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Opening Statement of
Chairman Doug Lamborn
Before the Energy and Mineral Resources Subcommittee
Oversight Field Hearing on:

"Jobs at Risk: Community Impacts of the Obama Administration's Effort to Rewrite the Stream Buffer Zone Rule."
Charleston, West Virginia
Monday, September 26, 2011 at 9:00 a.m.

Thank you everyone for being here today. I'm Congressman Doug Lamborn, and I am Chairman of the House Natural Resources Committee Energy and Minerals Subcommittee. We are here today to hear testimony on the job and community impacts stemming from the Obama Administration's rewrite of the Stream Buffer Zone Rule.

In 1996, the National Wilderness Institute published the *"American Conservation Ethic,"* which comprised eight principles that the Nation's policy makers should consider in the development of environmental policies and associated laws, rules and regulations.

Several of those principles are worth examining in light of the topic of today's hearing: *Jobs at Risk: Community Impacts of the Obama Administration's Effort to Rewrite the Stream Buffer Zone Rule.*

An independent contractor, hired by the Administration, found the rewritten Stream Buffer Zone Rule will result in the loss of over 7,000 direct jobs nationwide and place an additional 29,000 people living in the Appalachian basin below the poverty level.

The first principle of the American Conservation Ethic provides important insight that we should all take to heart. And that is:

"People are the most important resource"

Continuing to work on a rule that knowingly will eliminate thousands of jobs and will result in 29,000 people living below the poverty level is inexcusable policy. It is our job as lawmakers to institute policies that create jobs and make lives better for Americans – instead, this Administration is pursuing a rule that will do exactly the opposite.

However, rather than reinstating the 2008 rule after the economic impacts of the Administration's preferred alternative in the proposed rule were leaked to the press, the Administration instead severed ties with the initial contractor Polu Kai, and has continued down this ill advised path of rulemaking.

Chairman Hastings and I have initiated an investigation into the Office of Surface Mining's attempt to rewrite the 2008 stream buffer zone rule and the ongoing fiasco resulting from the Administration's rushed effort to fast track major changes to the Nation's coal mining regulatory program established by the Surface Mining Control and Reclamation Act of 1977.

Let's examine principle four of the American Conservation Ethic which states:

"Our efforts to reduce, control and remediate pollution should achieve real environmental benefits."

The 'environmental benefit' of the proposed rule is achieved through less mining. That is less mining of a vital national resource – Coal – a resource that currently provides thousands of Americans with good paying jobs, and more than forty-five percent of the Nation's electrical power. Twenty-two of the 25 states with the lowest electricity costs get at least 40 percent or more of their electricity from coal-fired power plants.

And just exactly what are the benefits of less coal mining?

Certainly not monetary; reducing coal production nationwide will adversely impact revenues to Federal, State and local treasuries, and monies flowing into the Surface Mining Control and Reclamation Act Abandoned Mine Land fund where some of the interest earned is used to support the United Mine Workers of America retirees.

Furthermore, reducing the amount of coal available for power generation will lead to higher electricity costs for American businesses and families and thousands of Americans being put out of work. We have repeatedly seen the unforeseen consequences and job loss that can follow unnecessary regulatory changes.

The final Stream Buffer Zone Rule, issued in December of 2008, was the result of a rulemaking process that took five-years and was supported by 5,000 pages of environmental analysis and included thirty original research projects. That brings me to the final principle from the American Conservation Ethic that I'll share with you this morning.

Principle seven states: ***"Science should be employed as a tool to guide public policy."***

The 2008 Stream Buffer Zone Rule employed 'Science' to guide public policy as exemplified by the extensive research conducted during the rule making process. The 2008 rule was more protective of the environment than the original 1983 rule issued during the Reagan Administration, the rule that is now in effect since the 2008 rule has been shelved by the current Administration.

We have a full hearing today with ten witnesses, including Governor Earl Ray Tomblin; regulators from the states of West Virginia, Virginia and Wyoming; the West Virginia and Ohio Coal Associations; the Mountaintop Mining Coalition; Consol Energy; coal River Community Watch; and a Community Organizer.

I look forward to hearing from our witnesses. I know many of you have been involved in the development of the Programmatic Mountain Top Mining Environmental Impact Statement, the 2008 Stream Buffer Zone Rule, and the litigation that precipitated the production of the EIS, the Rule and the current rulemaking process.

In closing, I would like to reaffirm my belief that the United States is a nation of excellence. Our achievements through the development of our abundant natural resources have allowed America to prosper and constantly raise the standard of living for the next generation. Increasing access to those resources will allow us to become less dependent on foreign sources of energy and mineral resources, create new private sector jobs and add revenue to government coffers reducing the national debt and thereby increasing our national and economic security.