



HARD ROCK MINING ON THE PUBLIC LANDS UNDER A CENTURY-OLD LAW

The third of our nation's land in federal ownership is a panorama of sprawling grassy prairie, desert, arctic tundra, semi-arid plateau cut by deep canyons, moist upland forest, and rugged mountain terrain. Hidden from view, on these same lands, is a treasure of mineral resources — coal, oil, gas, gold, silver, copper, lead, zinc, molybdenum, and uranium among the most significant.

Mineral resources have had first priority for use of the federal lands through most of our nation's history. Today, of the 740 million acres of publicly owned lands (an area the size of 11 Colorados), all but approximately 100 million are open to private mineral exploration and extraction. In addition, the federal government owns all or some subsurface minerals on an additional 63 million acres where the surface is owned by private individuals; the minerals on these lands also are generally open to exploration and extraction.

Nowadays, there are competing demands on public lands — for timber, livestock forage, recreation, wildlife protection, watershed, wilderness, and scenery, as well as for minerals. This competition, together with efforts to step up domestic mineral development to satisfy unabated consumption, has focused attention on the law allowing access to federal non-fuel mineral resources.

That law is the General Mining Law of 1872, and it governs the extraction of such "hard rock" minerals as gold, silver, molybdenum, and uranium. In recent years, some congressmen, federal officials, and conservation groups have been intensifying efforts to reform this law and related procedures. They view this law as obsolete and subject to abuse, as well as harmful to the environment, the financial interest of U.S. citizens, and even the efficient development of needed mineral resources. Although the industries involved in extracting mineral resources agree that some modification in present policies may be warranted, for the most part they support only those reforms that maintain minerals development as the highest priority use of federal land and give the private sector the initiative to explore and extract the minerals.

What are the procedures for mineral development on federal lands? Who administers them? What problems do they pose?

What are the proposals for revision? These are some of the questions that must be addressed at a time when the supplies of virgin ores are diminishing rapidly while the potential for conservation, substitution, and recycling of minerals is largely unrealized. This pamphlet outlines the views of the Sierra Club and The Wilderness Society on these questions.

FEDERAL MINERAL RESOURCES: HOW MUCH AND WHERE

The extent of economic mineral deposits on federal lands is not known because the government has never fully explored or inventoried the mineral resource potential of its holdings. Geologists believe the public lands of the West, including Alaska, generally hold greater promise for future onshore discoveries than any other region.

Areas Open to Mineral Development

The federal government has historically owned as much as 80% of the land area of the nation. This land came into federal ownership through cession, purchase, and treaty; then much of it went into state and private ownership. The 740 million acres still federally owned are administered for surface use by a number of agencies: The Bureau of Land Management (BLM), National Park Service, Fish and Wildlife Service, and Bureau of Reclamation within the Department of the Interior; the Forest Service in the Department of Agriculture; the Department of Defense; and other agencies with smaller holdings. Most of this land — about 640 million acres, or 86.5% — is open to prospecting and mineral development. Such development is primarily administered by BLM no matter who manages the surface use of the land.

As private individuals, states, and businesses acquired land from the federal government, mineral rights were usually conveyed along with the surface rights. However, in the case of ranchers who obtained land under the Stock Raising Homestead Act of 1916, new owners acquired the surface only,

Because hard rock mining on public lands under the General Mining Law of 1872 is still a right, rather than a privilege, agency authority to regulate mining activity is limited. Other uses of public lands — timbering, grazing and some recreation — are a privilege for which the user pays. Statutory authority allowing the public, through its federal agencies, to decide when, where, and if mining should occur on publicly owned lands is still lacking, as are laws to deal with the specific impacts of hard rock mining activities.

PROBLEMS AND ISSUES

The General Mining Law of 1872 responded to the national policy of its time and was designed to deal with the pick-and-shovel mining technology of its day. Now, however, modern mineral operations are a far cry from those of the pioneer West in the scale of their impact on the environment and their ability to affect other, competing uses and users of the public lands. The law has outlived its usefulness. In light of today's values and conditions, the century-old law causes problems—to the land managing agencies, to conservation groups, to industry. Among them:

- Because the 1872 law gives unqualified priority to private mineral development, federal land-use planners can always be overruled by miners. Even where a land-use plan exists, a prospector may stake a claim without regard to planned uses. Federal land managers have only the all-or-nothing tool of withdrawal.
- The mineral resources, although found on land belonging to all citizens, bring no return to the federal government but become the sole property of the private developer.
- Mineral resource discovery has sometimes been used as a subterfuge to obtain land, not for mining, but for such purposes as vacation sites, gas stations, logging, and resorts. The payment to the government—\$2.50 or \$5.00 per acre—does not even approach fair market value.
- One of the intended purposes of the law—to stimulate development of needed minerals—is no longer served. Claimants may hold claims indefinitely waiting for market prices to warrant mining, and the government has no power to stimulate mineral development.
- Requirements that miners comply with state laws (which vary widely) for proving mineral discovery and the expenditure of \$100 in annual development has led to such problems as "discovery pits" on each 20-acre claim and needless bulldozing performed only to hold the claim for future use. Such work is often done only to comply with the law, without regard for damage to the land or actual need.
- Many abandoned claims exist, but BLM is unable to clear them since it lacks manpower to check claims. Abandoned claims cloud U.S. title to the property and affect any plans to use the land for other purposes.

- The uncertainty about the legal interpretation of what constitutes a profitable mining operation for a "prudent man" has made it difficult to determine whether a mineral discovery warrants issuing a patent, and many lawsuits have resulted.
- The century-old mining law has none of the environmental protections contained in modern land resource legislation. With no land protection and reclamation provisions, serious ecological alterations and pollution have resulted.

CONCLUSIONS

In January of 1969, departing Interior Secretary Stewart Udall wrote, "After eight years in this office, I have come to the conclusion that the most important piece of unfinished business of the nation's resource agenda is the complete replacement of the Mining Law of 1872"

The Sierra Club, The Wilderness Society, and other environmental organizations support legislation that will accomplish the following:

1. Balance mineral use with other resource values through agency land-use plans, with provision for departmental authority to grant or deny the privilege to mine on public lands under a system leasing mineral development rights, rather than giving those rights away.
2. Provide for departmental and public review of mining proposals at both the exploration and development phases of each project.
3. Provide that mitigation and reclamation requirements be spelled out as lease conditions with guidelines provided by regulation.
4. Provide for a fair rate of return to the public for the use of its land and minerals.

As action on federal mining law reform proposals proceeds, supplements to this background information will be provided describing current circumstances and needed activities.

The Sierra Club and The Wilderness Society gratefully acknowledge the use of Land Use Letter No. 4, *Mining on Federal Lands*, published in July, 1975, by the League of Women Voters Education Fund. Except for the conclusions, which are our own, we have utilized the text of Land Use Letter No. 4, modified to focus on hard rock mining and to reflect changes necessitated by subsequent laws.

Public Lands Committee
Sierra Club
4269 Ridgeway
Los Alamos, NM 87544

The Wilderness Society
1901 Pennsylvania Ave., NW
Washington, D.C. 20006

May 1979

April, 1979

MINING LAW REFORM ALERT NO. 1

Over the last decade, bills to revise the General Mining Law of 1872 have been introduced in every Congress, but none of these proposals has ever reached the floor of either house. In 1978, an industry-drafted bill was passed by the Subcommittee on Mines and Mining of the House Interior Committee and sent to the full Interior Committee where it fortunately remained without further consideration.

There are several reasons why reform legislation has languished. One is that the environmental community, although keenly aware of the accelerating destruction of public lands values permitted by inadequate regulation of mining activity, has been too preoccupied with other issues to publicize this one. Secondly, the industry has tended to play a reactive role in this matter. In response to reform proposals, big industry has introduced legislation under the guise of reform, but which would facilitate mineral access, development and patenting procedures and would squeeze out the small miner. Small miners, many of whom prospect as much for recreation as for profit, oppose any change at all in the existing law.

In the House of Representatives, mining law reform proposals are first studied and amended in the Mines and Mining Subcommittee of the Interior and Insular Affairs Committee. This year, Rep. Jim Santini (D-NV) has become chairman of the Mines and Mining Subcommittee for the 96th Congress. Small miners represent a major part of his constituency. Based on his record, it is generally believed Santini will prefer not to move any mining law reform legislation as long as he remains chairman. Morris Udall (D-AZ), the influential chairman of the House Interior Committee who originally sponsored several environmentally sound bills in the early 70's, switched to support industry's approach after mining interests in his district undertook a recall election campaign.

To date, most mining law reform activity has originated in the House. When mining law reform legislation is taken up by the Senate, it will probably be considered first by the Public Lands Subcommittee of the Committee on Energy and Natural Resources.

