

# SAN JUAN COUNTY COLORADO

1557 GREENE STREET  
P.O. BOX 466  
SILVERTON, COLORADO 81433  
PHONE/FAX 970-387-5766 sanjuancounty@frontier.net

March 29, 2018

To:

Representative Dylan Roberts  
Representative Barbara McLachlan  
200 E Colfax  
RM 307  
Denver, CO 80203

*Subject: HB18-1301 "Protect Water Quality from Adverse Mining Impacts"*

Dear Representative Roberts and Representative McLachlan,

The San Juan County Board of County Commissioners unanimously supports House Bill 1301 "Protect Water Quality from Adverse Mining Impacts." San Juan County has a rich history of mining and reclamation, and this industry continues to provide important economic development in Colorado when done responsibly. In the aftermath of the Gold King Mine spill, we are working hard with stakeholders and the EPA to ensure cleanup in the Bonita Peak Mining District is done well to satisfy our economies and the many residents down river. We strongly believe that the Division of Reclamation, Mining, and Safety (DRMS) has developed, through experience and expertise, a set of good practices that need to be enshrined into Colorado statute in order to protect our waterways and taxpayers well into the future.

We support updating the Colorado Mined Land Reclamation Act (MLRA) with well-reasoned, proven, and effective measures that confirm DRMS authority to implement its permitting program to protect Colorado rivers and streams, reduce the risk of mining disasters in the future and to relieve taxpayers of the burdens of paying for them. We understand that the critical reforms include:

- Eliminating the rarely used practice of "self-bonding" in Colorado, aligning our laws with neighboring states and federal land management agencies.
- Explicitly including water quality protection in the calculation of bond amounts required for hardrock mines under the Mined Land Reclamation Act.
- Requiring operators to justify an anticipated end date for any water quality treatment in order to ensure the mine is not designed to create a chronic source of pollution.
- Ensure that operators who reopen historic mines with existing water quality concerns will be able to continue to treat water permanently.

Currently, although DRMS adheres to these practices, Colorado *statutes* do not explicitly set out these established safeguards. We appreciate that a potential "gray area" in DRMS authority will be enshrined into statute, hopefully avoiding unnecessary conflict and lawsuits. While DRMS works hard to protect taxpayers and our natural resources, only by reforming the MLRA can we be sure that tomorrow's mines will be safe – both environmentally and fiscally – into the future.

Sincerely,

  
Ernest Kuhlman, Chair, Board of County Commissioners, San Juan County

3/29/2018



March 28, 2018

Representative Barbara McLachlan, Colorado House District 59  
200 E. Colfax Ave  
Room 307  
Denver, CO 80203

**RE: Support for House Bill 18-1301  
Protect Water Quality Adverse Mining Impacts**

Dear Representative McLachlan:

*Mayor*  
Dick White

*Mayor Pro Tem*  
Sweetie Marbury

*Councilors*  
Melissa Youssef  
Dean Brookie  
Chris Bettin

*City Manager*  
Ron LeBlanc

The City of Durango supports House Bill 18-1301, Protect Water Quality Adverse Impacts. During the Gold King Mine Spill, I served on the Durango City Council. Since that event, the City Council and city staff have monitored the activities and developments associated with the EPA designated Bonita Peaks Superfund site. Our interests in preserving the pristine and un-dammed Animas River remain a high priority.

The Gold King Mine Spill experience taught us to be vigilant and determined to protect our river resource from harmful upstream mining discharges. The Animas River is a source of water for the City of Durango. We depend on that supply during the peak irrigating summer period. Without its availability, the City would need to impose water restrictions and see its fire-fighting capabilities reduced.

Preserving water quality in our rivers is key to the success of our local economy. We depend on clean rivers for drinking water, recreation, and aesthetics.

Thank you for your efforts to protect our water quality from adverse mining impacts.

Sincerely,

Dick White  
Mayor

cc:  
City Council  
Amber Blake, Assistant City Manager



Gunnison County Board of County Commissioners

Phone: (970) 641-0248 • Fax: (970) 641-3061

Email: [bocc@gunnisoncounty.org](mailto:bocc@gunnisoncounty.org) • [www.GunnisonCounty.org](http://www.GunnisonCounty.org)

February 13, 2018

Re: Proposed Legislation To Protect Water Quality In The Context of Hard Rock Mining

Honorable Senators and Representatives:

Please consider this correspondence on behalf of the Board of County Commissioners of Gunnison County supporting potential legislation regarding protection of water quality in the context of hard rock mining.

In 2005, the Board of County Commissioners adopted a formal position statement regarding "protection and development of water resources." That position statement—which remains in effect—has as its introduction the following:

"The essence of Gunnison County's ability to survive and prosper historically has been, and will continue to be, its ability to have consistent, plentiful and clean water. Like many western communities, the county has experienced a series of economic cycles. As the need arises, the community assesses itself and its future. What has consistently emerged from these exercises has been the clear recognition that the area's natural environment is its most important asset.

