

Earthworks♦League of Conservation Voters♦Natural Resources Defense Council♦Sierra Club♦Western Organization of Resource Councils♦The Wilderness Society

June 18th, 2014

Dear Member of Congress,

On behalf of our millions of members from across the country, the undersigned organizations endorse the “Hardrock Mining and Reclamation Act of 2014,” a bill that would correct the environmental and taxpayer inequities promoted by the outdated 1872 Mining Law.

Although it is now 142 years old, the 1872 Mining Law still governs mining for precious minerals such as gold and copper on public lands. Signed into law by President Ulysses S. Grant and designed to facilitate the settlement of the western United States, the 1872 Mining Law allows mining companies, many of which are foreign corporations, to stake claims on public land and take whatever minerals they find without royalties to the U.S. citizens that own these resources.

The legacy of the 1872 Mining Law is pervasive, threatening the well being of our western communities, and the scarce drinking water upon which they depend. For example, according to the U.S. Environmental Protection Agency, hardrock mining has polluted 40 percent of the stream reaches of the West’s headwaters. Hardrock mining releases arsenic, mercury and lead into our communities’ air and waters. In fact, the EPA’s Toxics Release Inventory has consistently shown that the hardrock industry releases more toxic chemicals into our air, land and water than any other industry in the U.S. Hundreds of thousands of hazardous abandoned mines around the country persist – which will cost U.S. taxpayers tens of billions of dollars to clean up.

Not only does the 1872 Mining Law imperil drinking water supplies in the drought-ridden west, its cost to taxpayers is enormous. Since 1872, hardrock mining companies have taken more than \$300 billion worth of minerals from public land, without paying a dime in royalties to taxpayers. It is the only extractive industry in the nation to receive such preferential treatment. The 1872 Mining Law also allows mining companies to buy, or “patent” public lands for \$2.50 to \$5.00 an acre, though there is a temporary moratorium on this practice. This price in no way reflects the fair market value of either the land surface or underlying mineral wealth. Furthermore, patenting enables mining companies to remove land from the public trust, which undermines the principle of multiple use that should apply to federal lands.

The 1872 Mining Law places the interests of mining corporations above those of average U.S. citizens. Over the years, mining has threatened Grand Canyon National Park, Yellowstone National Park and many other special places, but because of the 1872 Mining Law, land managers have been unable to deny these mine proposals. Even when a mine threatens sacred sites, important watersheds or sensitive habitat, the 1872 Mining Law trumps all of those other important values.

We wish to make it clear that we are not opposed to all mines on public lands. Instead, we object to an outdated law that lacks any measures to protect water or other natural resources, ignores cleanup requirements, fails to provide a fair return to taxpayers and treats mining as the “highest and best use” of public lands.

The Hardrock Mining and Reclamation Act of 2014 would resolve the drinking water pollution, fish and wildlife habitat degradation, and taxpayer inequities mentioned above. Specifically, the bill would:

- Protect water resources and habitats by establishing strong environmental and cleanup standards specific to mining;
- Provide a fair return to taxpayers, by providing for a reasonable 8% royalty on the value of the precious minerals mining companies take from public lands for new mines, 4% for current operations;
- Defend local communities and special places from irresponsible mining, by giving land managers the ability to balance mining with other uses of the public's lands;
- Abolish the giveaway of public lands to private mining interests; and
- Create an Abandoned Mine Land Fund to address the long-standing hazards of abandoned mines to drinking water, fish and wildlife habitat, and the well being of local communities, requiring the industry to pay a reclamation fee while giving "Good Samaritans" limited liability relief when they participate in clean up efforts.

The strong public participation, agency oversight and enforcement provisions of the Hardrock Mining and Reclamation Act of 2014 will translate into real improvements on the ground. This bill will ensure that any mining on public lands takes place in a manner that protects crucial drinking water supplies and other natural resources, special places, taxpayers, fish and wildlife habitat, and the health and well being of our communities. The Hardrock Mining and Reclamation Act of 2014 will also create jobs thousands of jobs for communities across the United States by funding much-needed abandoned mine restoration projects.

We strongly urge you join as a co-sponsor of this important legislation. It is well past time that Congress replaces this archaic law with one that protects western communities and resources, while also maintaining a healthy, responsible mining industry.

Sincerely,

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