



# Board of County Commissioners

## **Proclamation Recommending Reform of the 1872 Mining Law to Protect Public Lands and Local Economies**

**WHEREAS**, Boulder County, Colorado has a long history of hard rock mining, originating with the creation in 1859 of Mountain District Number 1, the state's first formal mining district and one of the first such districts in all of the Rocky Mountains; and

**WHEREAS**, with creation of this district, the mining of gold ore quickly proceeded to become a significant and widespread activity in Boulder County, leading to an initial gold rush that would continue until 1868; and

**WHEREAS**, the mining of ores such as gold, telluride gold, silver, tungsten, and fluor spar continued in Boulder County at varying levels until finally ceasing in 1992; and

**WHEREAS**, the harmful environmental legacy of these activities in Boulder County includes the Captain Jack Mill Superfund site, which in 2018 was responsible for a significant fish kill in Left Hand Creek due to the release of contaminated water; and

**WHEREAS**, additional recent environmental impacts have included mine tailings exposed during Boulder County's historic 2013 flooding, contamination of Middle Boulder Creek from a release of mine drainage water, and impacts to well water due to mine-related water contamination; and

**WHEREAS**, as a result of this history, Boulder County supports efforts to modernize outdated and inadequate federal hard rock mining laws; and

**WHEREAS**, the 1872 Mining Law was enacted nearly 150 years ago and yet continues to govern the mining of hard rock minerals such as gold, silver, copper, uranium and other metals; and

**WHEREAS**, the 1872 Mining Law favors hard rock mining above all other land uses, effectively limiting the ability of the Department of Interior to balance mining with competing uses, including conservation, outdoor recreation, hunting and fishing, agriculture and energy development; and

**WHEREAS**, according to the U.S. Environmental Protection Agency, hard rock mining is the nation's leading source of toxic pollution, contaminating 40 percent of Western watersheds; and

**WHEREAS**, the 1872 Mining Law has insufficient environmental standards, including exemptions from portions of the Clean Water Act and the Resource Conservation and

**Deb Gardner** *County Commissioner*

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**Matt Jones** *County Commissioner*

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Recovery Act, that do not adequately protect water resources or fish and wildlife habitats;  
and

**WHEREAS**, current law establishes no independent, dedicated funding source to clean up the estimated 500,000 abandoned mines across the United States, which is estimated to cost about \$50 billion; and

**WHEREAS**, current law allows hard rock mining companies to extract minerals from our public lands without paying a federal royalty; and

**WHEREAS**, the hard rock mining industry under the 1872 Mining Law poses a serious threat to the public health, environment and quality of life of western communities;

**NOW THEREFORE BE IT PROCLAIMED**, that we, the Boulder County Board of County Commissioners support HR 2579, the Hardrock Leasing and Reclamation Act of 2019, and call upon Congress to pass this comprehensive legislative to reform the 1872 Mining Law; and

**BE IT FURTHER PROCLAIMED**, that reforming the 1872 Mining Law would help protect our public lands, water resources, wildlife and fish populations, and recreational activities that support our local economies from mining activity and pollution; and include robust stipulations for consulting with local governments in the planning process of hard rock mineral leasing and extraction.



Elise Jones  
Chair



Deb Gardner  
Vice-Chair



Matt Jones

December 16, 2019