

June 20, 2015

Brooks Range Council• Center for Alternative Mining Policy• Center for Justice• Concerned Citizens and Retired Miners Coalition• Earthjustice• Earthworks• EPIC-Environmental Protection Information Center• Friends of the Boundary Waters Wilderness• Friends of the Kaliopsis• High Country Conservation Advocates• Information Network for Responsible Mining• Kentucky Heartwood• Klamath Forest Alliance• Los Padres ForestWatch• Multicultural Alliance for a Safe Environment• Natural Resources Defense Council• Okanagon Highlands Alliance• Patagonia Area Resource Alliance• Rock Creek Alliance• San Juan Citizens Alliance• Save Our Cabinets• Save Our Sky Blue Waters• Save the Scenic Santa Ritas• Sierra Club• WaterLegacy• Weber Sustainability Consulting• Western Nebraska Resource Council

Dear Representative,

On behalf of thousands of mining-impacted communities, we write today to express our opposition to H.R. 1937, the National Strategic and Critical Minerals Production Act of 2015. Cloaked as a bill about increasing production of strategic minerals, this legislation is actually about hiding the mining industry's poor environmental practices 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.

The mining industry in this country already enjoys unprecedented 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 are required by law to give mining precedence over all other uses of public lands – like hunting, recreation, grazing or other beneficial uses. As such, federal land managers are not in a position to deny hardrock mining claims. This bias for mining over other uses of our public lands is made more encompassing under this bill.

The only balanced review of the impact of mining is required by the National Environmental Policy Act (NEPA). That law requires mining companies explain to the public how they are going to comply with applicable environmental laws when they do 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 1937 would effectively eliminate.

It does so through several provisions that allow reliance on questionable and old data, limits time for public input, and all but closes the courthouse door to

aggrieved communities. For instance, if federal officials are found to have violated the law in the mining context, this bill would not allow winning plaintiffs to collect attorneys fees from the government.

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 studyⁱ found that 75% of mining operations pollute surrounding surface or groundwater, despite the environmental review under NEPA. 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.

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. Genuine reform of 1872 Mining Law is truly needed to bring the mining into the 21st century and facilitate more responsible mining while also better protecting our most precious resources – like clean water.

H.R.1937 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,

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La Crosse, WI

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ⁱ [Comparison of Predicted and Actual Water Quality at Hardrock Mines](#). Jim Kuipers, P.E. and Ann Maest, PhD.