

December 17, 2008

David J. Hayes  
The Honorable Carol M. Browner  
Office of the President-elect of the United States  
John C. Kluczynski Federal Office Building  
230 South Dearborn Street, 38th Floor  
Chicago, Illinois 60604

Dear Mr. Hayes and Ms. Browner:

The undersigned organizations write to offer important recommendations for change in the policies that govern the mining of hardrock minerals in the United States.

As you may know, over the past eight years, the Bush administration has taken many steps to deregulate the hardrock mining industry, allowing it virtually free reign to mine on public lands with little oversight. The Bush administration has also allowed outdated laws and regulations to remain unchanged, damaging communities, important water resources and wildlife habitat throughout the Western United States.

There is much that can be done to bring mining industry regulations into the 21<sup>st</sup> century, and we look forward to working with the new administration to ensure that mining on our public lands is conducted in the most responsible manner. The actions we recommend affect the Department of Interior, the Department of Agriculture and the Environmental Protection Agency.

**Promote reform of the 1872 Mining Law.** This law, written to govern pick and shovel miners, is ill equipped to deal with the nation's largest toxic polluter – large-scale modern mining operations. This law contains no operating or reclamation standards, allows mining companies to take valuable minerals from public lands for free and makes mining the “highest and best use” of public lands, trumping other important land uses such as hunting and recreation. In early 2008, the House is expected to move quickly on legislation similar to the bill that passed the House of Representative in 2007, HR 2262, the Hardrock Mining and Reclamation Act, which creates a common-sense framework for mining industry regulation in the 21<sup>st</sup> century.

**Rewrite the Bureau of Land Management's “3809” mining regulations to include operation and reclamation standards and the ability to balance mining with other land uses.** The Clinton administration undertook a 4 year process to rewrite the “3809” mining regulations that govern mining operations on BLM lands. These important regulations were later rescinded and rewritten by the Bush administration. Most sections that would have protected lands, communities, and water from the potentially destructive impacts of mining were not included in the Bush administration rule.

**Reconsider action on the U.S. Forest Service's “228” mining regulations to protect our forests and water resources by minimizing impacts from mining.** The Bush administration is currently attempting to weaken the regulations that govern hardrock mining in our National Forests. Although the 228 regulations need updating, the Bush administrations proposed changes would codify the Forest Service's position that it

cannot deny mining under the 1872 Mining Law, allow mining companies themselves to decide how much environmental protection is permitted at their mines, expand the class of notice mines, which are mines exempt from public and environmental review and severely limit public participation in the rulemaking process. These regulations should be placed on hold and reviewed by the new Administration.

**Stop the Nuclear Regulatory Commission's Generic Environmental Impact Statement rulemaking in favor of individual Environmental Impact Statements for each in-situ uranium mining project.** The Nuclear Regulatory Commission is currently undertaking a process to create a Generic Environmental Impact Statement for all in-situ uranium mining in several states. In-situ uranium mining involves the deliberate injection of pollutants into groundwater, and a generic, rather than site-specific, environmental review greatly inhibits the ability of individual communities to address the environmental impacts on their local water supplies.

**Develop federal regulations under the Clean Air Act to control mercury emissions from metal mining.** Mercury air emissions from hardrock mining operations remain virtually unregulated, despite the fact that these mines represent a significant source of mercury air pollution and a public health risk -- particularly in the western United States.

**Establish permanent protection for lands around the Grand Canyon.** Last June, the House Natural Resources Committee passed an emergency measure to withdraw one million acres of public lands around the Grand Canyon from mining. The area has been threatened by uranium exploration, which could damage one of our greatest national treasures if allowed to continue. The Bush administration refused to follow the law, ignoring this measure and allowing more claim staking in the area. Further, they have attempted to repeal the underlying statute via administrative rule. This rule should be overturned and the emergency withdrawal should be executed as dictated by the Federal Land Policy and Management Act (FLPMA). If further analysis warrants, the area should be permanently withdrawn.

**Revise the Bristol Bay Resource Management Plan to protect the three million acres of BLM land around Bristol Bay, Alaska.** After ignoring the large number of comments to keep the area withdrawn, the Bureau of Land Management recently decided to open three million acres of public lands in Alaska to mining. The area surrounds Bristol Bay, home to the world's largest wild sockeye salmon fishery. The Bristol Bay region is unsuitable for mineral development due to the other high-value resources in the area. The BLM should supplement the EIS for the Bristol Bay RMP to evaluate a conservation alternative that protects Bristol Bay and the Carter Spit.

**Rewrite the Toxics Release Inventory (TRI) regulations for mining to include toxins released in waste rock and more accurately measure toxic releases into air and water.** It is important that communities have accurate information about the toxic materials released into their environment. A substantial overhaul of the TRI mining regulations is necessary to achieve this accuracy.

**Evaluate mines for potential site-specific threats to sacred sites, clean water and**

**protected areas.** Mines can have serious impacts on surrounding wildlands, water, and cultural resources. We look forward to working with the new leaders of the Department of the Interior and Forest Service to make sure that mines such as the Cortez Hills project in Nevada or the Rock Creek Project in Montana do not harm these treasured resources.

**Issue a new Solicitor's opinion to limit the amount of public lands mining companies can use to dump their waste.** The 1872 Mining Law limits the amount of public lands mining companies can use for uses ancillary to mining, such as tailings piles and waste dumps. The current Administration's Solicitor of the Interior issued an opinion that allows mining companies to ignore this limit and use unlimited amounts of public lands for waste dumping.

We appreciate the opportunity to share our recommendations and look forward to working with the new Administration to make sure that these common-sense protections for public lands and resources are taken.

Sincerely,

Brian Shields  
Executive Director  
Amigos Bravos  
Taos, NM

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

Bill Clymer  
President  
Citizens for Victor  
Victor, CO

Ruth McHenry  
Copper Country Alliance  
Copper Center, AK

Anna Marie Frazier  
Dine' Citizens Against Ruining Our  
Environment (Dine' CARE)  
Winslow, AZ

Lauren Pagel  
Policy Director  
EARTHWORKS  
Washington, DC

Greg Seitz  
Friends of the Boundary Waters  
Wilderness  
Minnesota

Allyson Siwik  
Executive Director  
Gila Resources Information Project  
Silver City, NM

Dan Randolph  
Executive Director  
Great Basin Resource Watch  
Reno, NV

Dan Morse  
Public Lands Director  
High Country Citizens' Alliance  
Crested Butte, CO

Bill Ahrens  
President  
Mining Impact Coalition of Wisconsin  
Pearson, WI

James D. Jensen  
Executive Director  
Montana Environmental Information  
Center  
Helena, MT

Douglas Meiklejohn.  
Executive Director,  
New Mexico Environmental Law Center  
Santa Fe, NM

Jane Danowitz  
Director  
Pew Campaign for Responsible Mining  
Washington, DC

Nancy Hilding  
President  
Prairie Hills Audubon Society  
Black Hawk, SD

Wilma Tope  
Ranchers & Neighbors Protecting Our  
Water  
Sheridan, WY

Jim Costello  
Montana Coordinator  
Rock Creek Alliance  
Sandpoint, ID

Kim Beck  
Coordinator  
Save the Scenic Santa Ritas  
Tucson, AZ

Elizabeth "Izzy" Martin  
CEO  
The Sierra Fund  
Nevada City, CA 95959  
[www.sierrafund.org](http://www.sierrafund.org)

Michael Mazzetti  
President  
Water More Precious Than Gold  
Tonasket, WA