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October 10, 2019

Dear Chairman Grijalva, Ranking Member Bishop, and Members of the House Committee on Natural Resources,

On behalf of our millions of members and supporters from across the country, the undersigned organizations endorse H.R. 2579, the “Hardrock Leasing and Reclamation Act of 2019,” a bill that would correct the environmental and taxpayer inequities promoted by the 1872 Mining Law. This antiquated law lacks any measures to protect water or other natural resources, contains no cleanup requirements, fails to provide a fair return to taxpayers and allows mining to trump all other uses of public lands. We encourage you to cosponsor H.R. 2579 in order to rectify these issues.

Although it is now 147 years old, the 1872 Mining Law still governs mining on our public lands for minerals such as gold, copper, cobalt, and uranium. Signed into law by President Ulysses S. Grant and designed to facilitate the settlement of the western United States, the 1872 Mining Law allows mining companies - many of which are foreign corporations - to stake claims on public land and extract whatever minerals they find without paying

royalties to the taxpayers who own these public resources. It's important to note that other extractive industries, such as timber, coal, and oil and gas, all pay royalties to remove natural resources from America's public lands. In fact, hardrock mining is the only extractive industry in the nation to receive such preferential treatment.

The legacy of the 1872 Mining Law is pervasive, threatening the well-being of our western communities and the scarce drinking water upon which they depend. For example, according to the U.S. Environmental Protection Agency, hardrock mining has polluted 40 percent of the headwaters of western watersheds. Hardrock mining releases arsenic, mercury and lead into our communities' air and waters. In fact, the EPA's Toxics Release Inventory has consistently shown that the hardrock industry releases more toxic chemicals into our air, land and water than any other industry in the nation.

Not only does the 1872 Mining Law imperil drinking water supplies in the drought-ridden west, but its overall burden to taxpayers is enormous. Since 1872, hardrock mining companies have taken more than \$300 billion worth of minerals from public land, without paying a dime in royalties. The 1872 Mining Law also allows mining companies to buy, or "patent" public lands for \$2.50 to \$5.00 an acre, though there is a temporary moratorium on this practice. Hundreds of thousands of hazardous abandoned mines remain around the country, with an estimated clean-up price tag of more than \$50 billion dollars, with most of this toxic legacy being paid for by taxpayers.

The 1872 Mining Law places the interests of mining corporations above those of average Americans. Over the years, mining has threatened the Grand Canyon National Park, Yellowstone National Park and many other treasured landscapes and important tribal lands. But because of the 1872 Mining Law, land managers claim they are unable to deny these mine proposals, and nearby communities have had to resort to administrative mineral withdrawals, burdensome legislation or protracted legal battles to protect the land and water they value. Even when a mine threatens sacred sites, important watersheds or sensitive habitat, the 1872 Mining Law has been interpreted to be more important than all of those other important values.

The "Hardrock Leasing and Reclamation of 2019" would help protect water, wildlife, western communities, cultural resources, taxpayers and our public lands. Specifically, the bill would:

- End the outdated claim and patent system that gives miners unfettered access to nearly all public land in the United States.
- Establish a 12.5% royalty on new mining operations—the same amount as oil and gas— and an 8% royalty on existing operations, except for miners with less than \$50,000 in mining income.
- Require meaningful tribal consultation (similar to Rep. Grijalva's RESPECT Act (H.R. 2689)).
- Eliminate the exalted status that mining currently enjoys on public lands, leveling the playing field with all other uses of public lands—such as grazing, hunting, and

energy development—allowing it to be managed through existing land-use planning processes.

- Make certain special lands off-limits to hardrock mining, such as wilderness study areas, monuments, and wild and scenic rivers.
- Require mining operators to report data on the amount and value of minerals being extracted from public lands.
- Establish strong reclamation standards and bonding requirements.
- Create a fund to reclaim and restore abandoned mines and areas impacted by mining activities.

The strong public participation, agency oversight and enforcement provisions of H.R. 2579 will translate into real improvements on the ground. This bill will ensure that any mining on public lands takes place in a manner that protects crucial drinking water supplies and other natural resources, special places, taxpayers, fish and wildlife habitat, and the health and well-being of our communities. The “Hardrock Leasing and Reclamation of 2019” will also create jobs thousands of jobs for communities across the United States by funding much-needed abandoned mine restoration projects.

We strongly urge you join as a co-sponsor of this important legislation. It is well past time that Congress replaces this archaic law with one that protects western communities and resources, while also maintaining a healthy, responsible mining industry.

Sincerely,

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