

Testimony of Congressman Howard P. "Buck" McKeon on S.771 in the
Senate Subcommittee on Public Lands, Forests, and Mining
November 20, 2013

Chairman Manchin, Ranking Member Barrasso, and Senators on the Subcommittee on Public Lands, Forests, and Mining, I appreciate the opportunity to appear before you to share my interest in finding a solution to an issue that has caused considerable consternation for my constituents for over two decades. I also want to thank Mayor Bob Kellar, and Mayor Pro Tem Laurene Weste of the Santa Clarita City Council for coming to Washington to take part in this hearing.

Mr. Chairman, the Soledad Canyon Mine, operated by CEMEX, is located just outside the city of Santa Clarita, California, in the 25th Congressional District. Under two current contracts held by CEMEX, they are authorized to extract approximately 56 million tons of sand and gravel.

Residents of my congressional district and city leaders have expressed concerns about a large mine operating close to where my constituents live. They fear the effects of pollution, increased truck traffic, and environmental health issues on their families and community. Throughout my time in Congress I have worked endlessly to find a solution. I have engaged with civic leaders, residents of my district, environmental leaders, the County of Los Angeles, and CEMEX.

Mr. Chairman, allow me to give a bit of background on the situation that has arisen in my district. In 1990 two privately held valid federal contracts were awarded to Transit Mixed Concrete. Southdown, the parent company of Transit Mixed Concrete, was acquired by CEMEX in 2000, resulting in CEMEX holding the Federal contracts.

The Bureau of Land Management approved a mining plan of operations and prepared a draft environmental impact statement with respect to the Soledad Canyon Mine, which was released on May 6, 1999. The environmental impact statement was subsequently modified to address growing concerns among Santa Clarita residents about the impact mining operations in Soledad Canyon had on air quality and health, truck traffic, and declining property values in Santa Clarita. The final environmental impact statement was released to the public on June 2, 2000, with a list of eight alternatives for mining the Soledad Canyon site.

Under the California Environmental Quality Act, the County of Los Angeles completed the Environmental Impact Report in 2001 and subsequently voted in 2002 to deny the permit, citing the right and responsibility of the county to impose

reasonable environmental and resource protection and regulation on mining in Soledad Canyon.

Numerous lawsuits were filed between 2002 and 2004 involving the city of Santa Clarita, the county of Los Angeles, the Center for Biological Diversity, and CEMEX. A Consent Decree resulted from the settlement of CEMEX Inc. v. County of Los Angeles in 2004. The Consent Decree contains the mitigation agreement between CEMEX and the county of Los Angeles, which lists 40 conditions that CEMEX is required to meet in order to mitigate the environmental, health, traffic, endangered species, and safety concerns raised by the county, local residents, and the city of Santa Clarita.

Mr. Chairman, as I mentioned before I have worked throughout my entire Congressional career to bring all parties together to work out a deal that is mutually beneficial to everybody. I have introduced seven bills on this issue, each of which take a different approach to dealing with the mine.

In the 106th Congress I introduced H.R. 3060 which would have withdrawn specified lands from the operation of Federal mining and mineral leasing laws and would have nullified any existing permits issued on those lands. The same bill was introduced as H.R. 679 in the 107th Congress. In the 108th Congress I introduced H.R. 3529, the Soledad Canyon Mine Lease Cancellation Act. This legislation would have canceled the two mining permits for the Soledad Canyon Mine and would have prohibited the Secretary of the Interior from issuing permits for mining above historical levels in Soledad Canyon.

In the 109th Congress, I introduced H.R. 5471, the Soledad Canyon Mine Leases Adjustment Act. This legislation would have canceled the two mining permits for the Soledad Canyon Mine; directed the Secretary of the Interior to provide additional financial and mineral production opportunities in exchange for the economic value invested to that date on the two permits; and would have prohibited the Secretary of the Interior from issuing permits for mining above historical levels in Soledad Canyon.

In the 110th Congress, I introduced H.R. 5887, the Soledad Canyon Mine Act. This legislation would have authorized the Secretary of the Interior to cancel the two mining contracts, prohibited future mining in Soledad Canyon, provided a means for CEMEX to recover just compensation for the cancellation of the contracts, provided the Bureau of Land Management with the necessary tools to verify the expenses incurred by CEMEX and would have provided relief to CEMEX for such expenses, and provided for a dispute resolution process.

In the 111th Congress, I introduced H.R. 4332, the Soledad Canyon High Desert, California Public Lands Conservation and Management Act of 2009. This legislation had a similar set of actions as H.R. 5887 but added two notable ones: it provided a mechanism to offer for sale - by competitive bidding - lands identified for disposition near Victorville, California; and to acquire environmentally sensitive land and collect the proceeds of the sale of lands near Victorville, California.

And finally, in the 112th Congress I introduced H.R. 6469, the Soledad Canyon Mine Mitigation and Relocation Act of 2012. This legislation would have begun a study of the legal and administrative steps, including obtaining sufficient funding, necessary to carry out the goals of the Soledad Canyon High Desert, California Public Lands Conservation and Management Act of 2009, H.R. 4332.

I mention each of these in order to illustrate how the tug and pull of all parties influenced the legislative process. Each party gave ideas to further perfect legislation that would finally solve this vexing issue that affects the residents of my district. I believe because of all of our joint efforts we have reached a critical mass on this issue. It is time for a solution, once and for all. I am looking forward to the Senate acting on legislation that would take the mine out of commission and lift this two-decades long burden off the backs of my constituents.

Thank you again for allowing me time to discuss an important issue in my district and I look forward to answering any additional questions you may have.