

April 17, 2008

Dear Senator Bingaman & Senator Domenici,

We the undersigned organizations strongly believe that reform of the 1872 Mining Law is critical to the long-term protection of New Mexico's water, wildlife, and wilderness.

Hardrock mining has been – and continues to be – a serious source of contamination in many areas of the West, including many New Mexico communities. Mining and mineral production sites have impaired streams with highly toxic acids and metals and, in most cases, contaminated underground water sources. With a population almost exclusively reliant on groundwater, and agricultural communities whose livelihoods are linked to the availability of freshwater, New Mexico and other states can ill afford to continue the problems of catastrophic spills, acid mine drainage, and seeping tailings ponds.

In 1993, New Mexico passed a groundbreaking state mining law that serves as a model for environmental controls on mining operations. It is a strong law based on respect for our natural resources, concern for the people of New Mexico, and recognition that water is a vital resource readily damaged by improper mining practices. This law has not closed the doors to mining in New Mexico, but it has changed the conduct of mining in our state. We urge you to include environmental controls at least as strong as New Mexico state law in your reform proposal. In particular, we believe that our law's implicit prohibition on operations that will require perpetual treatment of polluted water and its emphasis on closeout planning that leads to reestablishment of a self-sustaining ecosystem and productive post-mining land uses should be reflected in federal law. We also believe that our approaches to securing sound financial assurance, limiting permits to responsible operators, and securing adequate closure of inactive mines offer sensible solutions that benefit both the public and the regulated community.

We also urge you to champion a reform package that sets a reasonable royalty on minerals extracted from land owned by the American people. Companies that extract coal, oil or gas from federal public lands pay royalties ranging from 8% to 16.7%, but hardrock minerals are taken from federal lands without compensation. The United States is the only country in the world that does not require mining operations to pay royalties. We urge you to include a reasonable, properly structured royalty that can be used to accelerate abandoned mine cleanup and provide effective regulation here in New Mexico and elsewhere.

Finally, we urge you to craft a reform package that ends the current law's treatment of hardrock mining as the "highest and best use" of mineralized lands, even if those lands are critically important for other uses. Tourism and recreation are vital to a healthy economy in New Mexico and many of our visitors are attracted by our wealth of public lands and the recreational opportunities they provide. Hardrock mining reform should make special places such as headwater streams, national parks, cultural sites, and national forest roadless areas off limits to new mining claims and allow state, local and tribal governments to petition to have specific areas of local importance withdrawn from mining activities.

The need for hardrock mining reform has been made more urgent by the dramatic increase in new claims in New Mexico. According to Bureau of Land Management data the total number of hardrock mining claims as of mid-2007 in New Mexico is 50 percent higher than in early 2003.

The current law governing hardrock mining on federal public lands was enacted forty years before New Mexico became a state. Clearly times have changed and so should the 1872 Mining Law. We commend you for taking on this challenge, and we urge you develop a genuine reform package that protects the health of our communities, water quality, wildlife habitat and recreation economy.

Thank you for your time and attention to this important issue.

Sincerely,

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