

May 19, 2015

The Honorable Neil Kornze
Director
Bureau of Land Management
1849 C St., NW
Washington, DC 20240

The Honorable Thomas Tidwell
Chief
USDA Forest Service
1400 Independence Ave., SW
Washington, DC 20250

Dear Director Kornze and Chief Tidwell,

In August 2014, the Mount Polley mine tailings dam in British Columbia failed, releasing over 25 million cubic meters—6.6 billion gallons—of copper and gold mining waste containing high concentrations of arsenic, copper, iron, and manganese into the Fraser River watershed. The waste resulted in significant increases in temperature and turbidity in Quesnel Lake, home to an important population of Pacific Salmon and other fish species, and it may take years before the full impacts of the disaster are fully known.¹

An independent investigation of the incident concluded the dam failed because of a faulty design that failed to account for a layer of glacial till underlying the foundation, exacerbated by the storage of excess water in the facility and the over-steepening of dam slopes.² The results of the Mount Polley investigation are particularly troubling because there are several existing or proposed mines in the United States located on potentially unstable glacial foundations, and two of the engineering firms involved in the construction and management of the Mount Polley tailings dam have also been involved in the designs of tailings dams for domestic projects such as the proposed Rosemont Mine in Arizona.

While long-term safety and stability of tailings dams is a crucial public safety issue, there is no federal agency responsible for oversight of tailings dam safety. Many states impose few if any

¹ Peticrew, E. L., et al. (2015), The impact of a catastrophic mine tailings impoundment spill into one of North America's largest fjord lakes: Quesnel Lake, British Columbia, Canada, *Geophys. Res. Lett.*, 42, doi:10.1002/2015GL063345.

² Independent Expert Engineering and Review Panel, Report on Mount Polley Tailings Storage Facility Breach, January 30, 2015.

requirements, and the mine tailings dam safety, construction, and operational guidelines that exist are too general and inadequate. Given that tailings dams must store mine waste in perpetuity, and that failure of these dams can result in catastrophic ecological damage costing billions of dollars to remediate, these facilities warrant rigorous review and stringent safety standards.

In light of the issues raised by the Mount Polley dam failure, we respectfully request the following information:

- The number and location of tailings facilities that are sited on public lands;
- Your agencies' current knowledge about the structural stability of these tailings facilities;
- How often each tailings dam is inspected, when the last time each facility was inspected, and by whom;
- The amount of financial assurance held by the BLM or Forest Service, or in partnership with state agencies, to financially provide for the long-term management of each facility, and whether or not that financial assurance is sufficient to play for clean-up in the event of a failure; and
- Your assessment of whether the recommendations from the Mount Polley review panel could be applied in the United States to strengthen tailings impoundment safety requirements and reduce the potential for catastrophic mine tailings dam failures.

Thank you for your prompt attention to this request. If you have any additional questions, please contact Dr. Steve Feldgus on the Natural Resources Committee staff at 225-6065.

Sincerely,

Raúl M. Grijalva
Ranking Member
House Committee on Natural Resources

Alan S. Lowenthal
Ranking Member
Subcommittee on Energy and
Mineral Resources