Amigos Bravos • Arizona Mining Reform Coalition • Bear Creek Council • Center for Alternative Mining Development Policy • Center for Biological Diversity • Clean Water Alliance • Concerned Citizens & Retired Miners Coalition • Copper Country Alliance • Earthworks • Friends of the Boundary Waters Wilderness • Friends of the Kalmiopsis• Grand Canyon Trust • Groundwater Awareness League, Inc. • Idaho Conservation League • Information Network for Responsible Mining • Keepers of the Water • Laguna Acoma Coalition For A Safe Environment • The Lands Council • Mining Impact Coalition of Wisconsin • Multicultural Alliance For A Safe Environment • Patagonia Area Resource Alliance • Powder River Basin Resource Council • Progressive Leadership Alliance of Nevada • Rock Creek Alliance • Tallahassee Area Community, Inc. • Rivers Without Borders • San Juan Citizens Alliance • Save Our Sky Blue Waters • Save Our Cabinets • Sierra Club • Southern Utah Wilderness Alliance • Wasatch Clean Air Coalition • Water Action Vital Earth • WaterLegacy • Weber Sustainability Consulting • Western Organization of Resource Councils • The Wilderness Society

July 5, 2012

Dear Representative,

On behalf of the thousands of mining-impacted communities we represent, we write today to express our serious concern about HR 4402, the National and Strategic Minerals Production Act of 2012. Cloaked as a bill about increasing production of strategic minerals, this legislation is actually about hiding the mining industry's irresponsible environmental practices from the public – on the public's federally managed lands. In the process, it disenfranchises mining-impacted communities and increases existing threats to clean water and the environment.

HR4402 adds insult to injury. The mining industry in this country already enjoys free and open access to hardrock minerals on public lands – minerals they receive for free under the antiquated 1872 Mining Law. In addition to royalty-free mining, federal land managers at the Forest Service and Bureau of Land Management interpret the law to give mining precedence over all other uses of public lands – like hunting, recreation or other beneficial uses. As such, federal land managers do not deny mine proposals.

What land managers are able to do – thanks to the National Environmental Policy Act of 1969 – is require mining companies to explain to the public how they are going to comply with applicable environmental laws when they mine. Making companies explain, and allowing the public to review and comment on those explanations, makes mines more responsible than they would be otherwise.

It is this process – requiring a mining company to explain to the public what it plans to do with the public's land – that HR 4402 would effectively eliminate.

Public review of mining proposals is particularly important because the mining industry already benefits from a lax regulatory framework and loopholes from some of our most important environmental laws. In addition to the inadequacies of the 1872 Mining Law, the mining industry is also exempt from key provisions of some of our most important environmental laws, like the Clean Water Act and Resource Conservation and Recovery Act.

We know that mines pollute groundwater and surface water, even when they claim they will not. In fact, a groundbreaking study found that 75% of mining operations pollute surrounding surface or groundwater, despite the environmental review under NEPA.[1] By truncating the permitting process and effectively eliminating meaningful environmental review, this legislation threatens water resources across the United States and limits the ability of mining-impacted communities to protect their land, water and health.

This bill also codifies the premise that extraction of the mineral resource must be the top priority for land managers. From a land manager's perspective this has effectively been the law of the land already under the 1872 Mining Law. But, communities have won legal victories (under the Federal Land Policy and Management Act of 1976) that could lay the groundwork for requiring land managers to acknowledge – under certain circumstances -- that other potential land uses, like recreation, must be considered when permitting a mine. HR 4402 would end that.

HR 4402 also exempts mining projects from the Equal Access to Justice Act (EAJA). EAJA makes nonprofit environmental law firms possible, which in turn allows average Americans who cannot afford high-priced attorneys to protect their communities and families from pollution. We work with mining-impacted communities every day, and we know they cannot afford to hire a lawyer, much less the litany of scientific and technical experts needed to mount a serious challenge to a major multinational mining company when their community or drinking water is threatened.

If this legislation becomes law, it will disenfranchise rural communities and increase pollution of western waters in favor of a multinational mining industry that already rakes in huge profits under an outdated legal structure. 1872 Mining Law reform, like that included in HR 3446, the Fair Payment for Energy and Mineral Production on Public Lands Act, is the change that is truly needed to

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[1] http://www.earthworksaction.org/library/detail/predicting_water_quality_problems_at_hardrock_mines_--_an_earthworks_white_/

bring the mining law into the 21st century and facilitate more responsible mining while also better protecting our most precious resources – like clean water.

HR 4402 takes us in the wrong direction. The hardrock mining industry should be clamoring to lead the world in better mining practices, not catering to the lowest common denominator.

Sincerely,

Brian Shields
Amigos Bravos
Taos, NM

Roger Featherstone
Arizona Mining Reform Coalition
Tucson, AZ

Richard Parks,
Bear Creek Council
Gardiner, MT

Al Gedicks
Center for Alternative Mining Development Policy
La Crosse, WI

Taylor McKinnon
Center for Biological Diversity
Tucson, AZ

Lilias Jarding, Ph.D.
Clean Water Alliance
Rapid City, S.D.

Roy C. Chavez
Concerned Citizens & Retired Miners Coalition
Superior, AZ

Ruth McHenry
Copper Country Alliance
Copper Center, AK

Lauren Pagel
Earthworks'

Jill Ryan
Freshwater Future

Petoskey, MI
Betsy Daub
Friends of the Boundary Waters Wilderness
Minneapolis, MN

Barbara Ullian
Friends of the Kalmiopsis
Grants Pass, OR

Laura Kamala
Grand Canyon Trust
Moab, UT

Nancy Freeman
Groundwater Awareness League, Inc.
Green Valley, AZ

John Robison
Idaho Conservation League
Boise, ID

Jennifer Thurston
Information Network for Responsible Mining
Telluride, CO

Jessica L. Koski
Keepers of the Water
L'Anse, MI

Manuel Pino
Laguna Acoma Coalition For A Safe Environment
Acoma and Laguna Pueblos, NM

Mike Petersen
The Lands Council
Spokane, WA

Dave Blouin
Mining Impact Coalition of Wisconsin
Madison, WI

Nikke Alex
Multicultural Alliance For A Safe Environment
Albuquerque, NM

David Kliegman

Okanogan Highlands Alliance
Tonasket, WA

Kathi Noaker
Patagonia Area Resource Alliance
Patagonia, AZ

Wilma Tope, Chair
Powder River Basin Resource Council
Sheridan, WY

Michael Ginsburg
Progressive Leadership Alliance of Nevada
Las Vegas, NV

Mary Crowe Costello
Rock Creek Alliance
Sandpoint, ID

Dan Randolph
San Juan Citizens Alliance
Durango, CO

Lori Andresen
Save Our Sky Blue Waters
Duluth, MN

Jim Costello
Save Our Cabinets
Heron, MT

Athan Manuel
Director, Lands Protection Program
Sierra Club

Richard Peterson-Cremer
Southern Utah Wilderness Alliance
Salt Lake City, UT

Kay Hawklee
Tallahassee Area Community, Inc.
Canon City, CO

William C. Patric
Rivers Without Borders

Kathy Van Dame
Wasatch Clean Air Coalition
Salt Lake City, UT

Catherine Parker
Water Action Vital Earth (WAVE)
Marquette, MI

Diadra Decker
WaterLegacy
Duluth, MN

Ivan Weber, LEED-AP
Weber Sustainability Consulting
Salt Lake City, UT

Richard Parks
Western Organization of Resource Councils
Billings, MT

Dave Alberswerth
The Wilderness Society