In the climate of stalemate described above, there has been little Congressional interest in acting on mining law reform. No Congressional leaders have emerged as champions for either side in either house, and many Congressmen are unaware of the problems. MEANWHILE, THE DESTRUCTION CONTINUES.

WE CAN ENCOURAGE A POLITICAL CLIMATE FAVORABLE TO MEANINGFUL MINING LAW REFORM. HERE'S WHAT YOU CAN DO TO HELP.

1. BECOME INFORMED -- A packet of more detailed information is available. It contains Hard Rock Mining on the Public Land, by David Sheridan, published by the Council on Environmental Quality; Hardrock Mining: Cases and Recommendations, by Ted Hudson, published by the Natural Resources Council of America; a bibliography; model legislation; magazine article reprints, as available. To obtain a packet or specific items in the packet, contact the Public Lands Committee of the Sierra Club.

2. SPREAD THE WORD

A. Show the slide show on hard rock mining problems to as many groups as possible. B. In the West, lead field trips to local problem sites on public land

areas. C. Invite the media on your field trips and offer friendly reporters materials they can use for articles. D. Write letters to the editors of local newspapers on the general subject. Where possible, use local problems as illustrations.

3. BEGIN TO EDUCATE FRIENDLY CONGRESSMEN AND SENATORS. Let them know of your concern and support for legislation which contains the provisions listed under Conclusions in the brochure, Hard Rock Mining on the Public Lands Under a Century-Old Law. Make a special visit to discuss this issue and provide a copy of the background brochure. Invite friendly representatives to see the slide show and/or invite them on field trips to local problem areas (make sure the problems are on federal land). Easterners may not have local problems, but because of their interest in the public lands of the West, we have available a collection of color prints of areas damaged or threatened by mining, accompanied by explanations, for use during visits with eastern Congressional representatives. Call us if you plan to meet with your Congressman; we may have additional information or suggestions. Let us know your representative's position and of your progress in sensitizing him to this issue.

Listed below are the members of the House Interior Committee and the Senate Committee on Energy and Natural Resources. Asterisks indicate members of the House Subcommittee on Mines and Mining and of the Senate Subcommittee on Energy Regulation. It is particularly important to begin contacting primarily environmentally sympathetic representatives on these committees as any legislative activity will begin with them.

HOUSE INTERIOR AND INSULAR AFFAIRS COMMITTEE

Democrats

Morris K. Udall, Chr., AZ
Jonathan B. Bingham, NY
Phillip Burton, CA
Bob Carr, Mich.
Baltasar Corrada, PR
Bob Eckhardt, TX
*James J. Florio, NJ
Lamar Gudger, NC
Jim Howard, NJ
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Robert K. Kastenmeier, WI
*Abraham Kazen, Jr., TX
Ray Kogovsek, CO
Peter H. Kostmayer, PA

Edward J. Markey, Mass.
*Dawson Mathis, GA
George Miller, CA
*Austin J. Murphy, PA
Jerry Patterson, CA
*Nick Joe Rahall, II, W. V.
*Harold Runnels, NM
*Jim Santini, NV (*Chr)
Phil Sharp, IN
Bruce F. Vento, Minn.
James Weaver, OR
Pat Williams, MT
Antonio Won Pat, Guam

Republicans

Douglas Bereuter, NE
*Richard Cheney, WY
Don H. Clausen, CA
Mickey Edwards, OK
Melvin Evans, V. I.
James P. Johnson, CO
Robert J. Lagomarsino, CA
Ron Marlenee, MT
*Dan Marriott, UT
Charles Pashayan, CA
Keith G. Sebelius, Kans.
*Steven D. Symms, ID
*Robert Whittaker, Kans.
*Donald E. Young, AK

SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

Democrats

Henry M. Jackson, Chr., WA
*Bill Bradley, NJ
*Dale Bumpers, AR
Frank Church, ID
*John A. Durkin, NH
*Wendell H. Ford, KY

*J. Bennett Johnston, LA
Spark M. Matsunaga, HI
John Melcher, MT
*Howard M. Metzenbaum, OH
Paul E. Tsongas, MA

Republicans

*Mark O. Hatfield, OR
*Henry Bellmon, OK
*Pete V. Domenici, NM
*James A. McClure, ID
Ted Stevens, AK
Malcolm Wallop, WY
Lowell P. Weicker, Jr., CT

All the materials described in this alert, including the slide show on hard rock mining problems, are available through

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Los Alamos, NM 87544
505-662-9581

The Wilderness Society
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Washington, D.C. 20006
202-293-2732

Sierra Club SWRCC Mining Law Reform

Howard Edwards
explain ^{what does it mean}

SWRCC

S. C. Feb 9, 1978 Salt Lake City. Mining.

claim is exclusive right to prospect.

small miner - found little, big companies drill
mining companies.

progressive companies - oil companies, oil & leasing

need to connect claim with out surface evidence.

Rygg bill enlarge size of claim.

→ Committee is out of bill

Howard Edwards - Denver Anacosta Co. & D. from N.Y.
legal, financial, pub. affairs - head of western law practice.
Chairman of Pub. Lands Committee Am Mining Congress.

Mining industry wanted change - modernization.

P L R C - 1970 report - recommended claim and perfection of ownership.
ministry report for leasing.

Twitty, Tudenloff, Haggard introduced 1971, no action.
action 1972 possible repeal.

Never had bipartisan support in H. for reform.

Udall intro leasing bill - political pressure.

15-18th people in district of Udall out of work. He made a
complete switch.

want repealing mining rights - Udall want ^{be} env protection
protection of surface owner.

Few industry in economic trouble would turn to leasing.

Believes if Rygg gets out of hand - for env. - Bill could be pulled.

Public Land User Evolution

Burden on small miner - more cost, env., increased work requirements,

Edwards has neck out - some conservative small miners opposed

all D. & D. of AM Cong. chiefs of major mining cos in U.S

NAACP - call env. groups racist - environmental groups

come from growth people who suffer.

exp on nuclear power. - (Env. has created more jobs)

where
on

?
Regulated
expans
AM

recess
report

ib 12

problem in copper industry is due to foreign governments not private companies. [gov takes over production to retain keys jobs and foreign exchange]

Problem of leasing system - it does not work in US. in 1978. have for some. - the coal lease issued in US, except for preference agreement that enough under lease.

Problem for us - How is this problem of leasing rather than lack of discovery.

ans. pressure of environmental groups - it is env. problems.

Kern-Mg - phosphate

S. C. block overturned, EMARS calls for 5 public hearings.

Purpose - Ford Service approach

A F.S. approach does not address threshold question.

Had leasing system 1970 operated 15 years ago - but today too many road blocks

Andam bill gives gov no preference.

Smaller mine can not bond, or pay from lease fee.

Acquire lands hand over mineral lease.

States are leasing others are evaluating

the one patent application pending in State of Utah.

giving a patent does not go to patent.

EMARS is board of industry not environmentalist.

Issue what are mechanisms for good decision or resource are good management decision

Wilderness hard faces same bureaucratic hassle as

Access and re/initialization

the planning system reorganizes re/initialization and necessary permission -

explain the reasons against regulation

self regulated in perpetuity

efforts joined - diff. for intermed
joins

AMC Bill - 30 acre claim, follows sub-div.
eliminated several other rights
royalty
secondary of mining claims.

Any surface use can be planned. - can decide
can not plan for minerals. they are there
need systems of finding where they are.
finding new areas in
too complex to make decisions on

Stillwater-Absaka-Alsowaka complex

Nickel, chrome, Platinum, Palladium,
Antimony spent 6 months looking at 2 miles of 30 mile
stretch.

U.S. & S. cannot develop, assess, develop, assessment in time

Deficit balance of payments is critical for minerals
zinc - have a lot of deposits.

1/2 of capacity shut down for environmental reasons
- mines are shutting.

Wilderness - not prevent mine - but delay development.

Advisory

→ Further Bill deals with materials policy and idling etc. the highest
and best use -; few or only sources in critical areas
(Caleva, find some more later) (the sand land)

elephant
country

Non

Free Market here is
problem

Shifts Small
miners provide
loop holes for Be.

Bargaining - issue

issue of if - is a decision, going issue.

but hard to going from position / with position
of preemptory right

issue

Barber
at
medical
part
as to
concern
political

at
with
with
}

Tiller & Silverling Bill
strategic
account

* Adv. of small miner today not part of holes

eliminate of renewed point
which
who goes where

Progress
what
what
you
for

at
}

by watch surface compensation in
Ruppe Well,

Bill is similar to Communicable Position

national
discretion for

Free
Balt
outcome
renew
applic
public
con

to
congrat

by

to
the as
AME, intent

what is function of patent power. Am. Bill will make it become available - by eliminating market ability. Test for quantity of money committed to

long term management

Now if mine starts shuts down you can contest claim in court as null and void

Policy question - patent is given away to big companies

what did you select other people to

Conservation values not handled in F. Market if Marginal cost means no mining or environ always in env at margin.

if min marginal then env controls go and miner wins due to preemption listed.

