



BOARD OF COMMISSIONERS

HILARY COOPER KRIS HOLSTROM LANCE WARING

House Rural Affairs & Agriculture Committee
C/o Jimmy Reed, Legislative Council Staff
jimmy.reed@state.co.us

January 29, 2019

RE: Support HB 19-1113

Dear Chair Roberts and Vice Chair Valdez, and Honorable Members of the Colorado House Rural Affairs & Agriculture Committee:

The Board of County Commissioners of San Miguel County appreciates Chair Roberts and Representative McLachlan co-sponsoring House Bill 19-1113 to Protect Water Quality from Adverse Mining Impacts.

San Miguel County passed Resolution 2018-001 last year in support of much-needed changes to Colorado's mined land reclamation regulations which would be addressed by HB 19-1113. Specifically, we support:

- Elimination of the practice of corporate self-bonding as a form of guarantee for future mine reclamation;
- Increasing the state's authority to require adequate financial assurances for water quality protection and treatment that would be needed to mitigate future mining activities;
- Prevention of perpetual water pollution by requiring an endpoint for water treatment after mining activity ceases;
- Reforms that will not impede bona-fide Good Samaritans with no connection to or financial responsibility for historical mining activities will be able to improve water quality at abandoned draining mine sites in coordination with regulatory agencies.

San Miguel County is intersected by the Colorado Mineral Belt and several historic hard-rock and uranium-vanadium mining districts, including Ophir, Telluride, Placerville, and Slick Rock areas. The County's experience dealing with the difficulties of the extensive Carriveau mine cleanup are illustrative of the contamination problems we wish to avoid in the future. San Miguel County continues to experience new mining claim location activity that could lead to mining exploration, development and reclamation activities.

Colorado Department of Public Health and Environment (CDPHE) has listed several stream segments as impaired due to water quality degradation connected to legacy mining activities. Division of Reclamation Mining and Safety reports that there are an estimated 23,000¹ abandoned mines in the State of Colorado. Legacy mines and new mining in San Miguel County have the potential to mobilize toxic concentrations of zinc, cadmium, cobalt, copper, lead, iron, manganese, mercury, uranium and vanadium among other constituents and cause oxidation leading to acidic (low pH) drainage conditions. Recent studies by the U.S. Forest Service and Division of Reclamation Mining and Safety in conjunction with Colorado Geological Survey have documented approximately 50 actively draining mine openings in San Miguel County. CDPHE's Clean Water program of the Water Quality Control Division² has identified over fifty miles of stream on the State's list of "Water-Quality-Limited Segments Requiring TMDLS - 303(d) List" or the "Monitoring and Evaluation List" (aka M&E List) with impairments due to concentrations of heavy metals in 2016 and 2017.³ CDPHE and partners including the U.S. Forest Service, Colorado Division of Reclamation, Mining, and Safety, and Colorado School of Mines maintain databases and sampling records for abandoned mines and mine discharge within San Miguel County.⁴

As both a mountain headwaters county with the headwaters of the San Miguel and Dolores Rivers, as well as an arid county with significant agriculture, it is paramount that those that conduct mining activities be fully responsible for not degrading water quality beyond what occurs naturally due to local and regional geology. Good water quality is crucial for aquatic and terrestrial ecosystems, agriculture, as well as to ensure a water supply that is suitable for drinking water and recreational uses. Our economic future, health, and quality of life depend on it.

Colorado is just one of seven states left that still allows for "self-bonding" where a company can "cover themselves" without actually providing any recoverable assets as collateral for reclamation assurance.

We urge your support for HB 19-1113 today. We urge you to pass this important bill.

Sincerely,
SAN MIGUEL COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS


Kris Holstrom, Chair

Attachment: Resolution 2018-001

¹ <http://mining.state.co.us/Programs/Abandoned/Pages/impwelcomepage.aspx>

² <https://www.colorado.gov/pacific/cdphe/clean-water-rivers-lakes-and-streams>

³ https://www.colorado.gov/pacific/sites/default/files/WQ_Abandoned-Mine-Water-Quality-Study_06-01-17.pdf;

<https://www.colorado.gov/pacific/cdphe/tmdl-gunnison-and-lower-dolores-river-basins>;

<https://www.colorado.gov/pacific/cdphe/impaired-waters>; <https://erams.com/map/>;

<https://www.colorado.gov/pacific/cdphe/WQ-Mine-Impacted-Streams-Task-Force>;

⁴ https://mining.state.co.us/Programs/Abandoned/Documents/Draining_Mines_GISData-DRMS_08-18-15.pdf;

<https://mining.state.co.us/Programs/Abandoned/Documents/LegacyMineWork.pdf>;

