

Jeff Jarrett
Remarks
Reclaim the Future

Thanks for allowing me to speak to you this morning. It truly is my privilege to be here representing the Office of Surface Mining at this exciting event and I want to personally thank each and every one of you for attending. It is always good to see people I have worked with over the years, people I know well, people who have helped bring mine reclamation into the century.

Many of those people are here today but something else I noticed about this meeting is the number of new faces – all interested in the reclamation of mined land - that are here to exchange ideas. It is a pleasure to meet you, I welcome your input and I look forward to working with you!

At the Office of Surface Mining, we are tasked with implementing the Surface Mining Control and Reclamation Act of 1977 (SMCRA). In that Federal law, Congress gave us the task of implementing, through our State and Tribal Primacy partners, a complex mission: to strike a balance between the Nation's demand for coal as an essential energy source and the protection of the environment. Through that mission, Congress wanted to ensure that mining is a temporary use of the land and that following mining, the land is put to equal or better economic or public use.

As we look back over the past 28 years, you can't help but recognize the tremendous strides that have been made in coal mining and reclamation. Today, good reclamation is the standard and great reclamation is common place. Over the years, OSM has recognized operators who have taken innovative or extra steps to reclaim areas to post mining land uses which created sustainable environments and long-term benefits for the landowners and the local areas. Competition for our annual reclamation awards is fierce and highly coveted. Operators have recognized the value in being good neighbors.

Now, we see an opportunity to build upon these successes and take reclamation practices to the next level – an opportunity to change the way we look at reclamation and thereby the way we look at coal mining.

Typically, when a coal field community sees an operator come in to extract the minerals, the community appreciates the jobs and other economic stimulus brought into the local economy. Yet, the citizens know that once the energy mining created is used and the jobs it created are gone, the hope is that "nothing bad happened" to their community.

What if we could break that cycle? What if we could shift the paradigm from fearing what might be left to "Look at what we will be left with!" Put most simply, if we are turning the earth upside down, why not use this opportunity to create what we want?

We, the federal, state and tribal governments, coal operators, landowners, communities, and citizens who care about the environment, need to promote improved post-mining land uses in general, that will ensure that mine reclamation results in a sustainable environment, economy, and society. Collectively, we call this effort "Reclaiming the Future."

In furtherance of this effort, we have started looking at various post-mining land uses to determine whether our regulatory framework sufficiently encourages or creates unnecessary barriers to establishing the necessary variety of post-mining land uses, including creating high quality fish and wildlife habitat. For example, we recently evaluated our revegetation rules and realized that we might be discouraging the growth of trees and diverse plant life that make for good habitat.

When SMCRA was passed in 1977, the emphasis for reclamation was on correcting problems associated with stability and reduced rates of agricultural productivity. As a result of this emphasis, much of the reclamation that has been done to date has been for agricultural purposes involving significant grading and soil compaction and the establishment of fast vegetative cover designed to control erosion. The assumption was that if you reclaim sufficient to grow crops, it's going to be good enough to do anything else you would want to do with the land.

Now, almost 30 years later, we know that's not the case. The soil reconstruction you do for crops is different from what you would do for tree growth – the vegetation you need for agricultural purposes is different from the kind of plant diversity you would need for fish and wildlife habitat. Our rules don't provide incentives for coal operators or land owners to make the extra effort to condition the land and make it a desirable and self-sustaining habitat where diverse plants and animals can thrive. To address these deficiencies, we recently updated our revegetation rules and launched a new partnership to restore forests.

We need to start thinking about habitat from the ground up. If we're talking about "wildlife habitat," then let's talk about what kind of wildlife we want. Then we can talk about what's needed to sustain that habitat, like water, food and shelter. Then you have to step back from that and ask what do we need to do in terms of soil reconstruction and other measures to provide the needed habitat?

That's one of the things we're trying to accomplish with the changes we've proposed in our revegetation rule. You need diversity out there on the landscape. You need trees for shelter. You need vegetative cover for food. That dictates that you don't want uniform soil redistribution or monolithic culture like a soybean field rather than the diversity you need for fish and wildlife habitat.