Key answer a special law on with minerals uniqueness of particular site - not special to minerals

No ceiling - AWC to eliminate any royalty fix

why not revert to public after mining. long dry spells where there is no need for minerals.

why should people give { asking congress to hand over to major the nation's portfolio } minerals. we don't know where the minerals are and are not.

long term term commitment to public health, safety and welfare in tailing. Development commitment - quantity, quality, market (as coal)

perkins letter to Edwards
and refers Politics of Nat Reserve
in England Development

Morning
get

Rock has no value in the ground - goes create
wealth -

Rich in ground has value does contribute in place
wealth created

AMC - does not come close - draining destroys land value
disruption extends over large area,
economic system does not handle
it forecloses alternatives uses the composition of
which P.V. are represented value
Nat. Areas,

little land tied up in

By Mr 1/3 of land disrupted has healed its self? who's def.
Need reasonable system for reserves
Need to find where these materials exist and to
develop them when we need them.

England rich in gravel has answer to problem

problem of disruption as vested interests to leave.

Politics
of Nat
Reserve
Development

look at AMC bill on land exchange &
distinguish between small weekend prospect or
small miner, large miner.

Strategy Kill Peyppe Bill if Patent law fails now, more likely a Peasing Bill,
a hate campaign.

from Grand Jurors Mining and Minerals Sub Committee
Call for new hearings.

Part criticize the small miner.

If you going to screw around with environment why should it be cheap
if you do not have money to finish med. school why should you be
allowed to go to do brain surgeon.

Cost to small miner - entry costs,

Simple - Peasing ad all hearings and effort in South Park.

Bill give outrageous advantages to major.

get letters out to all S.C. members.

Say like concept of admin. hearing

DOI - starting non fossil fuels minerals study - need to get
input - to counter arguments against Adam Bill.

Campaign - for NNR. Norm over one
and particular when U.S. in by it.

To Kill Peyppe
Grand Jurors

1) Payed hearing 2) Additional hearing,
(people must ask for hearings in local area)

3) letters to editors column on hearings -

Ag. loses to miner for water and land letter
if they have to leave, removal of land
from public domain for mining.

Peyppe subsurface patenting not distinguishing

altern

look at
every
land impact
some private
could be
heratic
dev

land
use
com

which bill yields most to include
patent or leasing oil shale

2 typed pages
single spaced

add names early

We are not

send telegram from N.P. during hearing

Few letters coming in to eastern congress

Leasing Indians get 25%

Federal Subsidies

Foreign 500 genes countries

but \$/ for AFDC no money

Payne bill is well far for rich. leasing gives money
local governmental and due to leasing for
example of oil shale.

jobs are not guaranteedly patent - sweet
inferred well
leasing creates diligence and econ. activity
and jobs

Ask public to call confidence in institutions 'big bus,
institutions, ² big gov, ³ big labor
needs for checks and balance - use trends

I am a stock holder

Confidence in environmental groups very high
How many envi. on take?

Feel support of scientific community - esp. loss of Natural
Values ^{Biologist}

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United we stand

98
Unitel There is unity in strength. An American revolutionary patriot said, "Gentlemen, we must all hang together, or, most assuredly, we shall all hang separately."

Various elements in American society today, the great labor unions, industrial combines, ethnic and minority groups, and all segments of the society have found it necessary to band themselves together for a common effort, with the result that these organizations have been able to influence government officials, departments and agencies with the result that these minority groups are granted favors and privileges not available to the silent majority, even though it is the silent majority, the wage earner, the small businessman, the farmer, the rancher and other unorganized groups are stuck with the bill.

As a consequence, government is not conducted in accord with the precepts that government must be impartial, rather, government is conducted in accord with the desires of the special interest groups. And here in the West, we can see the dire results of government favoring special interest groups such as the Sierra Club, the Friends of the Earth, and other environment protection interested groups who are more interested in the aesthetical qualities of a blue sky, clean air, clean streams and an appealing landscape. These are the people to blame for the rash of rules and regulations that have come into existence, promulgated by the Department of the Interior, the Bureau of Land Management, the Forest Service and other government agencies and supported by an uninformed segment of the Congress.

None of the people that would force these rules and regulations on us are residents of the areas they seek to have brought under iron-fisted government control. They are not familiar with the economic prob-

lems of the eleven western states, in fact, they do not give a damn if they make it impossible for a prospector to find a new ore body, or for the miner to develop that ore body into a producing mine that provides the payrolls in a community and pays taxes to support state and local governments.

They are not concerned that the stockman may be forced to quit, simply because of increased grazing fees that he cannot afford to pay, thereby depriving the nation of an important commodity, food in the form of beef, mutton, wool, leather, etc.

So, the environmentalists, the government agencies, and even individual government officials, both elected and appointed, have forced us to unite in opposition to the oppression being forced on the users of the public lands in the western states. An individual's scream of protest is not heard. A small organization is completely ignored. So, it is necessary that we preach the religion of unity, form ourselves into an organization dedicated to retention of existing laws, repeal of the 1976 Organic Act and demand a common sense management of the public lands.

Such an organization is PLUC (Public Land Users Coalition) which is forming thousands of small diverse groups into a huge coalition to fight for private and individual rights to public lands. They promise to halt the spreading bureaucracy, and the dictatorial powers exhibited in recent years by "Executive Orders", and bureaucratic regulations printed in the Federal Register.

There is room for everybody, in every walk of life. Do not allow environmentalists and bureaucrats to steal your constitutional freedoms, and hinder your pursuit of happiness. Join now, write: PLUC, Box 368, Milford, Utah 84751. Annual fee is \$12.00.



The Wilderness Society

518½ MAIN ST., GRAND JUNCTION, CO 81501 (303) 245-6393

January 22, 1978

Dear Ralph,

I'm sorry I haven't responded to your letter sooner, but family illness and work in D.C. has kept me away from my office. Thank you for the review on Susan Cottingham, and I will contact Sue VanZandt.

You might be interested to know that the Subcommittee on Mines and Mining Schedules intends to hold a field hearing in G. Jct. on Feb 18. Essentially, the purpose of the hearing is to ascertain if the 1872 Mining Law is in need of reform. In 10 days I plan to send an alert, targeting

mainly those people in the Crested
Butte - Hotchkiss - Paonia area.

I hope we can get out 15-20
to testify in support of reform.

Meanwhile, if you need more info,
call Brent Colkin, Sierra Club rep
in Santa Fe. I won't be available
till the end of the month because
I'm enroute to N.J. for my
mother's funeral. Also ~~in~~ Salt
Lake City on Feb 4+5, I believe,
a workshop is to be held re:
1872 Mining Law. Please ~~ask~~
alert Susan Cottingham about this,
and Colkin is the contact person.
Best regards and thanks.

Penny

P.S. Congratulations on becoming a member of
the Council on Natural Areas.



SIERRA CLUB 530 Bush Street, San Francisco, California 94108 (415) 981-8634

1 December 1977

MEMO re Mining Law Reform

from Russ Shay

to Mike McCloskey, Brant Calkin,
Marge Sill, Ken Turner, Denise Fort,

Jack Hession, Bruce Hamilton,
Joe Fontaine and Kent Gill

Carolyn Johnson (please help fill in the blanks by sending this stuff around)

The House Subcommittee on Mines and Mining of the House Committee on Interior and Insular Affairs will be holding hearings on reform of the 1872 Mining Law in Phoenix, Arizona, on December 12 and 13, 1977. Though the committee says it will hold other meetings in other "centrally located western cities" later, the Phoenix hearing is the only one that has been formally scheduled at this time. Persons wishing to testify are supposed to notify the subcommittee staff no later than December 7. Requests should be sent to the Subcommittee on Mines and Mining, 1324 Longworth Bldg., Washington, D.C. 20515 - telephone 202-225-1661. Oral presentations will be limited to five minutes. The subcommittee requests that witnesses provide 20 copies of their testimony at the time they testify, though only one copy is needed to submit a statement for the record.

9:30
Rammala
10, —

Brant Calkin will be organizing input for this hearing. His phone is 505-983-6331. John McComb is the staff person in Washington working on this issue, (202-547-1144) and I am helping out on the San Francisco end (415-981-8634).

The materials enclosed with this memo are: copies of the two proposals under consideration by the House subcommittee--HR 9292, the Administration bill, and HR 5831, which was written by the mining industry. The subcommittee is giving top billing to HR 5831 /Comments on these two bills and HR 5806, prepared by Don Carmichael, a professor of law who has testified on mining law reform for the Club in the past. HR 5806 is out of the picture, as its sponsor--Mo Udall--has announced support for HR 5831 as a mark-up vehicle.

