

## Finally! A Much-Needed Bill to Reform 1872 Mining Law

### U.S. Congressmen Rahall and Costa propose major overhaul of antiquated law

More than 130 years after its enactment, the General Mining Law of 1872 still governs hard rock mining on federal lands -- to the benefit of foreign and domestic companies who pay no royalties on the minerals that they extract and to the detriment of the public that bears the brunt of environmental degradation and loss of special public lands. The 1872 Mining Law has no environmental requirements and allows mining companies to pollute valuable water supplies, destroy wildlife habitat and scar Western landscapes. The US Environmental Protection Agency (EPA) estimates that mining has polluted 40% of the headwaters of Western watersheds. In a March 2007 study, Environmental Working Group found that since 2002, there have been new claims staked on 2.3 million acres of Western public lands, 365 of which are within 5 miles of Grand Canyon National Park. Representative Nick Rahall (D-WV) and Representative Jim Costa (D-CA) have introduced HR 2262, the Hardrock Mining and Reclamation Act of 2007, to reform this outdated law.

If it becomes law, HR2262 will protect public lands from irresponsible mining by increasing acreage of lands off limits to exploration and development, such as Wilderness Study Areas, sacred sites and Areas of

Critical Concern. It will also give land managers the ability to balance mining activities with other uses. The proposed bill will establish environmental standards for adequate reclamation; protection of surface and groundwater supplies, fish and wildlife; and proper re-vegetation of the mine site. The bill would also prohibit perpetual pollution and ban the process of "permanent treatment" to meet water quality standards. The bill goes even further: it will implement fiscal reforms that include ending patenting (the ability to buy public lands for mining for less than \$5 per acre), it will establish an 8% royalty on the value of the minerals extracted (comparable to the 8% to 12.5% royalty paid by coal, oil and natural gas extractors), and it will mandate reclamation bonding with clear standards to minimize taxpayer liability for clean-up costs. HR2262 would also establish a reclamation fund from royalty payments to clean up abandoned hard rock mines on federal lands. Finally, the bill would require more substantial oversight of public land mining, authorization of citizen suits and a ban on new permits for mine operators in violation of the law.

This bill is needed in New Mexico: mining claims in the Land of Enchantment have increased 50% since 2003 to 11,348 claims, totaling 234,115 acres of public land. Uranium

mining claims in particular have escalated since 2004 given global demand for nuclear power. The Group has identified Lordsburg as one of the areas in the state with the greatest increase in mining claims since 2002.

All over New Mexico, the Rahall Bill could provide big benefits, including protection of sacred sites on Navajo land that are threatened by uranium mining, like Mount Taylor. Citizens in the Land of Enchantment would also benefit from the 8% royalty on the value of extracted minerals that mining giant Phelps Dodge and other mining companies will have to pay that would in turn be used to clean up abandoned mines. The bill could also influence reclamation plans for the Chino and Tyrone mines, requiring more stringent source control rather than dependence on perpetual pumping and treating to meet groundwater quality standards (see related article in this issue of GetA GRIP).

GRIP has joined more than 50 environmental and conservation groups from communities across the country to endorse the Rahall Bill in a letter to Congress.

Sources: Earthworks Factsheet "Hardrock Mining and Reclamation Act of 2007"; Environmental Working Group US Mining Database.

For more information, visit: Earthworks - [www.earthworksaction.org](http://www.earthworksaction.org); Environmental Working Group - [www.ewg.org](http://www.ewg.org)

## Smelter Stack Demolition continued from page 2

September 2005, inquiring about NMED's regulatory role in the demolition and precautions that were planned. More than 4,000 people, 26.8% who are disabled, live very near to the stacks, and although they were cleaned prior to the blasting, according to PD, both stacks had processed a variety of potentially hazardous metals. GRIP was informed by NMED that some soils around the facility had more than 30% copper content.

Because there were no written documents publicly available on PD's plans for the stack demolition, the public received conflicting information from newspaper reports and rumors. GRIP staff was shocked to find out from NMED staff in April that neither the WQB nor any other Federal or

State regulatory authority had jurisdiction over the way the actual blasting and collapse of these structures would occur. GRIP staff was further shocked to find that the older of the two stacks had 33 feet of asbestos mastic remaining near the top.

Additionally, GRIP staff learned from NMED that there were no contingency, safety or evacuation plans specifically related to the demolition and available to the public. GRIP raised these concerns at a May 3rd Community Meeting in Silver City hosted by NMED Secretary Ron Curry. There was no response to GRIP by NMED or PD at this meeting. GRIP staff expected that NMED would issue some sort of Heath Advisory for

residents, but this never occurred.

GRIP also learned that PD expected a crowd of up to 10,000 spectators at the demolition event. The originally scheduled date was the Friday of Memorial Day Weekend and the opening day of the Silver City Blues Festival. GRIP staff feared that the four Hurley police, in charge of traffic and public safety, might be strapped for police manpower. Later GRIP staff learned that the extra police force would be partly voluntary and the remainder paid for, not by PD, but by the municipalities involved and the state and therefore your tax dollars.

GRIP received concerned calls from residents of Hurley wondering

see Gila Gets a Second Chance, p7