



EARTHWORKS

# THE 1872 MINING LAW: PAYING THE PRICE

Polluted drinking water. Taxpayer liability. Loss of fish and wildlife. Contaminated soils. Health risks. Communities across the west are paying a heavy price for mining operations regulated under the out-dated 1872 Mining Law. The following examples illustrate a few of the serious environmental, fiscal and community impacts resulting from the antiquated 1872 Mining Law:

## **MONTANA: ZORTMAN LANDUSKY MINE**

The Zortman Landusky gold mine is located on federal land in Montana, just south of the Fort Belknap Reservation - home to the Gros Ventre and Assiniboine Tribes. Acid runoff from the mine has caused severe pollution of streams and groundwater.<sup>1</sup> Despite on-going water quality problems, the U.S. Bureau of Land Management (BLM) approved numerous expansions of the mine, more than doubling the size of the operation.<sup>2</sup> In 1995, the EPA and the Tribes filed suit against the company, charging that its discharges “present human health risks” and that “the acidity of the discharges would kill fish and aquatic life.”<sup>3</sup> In 1998, the company filed for bankruptcy, leaving substantial reclamation costs and long-term water pollution. Over \$30 million in public funds are being spent at the site.<sup>4</sup> Polluted runoff from the mine has to be captured and treated in perpetuity to prevent contamination of additional important water resources downstream.



*Environmental Officer holds up a glass containing contaminated water.*

## **OREGON: FORMOSA MINE**

During a period of high metal prices, Canadian start-up Formosa Exploration Inc. launched the copper zinc mine on 76 acres of federal (BLM) and private land near the town of Riddle in southwest Oregon, then folded 2 1/2 years later in 1994 as prices slumped. According to the State of Oregon, the mine has contaminated 18 miles of the Oregon’s Umpqua watershed (Middle Creek and South Fork of Middle Creek and Cow Creek) – eliminating prime habitat for the threatened Oregon coast Coho salmon and steelhead.<sup>5</sup> So severe is the pollution that even insect life is gone in the upper reaches of the creeks, along with any chance of rearing fish.



An estimated \$10-\$30 million in public funds will be needed in cleanup costs. The agencies have already spent approximately \$1.5 million.<sup>6</sup> In March 2007, the EPA proposed listing the mine as a Superfund Site on the National Priorities List. According to the 2007 petition, the mine currently emits about five million gallons of acid drainage every year, containing up to 30,000 pounds of dissolved copper and zinc – metals that are particularly toxic to fish.<sup>7</sup> The site poses a



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health risk to people eating the fish. The area is currently fished by the Umpqua Tribe and recreational fishermen.

## NEVADA: YERINGTON MINE

The Anaconda Mine is a copper mine bordering the town of Yerington Nevada, and covering more than 3,400 acres. At the mine, acid run-off and waste rock containing low levels of uranium, thorium, and other exposed metals were disposed in unlined ponds.<sup>8</sup> Testing has revealed uranium-contaminated groundwater in residential wells.<sup>9</sup> Residents are highly concerned about public health impacts. Groundwater is the sole source of water for over 5,000 people in the area.



*Waste drums at the Yerington Mine.  
Photo credit: EPA*

## IDAHO: GROUSE CREEK MINE

The Grouse Creek mine, located adjacent to the largest wilderness complex in the lower 48 states, was heralded as a “state-of-the-art” mine when it began operations in 1994. Just three years later, the mine shut its doors -- producing no profits and leaving behind a legacy of long-term water pollution. The Grouse Creek mine was permitted as a “zero discharge facility.”<sup>10</sup> Yet, soon after mining began, the tailings impoundment began to leak cyanide solution. As a result of on-going violations, the Forest Service posted signs which warned, "Caution, do not drink this water."<sup>11</sup> In 2003, the Forest Service declared the mine site an “imminent and substantial endangerment.”<sup>12</sup> Cleanup activities are on-going.

<sup>1</sup> U.S. BLM, Action Memorandum for Zortman and Landusky Mines Time Critical Removal. June 2004.

<sup>2</sup> U.S. BLM, Action Memorandum for Zortman and Landusky Mines Time Critical Removal. June 2004.

<sup>3</sup> Final Supplemental EIS for the Zortman and Landusky mines, Phillips County, Montana, MDEQ and BLM, December 2001.

<sup>4</sup> Mitchell, Larry, “Metal Mine Bonding in Montana” A report of the Montana Environmental Quality Council, May 2004. And, House Bill 379: <http://data.opi.state.mt.us/bills/2005/billhtml/HB0379.htm>

<sup>5</sup> State of Oregon, Department of Environmental Quality, Fact Sheet: Oregon’s Abandoned Mine Cleanups Complicated by High Cost and Lack of Funding. March 13, 2006.

<sup>6</sup> Oregonian, “EPA wants life-draining southern Oregon site cleaned up”, March 8, 2007.

<sup>7</sup> U.S. EPA, Fact Sheet: Formosa Mine, Douglas County Oregon, March 2007.

<sup>8</sup> U.S. EPA, Yerington Site Summary: (<http://www.yosemite.epa.gov/r9/sfund/r9sfdocw.nsf/>)

<sup>9</sup> Ibid.

<sup>10</sup> Record of Decision and Final Supplemental Environmental Impact Statement – Volume 1, Grouse Creek Project, USDA Forest Service Challis National Forest, May 1992

<sup>11</sup> Associated Press, “Mine processing waste still entering Jordan Creek,” September 8, 1999; see also, “Idaho Fines Open-Pit Gold Mine \$210,000 for Polluting Local Creek,” Salt Lake Tribune, October 2, 1999

<sup>12</sup> Forest Service and Environmental Protection Agency, “Removal Action Memorandum,” May 21, 2003