We hope these materials are useful, and that they can be gotten out to everyone who can use them. We need to be prepared for the hearings to follow the Phoenix ones, which are expected to be held early next year.

The Club does not have a well defined position on mining law reform. A policy was passed in 1971 by the Board of Directors. Here it is--

"The Sierra Club advocates replacement of existing laws governing mining on public lands, including the mining law of 1972, with a reformed system of mineral leasing that will allow mining only: A) on lands not designated or proposed to be designated as part of any system of environmental protection, including the National Park System, national wildlife refuges and ranges, National Wild and Scenic Rivers, National Trail system, and Primitive, Roadless, Natural or Scenic Areas; B) when the environmental damage from the mining is not likely to exceed the social value of the minerals to be produced; C) when the mineral development will be conducted under firm environmental safeguards, including a requirement for rehabilitation of the site."

Russ Shay

Key objectives

- Does the system provide for multiple use of the public lands and integration of mining into land use plans being developed for the public lands
- Does the system provide adequate incentives for the continued exploration and production of minerals
- Does it provide adequate environmental safeguards
 - Does it retain public ownership of the land
 - Does the public receive a fair market return for the use of its resources
 - Does it allocate scarce resources efficiently
 - Does it encourage energy conservation
 - Does it promote competition within the mineral industry
 - Does it provide the federal government with adequate information for national decision making

Non-fuel mineral production including uranium is less than 2% of GNP

David Sheridan Hard Rock Mining on the Public Land

Three bills have been introduced

Representative Ruppe (R-Mich) backed by Am. Mining Congress
A

Odell is supporting the mining congress on this

Reform of 1872 Mining Law

3 Fundamental Criticisms

- Law does not require any return to the public for the exploitation of public resources
- Law does not permit control of the environmental damage caused by mineral exploration and mining on public lands, nor does it prevent mining and exploration in areas where the environmental costs might be massive and irreversible.
- The law does not balance the nation's need for minerals against other needs for timber, water, rangeland, recreation -- in a manner consistent with the multiple-use philosophy which is espoused to govern the management of our public's land.

Fair return - based on royalty equivalent the estimated return to the U.S. Government would be about \$120 million annually

There are no incentives for efficient uses of surface resources land, water, some timber - they are free

Use of federal exploratory work for free by private industry
- staking of claim in Wilson Mountain based on USGS survey work for wilderness designation

Need for effective penalties and enforcement provisions

Need for adequate base line data before and assessment before there is a commitment to development.
operating plan.

HR 9292

Administration Bill amending
would sweep claim-patent system for two-stage leasing
Government would retain land and minerals
strict standards on mining and reclamation
royalties to federal government
due diligence requirements to prevent speculation on
federal value

NEWS
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Major R. Neal Stapp

U.S. House of Representatives, Washington, D.C. 20515

FOR RELEASE: January 9, 1978 CONTACT: Subcommittee on Mines
and Mining
(202) 225-1661

SUBCOMMITTEE ON MINES AND MINING SCHEDULES
WESTERN FIELD HEARING ON MINING LAW REFORM

Congressman Abraham Kazen, Jr. (D-Tex.), Chairman of the Subcommittee on Mines and Mining of the House Committee on Interior and Insular Affairs, announced today that the Subcommittee would hold a second field hearing on proposals to reform the Mining Law of 1872 in Grand Junction, Colorado, on Saturday, February 18, 1978. The Subcommittee held three days of hearings on the legislation in Washington during October, and the first field hearing in Phoenix, Arizona, on December 12 and 13, 1977.

In announcing the hearing for Colorado, Chairman Kazen stated that other hearings are planned for Nevada and Washington State. The exact dates have not yet been set, but the Subcommittee will complete all of its hearings early this year, according to Kazen.

The century old mining law permits persons to enter Federally owned lands in the West to prospect for hard-rock minerals such as gold, silver and copper. If the prospector discovers a valuable mineral deposit which can be marketed at a profit, he can obtain a patent to the land from the government. Although the law remains basically the same as when first enacted, in 1920 certain minerals such as oil, natural gas, coal and phosphates were removed from its operation and made subject to a leasing system.

The principal bill which will be considered is H.R. 5831, introduced by Congressman Philip Ruppe (R-Mich.). The bill would modify the present location-patent system and would require the payment of a royalty to the United States on the minerals produced. Another bill, H.R. 9292, introduced by Congressman Phillip Burton (D-Calif.) and supported by the Administration, would substitute a leasing system for the present law.

The hearing on February 18 will begin at 9:30 a.m. at the RAMADA INN, 718 Horizon Drive (near the airport), Grand Junction, Colorado. Persons wishing to testify should notify the Subcommittee either in writing or by telephone no later than February 15. Mailed requests should be sent to the Subcommittee on Mines and Mining, 1324 Longworth Building, Washington, D. C., 20515, or telephone requests to: (202) 225-1661. Witnesses are asked to provide at least 15 copies of their testimony at the time they testify, and only one copy if submitting statement for the record.

In order to give the Subcommittee members ample opportunity to direct questions to the witnesses, individuals testifying in person will be required to summarize their testimony in not more than five minutes. More lengthy written statements may be submitted for the record. Material supplied to support the statements will be placed in the Committee files where it will be available for the information of the Members.

Persons and organizations sharing a common position on the legislation should arrange to appear as a panel, to the extent possible, with one person designated to state their common position and the remainder of the panelists being available to respond to questions put by the Members of the Subcommittee.

#####

$\$210$, million Rio Blanco Oil Shale ^{Bonner} Bonner Best for 20 year use
 5,100 acres Gulf and S of Indian

37 1/2 % state funds for advance planning, roads, hospitals

need broad EIS

Minerals Leasing Act 1920s 37 1/2 % distributed
 but only for roads and schools

$\$117$ million on C-b 5,084 acres

120 million on U a and U b

less funds in big company

120	210		
	117		
	120		
	447	by 20, Thauer	
20 $\overline{) 447,000,000}$			51
447			51
			51
			51
			209

field notes

P- Under the AMC's draft mining can still be considered without regard to other land use and values. The applicability of existing Federal, State, and local laws for the protection of the environment are when mining is a preemptive right. There is no decision as to if mining will occur, the only is as to how mining will occur.

part of definition of words undue and unnecessary § 302(b) 99-579

SIERRA CLUB

Southwest Office

338 E. De Vargas
Santa Fe, New Mexico 87501
(505) 983-6331

February 28, 1978



Sandstone Sculpture, Peach Wash, Arizona

MEMORANDUM

To: Joe Fontaine, Kent Gill, John McComb, Bruce Hamilton, Tina Nappe, Don Carmichael, Ruth Frear, Linda Lewis, Brian Beard, John Schneider, Mary Hay, Paul Swatek, Russ Shay, Paul Huddy, Doug Shakel, Ralph Clark, Connally Mears

From: Brant Calkin

Re: (1) 1872 Mining Law
(2) BLM - Grazing and Fence Modification

The first item of interest concerns the 1872 Mining Law, and there have been two significant events in the month of February. First was the RCC meeting in Salt Lake City, where the matter was discussed in some detail and some planning done to augment a low-level campaign against the industry bill sponsored by Mr. Ruppe. The centerpiece for the RCC meeting was the appearance for about 2½ hours of Mr. Howard Edwards, who is the Chairman of the Public Lands Committee of the American Mining Congress. He fielded questions and gave opinions during the Saturday morning session, and was relatively candid in his responses. Some of his answers and opinions were just their party line, and I think most of us recognized those. Everybody was cordial and polite and I think gained something from the encounter. There were about 25 people in attendance in the question and answer session, and the written material which had been distributed probably was as good a preliminary education as that many people could have gotten in that much time.

The second significant event involving the 1872 Mining Law was the hearing held by the Mines and Mining Subcommittee of the House Interior Committee in Grand Junction, Colorado, on Saturday, February 18, 1978. We made a much better showing at this hearing than at the one in Phoenix in December. There were about 75 people who testified and about 25 of those were either our people or people who were sympathetic to our point of view. One interesting twist to the testimony presented from our side was strong emphasis by representatives of local government, primarily in the Crested Butte, area to the effect that the patent location system rendered local governments vulnerable to uncontrolled urbanizing demands for housing, police, schools, fire protection, hospitals, etc. The contingent included the mayor of Crested Butte, a town councilman, a county commissioner, the chief planner, and a member of a joint town-

county planning commission. We briefed all these people extensively several days before the hearing, and they did a good job. Other testimony was received by people who drove from Aspen and Gunnison. In addition, Mary Hay drove in from Denver, representing the Rocky Mountain Chapter of the Sierra Club. RCC Chairperson, Ruth Frear, and Gordon Swenson also drove in from Salt Lake City. Perry Moyle, who is a Wilderness Society staff member in Grand Junction, did a superb job in providing contacts to be briefed so their testimony would be solid. All in all, it was a good showing in a hostile environment. Some of the attachments to this memo give an indication of the kind of literature which predominates in the area.

