



June 4, 2007

RE: Cosponsorship of HR2262: The Hardrock Mining and Reclamation Act of 2007

Dear Member of Congress,

On behalf of EARTHWORKS and the thousands of individuals and communities that we represent across the Western United States, I write to ask you to co-sponsor HR 2262, the Hardrock Mining and Reclamation Act of 2007. Introduced by Chairmen Rahall (D-WV) and Costa (D-CA) on May 10th, the 135th anniversary of the signing of the 1872 Mining Law, HR 2262 would correct the environmental and taxpayer inequities mandated by the outdated 1872 Mining Law.

Although now 135 years old, the 1872 Mining Law still governs mining on public lands for precious minerals such as gold and copper. Signed into law by President Ulysses S. Grant, the 1872 Mining Law allows mining companies 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 -- polluting scarce water resources, harming fish and wildlife, and putting public health at risk. According to the U.S. Environmental Protection Agency (EPA), hardrock mining has polluted 40 percent of the headwaters of western streams. Hardrock mining releases arsenic, mercury and lead into our communities' air and waters. In fact, the EPA's 2005 Toxics Release Inventory showed that the hardrock industry released more toxic chemicals than any other industry in the U.S. More than half a million hazardous abandoned mines around the country persist -- which will cost U.S. taxpayers at least \$32 billion 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 \$245 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. This price in no way reflects the fair market value of either the land or its underlying mineral wealth.

The 1872 Mining Law places the interests of mining corporations above those of U.S. citizens. In 2001, for example, the U.S. Forest Service approved a silver and copper mine that would tunnel directly into the heart of the Cabinet Mountains Wilderness Area in northwestern Montana -- one of the ten original Wilderness Areas established by Congress in 1964. The mine would pollute the famed Clark Fork River, deplete an important native bulltrout fishery and jeopardize one of the last remaining grizzly bear populations in the lower 48 states. Even though there is broad opposition to this mine, the Forest Service argued that the 1872 Mining Law left them no choice but to approve it.

I wish to make it clear that EARTHWORKS is not opposed to all mines on public lands. In fact we are currently leading a global, multi-sector effort to verify compliance with environmental, human rights and social standards for mining operations (Initiative for Responsible Mining Assurance -- www.responsiblemining.net).

Instead, we object to an outdated law that lacks any measures to protect water or other natural resources, 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 2007 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;
- 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 and a Community Impact Assistance Fund to address the long-standing hazards of abandoned mines to drinking water, fish and wildlife habitat, and the well being of local communities.

The strong public participation, agency oversight and enforcement provisions of the Hardrock Mining and Reclamation Act of 2007 will translate into real improvements on the ground.

For too long, opponents of progress have cast reform of the 1872 Mining Law as a battle between those who favor and those who oppose mining. Such a characterization is wrong. The real challenge will be to ensure that any mining on public lands takes place in a manner that protects crucial water and other natural resources, special places, taxpayers, fish and wildlife habitat, and the health and well being of our communities. HR 2262, the Hardrock Mining and Reclamation Act of 2007 will help communities across America meet this challenge.

I 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 supporting a healthy mining industry. Please contact the Resources Committee Democratic staff if you would like to co-sponsor HR 2262, the Hardrock Mining and Reclamation Act of 2007.

Sincerely,



Stephen D'Esposito
President
EARTHWORKS