Heretofore we've inadvertently stove-piped the choices available in post-mining land uses, pretty much forcing operators and landowners to choose just one use. Even if we have multiple uses on one site, we say "This over here is going to be reforestation and that over there is going to be wildlife habitat, this will be a park and that over there will be for recreation."

When we segregate post-mining land uses like that we're not paying attention to what we mean by fish and wildlife habitat. If we recreate a forest, isn't that wildlife habitat for something? The Fish and Wildlife Service says one of the things black bears need is vast contiguous areas of trees. So reforestation can also be habitat. So if we're working toward reforestation as a post-mining land use, we need to also have in mind a secondary focus of some kind of wildlife habitat which would guide us in better defining what we mean by "reforestation."

We already talk in generalities about creating “fish and wildlife habitat.” What I want us to start doing is thinking about what kind of fish, what kind of wildlife – what are their separate habitat needs? What elk need is different from what gamebirds need, which is different from what black bears need.

I want us to start addressing those issues. They’re issues that the states and the industry should be thinking about. And they should be working with communities and land owners to try to accommodate their wishes in post-mining land use.

We’re not talking about eliminating or reducing requirements. We’re talking about focusing those requirements more toward what we want to achieve – keeping in mind that the ultimate decision on post-mining land use is the land-owner’s and we’re not going to infringe on those rights. But, these days most of the land owners are coal companies or land-holding companies and we think those land-owners are willing to work with local communities.

After all, stewardship is everyone’s job. Certainly we don’t have the regulatory authority, or the interest, to dictate what specific post mining land use will be, but I think that together we have a responsibility as stewards over this aspect of land use to involve communities with land owners at an early point in the mining process to try and get a mutually beneficial result when mining is finished.

It’s our vision to see us stop thinking of reclamation as some kind of chore we have to do after mining. We ought to do more imagining about the possibilities. Look at it this way mining creates the opportunity to put that land to the best possible use for today and for the future. That’s what we’re getting at, “Reclaiming the Future.”

I don’t think we’re at the point yet where we know all the answers. But we are starting to ask the right questions. As we see it, the challenge is not just creating wildlife habitat; it’s bringing together the partners to make it happen – mining companies, private landowners, regulatory authorities, communities, academics, fish and wildlife experts. It’s about asking how do we get organized to look at these issues and find out what impediments we may have created, how can we remove them and how to put some incentives in their place to give operators and landowners a reason to want to move beyond the pastureland into creating diverse, thriving habitat for wildlife?

While I may be biased, I think OSM is probably in the best position to bring the necessary people together to do it right. It’s not dissimilar from our reforestation initiative. Over time we realized that we needed to take a close look at our reforestation program and see if the law, regulations or our actions were creating impediments, what those impediments were and how to come up with new and better ways to have success in growing trees. To do that we tapped into the mining industry’s and regulatory authorities’ expertise- because they’re the ones who have to do it and had hands on experience with what works and doesn’t work. We contacted academics and environmental and conservation organizations who were in the best position to do research and identify the problems and suggest solutions.

When it comes to wildlife habitat the real expertise is in the fish and wildlife community. So this conference is to bring them into the fold. We have numerous fish and wildlife agencies and entities represented here who have something to say and advice to give us about the way we should approach this, the thought process we should go through and the technical expertise

we and the mining industry will need to develop to be successful. We look forward to that dialogue.

There's a better way to reclaim the land and that better way is giving more thought and planning to precisely what we're trying to accomplish and taking in to account not just the legal requirements for reclaiming the land, but to give more thought to what it is we really want to create for the future.

I think a culture shift is already occurring. There are a lot of great examples across the country in which the industry has worked with land owners and local communities to reclaim for wetlands, forests, commercial and recreational uses. By thinking about all the possibilities at a given reclamation site we have the opportunity to leave something for the land owner and the community. This initiative, and this meeting, is to put more focus and emphasis on what those possibilities are and to develop both a structure and a network of expertise that supports continuing advances in reclamation.

I am looking forward to the day's events and to the day when everyone recognizes that reclamation is not a chore; it's an opportunity – one we can't afford to squander!