Udall was his charming self and said that although he had abandoned his bill and agreed to work for the American Mining Congress bill, that he wanted some environmental safeguards added. He then admitted that he had asked the American Mining Congress to provide the language for that purpose. I had not expected him to be so totally captivated by the enemy.

Mo said there might be two more hearings in Nevada, one in Elko and one in Reno, and that there would be an additional hearing in Spokane, Washington. Mark-up in the subcommittee is supposed to start around the third week in March, but that will probably be postponed if these hearings take place. The subcommittee has certainly been sure to see that all the hearings are in mining strongholds! McComb says the committee staff has told him the requests for a hearing in Montana will not be honored.

The second major area of interest for the Public Lands Committee concerns the BLM problems in Arizona and New Mexico. Most of you will recall an earlier memorandum I sent out regarding the congressional pressures which have been applied to have the Kingman, Arizona BLM Area Manager Gary McVickers fired or transferred. I did a Freedom of Information Act request which provided us copies of the congressional correspondence as well as other supporting documents showing that McVickers was being unfairly harrassed. Those documents, when released to the Arizona press, seem to have provided some breathing space for BLM so far as McVickers was concerned. Last Thursday, however, while I was in the Kingman area on a range land tour jointly sponsored by the BLM and the Mojave Cattle Growers Association, I found that a recommendation regarding McVickers is to be sent to Guy Martin, the Assistant Secretary of Interior, in a matter of days. There is reason to believe that some people in the BLM would recommend that McVickers be transferred as a political deal with Senator DeConcini of Arizona. Several of the environmental types on the tour, namely myself, Jay Reed of Audubon, Dave Foreman of the Wilderness Society, and Steve McKellar of the Arizona Wilderness Coalition, sent a telegram to the new BLM Director, Frank Gregg, supporting McVickers.

So far as the rangeland tour itself was concerned, I found the range to be far from the worst I had ever seen, though in most areas there was distinct need for improvement. It appears to me that in addition to some forage improvement that water development was spotty and led to localized overuse and there were numerous examples of sheet and gully erosion where earth dams and other measures should be taken very quickly. One or two good contacts among the ranchers were made, but most of the 35 or 40 who participated in the tour and the evening meeting thereafter are pretty hidebound. 8 years after passage of NEPA they still do not understand the Act, and they are equally ignorant of the real provisions of the NRDC grazing lawsuit. They claim to have spent \$30,000 in "trying to whip this thing," in the Kingman area, and they don't feel they are succeeding. Some unknown number, but probably about half of the 25 to 30 permittees in the Kingman Resource Area are not full time ranchers and they run less than 300 head of cattle, which is considered the minimum for a family-sustaining ranch unit.

Over in New Mexico, the BLM has I think folded to intense pressure regarding the installation of antelope passes in the sheep net fenced area near Roswell, New Mexico. The BLM proposes to embark upon a 4-5 year study in the area without installing any more antelope passes. The idea is that they will be able to identify the minimum or optimum size which antelope require in a given pasture in order to maintain a viable herd. As far as I can tell, the study itself has not yet been written, and from the generalized description I received from the New Mexico Department of Game and Fish, it appears the study itself will be inconclusive. We may end up 4 or 5 years down the line being in no better a position to effect the fence change for the benefit of antelope than we are today. I will continue to monitor the situation in the hopes that the project description once it is complete will be tighter than earlier indications, but here again it looks as though political pressure applied to BLM is having a damaging effect on both the resource and the morale of the agency.

One additional item which I can bring to your attention is that I was just called by NRDC in Washington, D.C., because they were seeking support to protect the Flood Insurance legislation, which they expect to be under attack in the Congress this summer. After discussing that legislation for a short time, I asked the lady who spoke to me who in their office was working on the Public Grazing Lands Improvement Act, which is being pushed by Teno Roncalio, and which is a direct attack on NRDC lawsuit decision. I was disturbed to find that there is no one in their Washington office who was even tracking this bill.

Enclosures (1) THE SMALL MINER pamphlet
(2) PUBLIC LAND USERS COALITION Information Sheet
(3) "Wyoming Rancher ..." newspaper article
(4) "Mining Law: ..." newspaper article

A LIVELIHOOD IN DANGER

For over a century the small miner in America has operated successfully under the 1872 Mining Law. The law allows any U.S. citizen to explore for minerals on federal land and locate a claim on his discovery. The locator maintains his claim on the area by doing \$100 worth of work on it each year. If "valuable deposits" are found, he can obtain title to the deposit. Thus the small miner has had the right to search for and produce minerals, with a just reward for his efforts.

However, there are now bills before Congress which would repeal the 1872 Mining Law and replace it with a system of competitive bidding for leases, a system which would put the nation's small miners out of business.

Some of these proposals would allow the federal government to define "minable lands" and determine which areas would be open for explorations.

Others would further restrict the activity of the small miner and prospector by relegating them to areas of little mineral potential.



THE SMALL MINER: LET HIM LOOK AT AMERICA

It is surely fundamental that all qualified persons should have the same opportunity to explore and develop the mineral resources of our public lands, be they small miners, rockhounds, weekend prospectors or professional geologists.

We must see that the small miner, whose contributions to our standard of living have been so great, retains the right of access to the public lands, with an assurance that he will be justly compensated for any discoveries he makes.

WHAT YOU CAN DO TO HELP HIM

Contact your Senator or Congressman today, urging that the 1872 Mining Law be retained.

America's mineral potential is great and, historically, it has been the small miner who has helped her realize that potential. He must not be denied access to the public lands.



WOMEN IN MINING
6758 Lewis Street
Arvada, Colorado 80004

THE SMALL MINER: LET HIM LOOK AT AMERICA



LET HIM LOOK AT AMERICA

LET HIM LOOK AT AMERICA

In the current debate over federal proposals to impose stricter controls over access to minerals on the public lands, the small miner and his threatened survival have become focal points.

The small miner / individual prospector is important to the nation's mineral economy, not only in terms of creating jobs and producing minerals which the major corporations would find infeasible economically, but especially through his role in exploration.

The contribution of the small miner to the nation's search for minerals is substantial. He must be assured access to the public lands and the right to earn his living if he is to continue to discover, develop, and produce minerals, providing employment and helping to meet America's mineral needs.

Women in Mining is making this brochure available through a grant and assistance from AMAX Inc. to inform you of the role of the small miner and to seek your assistance in letting him continue his search for minerals on the public lands.

DISCOVERER OF MINERALS

The history of the American West is a history of the discoveries of the small miner, beginning with the discovery of gold at Sutter's Mill in 1849.

The U.S. Bureau of Mines recently compiled a report of the number of major mines found by small miners, and the names are both familiar and impressive: the Mesabi Range of Minnesota and the iron country of northern Michigan; the Comstock Lode in Nevada; Arizona's copper; Florida's phosphate; Utah's uranium and Colorado's molybdenum, silver, and gold.

Modern-day prospectors are still out there looking for minerals, but because of the massive amounts of capital required to bring a new orebody into production, small miners usually submit their discoveries to larger companies which can develop them.

In 1976, AMAX Inc. surveyed 41 large mining companies, asking them to provide information on property submittals by small miners. AMAX found that, during the six-year period from 1970 through 1975, between 2,266 and 2,992 property submittals annually were made to those major mining companies, and an average of 85 per cent of those were submitted by small miners! It is clear that the large mineral pro-

ducers view small miner submittals quite seriously, because nearly half of them were investigated further, with 12 to 18 mines planned or brought into production annually from among the properties submitted by small miners.

The small miner, the lone prospector, the rockhound are not obsolete: They're out there today, as you read this, looking for -- and finding -- America's mineral resources.

RECORDER OF MINERAL POTENTIAL

Even when the small miner does not find evidence of a deposit or orebody of immediate commercial feasibility, he has at least added to our knowledge of the geology of this vast nation. For every large mining company with an exploration division, there are a hundred prospectors looking around and staking claims, doing the assessment work on them, and leaving a record of their knowledge of the mineral potential of an area, inventorying a natural resource which may someday be used. Thus we multiply by at least one hundred the nation's ability to identify its mineral resources.

If the individual miner loses the right to go out and stake a claim, or if government regulation becomes too burdensome for him to do so, the nation will suffer from a sharp decline in the tremendous amount of mineral information now generated by the "little guys."

PRODUCER OF MINERALS

Most mining operations are small.

According to Congressman Jim Santini of Nevada, 64 per cent of the nonfuel mining operations in this country today are conducted by nine or fewer men. In Colorado, 80 per cent of the mining operations fit into the small miner category.

