

PRESS RELEASE
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**Rosemont Mine Opponents Visit Washington, D.C. for
Hearing on Reform of 1872 Mining Law**

TUCSON, ARIZONA – A group of Southern Arizona community leaders traveled to Washington, D.C. this week to attend a hearing before the Senate Energy and Natural Resources Committee on reform of the 1872 Mining Law, to submit testimony for the record, and to meet with key decision makers on Capitol Hill to voice their opposition to the proposed Rosemont Copper Mine in the Santa Rita Mountains.

Members of the delegation that travelled to DC included Roger Featherstone, Trevor Hare, Carolyn Campbell, and Dick and Nan Stockholm Walden.

Tuesday, the Senate Committee on Energy and Natural Resources heard testimony from Secretary of the Interior Ken Salazar regarding S.796, the Hardrock Mining and Reclamation Act of 2009 and S.140, the Abandoned Mine Reclamation Act of 2009.

These bills would amend current mining law to better ensure reclamation and restoration of any land or water resources adversely affected by mining activities through the enactment of stricter permitting requirements and a more robust royalty structure for all mining operations on public lands.

The Senate committee also heard testimony from national experts on the impacts of mining, including John Leshy, former Solicitor for the Department of the Interior and environmental law professor at the University of California, Hastings College of the Law, Robin Nazzaro of the Government Accountability Office, and Cathy Carlson of EARTHWORKS. (Copies of all testimony can be found here: <http://tinyurl.com/n34362>)

The Arizona group submitted statements opposing the Rosemont Mine from Pima County and Santa Cruz County, the San Xavier District of the Tohono O'odham Nation, the city councils of Tucson, Marana, Oro Valley, Sahuarita and Patagonia, and from Save the Scenic Santa Ritas,

the Center for Biological Diversity and others, as part of their testimony submitted to the Senate panel.

The hearing room was standing room only, testament to the importance of finally achieving comprehensive reform of the 1872 Mining Law.

Commented Nan Stockholm Walden, “We were heartened by the bipartisan consensus we observed among the Members and witnesses on the need for mining reform. Secretary Salazar stated clearly that the 1872 Mining Law must be reformed and that he believed we needed to get it done during this Congress.”

Salazar, in his opening statement, referred to reform of the 1872 Mining Law as “business that has to get done because we have not been able to get it done for a very long time,” and dismissed arguments some might make that this legislation must wait until more high profile issues, such as climate change, are dealt with.

The Secretary stated:

“The legacy of the mining tradition in the West has scarred the environment. For example, the BLM alone estimates that we have 18,000 abandoned mine sites just on BLM properties... Our department estimates that forty percent of headwaters across the West still have some form of contamination, most of it coming from abandoned mines.”

The 1872 Mining Law, which incentives mining over all other uses of public land, no longer applies to today’s economic and population realities, noted Salazar. He stated that while mining serves a purpose and that in general the administration supports mining, key goals of reform should be “that we protect the environment with respect to new mining activities on public lands; and that we restore the environmental legacy of our treasured landscapes by specifically addressing the abandoned mines that we have so many of in the West.” Salazar observed that in many cases, there is no place to go to get financing to clean up these sites, so they continue to tarnish and blight the landscape, particularly in the West.

Trevor Hare of the Sky Island Alliance stated:

One of our main concerns about the proposed Rosemont Mine is that water in the Cienega basin contributes as much as 20% of the total annual recharge of the Tucson Basin aquifer used by over a million people. The water in this basin is among the cleanest in Southern Arizona. The Rosemont operation threatens surface and ground water quality and threatened and endangered species in the area, including migratory species.

So I was glad to hear Cathy Carlson from Earthworks specifically mention the Rosemont Mine in her testimony and ask “in this era of increasing scarcity of water, especially in the West, why would we open another spigot to polluting our irreplaceable waters?”

Roger Featherstone from the Arizona Mining Reform Coalition noted in his statement submitted to the Committee:

Of all the major laws that govern the use of our nation’s precious natural resources in the west, only the General Mining Law of 1872 remains unchanged. One of the most egregious wrongs of the 1872 Mining Law is the fact that anyone mining in the West may take hard rock minerals owned by the taxpayers and citizens of the United States for free. Timber companies pay for the ability to cut trees on public land. Ranchers pay for

the ability to graze cattle on the western public lands. Oil and gas companies pay a royalty of between 8 and 12% for the ability to drill for oil and gas on our western public lands. Yet, after 137 years, mining companies from all over the world are still allowed to take a billion dollars worth of minerals from our public lands every year.

Robin Nazarro, Director, Natural Resources and Environment for the Government Accountability Office (GAO) reported to the Committee, that based on GAO's research, there are at least 161,000 abandoned hard rock mine sites in the 12 western states. "At these sites, on the basis of state data, we estimated that at least 332,000 features may pose physical safety hazards, such as open shafts or unstable or decayed mine structures. Furthermore, we estimated that at least 33,000 sites have degraded the environment, by, for example, contaminating surface and ground water or leaving arsenic-contaminated tailings piles."

A table provided by GAO lists Arizona as having 50,000 abandoned hard rock (non-coal, locatable) mine sites, with 59,400 that pose a significant hazard to public health and safety, and 9,900 sites with environmental degradation.

Another GAO table estimated that there are 29,000 abandoned hard rock mine sites on U. S. Forest Service lands. If one includes abandoned coal mines that number approaches 39,000 nationally. GAO staff expressed concern about the accuracy of the U.S. Forest Service estimates.

John Leshy, former Solicitor at the Department of Interior under President Clinton and member of President Obama's Interior Department transition team, has 35 years of experience dealing with federal Mining Laws, in academia, government and the nonprofit sector. He noted in his testimony:

History makes clear that hard rock mining is a dirty business.... When things go bad in hard rock mining operations, the costs to repair the damage can be enormous, reaching hundreds of millions of dollars at a single mine site, and sometimes requiring perpetual water treatment.

Cumulatively, well over a century of experience with the Mining Law of 1872 has saddled the Nation's taxpayers with a cleanup cost for thousands of abandoned mines that, according to some estimates, approaches \$50 billion dollars.

Dick Walden of Farmers Investment Co. observed:

As farmers we are stewards of the land. It is disturbing to realize that unlike any other industry, mines under this antiquated Mining Law, passed when Ulysses Grant was President, are virtually exempt from restoration of the land they radically alter. This is a double standard. All the other extractive industries, such as timber and oil and gas, as well as farmers and developers are subject to much more stringent regulation under the law. It skews the balance of justice and encourages waste of scarce resources when such a large disparity exists.

We all use minerals in daily life and for many industrial purposes. So we have to decide what is the proper balance between growing our economy and minimizing environmental impacts. The two do not have to be mutually exclusive. And we have to consider that tourism, recreation and leisure activity are major contributors to our economy in places like Southern Arizona.

I was heartened to hear Secretary Salazar state that under current law the government indeed has discretion to turn down mining proposals if they cause undue degradation, and to make sure that there are sensitive areas that are protected.

I also agree with many of the Senators and witnesses who noted that restoration and clean up of these abandoned mine sites will involve skilled, high paying jobs that will employ thousands of people while restoring our environment.

Environmental attorney and former counsel to the president's Council on Environmental Quality (CEQ), Dinah Bear observed:

Having seen many attempts to reform the mining law over the years, I was encouraged to see a consensus forming on a bipartisan basis that the time is ripe to bring the law into the 21st Century. This should bring more certainty for the mining industry, better results for the environment, and a fair return for the American taxpayer.

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