

**Animals Are Sentient Beings, Inc. \* Bay Area - System Change not Climate Change  
Berks Gas Truth \* Black Hills Clean Water Alliance  
Boise Idaho Chapter of Great Old Broads for Wilderness \* Born Free USA  
California Native Plant Society \* California Wilderness Coalition  
Californians for Western Wilderness \* Center for Biological Diversity  
Chatham Research Group \* Chicago 350 \* Church Women United in New York State  
Citizens Coalition for a Safe Community \* Coalition Against the Pilgrim Pipeline NJ  
Deep Green Resistance New York City \* Defenders of Wildlife  
Delaware Ecumenical Council on Children and Families \* Earthjustice  
Earthworks \* ElyMinnesota.com \* Endangered Habitats League  
Endangered Species Coalition \* Environmental Protection Information Center  
Foundation Earth \* FracDallas \* Friends of the Clearwater \* Friends of the Kalmiopsis  
Friends of the Sonoran Desert \* Gila Resources Information Project  
Great Basin Resource Watch \* GreenLatinos  
Idaho Conservation League \* Inspiration of Sedona  
International Marine Mammal Project of Earth Island Institute \* Klamath Forest Alliance  
Mountain Watershed Association, home of the Yough Riverkeeper  
National Parks Conservation Association \* Native Fish Society  
Natural Resources Defense Council \* North Country Veterans for Peace  
Northeastern Minnesotans for Wilderness \* Northern Alaska Environmental Center  
Northwest Rafting Company \* Ocean Conservation Research \* Oregon Wild  
Patagonia Area Resource Alliance \* Physicians for Social Responsibility, Arizona Chapter  
PLAN \* RESTORE: The North Woods \* River Guardian Foundation  
San Juan Citizens Alliance \* Santa Cruz Climate Action Network \* Save EPA  
Save Our Sky Blue Waters \* Sequoia ForestKeeper \* Sierra Club  
Soda Mountain Wilderness Council \* The Wilderness Society  
The Wildlands Conservancy \* Time Laboratory \* Turtle Island Restoration Network  
Upper Peninsula Environmental Coalition \* Uranium Watch \* WaterLegacy  
Western Environmental Law Center \* Western Organization of Resource Councils  
Western Watersheds Project \* Whale and Dolphin Conservation  
WILDCOAST \* WildEarth Guardians \* Wilderness Workshop  
Winyah Rivers Foundation, Inc.**

July 16, 2018

The Honorable John McCain  
Chairman  
Senate Armed Services Committee  
228 Russell Senate Office Building  
Washington, DC 20510

The Honorable Mac Thornberry  
Chairman  
House Armed Services Committee  
2216 Rayburn House Office Building  
Washington, DC 20515

The Honorable Jack Reed  
Ranking Member  
Senate Armed Services Committee  
228 Russell Senate Office Building  
Washington, DC 20510

The Honorable Adam Smith  
Ranking Member  
House Armed Services Committee  
2216 Rayburn House Office Building  
Washington, DC 20515

Dear Chairmen Thornberry and McCain and Ranking Members Smith and Reed:

On behalf of our millions of members and supporters, we urge you to oppose House Amendment 647, offered by Rep. Amodei to H.R. 5515, the National Defense Authorization Act for Fiscal Year 2019 (NDAA)<sup>1</sup> when the NDAA is considered by the conference committee. This amendment defines “critical minerals” so broadly that it would include materials like sand and gravel. This rider is political in nature, unrelated to national security, and will make passing a final NDAA more challenging as it would severely weaken the environmental review process and public input for mining proposals. Please uphold the NDAA tradition of rejecting poison pill, unrelated amendments like this one and protect our air, land, water, and wildlife.

#### A Weakening of Environmental Review and Public Participation Will Harm Communities

The National Environmental Policy Act (NEPA) and other environmental reviews are essential to ensure communities are able to weigh in on decisions that affect their public lands, drinking watersheds, and wildlife. This amendment seeks to limit or even entirely prevent federal agencies from taking a hard look at mining proposal impacts by allowing state and local governments to replace NEPA with their own review process. Mining companies would be allowed to limit the information about the project’s harms during the public process. The amendment would also allow mining and road building in roadless forests, undermining the 2001 Roadless Area Conservation Rule that protects vital wildlife habitat and clean water for millions of Americans.