Yet, according to a 1977 study conducted by the Bureau of Mines, small miners account for the total production of this nation's crude asbestos, graphite, kyanite, talc, and industrial garnets. They produce more than 60 per cent of the nation's perlite and dimension stone, and more than half of the barite and feldspar, as well as 49 per cent of the mica and 24 per cent of the gypsum.

And their importance differs according to the commodity and the location. For instance, small miners produce 59 per cent of California's silver production, 56 per cent of Nevada's, and 71 per cent of the silver produced in 37 other states. They produce 80 per cent of California's gold, and 35 per cent of New Mexico's.

Some of those operations, particularly with regard to commodities like asbestos, tungsten, and gold, are ones which would not be worthwhile for a large company, but which provide jobs and income for the small miners and recover valuable resources for the nation.



AMC

patent/claim systems

royalty

no requirement of
discovery to support a
claim

1872

patent/claim

land give away entirely,
when valuable mineral
located

incompatible with
multiple use

Adm.

leasing for handwork

royalty - fair return to am.
people

compatibility with multiple use
concept

competitive and noncompetitive
procedures for

a) acquiring properties

b) access

c) preferred rights to explore

d) rights to produce as long as
continuous operation

e) assistance to small miner

f) assurance through diligence
requirements that large
companies do not monopolize
holding of federal land and
exploration

g) procedures for providing land
without complicated land
exchanges.

Why worry about the other side
in the management of growth, the options for decreasing net
planning should ease the accommodation of growth.

explain cycle interception

Factors cause boom ^{why}

ways to mitigate

Factors which cause problem

could be defined
10% decline in pop
and economic activity

John Woodberry exponential.

must decide whether we
want to do something

Hard to predict future -

Real planning is seeing crashdown

role of communist
and design of boom towns

making it easy for the communist
Edie

preparing reserves

are state
problem
tend to state
address for financial
add if good for
anything else.

reserves

Adm

give license to explore
or if very promising area
(like oil) exploration
license after competitive
bidding.

* preferred right to lease given
to explorer but no more
than 5,120 acres to be
tried up by an explorer
in any one state

license for 5 years
cover 1280 acres
cost \$5 per year/acre

lease for development

Report to old West Regional Commission said:

"Every region which is declining today is doing so because the momentum of some earlier growth carried it to levels it could not sustain."

Regions and communities with extremely specialized and/or narrow economies are high vulnerable to changing fortunes.

a boom which goes bust.

Region XIII has many historical booms and busts

Cellette boomed for coal, and declined, boomed for oil, and declined and is now again booming for oil.

Rock Springs started with a transportation railroad boom and then declined to later boom with construction and resource extraction

Crested Butte - boomed as a service center to hardrock precious metals mining, then declined to boom for coal and decline and then boom for recreation and now is facing a compounded recreation / large scale mining boom.

Big cities - Chicago, New York, went through a rapid growth phase periods of over 10% several years, over 10% annual growth. and they had periods of declines.

why be concerned -

Because now we feel as a nation an obligation to do something about community decline and the people affected by it

Growth management has the objective of easing the accommodation of a community to change accommodation to growth as well as accommodation to decline

AMC Did "based upon" recommendations of P.L.R.C. - 1970 report

AMC wants self-initiated mining rights

Very reason is complexity

AMC opposes leasing system due to experience with coal governments "red tape"
Sierra Club had on overburden belt

AMC wants access and self-initiation
No planning system recognizes self-initiation or unique aspect of mineral location they are there.

address effects movement of location in land use planning

AMC 80% of provisions land give away - it is required to hand over to majors the citizens portfolio of minerals

AMC watch surface compensation - again small miners can not cope

AMC eliminates marketability test for patent process
to say if you spend enough (?) how much per acre you get land
a quantity of money spend -
a means for land speculation.

AMC patent is give away to big companies

AMC rock has no value in ground - for miners may be not (but for non-renewable resources to raise money)

mining destroys land value
disruption extends beyond area dug up.
economic system cannot handle it forecloses alternative uses of land affected
P.L.R.C. which represent value

AMC 1/3 of land has reclaimed itself.
check P.L.R.C. and EPA

AMC check on land exchange

need large acreage access to find minerals for society (but no inducement to develop)

then do nothing

successful exploration - incremental acquisition of information over the year

needed

- 1) environmental protection
- 2) retention of surface owners
- 3) need mechanisms for good management decisions
going issue, threshold, and preemployment risk - of how not if mine
- 4) need payment to government - the people from people's resources
- 5) need to counter to balance of payments deficit
- 6) need other bill deals with materials policy
few or only sources of material in critical areas
tie in with leasing?
- 7) need to deal with closure of mine
- 8) need to deal with shut down
- 9) need to define long term commitment to public health
safety, and welfare
- 10) compensation for loss of other values
recreation, agriculture
- 11) need Bill yields more to local government.
- 12) diligence
for creation not provided in patent system
leasing creates diligence and economic activity

Range AMC Bill provides for claim/patent system and lessening
pat burden on small miners
increased work requirements
greater assessment costs
due diligence only addressed by increased
assessment costs - these mean little
to large company

F.S. guide for many

Analysis of High Speed Production

USA GenTech Rep INT-35 '1977

Inter Mountain June 1977

Order 89401

18th Hearing in Grand Jury

advantages of lease

a handle on how and where

leasing is non discretionary
leasing is discretionary as a
decision to grant

It is discretionary action
Tax should cover implications of
action

discretionary means job

give away like subsidy at nominal cost
no productivity

lease of private individuals
is evidence of societal complexity
and the need to consider other values

as a stockholder in several
major oil, coal, ^{iron} production companies
and ash.

leasing
difficult and real and for real
owner - this is not longer the
made ground. we do have
environmental, social, economic
large scale
these results from mining
we need to address
needs to say no after
the costs and benefits
are not fully evaluated
we need to come previous resource
including minerals and
the tax payers dollar concerning
minerals.

cost of uniqueness land use

license

regulatory
maintenance

AMC a trick

do not do that

stock holder

local costs
can be supported

royalty does not
reflect oil shale
front money

gov has to cover - we pay
tax

and left holding the bag
long term Dailey, pile

give away of private rights of minerals
to majors

land use - we didn't know
where the minerals are
and are not.

rocking ground has value

Gun Band t

El Nig h Dengale

Mining destroys land value

If you are going to screw around
with environment why should
it be cheap.

Support leasing concept for
as stock holder it has not
appeared to affect my dividends

prejudice against - and of min
pedis porous
y call to local/state government.

It creation not addressed

Do not have confidence in big
business making decision under
Cul U. cartel. and policy
claim abuse in buy.

Need to recognize other values
in if not show context
scientific community

Not small amount of land affected
as industry says

minerals - statutory right to explore
NEPA can not be used to restrain
mineral production.

Teck Breakthroughs create new
or finds and values
also works in reverse
silicon for copper in communication

one line all other

Sum

are we so poor we must
sacrifice other values
our heritage

or are we so richly endowed
with wild life, clean air,
water, beautiful scenery,
we can disregard,

Wheeler Junction - sand & gravel
deposit and Copper Mt. Ski
area

Mining claims can be only paper
but must be formally
extinguished via due
process -

They create a property right,
against other indigenous
government.

abuse of floating claims

recognize F.S. signs on
surface disturbance
notice

of giving to min adverse impacts
not adversely interfere with
mining materially

F.S. may not say no.

there must be
a decision process
where no can be
said and
a balancing

Environ and

my 17 17 17
a resident and a help

UTAH
PRESS ASSOCIATION
CLIPPING SERVICE
Box 1327 Phone 328-8678
Salt Lake City, Utah 84110

OGDEN STANDARD-
EXAMINER
Ogden, Utah
Circulation 46,620

DEC 8 1977

Destroy Economy

Ogden
The appeal recently filed against the Forest Service by the Sierra Club (see the Standard-Examiner, Nov. 1) to halt exploration for oil and gas in roadless areas in the "overthrust belt" of Utah, Idaho, Wyoming, and Montana illustrates better than anything else could the deep dedication the Sierra Club has to destroy the economy of the United States.

The Sierra Club has a long history of working against the interests of our country. A long delay in construction of the Alaska pipeline, thus a big delay in getting this oil through 48 states, suits to prevent oil and gas development along the Atlantic Coast where these resources may be abundant, defeat of numerous water power projects (Echo Canyon for example), a major fight to prevent cutting of timber on the national forests, support of national land use planning, excessive demands for impractical water and air quality standards, opposition to oil shale development, demand for high prices for gasoline and electricity, defeat of major coal-fired electric power projects (Karprowits), extreme demands for roadlessness and wilderness, and use of the endangered species law to protect minor species of no consequence against construction of major power projects (snail darter in Tennessee). This could go on and on for ages.

The U.S. today is nearly 50 percent dependent on imports of oil, chiefly Saudi Arabia, creating a balance

of payments deficit that threatens the stability of the dollar in world trade mostly because the Sierra Club has fought too successfully in the courts to prevent or seriously delay development of oil, gas, and coal resources in our country.