<http://coloradogeologicalsurvey.org/water/abandoned-mine-land/united-states-forest-hazard-abandoned-mine-land-inventory-project/>;

**RESOLUTION OF SUPPORT FOR LEGISLATIVE CHANGES TO THE
COLORADO MINED LAND RECLAMATION ACT TO PROTECT THE
ENVIRONMENT AND REDUCE PUBLIC LIABILITIES**

Resolution #2018-001

WHEREAS, the San Miguel County Board of County Commissioners agree that water bodies, streams, and rivers should be adequately protected; and that the local communities benefit from the protection of the watershed and the environment; and

WHEREAS, Colorado's rivers and streams have been impacted by historic mining activities that were not conducted in an environmentally protective manner, including the San Miguel River; and

WHEREAS, San Miguel County has participated actively and cooperatively through the years with many partners to protect water quality and promote the health and integrity of the San Miguel River watershed through reclamation, restoration, monitoring, evaluation and other activities; and

WHEREAS, sound and reasonable mining regulations that protect the public interest and require future mines to conduct operations in a manner that does not cause a public fiscal burden is in the best interests of local economies; and

WHEREAS, the State of Colorado should have all reasonable authorities and powers to require adequate financial assurances and guarantees from mining operators so that the costs of reclamation and protecting water quality do not fall on the public; and

WHEREAS, mines that cannot operate in a manner that will not permanently impair water supplies, rivers and streams should not be permitted in the future; and

WHEREAS, the Colorado General Assembly should pass a bill that will provide the State of Colorado with the authority to require adequate financial assurances to protect both water quality and the public, and provide for the treatment of mine water and maintenance of water treatment plants; and

WHEREAS, the San Miguel County Board of County Commissioners has shown a draft (Attachment A) bill text containing potential changes to the Colorado Mined Land Reclamation Act that appears to:

- Eliminate the practice of corporate self-bonding to guarantee mine reclamation;
- Increase the state's authority to require adequate financial assurances for water quality protection and treatment that would be needed to mitigate future mining activities;
- Prevent future mines that pollute water in perpetuity by requiring a defined endpoint for water treatment after closure;
- Not impede bona-fide Good Samaritans with no connection to or financial responsibility for historical mining activities from improving water quality at abandoned draining mine sites.

WHEREAS, the proponents of the draft (Attachment A) bill text have been actively vetting the potential changes with stakeholders in several Colorado Mineral Belt counties in the last several months; and

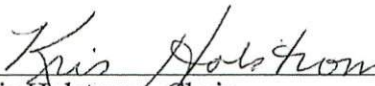
WHEREAS, the proponents of the draft (Attachment A) bill text have stated that this text has also been shared, vetted and modified through input received from active mine representatives and Division of Reclamation, Mining, and Safety; and

NOW, THEREFORE, BE IT RESOLVED, that the San Miguel County Board of County Commissioners, hereby expresses its support of legislative changes to the Colorado Mined Land Reclamation Act that would:

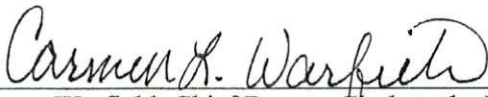
- Eliminate the practice of corporate self-bonding to guarantee mine reclamation; and
- Increase the state's authority to require adequate financial assurances for water quality protection and treatment that would be needed to mitigate future mining activities; and
- Prevent future mines that pollute water in perpetuity by requiring a defined endpoint for water treatment after closure; and
- Not impede bona-fide Good Samaritans with no connection to or financial responsibility for historical mining activities from improving water quality at abandoned draining mine sites.

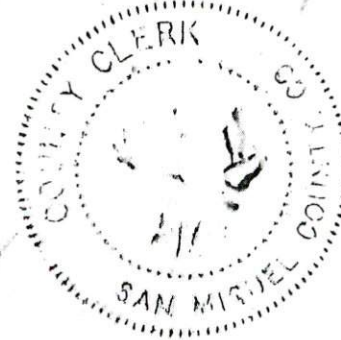
DONE AND APPROVED by the Board of Commissioners of San Miguel County, Colorado, at a duly noticed public meeting held in Telluride, Colorado, on January 3, 2018.

**BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO**


Kris Holstrom, Chair

ATTEST:


Carmen Warfield, Chief Deputy Clerk to the Board



VOTE:

Hilary Cooper	<u>Aye</u>	Nay	Abstain	Absent
Kris Holstrom	<u>Aye</u>	Nay	Abstain	Absent
Joan May	<u>Aye</u>	Nay	Abstain	Absent

ATTACHMENT A: DRAFT BILL TEXT DATED DECEMBER 5, 2017 PROVIDED BY EARTHWORKS