

news

*Committee on Interior and Insular Affairs
Morris K. Udall, Chairman*

*House of Representatives
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MINING LAW OF 1872 PROPOSED FOR REVISION

LAW GOVERNS GOLD, SILVER AND "HARDROCK" MINERALS MINING

*House Mining Subcommittee Chairman Rahall Says
Bill Would Eliminate 119-Year Old Abuses And Deficiencies*

WASHINGTON, D.C. -- A comprehensive measure to reform the 119-year old law that governs mining on western federal lands was introduced today by U.S. Rep. Nick J. Rahall (D-WV), chairman of the House Subcommittee on Mining and Natural Resources.

"This legislation revises the Mining Law to eliminate its abuses and deficiencies. At the same time, it will ensure the availability of a continued supply of minerals so desperately needed for the health of our economy and the maintenance of our very standard of living," Rahall said.

Under the Mining Law of 1872, claims may be located on public domain lands for minerals such as gold, silver, lead, copper and zinc. The owners of these lands, the general public, does not receive a rental for the use of the land by claim holders. In the event minerals are extracted from these mining claims, the public does not receive a royalty. In addition, a claim holder need spend only \$100 per year to the benefit of the claim and file an annual affidavit with the government attesting as such in order to maintain it. Finally, if valuable minerals are found, the claim holder can receive a patent to the land, which represents fee simple title, for \$2.50 or \$5.00 an acre.

"I believe that we have already passed the point in time when this 19th Century law can be depended upon to serve the country's 21st Century mineral needs and the public interest in the management of our natural resource heritage," Rahall said.

The "Mineral Exploration and Development Act of 1991" is premised upon five basic tenets Rahall has developed to guide his reform effort.

"First, I believe that the patent feature of the Mining Law of 1872 does not comport with modern federal land policy which is grounded on the retention of the public domain under the principles of multiple use. It is certainly not in the public interest to dispose of valuable mineral lands for \$2.50 or \$5.00 an acre," Rahall said in explaining his proposed elimination of the mining patent.

"Second, I believe the public is justified in expecting the diligent development of its mineral resources," he stated in describing one of the bill's central features: the imposition of reasonable diligent development requirements on mining claim holders to replace the current law's \$100 per year work requirement.

Rahall also contends that there should be some financial return to the public for the disposition of valuable mineral resources from land that they own. The bill proposes a rental fee to accomplish this purpose with the proceeds dedicated to the reclamation of abandoned hardrock mines in the western states.

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In addition, Rahall said that there is a pressing need for the effective enforcement of reasonable reclamation requirements for hardrock mining operations. The legislation would provide statutory enforcement mechanisms and grant the Forest Service a greater degree of authority to manage hardrock mining activities on lands that it administers.

Finally, the bill would provide for the consideration of hardrock mining activities in BLM and Forest Service land use planning documents within the context of multiple use of the public domain. "Consideration of mining law operations within the planning process would not only protect other resource values but provide industry with greater assurances of being able to develop lands subjected to adequate plans," Rahall noted.

Addressing the need for legislation, Rahall said: "While the Mining Law has remained static, the world around it has evolved. Despite administrative and judicial attempts to twist and mold the Mining Law of 1872 into some semblance of compatibility with the mineral requirements, modern business practices, and public land use philosophies of today's America, some of the more archaic provisions of the law that thwart efficient mineral exploration and development remain. Nothing short of legislation can fix this situation."

Joining Rahall in the introduction of the bill were Rep. Bruce Vento, the Chairman of the Subcommittee on National Parks and Public Lands of the Committee on Interior and Insular Affairs, and Rep. George Miller, the Committee Vice Chairman.