Even members of the Congress are so subject to the pressures by the Sierra Club and its cohorts they pass laws like the Environmental Protection Act, Endangered Species Act, and the Wilderness Act without the remotest consideration of the impacts on the economy of the country. Even when such appeals are made (the environmental impact statements are required by the National Environmental Protection Act), the members of Congress are so gutless they do not modify or repeal provisions that can cause such havoc. They do not go back and correct mistakes.

The people of our country should be aware of the nature of the Sierra Club and its activities and should, as good, loyal American citizens, ostracise the club and its members to oblivion. As long as the club limits itself entirely to trail hikes, camping trips, or nature studies, it is okeh but this represents only a sideshow of its real activities.

Joel L. Frykman
Consulting Forester

UTAH
PRESS ASSOCIATION
CLIPPING SERVICE
Box 1327 Phone 328-8678
Salt Lake City, Utah 84110

PROVO
DAILY HERALD
Provo, Utah
Circulation 24,013

DEC 7 1977

Oil Group Accuses Sierra Club of Disregarding Public

An oil industry spokesman has accused the Sierra Club of blatant disregard for property rights, governmental decision-making and the public welfare.

Executive vice-president Jack Swenson of the Rocky Mountain Oil and Gas Association said recent action by the preservationist group exposes what Swenson termed "an egocentric concern for nothing but their own elitism."

The RMOGA statement was based on an announcement last week that the Sierra Club will seek to have all leasing for oil and gas exploration halted in two of the nation's U.S. Forest Regions, and will seek to have cancelled thousands of valid leases issued since January, 1970.

Such action, if approved by U.S. Forest Service Chief John McGure, would bring to a virtual standstill exploration for oil and natural gas in the richly potential Overthrust Belt of Utah and Wyoming.

Mr. Swenson charged the Sierra Club action exposes that group's total indifference to "any but their own selfish interests".

"They admit by this action their total disdain for the concept of multiple use of public lands which has repeatedly been decreed by Congress.

"They ignore entirely the demonstrated fact that America's energy needs for the next few years can only be met safely by increased

domestic oil and gas production.

"If ever there was a special interest demonstrated, this is it," Mr. Swenson charged. "The Sierra Club refuses to admit that the whole American public has a vested interest not just in wilderness, but in timber, minerals, accessible parks and recreation areas, as well as coal, oil and natural gas."

The statement by RMOGA, an eight-state organization of oil industry individuals and companies, warned that if successful, the attack on exploration leases would undoubtedly be expanded to attacks against timbering, grazing, mining and recreational uses of lands the Sierra Club has endorsed for wilderness designation.

The 24.6 million acres in the eight states would thus be off-limits to all but an estimated one per cent or less of the American people who use these lands.

The move to halt leasing would also ignore the property rights vested in the leases now issued by the Federal Government, RMOGA warned, and would result in unwarranted delays in determining if the tremendous reserves in the Overthrust area do exist.

"The suffering experienced in the eastern United States last year has been forgotten by those who seem determined to stall any domestic oil and gas development and keep us dependent on foreign sources," Mr. Swenson concluded.

DEC 8 1977

Public Land Users Coalition Schedules Important Meeting

98

Dean Rhoades, chairman of the Nevada Land Users Council, Elko, Nevada, and Wayne Winters, editor of Western Miners and Prospector, Tucson, Arizona, will be the main speakers at the next meeting of the Public Land Users Coalition (PLUC) in Tonopah, Nevada on January 4th, 1978, according to President Wallace Fotheringham.

The recently formed Coalition encompassing all public land users whether they use public lands for profit, such as mining and grazing, or for recreation, such as hunting, fishing, rock hounding, off road vehicles, camping, photography or just enjoy being able to drive onto public lands to get closer to nature. We already have members scattered from Louisiana to Alaska, and the Coalition was just formed Nov. 5th, in Ely, Nev., according to N.E. "Red" Wilson, secretary of PLUC and Editor of the Beaver County News, a weekly newspaper in Milford, Utah.

The Coalition is the result of a seminar held in Milford August 27-28 and jointly sponsored by the Prospectors, Miners and Public Land Users of Ely, Nevada and the Beaver County Land Users Assn.

We decided that laws affecting public lands were getting out of hand, as are many other laws, Wilson said. No one group alone does not have a loud enough voice to

penetrate Washington and get results. Cattlemen and woolgrowers were not united in their efforts, even though they are adversely affected by the same laws. Miners were split between the American Mining Congress (big industry) and the Western Mining Council, with hundreds of unaffiliated little organizations. Recreationists are even worse off, with no real coordinated effort at all.

Repeal of the Organic Act is our first priority, Wilson said. It's a law that adversely affects the whole nation. Miners, cattlemen and woolgrowers are most immediately and severely affected, because the law can and will cut off their means of livelihood.

But wilderness and roadless areas are slowly forcing recreationists off of public lands, according to Wilson, but not near slowly enough. Even the city dweller, who never has seen public lands, is affected, because present public land policies will boost inflation, making the nation even more dependent upon foreign sources for energy and mineral resources, beef and wool.

Besides hearing Rhoades and Winters, the group will ratify the by-laws, and determine a state in which to formally charter the organization.

We are actively working with our congressional representatives on present legislation, such as the Mining Law of 1977, and the Wilderness and Roadless Areas bills. I believe it would be safe to say, Wilson said, that our people don't like executive orders, the federal register and the expanding bureaucracy. It's time Congress returns this country to the basic concepts outlined in the constitution, and quits passing more and more bad or ambiguous laws, that are then administered by bureaucratic regulations published in the federal register.

Persons wishing to make reservations can contact the Silver Queen, Box 311, Tonopah, Nev. 89049 or phone 702-482-6291. For further information about PLUC write PLUC, N.E. Wilson, Sec., Box 368, Milford, Utah 84751, 801-387-2881.

Club Called Menace

Editor, Tribune: The action recently filed against the Forest Service by the Sierra Club (see the Salt Lake Tribune of Nov. 29) to halt exploration for oil and gas in roadless areas in the "overthrust belt" of Utah, Idaho, Wyoming, and Montana illustrates better than anything else could, the deep dedication the Sierra Club has to destroy the economy of the United States.

The Sierra Club has a long history of working against the interests of our country — long delay in construction of the Alaska pipeline, thus a big delay in getting this oil to the lower 48 states, suits to prevent oil and gas development along the Atlantic Coast where these resources may be abundant, a major fight to prevent cutting of timber on the national forests, support of national land use planning, excessive demands for impractical water and air quality standards. This is by far an incomplete list as it could go on and on for pages.

The United States today is nearly 50 percent dependent on imports of oil, chiefly Saudi Arabia, creating a balance of payments deficit that threatens the stability of the dollar in world trade mostly because the Sierra Club has fought too successfully in the courts to prevent or seriously delay development of oil, gas, and coal resources in our country.

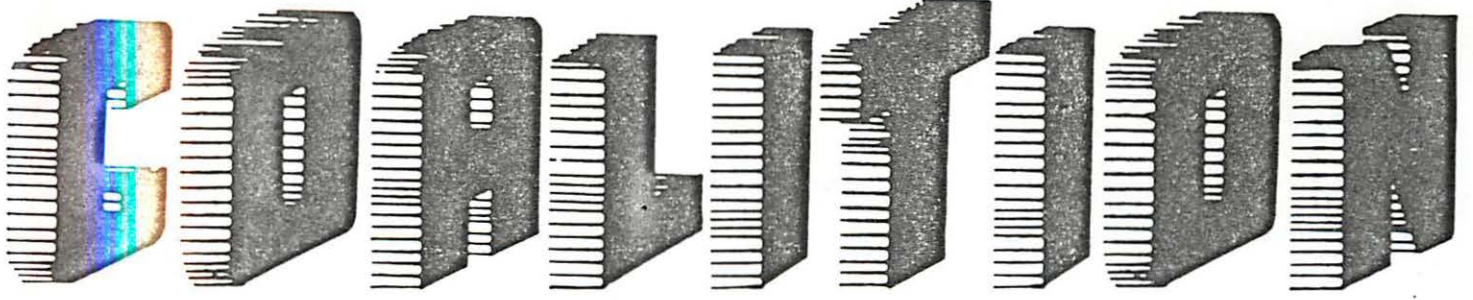
If the Kremlin has a better friend in the world than the Sierra Club it is not known.

The people of our country should be aware of the despicable nature of the Sierra Club and its activities and should, as good, loyal American citizens, ostracize the club and its members to oblivion. As long as the club limits itself entirely to trail hikes, camping trips, or nature studies, it is okay but this represents only a sideshow of its real activities.

