

**Testimony of Michael J. Hickman
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**Before the Water and Power Subcommittee of the House Natural Resources
Committee Concerning H.R. 5511**

May 8, 2008

My name is Michael Hickman. I am Chair of the Lake County Board of County Commissioners in Lake County, Colorado. I would like to thank you for the opportunity to present Lake County's views on H.R. 5511 "The Leadville Mine Drainage Tunnel Remediation Act of 2008."

I am here to testify in support of this bill on behalf of Lake County and its citizens. I also wish to impress upon you today the importance of a comprehensive federal solution to reduce the threat posed by the growing mine pool associated with blockages behind the Leadville Mine Drainage Tunnel. Such a solution is critical to protect the local residents of Lake County as well as the eco-system of the Arkansas River and the drinking water supply of the Arkansas Valley Watershed.

I'd like to start by giving you some background. Leadville and its historic mining district sit in the highest valley of the Arkansas River in the heart of the Rocky Mountains. Leadville is the site of mining activities that have produced gold, silver, lead and zinc. Mining began in the Leadville area in 1859 when prospectors working the channels of the Arkansas River tributaries discovered gold at the mouth of California Gulch.

Later, miners tunneled deep into the mountains resulting in extensive development of underground mines in the mining district. Eventually most of these mines were abandoned. The U.S. Bureau of Mines began driving the Leadville Mine Drainage Tunnel in 1943 to facilitate mine drainage in order for metals such as lead, zinc and manganese to be extracted for the World War II effort.

In 1959, the Bureau of Mines transferred the LMDT to the Bureau of Reclamation. Since that time, the Bureau of Reclamation has declined to take responsibility for the upkeep and repair of the tunnel. It has only accepted responsibility for treating the contaminated water flowing out of the mine pool and into the blocked tunnel through construction of a water treatment plant in the late 1970's, built after a Sierra Club lawsuit.

The lack of repair and upkeep of the tunnel have lead to a series of what appear to be collapses deep within the LMDT over time that have brought us to the situation we face today. Groundwater levels in the mining district

are now at historic highs and blockages in the tunnel have contributed to the elevated mine pool water estimated to be over one billion gallons.

Lake County has experienced snow pack levels this winter of more than 150% of normal. With spring run off set to break loose at any moment, a large volume of water is about to be added to a mine pool already bursting at the seams. This historic build up of water behind the blockages in the tunnel presents a serious threat to the citizens of Lake County, public and private property, local domestic water supply, and the water quality of the Arkansas River Basin. Approximately one million citizens in Colorado rely on the Arkansas River water quality for their drinking water supply.

Based upon this threat, the Lake County Board of County Commissioners declared a State of Emergency on February 13, 2008.

Since the Emergency Declaration, both the Environmental Protection Agency and the Bureau of Reclamation have quickly moved toward actions to begin dewatering the mine pool by pumping water at the Gaw Shaft. A pipeline is under construction by the EPA to by-pass the blockages in the LMDT and reconnect the mine pool to the LMDT treatment plant. However, this is only a temporary solution to the mine pool problem. A comprehensive long-term solution is needed to solve this problem once and for all.

The solution is a multi-pronged approach that includes, preventing clean surface water from infiltrating the mine pool and implementation of the California Gulch Superfund Site Operable Unit 6 remedy. To date, however, both EPA and the Bureau of Reclamation will not take responsibility for the long-term fix of the mine pool problem. For decades, Lake County has experienced frustration with the inability of these agencies to sort out responsibilities. Both agencies continue to say to the long-term fix, "This is not my job!"

In fact, we are still basically in the same place we were when previous hearings were held on Capitol Hill in June 1976 to discuss a bill to authorize stabilization and rehabilitation of the Leadville Mine Drainage Tunnel. I refer you to the transcript of the Hearing Before the Subcommittee on Energy Research and Water Resources of the Committee on Interior and Insular Affairs United States Senate on S. 3394, June 7, 1976. I am providing you with a copy of the transcript from those hearings as a supplement to my testimony today.

At that time, the Assistant Commissioner of the Bureau of Reclamation, Department of the Interior, testified that "As stated in the Department's letter of June 7, 1976 to the committee, the Department recommends that the committee defer action on the bill at this time pending further review by the Department....of various alternative solutions ." The Assistant Commissioner went on to say, "Appropriate action needs to be taken with

respect to the public safety and water quality problems associated with the tunnel. As already indicated, the administration has not completed its review of the available data, and, therefore, does not yet have a position as to what action should be taken."

During these same hearings in 1976, the Colorado Department of Natural Resources submitted testimony regarding the tunnel, "Finally, there is the ever present danger of the loose blockage material being breached by water which is pushing against it at a pressure of more than two tons per square foot. This is a serious threat to property and human life, particularly because of the mobile home park adjacent to the tunnel portal." Yet, here we are today still facing the same threat as we were in 1976 and the Bureau of Reclamation is still wanting to study the problem.

H.R. 5511 presents an opportunity for Congress to finally tell the Bureau of Reclamation that it is their job to maintain the tunnel and to implement the remedy for Operable Unit 6. If Congress does not tell the Bureau of Reclamation that they must do this, past history clearly tells us they won't.

H.R. 5511 directs the Bureau of Reclamation to participate in the implementation of the Operable Unit 6 remedy by treating water behind the blockage. It also directs the Bureau of Reclamation to take necessary steps to prevent tunnel failure and preclude uncontrolled release of water.

Lake County and its citizens support the intent of this bill. We have high hopes that, finally, the question of which agency bears the responsibility to address the rising mine pool problem in Lake County will be answered by Congress. By directing the Bureau of Reclamation to take responsibility and action, the people of Lake County and the downstream Arkansas River basin water users will not have to bear a terrible price for the inability of federal government agencies to take responsibility to fix this serious problem.

Thank you for the opportunity to speak to you today from the local community perspective about this very important matter. I'm happy to answer any questions you may have.