

Rep. Shelley Moore Capito Opening Statement
House Committee on Natural Resources
Subcommittee on Energy and Mineral Resources

Hearing: "Jobs at Risk: Community Impacts of the Obama Administration's Effort to Rewrite the Stream Buffer Zone Rule"

Chairman Lamborn, I would like to welcome you and your subcommittee to West Virginia. On behalf of my constituents, let me thank you for your leadership on this issue and your efforts to prevent the Obama administration from destroying West Virginia jobs.

My home state of West Virginia is one of the largest coal producing states in the nation, and is home to some of the most valuable coal reserves in the world. The coal industry is one of the state's largest sources of jobs and tax revenue. As of 2008, the mining industry employed over 50,000 West Virginians, with incomes often reaching \$80,000 per year.

West Virginia has the natural resources to help create jobs and bring this economy out of recession. However, the federal government continues to take regulatory actions that inhibit job growth, and prevent West Virginian's from putting food on their tables. In this hearing, you will be examining the Office of Surface Mining's proposed Stream Protection Rule. In 2008, OSM's initial Stream Buffer Rule was finalized after several years of review by multiple federal regulators. The original rule governed mining activities near perennial and intermittent streams, and was a clarification of the longstanding regulatory interpretation of a prior rule with enhanced environmental protections. However, less than a year after the rule was finalized, and before the rule could even go into effect, this Administration attempted to vacate the rule without any rulemaking review, or opportunity for public comment. The Administration's actions were rightly ruled a violation of law by a federal court.

The administration subsequently invoked upon a new rulemaking process that includes sweeping changes to OSM's regulatory programs, while expanding the scope of its stream protection rules to include both surface and underground mining activities. Some have claimed that these rules are of questionable environmental benefit, according to the West Virginia DEP, the environmental review conducted in support of the Stream Protection Rule has been universally characterized as junk.

OSM's own analysis says that the Stream Protection Rule will result in 20,000 hardworking American coal miners losing their jobs, wiping out \$650 million in wages. In the Appalachian basin alone, this rule would throw nearly 30,000 folks into poverty. The rule would also necessarily result in increased energy prices, including my constituent's electric bills, as it would eliminate 20 to 30 percent of West Virginia's surface mining production, while also eliminating 50% of West Virginia's underground coal mining activity.

Mr. Chairman, West Virginian's are ready to lead this nation out of recession while making us more energy independent. Unfortunately, this cannot happen in the current regulatory environment. Folks I talk to back here West Virginia keep telling me that they are ready and willing to create jobs if only the federal government would get off their backs.

If the administration thinks their policies are helping folks across the country, I invite them to visit my state to see how their actions are hurting families across Appalachia. It's time to take advantage of the resources found right here in America. Doing so will launch our economy in the right direction and create thousands of good-paying jobs.

West Virginia is truly blessed to have abundant supplies of natural resources. As a native West Virginian I enjoy my State's beauty and appreciate its pristine water, and want to do what is reasonably necessary to maintain our state's environment. But instead of helping West Virginian's tap into our full economic potential while implementing common sense environmental regulations, this Administration would rather implement its ideologically driven agenda.

It is time for this administration to get off the backs of West Virginia's job creators by using common sense and not ideology. Thank you again for holding this very important hearing.