

**TESTIMONY
OF**

**MAYOR ROBERT KELLAR
CITY OF SANTA CLARITA, CALIFORNIA**

**SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON PUBLIC LANDS, FORESTS AND MINING**

WEDNESDAY, NOVEMBER 20, 2013

Good afternoon, Chairman Manchin and Members of the Committee. My name is Bob Kellar and I am the Mayor of the City of Santa Clarita, California. Thank you for the opportunity to testify today in support of S. 771.

I want to begin by thanking Senator Boxer for sponsoring the bill. I also wish to extend the Santa Clarita City Council's appreciation to Senator Feinstein for co-sponsoring S. 771 and to Representative McKeon for his long term involvement and leadership on this issue.

I am proud to have with me today, my colleague on the Santa Clarita City Council, Mayor Pro Tem Laurene Weste, and Cliff Kirkmyer, Executive Vice President of Aggregates and Mining Resources for CEMEX USA. I ask the committee's consent to have the entire text of my statement and CEMEX's statement entered into the record.

This bill is the product of over six years of partnership between the City of Santa Clarita and CEMEX in a mutual effort to find a responsible resolution to a difficult problem. While some may feel that S. 771 may not be the perfect solution, it represents our best ongoing collaborative efforts. The Santa Clarita City Council remains committed to working with our legislative delegation, CEMEX and other stakeholders.

During the past fourteen years, the City of Santa Clarita and CEMEX have been in dispute over the company's proposal to site a fifty-six million ton sand and gravel mine in our community. The proposed project goes back almost a quarter century, when two, ten-year consecutive

mining contracts were issued by the Bureau of Land Management to CEMEX's predecessor-in-interest, Transit Mixed Concrete. The proposed mining area is located on split estate, with the surface owned by the City of Santa Clarita and the underlying mineral estate owned by BLM.

While small scale mining is an integral part of our community, a large scale mine is clearly incompatible with the vibrant urban area of today. For example, in 1990, when the contracts were issued, Santa Clarita's population stood at approximately 110,000 people. Today, Santa Clarita's population has almost doubled and now places our community in the top five percent (5%) of California's 482 incorporated cities. We expect that significant growth will continue into the future.

Fourteen years ago, when the environmental documents were released, the City of Santa Clarita began administratively and legally challenging the size and scope of the project. Between 1999 and 2006, Santa Clarita and CEMEX engaged in an aggressive legal and public relations battle that cost both sides millions of dollars, but brought us no closer to a resolution.

Since 2007, the City and CEMEX have been working in partnership with Senator Boxer, Senator Feinstein, and Representative McKeon to craft a mutually agreeable solution; which meets the goals of our community's residents, while providing CEMEX with appropriate compensation for their contracts. The legislative history reaches back even farther, with legislation having been introduced in each of the past six sessions of Congress.

We are now at a critical juncture! If we cannot bring closure to the issue during this session, CEMEX has indicated that they will have no choice but to go forward and obtain the final permits leading to mining of the site. Many years of cooperation and trust will be lost and, more importantly, the community will be changed forever with the establishment of large scale mining!

The City of Santa Clarita's opposition to the proposed mine is founded in four primary areas: traffic congestion, air quality, loss of irreplaceable habitat and open space, and significant depletion of the quality of life for our citizens.

Over the past five years, departments of the federal government have conducted or participated in four different studies that have identified the Upper Santa Clara River area, in which the mining project is proposed to be located, as an important area for ecological resource protection. The United States Forest Service, National Park Service, and even BLM have independently validated the importance of habitat and open space resource protection in the Upper Santa Clara River watershed. This new information is certainly worthy of your consideration.

We have forged a coalition of business, environmental stewards, and government, including California Natural Resources Agency Secretary John Laird on behalf of Governor Jerry Brown's administration, in support of S. 771.

The bill authored by Senator Boxer and Senator Feinstein facilitates the protection of important and potentially irreplaceable natural resources, while providing for fair and appropriate compensation for the contract holder. Santa Clarita and CEMEX are committed to working with Senator Boxer to achieve a zero score on the bill from the Congressional Budget Office.

On behalf of the Santa Clarita City Council and our constituents, I urge your support for S. 771.

I would be pleased to answer any questions that you may have for me.