

February 19, 2002

The Honorable Gale Norton
Secretary
U.S. Department of the Interior
1849 C St., NW
Washington, D.C. 20240

Dear Secretary Norton:

We, the undersigned environmental, conservation, hunting, angling, taxpayer, and human rights organizations, wish to respond to your statements of support for reform of the 1872 Mining Law. The lack of environmental safeguards in the Law has left a legacy of ruined landscapes and polluted waters. The EPA estimates that mining has polluted more than 40 percent of the headwaters of Western rivers and streams, threatening drinking water supplies and putting the public's health at risk. The legacy of the Mining Law also includes an estimated 500,000 abandoned mines in the United States, which could cost taxpayers between \$32-72 billion to clean up.

Further, public lands patented under the 1872 Mining Law exceed the size of Connecticut. Mineral values on these privatized lands – that were acquired for between \$2.50-5.00 per acre – exceed \$245 billion. In 2000 alone, nearly one billion dollars in publicly owned minerals were mined from public lands without payment to the U.S. taxpayers, whereas every other extractive industry must pay royalties for taking resources from public lands.

We urge a strong and comprehensive effort to correct these environmental and fiscal problems. As organizations that represent millions of people who use and care about the public lands, and are directly affected by hard rock mining, we offer the following principles to help guide your efforts to reform the 1872 Mining Law.

Hard rock mining should be subject to environmental laws at least as stringent as those that govern oil and gas development, recreation, grazing, timber cutting, and every other use of public lands. Forest Service and Bureau of Land Management managers should, consistent with other laws such as the National Forest Management Act, the Federal Land Management Policy Act, and the National Environmental Policy Act, have the discretion to place portions of public lands off limits to hard rock mining through either land management planning processes or through site-specific decisions on proposed mining operations.

Public land managers should factor basic environmental safeguards into their decisions to approve or reject a mining permit. These factors include, but should not be limited to, requirements to: restore fish and wildlife habitats, replant mined areas with native vegetation, minimize disturbance to surface and ground water supplies, protect cultural and Native American religious uses, and restore pre-mine hydrologic and scenic conditions. Moreover, mining-specific environmental safeguards are needed to address significant gaps in existing environmental laws.

Taxpayers should receive a fair return for the private use of publicly owned mineral resources. A royalty of 8 to 12.5 percent is assessed on development of coal, and oil and natural gas from

public lands. Hard rock minerals taken from public lands should be charged a similar fee. The egregious patenting provision of the 1872 Act allowing public lands to be privatized must end, permanently.

Provisions for corporate accountability should be factored into every hard rock mining permit on public lands. Legislation should clearly define bonding provisions sufficient to mitigate watershed damage and minimize the long-term risk to taxpayers. Mining claim maintenance fees should be assessed, particularly for inactive and speculative claims. Public disclosure and mechanisms for holding mining companies accountable for their performance are critical. Finally, a fund financed by mining royalties should be established to address reclamation of abandoned mines on public lands that threaten human health, drinking water supplies, or fish and wildlife habitat.

Meaningful enforcement measures must be built into every new mining permit on public lands. At a minimum, these should include periodic inspections by agency personnel; fines for failure to comply with mine permit terms and conditions; and the authority for the Forest Service or Bureau of Land Management to end mining operations for persistent failure to comply with mining permit terms and conditions.

Secretary Norton, you have the opportunity to benefit communities throughout the West and around the country by making lasting and important improvements to mining on public lands, according to these principles. The environmentally sustainable and fiscally prudent principles we offer are consistent with every other use of public lands. Thank you for the opportunity to share our principles of meaningful reform of the 1872 Mining Law.

Sincerely,

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President and CEO
Trout Unlimited

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President
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