JOEL L. FRYKMAN
Consulting Forester

13 Dec. 1977 Salt Lake Tribune

Public Land Users



Information Sheet

Goals and Purpose

1. The repeal of the Organic Act.
2. Defeat of the Mining Law of 1977.
3. Stop implementation of the rules and regulations on surface mining and grazing.
4. To protect both public and individual right to public lands.
5. To gain jurisdiction of all public lands for the states in which they are situated. Except those lands designated as National Parks and military installations.
6. And other causes which may be proposed by referendum of the membership or by the officers, and approved by the membership from time to time.

Plan of Action

- A. Attempt to get Attorney Generals of each state to file class action suits, or a joint suit against the federal government, to gain jurisdiction of all public lands except those designated by Congress as national parks and military installations.
- B. At proper time — as bills come before Congress — demonstrate, make opinions known, picket government agencies, either in support of, or in opposition to those bills. In the meantime, conduct an all-out letter writing campaign, and hold rallies to gain support for our cause, on the local front and wherever needed. In general, we will use the tools the labor unions and minorities have used so effectively.
- C. Educate — rally support across the country. Furnish speakers for rallies to explain consequences of Organic Act, the effect it will have on all society, and the restrictive regulations on surface mining and grazing. We will first educate the West, then move across the Mississippi and finally to the East and Washington, D. C.
- D. Write letters to whosoever; if you speak at a public meeting or hearing, have a prepared statement to enter into the transcript, also. If you don't speak you can still add your prepared statement to the transcript.
- E. Corrdinate with other bodies. Through our newsletter, we'll attempt to keep Oregon in touch with Utah and Nebraska in touch with California. Many individual efforts and state efforts can be helped, just by gaining wide support.
- F. Finally, we must descend upon Washington, D.C., several thousand strong, to gain repeal of the Act. Our legislators can introduce a bill to repeal the Organic Act, but they'll need our help at crucial points to get it on the floor and to repeal the Act.

Where we meet

PLUC meets every other month, usually in a different state, so as to bring the Coalition closer to its members, and so that distance to travel to each meeting is equalized for members in different states and localities. Locations will be scheduled at least two meetings in advance when possible.

Local organizations wishing to host a PLUC meeting should make application at a Board of Directors meeting. This may be done by submitting a bid to the secretary for presentation at the next meeting, or it may be made in person.

The host organization should be prepared to furnish a meeting hall that will accommodate 300-500 members. There should be adequate motel and hotel facilities to house those from other areas. Meals may be acquired at local facilities or the local organization may plan to have a catered banquet, barbeque, etc., to raise funds for their organization. At least two persons should be available at the meeting place for registration, membership receipts, one hour before general sessions and until midway in final session or after intermission. Light refreshments should be available at the meeting hall.

Membership

INDIVIDUAL MEMBERSHIP is entitled to the newsletter and other member services. The individual will have full voting privileges in general session meetings, and all other rights and privileges of members as set forth in the bylaws. \$12.00 per year.

AFFILIATE MEMBER: A member organization which affiliates its roster, would be entitled to appoint a representative with full voting privileges in general sessions. Member organization would receive up to ten newsletters, and other correspondence of the Public Land Users Coalition. The affiliate organization would have the responsibility of passing information on to their members. Affiliate members could attend all general sessions, without voting privileges. However, affiliate member could also be individual member with full privileges. \$1.00 per capita.

ASSOCIATE MEMBERS: Industry, corporations, private enterprise, and certain organizations who wish to support the goals and purposes of PLUC, but for personal or private reasons do not wish to retain active membership.

- Up to 250 employees \$100.00 per year.
 - 250 to 500 employees \$500.00 per year.
 - Over 500 employees \$1,000.00 per year.
- In all cases, membership fees are minimums.

More about PLUC

The Public Land Users Coalition is a civic organization, of the State of Nevada. Membership is open to anyone accepting the stated goals of the organization.

A gigantic effort is necessary to reverse the trend toward socialistic-bureaucratic control of all industry, on public lands and private. We hope you will join us in this endeavor.

Directors

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- N. E. "Red" Wilson, sec.-treas., Box 368, Milford, Utah 84751
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- Joe Grubic, 41 Elysim Drive, Ely, Nevada 89301
- Joe Falina, Twin Springs, Tonopah, Nevada 89049

PUBLIC LAND USERS COALITION
 P. O. Box 368
 Milford, Utah 84751

Yes!

Rush my membership card today. My check in the amount of \$ _____ is enclosed.

NAME.....

Adress.....

City.....State.....Zip....

Mining law: 'If it ain't broken, don't fix it'

By PAUL HATHAWAY
Sentinel staff writer

The sign at the Holiday Inn on
Horizon Drive Friday read:

Welcome CMA

keep the mining law

That's exactly what the directors of the CMA—Colorado Mining Association—hope to do today, when members testify at a Congressional field hearing on bills aimed at modifying or repealing the Mining Act of 1872. The directors met Friday at the Holiday to discuss what approach to take at the hearing, being held today at the Ramada Inn.

The official CMA position is for Congress to leave the old mining act alone. However, some of the members said they would endorse a bill aimed at modifying the act to eliminate free acquisition of public lands and requiring payment of royalties to the federal government. The reason, they said, is that Congress appears bent on mining law reform this session, and such a bill is the lesser of the evils that have been proposed. Former Congressman Wayne Aspinall of Palisade concurred.

The proposals to be aired today are the Butler Bill, H.R. 9292, supported by the Carter administration, and the Ruppe Bill, H.R. 5831, which was partly sponsored

by the American Mining Congress and which has the endorsement of Rep. Mo Udall, D-Ariz., chairman of the powerful House Public Lands Committee.

The bill favored by the Carter administration would repeal the present mining act, altogether and give the Secretary of Interior almost unlimited discretion in withdrawing lands, mineral leasing, setting rentals and royalties and deciding when or if to lease public lands. Permits and licenses would be required even for exploration or other work, and the bill specifically allows "public interest" lawsuits if anyone anywhere opposes a given lease.

The Ruppe Bill, better known as the Udall Bill because of his endorsement, would substantially modify the 105-year-old mining act. Basic changes are requirements for payment of rental and royalty on mineral discoveries, along with land reclamation plans, bonding requirements and environmental stipulations in addition to those already in effect.

It would leave relatively intact the present right of any individual to go prospecting on public lands and to have the absolute right to develop any worthwhile mineral deposit discovered as a result. It would also allow mining

claims to be patented, giving the owner title to the land—something the Butler Bill would specifically exclude.

Much of the CMA directors' meeting was devoted to discussion on how to best present the mining industry's position to Udall and others conducting the hearing today. Among those suggesting approaches were Aspinall and Keith Knoblock of the American Mining Congress. Both endorsed the Udall Bill.

"I think most of us are familiar with the 'born again' chairman of the committee," Knoblock said, referring to Udall. He noted that Udall was one of the staunchest supporters of repealing the old mining act—until the Arizona copper mining industry hit a slump last year. With mines closing, miner layoffs and a depressed state economy as a result (Arizona produces about half the copper in the United States) and a threatened recall election, Udall decided something needed to be done to protect instead of attack the mining industry, Knoblock said.

The result was Udall's backing, with some environmental considerations, of a bill proposed by Ruppe. The American Mining Congress is supporting the bill, and asked that CMA members

take an understanding attitude in their position.

Aspinall advised support of the Ruppe-Udall Bill at the hearings today. He said it was unknown whether Udall would be chairman of the committee after this year's elections, and said if Burton were chairman, the industry wouldn't have a chance.

"I personally think if we don't get this Ruppe bill this session, we'll have the Burton Bill to face next year and it will pass without a question," Aspinall said. He predicted passage of the Ruppe or Udall Bill would stave off more attempts at repealing the 1872 law for perhaps 10 more years.

"I would suggest that without Udall's support, those who want to repeal have the decision by five votes in committee," Aspinall warned. "If we don't act this year, it's going to happen next year. If Burton is chairman, we don't even need to talk. It will be all over."

The veteran congressman also made a pitch for the right of relatively unrestrained entry onto public lands for minerals prospecting.

"The 1872 law was a home-steading act for the minerals industry," he said. "You take away the right to self-initiation (discov-

ery and development of mineral deposits) in this country, then you've just put a step downward to the free enterprise system."

Despite the subtle appeals to endorse the Ruppe-Udall bill, most of the Colorado mining representatives seemed inclined to go for broke and seek the status quo. The present law has worked well, with periodic updates and environmental regulations, they said.

In their official position to be presented at the hearing, the CMA claims leasing mineral lands and restricting access to public lands would discourage exploration and development at a time the nation needs more minerals.

Use of the land for non-mining purposes is already prohibited, they said, and there are more than adequate environmental protection regulations on the books. Charging royalties would only increase the costs of materials to consumers and discourage exploration and development, they said.

George (Tony) Setter of Grand Junction summed up the CMA position: "If it ain't broken, don't fix it."