The future of the County is directly dependent upon the community's ability to preserve and carefully build upon its natural resource assets. Its unique and fragile setting provides an environment that attracts recreationists and tourists, supports an excellent college and an historical and valuable agricultural industry.

The natural environment is the heart of the economic and social well-being of Gunnison County, both now and in its future and water is its lifeblood."

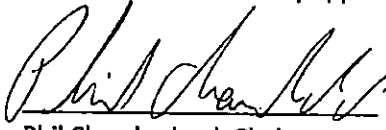
May we request that—as the legislature considers adoption of legislation protecting water quality in the context of hard rock mining—that such legislation ensure that protection of water quality is a priority when the State issues new hard rock mining reclamation permits. Essential components of such protection would be explicit requirements that:

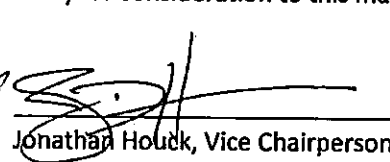
1. Plans for water quality treatment include a finite end date by which date water quality treatment will no longer be necessary. That is, the plans would no longer allow "legacy" water quality issues.
2. Water quality protection costs are included in the calculation for the amount of required bonds for hard rock mines.
3. "Self-bonding" will be prohibited as a mechanism to fund the mandatory water quality protection and treatment.


We note that:

- Colorado already has over two dozen mines that require long term, costly water treatment operations. At the Summitville mine, the Colorado Department of Public Health and Environment (CDPHE) will assume the annual \$2.2 million operating costs beginning in 2022. [Currently, EPA is covering the majority of costs and stimulus grants were used in 2012 to construct a new \$25 million water treatment plant.]
- Colorado is just one of seven remaining states that allows "self-bonding" (when mines are not backed by recoverable assets), which leaves taxpayers vulnerable.
- Currently, the proposed legislation does not contemplate change to the water quality or stream standards set by the CDPHE, and would pertain only to future permits issued by the Division of Reclamation, Mining and Safety.
- Currently, the proposed legislation would affect new or amended permits ONLY.

Gunnison County appreciates your consideration to this matter.

  
Phil Chamberland, Chairperson

  
Jonathan Houck, Vice Chairperson

  
John Messner, Commissioner



La Plata County  
Colorado

Board of County Commissioners

Gwen Lachelt, Chair • Bradford P. Blake, Vice Chair • Julie Westendorff, Commissioner

1101 Last 2nd Ave  
Durango CO 81301  
(970) 382-6219

March 23, 2018

The Honorable Representative Dylan Roberts  
200 E Colfax, RM 307  
Denver, CO 80203

Subject: Support for Safeguarding Water Quality during Hardrock Mining Reclamation

Dear Representative Roberts:

The La Plata County Board of County Commissioners supports the goals of House Bill 18-1301: Safeguarding Water Quality during Hardrock Mining Reclamation. Protecting of water quality and rivers that may be impacted from hardrock mining runoff is a vital interest for all areas of Colorado where hardrock mining might occur. As a county that was heavily impacted by, and is still seeing the effects of, the Gold King Mine Spill, La Plata County is particularly concerned about implications of unaddressed acid mine drainage to our watershed. This bill works to:

1. Ensure that water quality treatment does not go on in perpetuity, where avoidable.
2. Ensure that water quality protection is included in the bond calculation. Doing so would avoid taxpayers having to fund sites not reclaimed by the mine operator and owner.
3. Ensure that all bonds are backed by recoverable assets (no self-bonding). Self-bonding creates the potential for the mine operator and owner to not complete reclamation and burdening taxpayers with the clean-up.

We hope that the legislation does not create an effective moratorium on hardrock mining given the importance of such minerals to technology and our national economy.

On behalf of the citizens of La Plata County, we thank you for your consideration and your advocacy of this important legislation.

Sincerely,

LA PLATA COUNTY  
BOARD OF COUNTY COMMISSIONERS

Gwen Lachelt  
Chair (abstained)

Bradford P. Blake  
Vice-Chair

Julie Westendorff  
Commissioner

Cc: Joanne Spina, La Plata County Manager  
Sheryl Rogers, La Plata County Attorney



330 Broadway, Unit D  
PO Box 5740  
Eagle, Colorado 81631

970-827-5406  
info@erwc.org  
www.erwc.org

## Advocates for our rivers

January 30, 2018

Rep. Dylan Roberts, HD-26  
200 E. Colfax, Rm 307  
Denver, CO 80203  
E-Mail: dylan.roberts.house@state.co.us

*Re: Proposed Amendments to the Mined Land Reclamation Act*

Dear Representative Roberts:

Eagle River Watershed Council (ERWC) is a non-profit organization that advocates for the health and conservation of the Upper Colorado and Eagle River basins through research, education and projects. In pursuit of its mission, the ERWC has undertaken significant water quality monitoring and conservation projects to protect the watershed of the Eagle River, including monthly sampling of instream water quality, annual highway and river cleanups and riparian revegetation and conservation projects. Prominent among these efforts is ERWC's involvement in the remediation and reclamation activities at the former Eagle Mine site near Minturn, Colorado.

