



# SAN JUAN COUNTY COLORADO

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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,

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