



Senators hear case for mine cleanup

Rewriting | Mining law has not been updated since 1872

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WASHINGTON — Senators moved a step closer to creating a cleanup program for abandoned hardrock mines on Wednesday as part of a major rewrite of mining law that has not been updated since 1872.

Fees charged to coal companies have long been used for a program to clean up old coal mines, and Congress may move this year to establish a similar program for hardrock mines. It would be paid for by charging royalties for the first time on minerals like gold, silver, copper and uranium mined on federal lands.

Senate Energy and Natural Resources Chairman Jeff Bingaman, D-N.M., said such a program is overdue and that there appears to be a broad consensus to get one going. Abandoned hardrock mines around the country pose public health safety risks, degrade the environment and contaminate water, he said.

About \$300 million a year is dedicated to the coal program, Bingaman said, and a hardrock program should be similar in scope.

A hardrock AML program would create economic opportunity and landscape restoration, "which are in fact, the same thing," testified former Montana Rep. Pat Williams, now regional director of Western Progress. Abandoned mine sites

offer the West a chance at a brand-new restoration economy, he said.

"All of that ruin is pay-dirt," he said. "Let's get today's mining companies to help us while they help themselves."

Estimates of how many abandoned hardrock mine sites there are in the West have varied widely, in part because there is no generally accepted definition of such a hardrock mine site, said Robin Nazzaro of the Government Accountability Office.

Using numbers provided by states, GAO estimates that there are at least 161,000 such sites in 12 Western states and Alaska, she said.

"An inventory would be a great starting place," Nazzaro testified.

The BLM and Forest Service have had difficulty determining the number of hardrock mines on their lands. There are between 27,000 and 39,000 abandoned mines of all kinds on national forest land, said Tony Ferguson of the Forest Service.

As of Feb. 1, the BLM's inventory of all abandoned mines contains 12,035 sites, of which 10,103 will

require further investigation or remediation, said BLM Deputy Director Henri Bisson.

Although more sites must be inventoried, he said the agency feels its greatest need is for on-the-ground work for the highest priority sites that have already been identified. The BLM has stringent new controls to prevent future abandoned mines, but recog-

nizes the scope of the existing AML problem on public lands, he added.

Mine operators have provided financial assurances worth \$982 million to guarantee reclamation for 1,463 ongoing hardrock operations on BLM lands. But the GAO estimated that's \$61 million less than needed to fully cover estimated reclamation costs of 52 mining operations.

Sen. John Barrasso, R-Wyo., asked the witnesses if the problems came solely from long-abandoned mines. Nazzaro said no, and added that while the BLM does have financial assurances from companies to reclaim current mines, the Forest Service does not have such regulations.

Ferguson said the Forest Service's regulations are being reworked right now.

The Forest Service will spend about \$14 million in fiscal year 2009 to clean up mines, Ferguson said. He

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— Pat Williams, regional director, Western Progress

did not have a current estimate for how much it would cost to clean up all mines on its land but said in the late 1990s it was already about \$2.2 billion.

Sen. Jon Tester, D-Mont., said that at that rate, "I'll be dead and gone and so will my kids by the time they get cleaned up."

The agencies and industry are already reclaiming

Abandoned mines

As of Feb. 1, officials say the Bureau of Land Management's inventory of all abandoned mines contains 12,035 sites. There are between 27,000 and 39,000 abandoned mines on national forest land.

AML sites, Debra Struh-sacker testified for the Northwest Mining Association. "We're making good progress," she said.

The focus of any legislation should be to accelerate the pace of cleanup, which should be done with more money and by giving legal immunity to "good Samaritans" who volunteer to clean up sites.

The money should come from a net royalty only on future mining claims, she said. The House-passed version of the legislation would charge a 4 percent royalty on existing claims and an 8 percent royalty on future mines.

She also said that environmental laws already in place are enough to guarantee that today's mines won't become abandoned sites. "Today's mines are not going to be tomorrow's AMLs," she said.

States and tribes should have the opportunity to assume primary responsibility for implementing an AML program, Bill Brancard testified for the Interstate Mining Compact Commission. The program should also recognize that most hardrock problems are on non-federal lands and it should be able to spend money on those areas, he said.