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U.S. House of Representatives
Committee on Natural Resources
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Opening Statement of
Chairman Doug Lamborn
Thursday, October 10, 2013, at 1:00 p.m.
1324 Longworth House Office Building
Committee on Natural Resources
Oversight Hearing on:
"EPA vs. American Mining Jobs: The Obama Administration's Regulatory Assault on the Economy."
[As prepared for Delivery]

Last year we held a hearing on EPA's retroactive veto of the Spruce Coal Mine in Logan County West Virginia in 2010. That same year EPA, at the request of six federally recognized Tribes and commercial fisherman, initiated a 'watershed assessment' of the Bristol Bay watershed in Southeastern Alaska in an effort to derail the development of the world's largest known hardrock mineral resource – in essence an effort to preemptively veto mining across a whole region of Alaska.

The watershed assessment covered an area the size of West Virginia, more than 24,000 square miles, and was designed to reach an outcome that the entire region is unsuitable for mining. The assessment was severely criticized by a panel of scientists appointed by EPA to review the document.

Meanwhile, in Chicken, Alaska, an EPA SWAT team of heavily armed and armored agents conducted "paperwork" inspections on small mining operations in what appears nothing more than an effort to intimidate and scare hardworking Americans.

This hearing is the story of how one agency - the Obama Administration's EPA - can singlehandedly decide to retroactively pull permits, or prospectively veto any operations in areas the size of states, and at the same time use armed SWAT teams to review permits. All combined this agency is responsible for destroying 4,000 coal mining jobs between 2011 and 2012, crippling local and state economies, increasing our dependence on foreign sources of minerals, and increasing energy costs for all Americans - seemingly all without consequence.

At the heart of this issue is the lack of confidence in permitting by the federal government. If without cause an agency can retroactively veto issued permits or prospectively veto permits not applied for, then how can any company, contractor or concessionaire have confidence to invest in America when their permit is not worth the paper it is written on? And I'm not talking just about permits required by the mining industry.

The Army Corps of Engineers issues on average about 60,000 permits annually under the section of the Clean Water Act in question for all types of businesses and industries including road and highway construction, and commercial and residential real estate. All industries are in danger if the Supreme Court allows the retroactive veto of the Spruce Mine permit to stand.

At some point in time one has to wonder what the EPA and the Administration have against Alaska, and the Appalachian basin, and American coal miners in general, but their attacks on the Navajo Nation are well documented as well.

In 2009, the EPA asked the Navajo Nation permission to withdraw the permit issued to the Desert Rock Energy Plant. That \$4 billion investment would have created thousands of jobs, generated tens of millions in revenues for the Navajo Nation, and created the infrastructure for a broad expansion of solar power across Navajo lands. One added bonus would have been the electrification of a broad section of the Navajo nation where people currently live without electricity. But that permit, after being issued, was withdrawn by the EPA for review, needless to say, it has never been reissued.

The Obama Administration's "war on coal" can be felt throughout the country, from Logan County, West Virginia to Farmington, New Mexico. Now it has now seemingly expanded to an all-out "war on mining jobs" threatening workers from Chicken, Alaska, to Superior, Arizona.

Americans deserve better from the EPA, there is no excuse for conducting armed raids on family owned businesses to look for, minor permit violations. Retroactively and prospectively vetoing permits, destroying high-paying-family-wage jobs, adversely affecting government economies, and making Americans more dependent on foreign sources of mined materials should not be the hallmark of the President Obama's policy.

It has been said that the EPA's job is to crucify American industry, to bring them to heel. From armed raids to random permitting conditions, it appears they are doing their best. I look forward to hearing from our witnesses today who have often been the victims of this Administration.