authority would allow a Good Samaritan Program for a mine remediation project if it is determined that it will improve the environment to a significant degree. This may prove particularly useful in promoting cleanup of sites in conjunction with mine re-openings as the demand for gold increases.

I hope we will also examine what activities and mandates may be threatening a new round of mercury contamination. An example would be federal and state mandates for fluorescent light bulbs, which threaten tons of new mercury contamination each year. It would be a pity if, while addressing mercury contamination dating back a century or more we ignored new sources of mercury contamination prompted by our own actions.

Mr. Chairman, I want to thank you again for the opportunity to participate in today's hearing and I look forward to hearing from our witnesses.