



The Honorable Debra Haaland
Secretary, Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Tracy Stone-Manning
Director, Bureau of Land Management
760 Horizon Drive
Grand Junction, CO 81506

Dec. 1, 2021

Dear Secretary Haaland and Director Stone-Manning,

We are writing in support of a recently submitted petition requesting a rulemaking effort concerning hardrock mining. Western Leaders Network is a nonpartisan nonprofit of more than 450 tribal and local elected officials across the Interior West. As local and tribal officials, we live in and represent communities that have endured a legacy of hardrock mining and the pollution and financial burdens that come with it. The 1872 Mining Law, which has not been meaningfully updated in its 149 years of existence, is an archaic remnant of our country's settler-colonial founding and should be reformed immediately. However, redoing the rules that govern hardrock mining on federal lands is an important first step that will have tangible benefits for Indigenous and local western communities affected by mining.

This petition, brought forth by mining-affected communities and allied environmental organizations, asks the Bureau of Land Management to rewrite 43 C.F.R. §§ 3800 *et seq*, which implements the 1872 Mining Law. Specifically, the petition asks the BLM to clarify their responsibility to deny mine proposals that may cause unnecessary or undue degradation to treaty rights and other rights to fish, hunt, gather or otherwise use public land under the Federal Lands Management Policy Act (FLPMA). This adjustment will allow land managers to refuse mining on lands already being used or are relied upon by communities; currently land managers are unable to deny mines on the lands they steward.

Western Leaders Network

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Mining-affected communities and their local leaders have been working to reform the 1872 Mining Law for well over a century. Enacted one year after the U.S. government ceased making treaties with Indigenous peoples, the law was designed to encourage colonization and settlement of the western U.S. In addition to prioritizing mining over all other uses of federal lands, the 1872 Mining Law requires no royalties or reclamation fees, no bonding requirements, and no cleanup. That means tribes and communities like ours are on the hook - instead of the companies responsible - to reclaim polluting mines and handle the economic fallout.

Hardrock mining pollution is a regrettable part of western history that continues to burden communities today, from the [Bingham Canyon Mine in Utah](#), to [Butte, Montana's Berkeley Pit](#) and the infamous [2015 Gold King Mine spill](#) in Colorado, which made national headlines. Still, Congress has not reformed this outdated law, which allows the mining industry to operate unchecked and cause damage to our lands and watersheds, cultural sites and local economies.

Without accountability and regulation for the mining industry, the responsibility falls on our communities to foot the bill for cleanup and reclamation.

Reforming the 1872 Mining Law should be a priority for every member of Congress, but until it can be updated, the Biden administration should step up and reform BLM's hardrock mining rules. Mining in this country operates in a deeply inequitable manner, and redoing these rules is the first of many steps in creating a more just future for our local and tribal communities that deal every day with the impacts of mine pollution.

We look forward to working with you and your staff to modernize these rules in the short-term and to reform the mining law in the future.

Sincerely,

Arizona

Adam Shimoni
Flagstaff City Councilor

Damon Clarke
Hualapai Tribal Council Chairman

Shelton Scott Crozier
Hualapai Tribal Council Vice Chairman

Philbert Bailey
San Xavier District Councilor
Tohono O'odham Nation

Austin Nunez
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Tohono O'odham Nation

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Colorado

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Rachael Richards

Aspen City Councilor

Juan Marcano

Aurora City Councilor

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Randy Wheelock

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Dolores Town Trustee

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Kristin Stephens

Larimer County Commissioner

Polly Christensen

Longmont City Councilor

Janice Bryan

Mancos Town Trustee

Patrick Berry

Mountain Village Town Councilor

Kristopher Larsen

Nederland Mayor

Steve Child

Pitkin County Commissioner

Greg Poschman

Pitkin County Commissioner

John Clark

Ridgway Mayor

Tim Corrigan

Routt County Commissioner

Thomas McCracken

Saguache County Commissioner

Hilary Cooper

San Miguel County Commissioner

Kris Holstrom

San Miguel County Commissioner

Lance Waring
San Miguel County Commissioner

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Telluride Mayor Pro Tem

Kim Langmaid
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