Historic, abandoned mine sites present ongoing sources of contaminants to Colorado's rivers and streams and continue to impair our State's water quality. The cost of cleaning up these sites, with long-term water treatment and source removal, more often than not falls on public agencies and the taxpayers who fund them. Frequently, this is done through the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), commonly known as Superfund, as administered by the United States Environmental Protection Agency (EPA) and the Colorado Department of Public Health and Environment (CDPHE). The Gold King Mine spill in August 2015 underscores the tremendous financial burden placed upon the EPA, CDPHE and the taxpayers by these former mine sites, not to mention the environmental harm they have caused.

Through its Mine Committee and partnerships with other stakeholders in the Eagle River watershed, ERWC has firsthand experience assessing water quality degradation resulting from historic mining activities at the Eagle Mine site. While there exists a financially viable responsible party for the cleanup and removal activities at the Eagle Mine, including ongoing water treatment operations, the site remains within the framework of Superfund. ERWC supports any measure that will hold mining operators accountable for fully funded and timely reclamation of their mine sites.

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ERWC has reviewed the draft bill you are sponsoring (the "Bill") which proposes amendments to the Mined Land Reclamation Act, C.R.S. § 34-32-116 (the "Act"). Specifically, the proposed bill seeks to amend subsections (3) and (7)(g) of the Act to eliminate the practice of corporate self-bonding, increase the State's authority to require financial assurances for water quality protection and treatment and prevent perpetual water pollution by future mining operations. After review and consideration of the Bill, ERWC is pleased to support this important piece of legislation.

Enabling State agencies to require adequate financial assurances and guarantees from mining operators, to ensure fully-funded reclamation plans are in place in advance of any mining activities is reasonable and necessary to protect the rivers and streams of Colorado. Colorado should join other states that have prohibited self-bonding so that taxpayers do not have to pick up the tab in the event of an operator's insolvency or bankruptcy. ERWC urges the Colorado General Assembly to pass the amendments proposed by the Bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Holly Loff".

Holly Loff  
Executive Director

**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

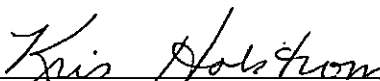
**WHEREAS**, the proponents of the draft (Attachment A) bill text have stated that this text has also been shared, vetted and modified through input received from active mine representatives and Division of Reclamation, Mining, and Safety; and

**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:

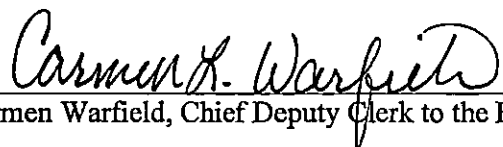
- Eliminate the practice of corporate self-bonding to guarantee mine reclamation; and
- Increase the state's authority to require adequate financial assurances for water quality protection and treatment that would be needed to mitigate future mining activities; and
- Prevent future mines that pollute 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.

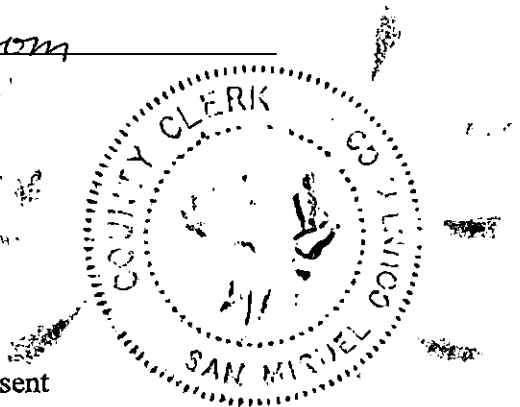
**DONE AND APPROVED** by the Board of Commissioners of San Miguel County, Colorado, at a duly noticed public meeting held in Telluride, Colorado, on January 3, 2018.

**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

BY THE BOARD OF THE SAN MIGUEL WATERSHED COALITION  
RESOLUTION NO.

