

**Statement for the Record  
Department of the Interior  
Joint Hearing of the  
House Natural Resources Committee  
and the  
Oversight and Government Reform Committee On  
Gold King Mine**

**September 17, 2015**

Thank you for providing the Department of the Interior with the opportunity to present this statement for the record on the Gold King Mine release and response. The Department is in the midst of its independent assessment of the factors that contributed to the August 5 incident. That assessment is being led by the Bureau of Reclamation, and the Department expects to deliver a final report to the Environmental Protection Agency in late October. We would be happy to provide the Committees with a briefing of that report after its release.

The Department administers a wide range of lands and resources, including public lands mostly in the West, wilderness areas, our National Park System, lands held in trust for Native Americans, and the National Wildlife Refuge System. In total, the Department manages over 500 million acres of land, together with associated waterways and plant and animal species. Among other things, the Department is responsible for managing energy and mineral development on Interior-managed lands, including on the Outer Continental Shelf, for addressing water issues in the West, and for managing timber-related activities on our public lands.

Given the significant amount of land under the Department's jurisdiction and the broad mission carried out by its bureaus, the Department sees and addresses many different types of toxic sites, including sites associated with inactive and legacy abandoned mine lands.

The Department's involvement in the Gold King Mine spill began when it was notified about the release. Once notified, the Department's Regional Environmental Officers in Denver, Albuquerque, and San Francisco began monitoring the situation and sharing information with each other and with regional contacts in the Department's bureaus. The Department's bureaus began carrying out spill response activities in support of EPA's on-scene coordinator. This included:

- The Bureau of Reclamation, at the request of staff from the San Juan River Basin Recovery Implementation Program at the U.S. Fish and Wildlife Service's New Mexico Ecological Services Field Office, increased the planned release of additional water from Navajo Reservoir from 650 to 1,300 cfs, in order to maintain a target base flow through the endangered fish habitat of the San Juan River;
- The FWS staff, working with New Mexico Fish and Wildlife Coordination Office, conducted on the ground surveillance of the fish community in the Animas and San Juan Rivers, as well as field sampling fish communities and surface water;
- The U.S. Geological Survey, in cooperation with the EPA, gathered stream gage data in order to confirm the origin of the stream flow spike at Cement Creek and the estimated volume of the spike (3 million gallons);
- USGS also took water and sediment samples and provided both current and historical water quality data to EPA;
- The Bureau of Indian Affairs conducted drinking water sampling to assure that the drinking water at five Bureau of Indian Education schools along the San Juan River was not impacted by the contaminated plume, and is monitoring water used by tribes for drinking, irrigation, and agriculture;
- BIA also provided emergency livestock drinking water to impacted users along the San Juan River within the Navajo Nation following its closure for agricultural and livestock water uses, constructing and managing 11 water points for this effort; and
- National Park Service staff at Glen Canyon National Recreation Area provided logistics and coordination support to EPA for water sample collections both on the San Juan River and in the San Juan Arm of Lake Powell, including a boat, a boat operator, housing, and equipment.

The Department and its bureaus are continuing to monitor the situation for any impacts on resources and trust species under our management.

### **Abandoned Mine Lands**

The Gold King Mine incident serves to highlight a significant and costly problem, nationwide.

Abandoned mines pose a serious threat on lands managed by the Department, on state lands, and on

private lands. Given the significant amount of land managed by the Department's bureaus, addressing hazards created by abandoned mines on federal lands is an important objective.

The significant concentration of known abandoned mines and related features on lands under the Department's jurisdiction occur on BLM and NPS-managed lands and are associated with both public safety hazards and human health, environmental, and natural resource impacts resulting from exposure to heavy metals released from mines and present in mill tailings.

Over the last 150 years, much of the public land managed by the BLM has experienced some form of mining activity, which has ranged from exploration to full development. In many cases, this activity has resulted in disturbed and sometimes contaminated land across parts of the West. Mining activities prior to January 1, 1981, the effective date of the BLM's Surface Management regulations, were often not properly reclaimed, and in many cases no financially responsible party exists to help pay for the cleanup. The BLM's abandoned mine land program has identified approximately 49,000 abandoned AML sites on BLM administered public lands.

Over the last six years the BLM has mitigated 6,321 AML physical safety sites, restored the water quality on 8,435 acres of BLM managed land, and conducted monitoring on 5,138 AML sites. Each year an average of 5,400 new AML sites are discovered, with many millions of acres of BLM lands remaining to be inventoried. The BLM continues to develop new processes to more effectively inventory AML sites on the nearly 250 million acres of surface estate and 700 million acres of mineral estate that it manages. This inventory work focuses on high-priority areas, as established by environmental and physical safety risk criteria.

