Representative Cook Applauds Forest Service Efforts to Address Abandoned Mines, Emphasizes Site Review to Consider Local Impacts

STATE CAPITOL, PHOENIX – State Representative David Cook this week sent a letter to the U.S. Forest Service expressing support for its ongoing efforts to clean up and close abandoned mines and emphasized the importance of ensuring appropriate site-specific project review is conducted to fully consider any potential historical, economic, and wildlife impacts.

Through its Safety and Environmental Restoration Program, thousands of abandoned mine sites have been identified in Arizona, including within the Coronado National Forest. Such sites can pose safety hazards for people and wildlife or contain potential environmental contamination. Hundreds of sites are closed or cleaned up under the program each year, including more than 500 in Coronado National Forest over the past five years.

In his letter, Representative Cook raised the Forest Service’s citing of a categorical exclusion in its NEPA regulations for a proposed project in the Coronado National Forest to close 58 abandoned mine features. The exclusion would have the benefit of speeding completion of the project, but it would also mean less review of how the project work could affect communities and wildlife.

Representative Cook asked that he be kept appraised by the Forest Service of the project and how it moves forward.

A copy of Representative Cook’s letter is attached.

David Cook is a Republican member of the Arizona House of Representatives serving Legislative District 8, which includes areas of Pinal and Gila Counties. Follow him on Twitter at @RepDavidCook.

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U.S. Forest Service, Coronado National Forest  
ATTN: Manuel Silva, Forest Geologist  
300 W Congress St  
Tucson, AZ 85701  

September 7, 2022  
Mr. Silva,  

Abandoned mine sites on federal lands has been a longstanding issue in Arizona. The Arizona State Mine Inspector has done what they can on non-federal lands.  

The General Mining Act of 1872 allowed individuals to stake claims and obtain exclusive rights to hard rock mineral deposits (such as copper, gold and silver) on lands belonging to the United States. Until the Bureau of Land Management and U.S. Forest Service established requirements in the 1970s for mine operators to reclaim lands after operations ceased, an operator could abandon a mine, leaving potential safety hazards and environmental contamination behind. Efforts to clean up and close these sites began in 1994 with pilot projects in a couple of watersheds. Formal abandoned mine land programs were established within the Bureau of Land Management and U.S. Forest Service in 1997.  

U.S. Forest Service’s Safety and Environmental Restoration Program oversees the agency’s work on cleaning up abandoned hard rock mine features, such as shafts and adits. This program includes two areas that were allocated $7.7 million in FY 2022:  
- $1.2 million for abandoned mine lands safety closures  
- $6.5 million for restoration of National Forest System land under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). As background, under CERCLA, when a site is contaminated by hazardous waste releases, the federal government can recover cleanup costs from current and former owners and operators. When a responsible party cannot be identified or cannot pay, cleanup efforts are financed through the Hazardous Substance Superfund Trust Fund. (In FY 2023, $8.6 million will be allocated for this program: $3.5 million for abandoned mine land closures and $6.5 million for restoration efforts.)  

Each regional office submits a priority list of features to close to the U.S. Forest Service’s Washington, D.C. office. Staff at the office review these lists and distribute program funding based on priority criteria and funding availability.  

According to the U.S. Forest Service, it closed 304 abandoned mine features in FY 2021.  

Closure efforts in the Coronado National Forest  

According to U.S. Forest Service staff, the Coronado National Forest has more abandoned mine features than other national forests in Arizona due to long-standing mining activities, some of which date back to
Spanish settlers. I have seen some of the old smelting areas located in Pinal County myself. These may have historical value. Additionally, the U.S. Forest Service staff have identified about 1,800 abandoned mine features in the Coronado National Forest in the last five years. Since 2007, 501 of these features have been closed.

According to the U.S. Forest Service staff, their closure strategy involves prioritizing features based on how close a feature is to a road or trail and whether any hazards are present. Staff also examine whether there are any critical habitats or archaeological artifacts present. Identified features are then clustered into geographic areas and submitted to the regional office for funding. On average, each cluster contains 50-60 features. Once funding is received, the Coronado National Forest works with contractors to close the features within the cluster.

As I understand it usually takes two years to identify, request and receive funding, and close a feature. On average, the total cost for closing a feature—including NEPA reviews, surveys, construction, and staff-related expenses—is about $10,000.

However, in the last two years, there have been two major projects to restore abandoned mine lands under CERCLA in the Coronado National Forest:
- The Harshaw Creek Watershed Mines project involved restoring five separate abandoned mines with several mine features and over 50,000 cubic yards of mine waste piles.
- The Three R Mine project restored one mine with several mine waste piles.

Relevant NEPA regulations

Similar to previous closures in the Coronado National Forest, the U.S. Forest Service is citing a categorical exclusion in its NEPA regulations for its proposed closure of the 58 abandoned mine features. The categorical exclusion cited is for "short-term (1 year or less) mineral, energy, or geophysical investigations and their incidental support activities" provided there are no "extraordinary circumstances" (36 C.F.R. § 220.06(e)(8)). This is the same categorical exclusion that the U.S. Forest Service has cited for the Flux Canyon Exploration Drilling Project.

I have not identified any litigation related to this effort or previous efforts to close abandoned mine features in the Coronado National Forest. If this is in fact, then I support the efforts to have the necessary closure work done to keep public lands safe for the public.

Keeping in mind that without substantial review of the areas for possibly historic values to communities that may rely on tourism, proposed energy work for the state and their citizens, current grazing operations and that some old sites provide water for livestock, recreation, and wildlife (such as bat habitat should all be considered as the agency moves forward.

I would like any information corrected that I may have wrong identified in this comment document and be kept apprised of the project and how it moves forward.

Thank you,

David Cook
Arizona State House Representative