



## SUMMARY OF THE HARDROCK MINING AND RECLAMATION ACT OF 2015

**The Hardrock Mining and Reclamation Act of 2015 (S. 2254) was introduced by Senators Tom Udall (D-NM), Michael Bennet (D-CO), Martin Heinrich (D-NM), Ed Markey (D-MA) and Ron Wyden (D-OR).**

### Eliminates Patenting

The legislation permanently repeals the provision of the Mining Law that privatizes public lands for the mining industry for \$2.50 - \$5.00 per acre. Since 1995, Congress has, through the appropriations process, annually approved a moratorium on patenting, effectively stopping this practice. This bill would make that annual moratorium permanent.

### Creates an Abandoned Hardrock Mine Reclamation Fund

There are approximately 500,000 abandoned hardrock mine sites scattered around the United States, primarily in the West. The bill creates a program for restoration of these mines, similar to the program established 40 years ago to clean up abandoned coal mines.

This program will receive dedicated funding from a reclamation fee charged for all mineral production in the West. The Interior Secretary will set the reclamation fee between 0.6% and 2.0% of the mineral's production value.

### Provides a Fair Return to Taxpayers

Currently, mining companies take public minerals from federal lands for free, with no royalty paid to the taxpayer. The hardrock mining industry is the only extractive industry to receive this subsidy – coal mining and oil and gas companies pay a royalty ranging from 8% to 12.5%. The royalty for hardrock mining will be for new mines one, based on the gross income from mining, and will be set between 2% and 5%.

### Balances Mineral Development with Other Land Uses

Current law considers mining the highest and best use of public lands. While this may have been true before Americans settled the West, our federal lands now support a diversity of uses including energy development, recreation, conservation, and other interests. The 1872 Mining Law, however, forbids our agencies from taking a balanced approach to public lands management that competes with mining.



Animas River before and after the mine waste spill



This bill allows federal land managers the discretion to decide whether any other use of public lands is more appropriate than hardrock mining. It will also authorize agencies to deny permits if mining would create irreparable harm to significant scientific, cultural, or environmental resources that cannot be effectively mitigated. It requires mine operators to prevent “undue degradation” of the federal lands, providing greater clarity and authority for land managers to actually deny a mining operation in conflict with other important resource values on our federal lands.

## Protects Special Places

Over the years, land management agencies have identified a series of high value natural resource lands that deserve special management attention – roadless areas through our National Forests, Bureau of Land Management or Forest Service Wilderness Study Areas, Areas of Critical Environmental Concern, Wild and Scenic River study areas, and federal lands where mining may impact National Conservation System Units, such as National Parks and Wildlife Refuges.

This bill instructs these agencies to conduct a review of these special lands to determine whether they deserve protection from mineral development. Governors or Tribal chairmen may also petition the federal government for a review of selected lands for withdrawal from mineral activities.

## Improves Mining Enforcement on Federal Land

Under existing law, federal land managers have little guidance for how to enforce regulatory violations from mineral activities on public lands. For example, if violations occur at a mine site, the Interior Department can only assess criminal penalties against a company in federal court, which clogs the federal court system and deters enforcement. This bill creates a comprehensive program for managing mineral activities, including permitting requirements, inspection and enforcement at existing mines.

## Retains Investment Security for Long Term Mineral Activities

Mining companies will retain the certainty needed to make large and long-term capital investments for mineral development on public lands. Under the 1872 Mining Law, a mining company can establish a claim on federal lands, maintain that claim against acquisition by other users, and acquire fee title to the land by “patenting” it. In this legislation, mining companies may still stake claims on federal lands and (instead of a patent to mine) receive a mining permit for 30 years, with successive rights of renewal for the life of the project.

## Risks to Our Nation’s Water

Large-scale open pit mines and in situ leach mines cause significant water pollution to our surface and groundwater resources that can last hundreds or thousands of years. Existing federal laws do not adequately address the scale of pollution from these mines. The proposed legislation would require mine operators to minimize the creation of toxic pollutants, and to post a long-term bond to cover the costs of long-term water treatment.

However, this bill does not solve the problem of perpetual water pollution. Ensuring that dwindling Western water resources are not permanently damaged and polluted by mining remains a significant challenge.

**We urge you to support Senator Udall’s efforts to reform the Mining Law and work toward changes to this statute that will protect our lands, waters and wildlife.**