The Buckhorn Mine in north-central Washington was proposed as an open-pit cyanide-leach gold mine. Because the community could engage in the federal agency analysis process, the eventual mine became a less damaging underground mine, reducing the overall impact of the project to the land, water, and wildlife.<sup>2</sup> Even with these modifications, this mine has still contaminated the local watershed with lead and other heavy metals. It is both a case study in the role the public can play in reducing harms as well as a prime example of why *we desperately need mining reform that results in stronger and better protections.*

The Canyon Mine, an existing uranium mine just outside the Grand Canyon, flooded last year resulting in levels of uranium in containment ponds exceeding the EPA limit for safe drinking water by 433%.<sup>3</sup> To prevent the pond from overflowing, the company sprayed this uranium contaminated water into the air and on to adjacent Forest Service land. Wildlife is also drinking, bathing, and foraging in this pond. This example demonstrates that analysis of direct, indirect, and cumulative impacts and mitigation is already insufficient and leaves communities and wildlife in harm’s way. *Protecting the health of Americans and their public lands requires that Congress strengthen, not weaken mining laws and regulations.*

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<sup>1</sup> H.Amdt. 647 now appears as Division E—National Strategic and Critical Minerals Production in H.R. 5515 - National Defense Authorization Act for Fiscal Year 2019 (Engrossed in House on 05/24/2018).

<sup>2</sup> Truce clears way for Buckhorn Mountain gold mine. The Seattle Times, Warren Cornwall (Apr. 18, 2008) available at <https://www.seattletimes.com/seattle-news/truce-clears-way-for-buckhorn-mountain-gold-mine/>; Water Quality not improving at the Buckhorn Mine, Okanogan Highlands Alliance available at <http://www.okanoganhighlands.org/mine-monitoring/mine-seepage>.

<sup>3</sup> Water Has Built Up in Uranium Mine Near Grand Canyon. Now What? USA Today Network, Ron Dungan, The Arizona Republic (Apr. 4, 2017); <https://www.usnews.com/news/best-states/arizona/articles/2017-04-04/water-accumulates-at-uranium-mine-near-grand-canyon>.

### Mining Has Left a Toxic Legacy and Does Not Need to Be Fast-Tracked

A recent study found that 74% of gold mining operations pollute surrounding surface or groundwater, despite the environmental review under NEPA.<sup>4</sup> The EPA estimates that hardrock mining has polluted more than 40% of headwaters in western watersheds.<sup>5</sup> This amendment threatens our water resources and limits the ability of mining-impacted communities to protect their land, water, and health by shortening the permitting process and eliminating meaningful environmental review.

According to the Government Accountability Office (GAO), the average time it takes the Bureau of Land Management (BLM) to permit a mine is just two years.<sup>6</sup> This period is competitive with robust mining industries like Australia, Canada, Chile, and Norway. When a permit takes longer, the reason is often the low quality of information operators provided in their mine plans, the agencies' limited resources, or changes in market conditions. NEPA is a source of strength and predictability that helps lay the foundation for a mining company's social license to operate, giving domestic mining a competitive advantage.

The mining industry already benefits from minimal regulatory oversight. The Mining Law of 1872 imposes almost no obligations on the mining industry—no environmental or reclamation standards. The mining industry is also exempt from key provisions of the Clean Water Act and Resource Conservation and Recovery Act. NEPA is one of the only protections against unrestricted mining of our public lands.

### Conclusion

If Rep. Amodei's House Amendment 647 becomes law as part of the NDAA, it will put the mining industry first, disenfranchising the public and increasing pollution on our public lands. We urge you to oppose this amendment by ensuring it does not move forward with the NDAA, as well as any other amendments that undermine protections for our land, air, water, and wildlife.

Sincerely,

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<sup>4</sup> U.S. Gold Mines Spills & Failures Report. Earthworks and Great Basin Resource Watch. July 2017. Available at [https://earthworks.org/publications/us\\_gold\\_mines\\_spills\\_failures/](https://earthworks.org/publications/us_gold_mines_spills_failures/).

<sup>5</sup> Liquid Assets 2000, America's Water Resources at a Turning Point at 10. EPA. 2000.

<sup>6</sup> GAO, *Hardrock Mining: BLM and Forest Service Have Taken Some Actions to Expedite the Mine Plan Review Process but Could Do More*, GAO-16-165 at 13 (Jan. 2016) (GAO Mine Plan Review Study).

Center for Biological Diversity  
Chatham Research Group  
Chicago 350  
Church Women United in New York State  
Citizens Coalition for a Safe Community  
Coalition Against the Pilgrim Pipeline NJ  
Deep Green Resistance New York City  
Defenders of Wildlife  
Delaware Ecumenical Council on Children and Families  
Earthjustice  
Earthworks  
ElyMinnesota.com  
Endangered Habitats League  
Endangered Species Coalition  
Environmental Protection Information Center  
Foundation Earth  
FracDallas  
Friends of the Clearwater  
Friends of the Kalmiopsis  
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Gila Resources Information Project  
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