The BLM prioritizes abandoned mine reclamation work based on public safety and environmental risk. The highest priority is given to mines that present the greatest risk to the public, such as those located closest to population centers, schools, or recreation areas, and those with the greatest potential environmental concern. Criteria for the ranking of environmental sites includes human presence, threat to the environment, relative toxicity of contaminants, impacted media and location of the site relative to surface water and/or groundwater, aquifer characteristics, and soil or sediment characteristics.

AML sites are also present on NPS lands throughout the country. NPS began to collect data on AML sites on park lands in 1983, and in September 2014 completed the first comprehensive

inventory and assessment of AML sites in the park system. Extraction activities left behind 37,050 AML features in 133 units of the system. The vast majority – 81% - of features are located in the NPS Pacific West Region, especially in Death Valley National Park, Mojave National Preserve and Lake Mead National Recreation Area. However, AML features are distributed throughout the system and are a significant management issue in all regions.

The majority of AML features on NPS lands, 31,437 - almost 85%, do not require remedial action either because they do not constitute a threat to human health and safety or generally do not pose a natural resource problem. Almost 1,800 features (about 5%) have already been remediated. However, over 3,800 of these features (over 10%) in 76 park units do require remedial action to mitigate public safety threats and natural resource impacts.

According to the NPS, the principal cause of death at AML sites nationwide is drowning in water-filled quarries and pits. Other risks include vertical drop-offs; unstable structures and rock falls; deep and unstable pit walls; deadly gases and radioactive air; abandoned explosives; hazardous chemicals; and high concentrations of contaminants inherent to the mineral deposit. Mine contaminant releases can affect natural resources such as air, soil and water quality as well as plant and animal health.

The responsibility to reclaim dangerous AML sites is resource intensive and requires cooperation with federal, state, and local partners. Even dangerous mines that have been properly sealed off are sometimes vandalized, entered, and left open. AML sites are also prone to erosion and destabilization of natural topography due to the interruption of natural drainages by mining-related excavation and tailing and waste rock placement. Impacts to scenic qualities of natural areas can also occur at AML sites. However, there are other factors that merit management attention in AML site assessment and treatment, including the historic value of mines, some of which are listed in the National Register of Historic Places, and the wildlife habitat value of AML sites for species such as bats.

With this in mind, the goal of programs addressing AML issues in the Department is to work to remediate the physical safety hazards, such as shafts, adits, and entrances, and environmental threats associated with abandoned mine sites.

### *Addressing Priorities*

Due to the abandoned nature of these sites, the public is often left with the bill for remediation of legacy abandoned mines, rather than the companies and individuals who originally developed the resources. The Administration has continued to request funds to address this significant problem; the Department prioritizes these activities and addresses those priorities within available resources.

AML sites that are identified by the bureaus as posing significant potential human health and environmental risks from exposure to toxic metals are generally addressed using the response authorities established by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), which have been delegated to the Department by Executive Order. Funding for the investigation and cleanup of the Department's highest priority CERCLA AML sites is often provided from the Department's "Central Hazardous Materials Fund," a Department-wide account that provides funding to land-managing bureaus for CERCLA response actions, which receives an annual congressional appropriation of approximately \$10 million. DOI will use these funds for AML sites only where it has completed a CERCLA preliminary assessment and site investigation and where the responsible bureau is undertaking additional response action using the Department's CERCLA authorities.

The BLM's 2016 budget request for the AML Program is \$19.95 million. The NPS's request includes \$5 million in Construction funding to initiate AML remediation efforts, however NPS is continuing efforts to fund a comprehensive program to address all of the AML features requiring mitigation.

The Administration has included in its 2016 budget request, and in prior budgets, a legislative proposal intended to address the legacy of abandoned hardrock mines. The Administration's proposal would hold the hardrock mining industry responsible for the remediation of abandoned hardrock mines, just as the coal industry is responsible for remediating abandoned coal sites.

The proposal would levy an AML fee on uranium and metallic mines on both public and private lands, which would be assessed on the volume of material displaced after January 1, 2016. The receipts would be split between federal and non-federal lands, and the Secretary would disperse the share of non-federal funds to each state and tribe based on need. States and tribes would select their own priority projects using established national criteria.

The proposed hardrock AML fee and reclamation program will operate in parallel with the coal AML reclamation program as part of a larger effort to ensure the most dangerous abandoned coal and hardrock AML sites are addressed by the responsible industries. With the number of identified sites increasing as better inventories are performed, we recognize that there is a very large unmet need to address this problem.

### **Conclusion**

The significant acreage managed by the Department and the broad mission that the Department and its bureaus undertake remain a challenge as it addresses the mitigation and remediation of abandoned mine lands. Thank you for the opportunity to provide this statement.