



## The 1872 mining law: Why New Mexicans need reform now

A law signed by President Ulysses S. Grant in 1872 still governs the mining of gold, uranium, and other hardrock metals on federal land in New Mexico and other western states. Failure to modernize the nation's mining law has resulted in

- 40% of western watersheds contaminated.
- An estimated \$50 billion cleanup cost for mines already abandoned.
- America's special places, including irreplaceable roadless forests and the Grand Canyon, at risk from mining.
- An industry that pays no royalties for taking precious minerals from public land.

Today, high prices for precious metals and uranium are stoking a modern-day mining rush on federal lands. In New Mexico, the number of mining claims has risen dramatically in recent years, with a 50 percent hike at mid-2007, compared with January of 2003.

In November 2007, the U.S. House of Representatives passed bipartisan legislation that would modernize this 135-year old law and reform many of the current practices harmful to taxpayers and the environment. New Mexico's U.S. Senators -- Jeff Bingaman and Pete Domenici -- will play a major role as chair and ranking member of the Committee on Energy and Natural Resources, to develop genuine reform that builds on the success of the House-passed Hardrock Mining and Reclamation Act.

Their role is critical, as New Mexico has a major stake in mining reform. Here's why:

**Clean Water:** Metal mining is a significant cause of water contamination across the West and New Mexico. In 1979, 94 million gallons of radioactive, acidic mine tailings spilled into the Rio Puerco. Thirty years later, the impacts of that spill still linger. Elsewhere, mining and mineral operations have degraded streams and surface waters and created serious problems of groundwater contamination. With about 90 percent of New Mexico's 1.8 million people relying on groundwater for drinking, New Mexico can ill afford more contamination from mining operations.

*Though the 1872 Mining Law does not directly address the water impacts of mining, New Mexico's Mining Act safeguards water resources by prohibiting mine operations that will require perpetual treatment of water to meet water quality standards. A similar provision can be found in the House-passed Hardrock and Reclamation Act.*

**Fish & Wildlife:** Across the country, national forests and other public lands offer scenic beauty, watershed protection, and critical habitat for wildlife. Across New Mexico, these lands sustain a diversity of wildlife, from pronghorns and elk to the iconic Roadrunners, the Rio Grande Cutthroat Trout, and the endangered Pikeminnow. Past mining operations have harmed some of these resources, contributing to declining fish populations in the Red River and elsewhere, and dramatic loss of migratory and wild birds as recently as 2000.

*Under the 1872 Mining Law passed, mining is the preferred use of public lands, and federal land managers argue that once a valid claim has been staked, they have little leeway to deny mine permits, even if they conflict with other important public uses, including recreation, watershed protection, or preservation of natural and cultural resources. The House-passed mining bill puts mining on par – not above – other land uses, sets certain special places off limits for new mining claims, and allows local, state, and tribal governments to participate in protecting special places.*

**The Legacy of Uranium Mining:** Most of the uranium mined in the United States has been taken from the Colorado Plateau region, including New Mexico and its neighbors. More than 200 mines were located in 18 New Mexico counties, producing a large share of the total U.S. output, until uranium prices dropped in the 1980s. Many mines and mills left behind uncontrolled waste, public health and safety hazards, and contaminated water supplies, and many of these problems remain today. Though some uranium mill sites have undergone cleanup by the federal government, much more remains to be done to restore the land and water resources and protect the affected communities, particularly the tribal communities who have been severely impacted.

*The House-passed mining bill requires mining companies to pay royalties for the resources they take from public lands – as is the case with timber and energy companies, ranchers, hunters, anglers and others. It uses these royalties to clean up abandoned mine sites and to assist affected communities.*

### **Genuine mining law reform means**

- **Pollution prevention and public health protection.** The public needs assurance that groundwater and surface water meet standards for toxins and carcinogens soon after mine closure. Operators with a history of violations should be denied permits.
- **Reasonable Royalty.** A royalty should be set for all mining operations—current and future—comparable to those paid by all other extractive industries on public lands. Proceeds should be used to clean up abandoned mines and correct water contamination.
- **Protection of special places.** Conservation, sacred sites, recreation and other values should be on equal footing with mining. National monuments and national forest roadless areas should be “off limits” to new mining claims. Land managers and local communities should have a say about whether mining should occur in sensitive areas.