A RESOLUTION IN SUPPORT OF LEGISLATION TO PROTECT THE  
ENVIRONMENT AND REDUCE PUBLIC LIABILITIES

WHEREAS, the San Miguel Watershed Coalition, its board, stakeholders, and members, agree that water bodies, streams and rivers should be adequately protected; and that the local communities have benefitted 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, our organization has worked successfully and cooperatively through the years with many partners to protect water quality and promote the health and integrity of the San Miguel 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

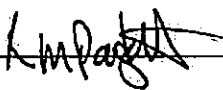
WHEREAS, the State of Colorado should have all reasonable authorities and powers to require adequate financial assurances and guarantees from mining operators so that the costs of reclamation and protecting water quality do not fall on the public; and

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

NOW THEREFORE, BE IT RESOLVED, the San Miguel Watershed Coalition, hereby expresses its support of changes to the Colorado Mined Land Reclamation Act that implement these protections and urges the Colorado General Assembly to adopt them as law.

INTRODUCED, READ, and ADOPTED this 20<sup>th</sup> day of November, 2017.

  
\_\_\_\_\_

Interim President, San Miguel Watershed Coalition

**A RESOLUTION OF THE TOWN COUNCIL OF THE MOUNTAIN VILLAGE,  
COLORADO, SUPPORTING LEGISLATION TO PROTECT THE  
ENVIRONMENT AND REDUCE PUBLIC LIABILITIES RELATIVE TO  
MINING ACTIVITIES**

**RESOLUTION NO. 2018-0215-05**

**RECITALS:**

- A. The Town Council of the Town of Mountain Village, Colorado, and residents of Mountain Village, agree that water bodies, streams and rivers should be adequately protected; and that the local economy has benefitted from the protection of the watershed and the environment; and
- B. 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 as it runs through the Telluride Valley; and
- C. Our Town government and community has worked successfully and cooperatively through the years with many partners to support reclamation and restoration activities in the San Miguel River watershed; and
- D. 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 the people of Colorado; and
- E. 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
- F. 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
- G. 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

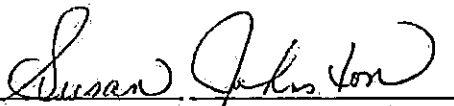
**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO as follows:** The Town Council of the Town of Mountain Village, Colorado, hereby expresses its support of changes to the Colorado Mined Land Reclamation Act that implement these protections and urges the Colorado General Assembly to adopt them as law.

**RESOLVED, APPROVED AND ADOPTED** by a majority of the Town Council of the Town of Mountain Village, Colorado at its regular meeting on February 15, 2018.

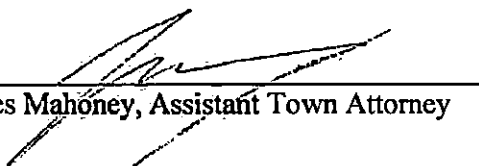
TOWN OF MOUNTAIN VILLAGE,  
COLORADO, a home rule municipality

By:   
Laila Benitez, Mayor

ATTEST:

By:   
Susan Johnston, Deputy Town Clerk

APPROVED AS TO FORM:

By:   
James Mahoney, Assistant Town Attorney

**HB1301 Hardrock Mining Testimony, April 25, 2018**

**Liane Jollon, Executive Director**

**San Juan Basin Public Health**

Thank you for the opportunity to provide comment. As the Executive Director of San Juan Basin Public Health, the local public health agency for La Plata and Archuleta counties, I support this bill.

Local public health agencies are statutorily tasked with ensuring the health and well-being of residents in our communities. Our work includes both substantial environmental health components and emergency preparedness and response components.

On the environmental health side, this includes monitoring, mitigating and/or remediation of water quality, as well as educating residents about potential threats or actual harm to their health from tainted water.

On the emergency response side, San Juan Basin Public Health staff has extensive experience responding to water quality threats specifically related to mining operations. In 2015, our staff protected local health during the Gold King mine spill, a highly visible incident that required a nuanced, expert response both immediately and in the months following the initial event.

Our initial emergency response efforts required many hours of staff time. Serving as incident command and public information officers, the response efforts took staff away from their primary responsibilities meeting health needs of the most vulnerable individuals in our community. In addition the initial cost was over \$100K. Many smaller local public health agencies in rural and mountain regions would not have the staff or resources to stand up to meet community need in an event like this.

SJBPH operates in a community that both prides itself on and relies upon the local natural environment as a resource for economic and recreational opportunities. From a public health perspective, this natural environment is a tremendous benefit to the overall health of our community. Clean water touches every aspect of this—

- it provides for drinking water through public water systems and private wells,
- it is necessary for agriculture, irrigation and the watering of livestock,
- it is an important component of recreation and tourism for things like fishing, rafting, swimming, to name a few.

In SJBPH's emergency response role, we were charged with providing information on potential threats related to all of these uses.

San Juan Basin Public Health just celebrated 70 years of keeping our community healthy. As our community and Colorado grows, demands for supplies of clean water will also only increase. Throughout the decades, addressing water quality issues has remained an important part of our promise to residents and visitors that we will work to ensure conditions of health. This bill will help us continue that relationship for another 70 years.