



# Sportsmen United for Sensible Mining

Mining is a legitimate use of public lands, but there are few laws more in need of an overhaul than the 1872 Mining Law. The 1872 Mining Law, signed into existence 137 years ago by President Ulysses Grant, is the most outdated natural resource law in the nation. Under the 1872 law, mining takes precedence over all other public land uses, including hunting and fishing. Public lands can still be sold to mining companies, often foreign-owned, for as little as \$2.50 per acre. Furthermore, mining companies pay no royalties for hard rock minerals, gold, copper and zinc that belong to all citizens. It is estimated that since the 1872 Mining Law was enacted, the U.S. government has given away more than \$245 billion of minerals through royalty-free mining and patenting. Without a royalty there is little or no abandoned mine clean-up. An estimated 500,000 abandon mines are on the landscape. Acid drainage and heavy metals toxic to fish contaminate 40 percent of Western Headwaters. Put another way 12,000 miles of streams and 180,000 acres o flakes and reservoirs have been impacted by mining.

## Any reform should contain the following provisions:

- **Recover a fair royalty from all minerals taken from public lands**
- **Establish an abandoned mine clean up fund that addresses wildlife habitat restoration**
- **Give discretion to public land managers to permit mining where appropriate**
- **Allow “Good Samaritans” reclamation incentives and common-sense liability relief**
- **Prohibit the patenting or sale of public lands under this law, **keep public land in public hands****



[www.sensiblemining.org](http://www.sensiblemining.org)

On April 2, 2009 Senator Bingaman introduced S 796, the Hardrock Mining and Reclamation Act of 2009.

- **Recover a fair royalty from all minerals taken from public lands.** Almost every commodity developed off public lands – coal, wood fiber, oil, gas, and forage – has dedicated funding for mitigation of impacts and restoration measures. The only commodity that lacks such a dedicated fund is hard rock minerals. S 796 recovers a royalty of 2%-5% for each individual mineral. Simply put, in good times royalties will be higher, in bad they will be lowered.
- **Establish an abandoned mine clean up fund that addresses wildlife habitat restoration.** Recovery of a royalty will provide monies to establish an abandoned mine cleanup fund. Portions of this fund from S 796 are set aside for fish and wildlife habitat restoration associated with past mining operations. In fact 60% of the funding goes back to states for on the ground rehabilitation and restoration.
- **Give discretion to public land managers to permit mining where appropriate.** On highly mineralized lands with low fish and wildlife values, and high levels of mining company investment, mining companies should have a higher degree of certainty that mining projects can proceed in accordance with other laws and regulations. On those lands with high fish and wildlife values, we are obligated to protect them for future generations. S 796 does just that through land use plans and through petitions brought forth by Governors, Indian tribes, and local public officials. In addition wilderness study areas, areas of critical concern, National Landscape Conservation system lands, Wild and Scenic Rivers, and roadless areas will be reviewed for withdrawal within three years of passage of the bill
- **Allow “Good Samaritans” reclamation incentives and common-sense liability relief.** Abandoned mines are one of the single most important, least addressed environmental challenges in the nation. The geographic scope of the problem is staggering. EPA estimates that abandoned hard rock mines degrade nearly 40 percent of all western headwater streams. Good Samaritans, who have no connection to the abandoned mine waste or interest in re-mining it for profit, should be provided with reclamation incentives and carefully-tailored, commonsense liability relief. There is no “Good Samaritan” provision within S 796.

**Prohibit the patenting or sale of public lands under his law, keep public land in public hands.** The U.S. Government has practically given away more than three million acres of our public lands to mining companies through the practice of patenting. Anyone can stake a claim on public lands and then buy the land for as little as \$2.50 an acre. Public lands provide American sportsmen, regardless of means, the opportunity to hunt and fish on millions of acres. S. 796 does away with this archaic provision.

**Who Supports Mining Reform:** Over 400 National, State, and local hunting organizations from across the country, 29 Former Fish and Game Agency Directors from Across the West with over 150 years of experience, Former Forest Service Chiefs with 20 years of experience as the head of the largest public lands agency