

HARDROCK LEASING AND RECLAMATION ACT 2019

Key Provisions of the Bill

THE BILL:

- Ends the outdated patenting system, preventing unfettered access for mining on nearly all public lands.
- Establishes a 12.5% royalty on new mining operations – the same amount as oil and gas – and an 8% royalty on existing operations, excluding small miners.
- Levels the playing field with all other uses of public lands – such as grazing, hunting, and energy development – while preserving the existing land-use planning processes.
- Makes special lands – such as the Grand Canyon, Bears Ears, and Yellowstone – off-limits to hardrock mining.
- Establishes strong reclamation standards and a dedicated funding source to reclaim and restore abandoned mines and areas impacted.



PHOTO: Cabinet Mountains Wilderness Area by Robert M. Mutch; adobe.stock.com

Title 1

Mineral Leasing, Exploration, and Development

Title I ends the archaic system of mining patents.

It also prohibits any mining activities in National Parks, National Monuments, Wilderness Study Areas, Areas of Critical Environmental Concern, Wild and Scenic Rivers, and Roadless Areas.

Instead of patents, mining companies receive leases, mimicking the permitting system of oil, gas, and coal. New miners shall provide a plan to apply for prospecting licenses, giving them the right to explore up to 2,560 acres for up to six years. If the licensee finds a valuable deposit, they become eligible for a noncompetitive 20-year lease with a royalty at least 12.5% of the gross value of production. Small miners pay no royalties.

Title 2

Environmental Considerations of Mineral Exploration and Developments

Title II creates a standard requiring the Secretary of the Interior to prevent undue degradation of public lands and resources from mining activities.

Once a mining company receives a lease, they must submit a reclamation plan if they seek an exploration permit. Exploration may not last longer than 10 years, nor result in the sale of minerals.

After exploration, the mining company must submit plans for reclamation, monitoring, and long-term maintenance and water treatment if they seek an operations permit. Operations cannot extend beyond 40 years.

Permit holders must restore lands to a condition capable of supporting their prior uses, or to other beneficial uses conforming to the applicable land use plans.

Title 3

Abandoned Hardrock Mine Reclamation

Title III establishes the Hardrock Minerals Reclamation Fund. The fund receives the royalties plus a new 7-cents-per-ton fee on hardrock mining waste. States with abandoned hardrock mines receive half of their proportionate total. The other half funds the Interior Secretary's highest cleanup priorities.

Title 4

Administrative Provisions

Title IV establishes a comprehensive inspection, monitoring, and enforcement system for hardrock mining, sets civil and criminal penalties for noncompliance, prescribes guidelines for administrative and judicial review, and authorizes citizen suits, among other provisions.

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