

MPC *news*

MINERAL POLICY CENTER NEWSLETTER

Winter 2000

The People Dig In and Say No To Polluting Mines

By Dan Randolph and Aimee Boulanger
MPC circuit riders

Mineral Policy Center's members and readers

have heard us say it hundreds, if not thousands, of times. Our greatest grievance with the 1872 Mining Law is that it favors mining over all other uses of public lands. It essentially treats mining as a right for anyone who finds a valuable mineral deposit. Land management agencies, such as the U.S. Forest Service and the Bureau of Land Management,

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Aimee Boulanger



Stunning vista in the Cabinet Mountains Wilderness.

Campaign Reports

MPC Scores Big Win — Stronger Mining Rules

As the result of a multiyear campaign by MPC and allies such as U.S. Public Interest Research Group, Friends of the Earth, Taxpayers for Common Sense, the Western Organization of Resource Councils and countless others; public health, the environment, and the American taxpayer won a huge victory this year when a last-minute veto threat by President Clinton paved the way for new, stronger regulations for mining on public lands.

We expect the new rules to be issued later this year (2000). The rules govern mining on public lands managed by the Bureau of Land Management. The current rules were ineffective at stopping polluting mines or protecting taxpayers from mine cleanup costs. The regulations (43CFR3809) are mandated by The Federal Land Policy and Management Act of 1976 (FLPMA) which directs that the Secretary of the Interior "shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation on the federal lands." The current weak regulations were issued in 1981 under then Secretary of the Interior James Watt. These regulations are the only direct federal environmental oversight

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Exploration roads scar Buckhorn Mountain.

Alan Seftoff



Letter From the President: This Year's Heroes

At the end of last year I wrote about a number of people who made my list of heroes for 1999. These were people who worked tirelessly to hold mining companies accountable, to protect special ecosystems and landscapes, to safeguard their communities from destructive mining practices, and in one case, to change company practice from the inside. As 2000 draws to a close I have a new list of heroes that I want to share with you. This year's crop of heroes are people who took risks and inspired all of us here at MPC.

Senator Richard Durbin stood up on the floor of the Senate and spoke up for taxpayers and for those fighting to protect our public lands. He won the debate against those who were seeking to hand out one more special favor to the mining industry by opposing a rider that would have prevented new, stronger mining regulations for mining on public lands. In the end, thanks to Senator Durbin and a veto threat by President Clinton, we won.

The late **T.H. Watkins**, known for his nature writing, including the recently published *Redrock Chronicles: Saving Wild Utah*, whose story, *Hard Rock Legacy* in the March 2000 issue of National Geographic brought the abuses of the 1872 Mining Law to a new audience. Here's how Watkins closed the story: "Leaving Nevada I thought about those dead lakes shining in the desert sun, the dead birds I had seen in Spokane, the hundreds and thousands of abandoned mines still leaking poison into the West's water, the sprawling chemical filth of flats below the Anaconda smelter stack, the blowouts that still corrupt rivers and water tables. At what ultimate cost, I finally wondered, have we held so fiercely to this antique law, dreaming the long dream of treasure that I once saluted with such enthusiasm."

Edie Harmon who last year camped out in our offices as she so effectively worked the halls of Congress, fighting for the right to deny mines that would pollute the environment, destroy ecosystems, or impact cultural resources. This year, Edie won an important first step in her fight. The Clinton Administration has set a precedent which requires the government to reject mines that would result in permanent damage to the environment and to cultural resources such as Native American sites.

U.S. Interior Department Solicitor **John D. Leshy** who had the guts to state the simple fact that the 1872 Mining Law does not give mining companies carte blanche to pollute public lands. No longer can federal land managers ignore the fact that the abuses allowed by the 1872 Mining Law must be balanced against legal requirements to prevent degradation of our public lands.

When Eurogold/Normany tried to win approval for an open-pit gold mine in Bergama, Turkey, **Birsel Lemke** swung into action. She organized her community, a region of olive groves, clean water, and ancient Greek artifacts, from the threat of this proposed mine. Birsel Lemke's multiyear campaign has been successful so far. But as we go to print, the mining proposal is being reconsidered by the Turkish government. For her efforts, this December Ms. Lemke will be awarded the prestigious Right Livelihood Award.

On Feb. 4, we received a fax from Birsel Lemke describing a cyanide spill at a gold mine in Romania. The details were sketchy, but within hours **Jozsef Feiler**, of Friends of the Earth Hungary, hit the ground running. He alerted other environmental organizations, government officials, and the press about the potential impact of the spill. For weeks, Jozsef worked tirelessly, almost to the point of exhaustion. In the end the spill devastated a 250-mile stretch of the Danube River, but the media attention and public outcry have led to greater scrutiny of similar mining operations worldwide.

The late Frank Wheat, an attorney, mining reform activist, and MPC supporter who worked tirelessly to promote protection of our treasured public lands from irresponsible mining projects. Frank was one of the early promoters of the idea that the Federal Land Policy Management Act required the government to protect public lands from mining. His tireless work on this issue came to fruition this year when DOI issued a legal opinion and a new rule that requires land managers to prevent irreparable harm to our public lands. All of us here at MPC owe Frank Wheat a debt of gratitude. Thanks Frank.

With heroes like these, and thousands more working together around the world, it is abundantly clear that wherever a mining company operates, someone will be there to shine an uncomfortable spotlight on anyone or any company that seeks to cut environmental corners.

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THANKS

All of us here at MPC wish to thank **David Loew** of Black Rocket in San Francisco for his work on our New York Times ad. And a special thanks to **David McCargo** for his ongoing support to MPC.



This fall, in the heat of a legislative fight over new mining rules, we took our message to the people in the form of a *New York Times* ad. We asked the president to stand up to mining-industry special interests and fight an anti-taxpayer and anti-environment rider that could have weakened new mining rules.



He did. And we won. Thanks to your support.

Ad design courtesy of Dave Loew and J. Kent Pepper from Black Rocket in San Francisco.



Rivers are NO PLACE for Mine Waste

By Michael Rae

Program Leader – Resources Conservation, WWF-Australia

The practice of using rivers and streams as vehicles for mine-waste disposal is being questioned as never before. Downstream communities as well as development and environmental non-government organizations (NGOs), including Worldwide Fund for Nature and Mineral Policy Center, have long criticized the practice of dumping mine tailings and waste rock directly into rivers. The good news is that recently, Western Mining Corporation indicated “that the potential impact of tailings disposal in a river environment was an unacceptable practice for the company.” BHP has also made commitments to not invest in future mines that would use the practice.

Riverine tailings and waste-rock disposal has been adopted as the technology of choice in a variety of locations in the Asia-Pacific region. The attraction is simple: dumping waste into rivers is undoubtedly cheaper than waste storage in tailings dams and permanent waste-rock dumps. In areas prone to earthquakes, with steep topography and high levels of rainfall, such as the island of New Guinea, riverine disposal has been chosen as the lowest-cost waste-management solution by mining companies and government regulators determined to see mines in such locations proceed.

While simple cost-effectiveness in terms of mine operations might be realized by riverine tailings disposal, recent experience indicates that those benefits can be outweighed by the costs associated with the resulting environmental and social impacts and damage to company reputation.

BHP’s Ok Tedi mine in Papua New Guinea has had the highest public profile of the mines using riverine waste disposal due to the significant environmental problems caused by the mine. But, concerns have also been raised about Placer-Dome’s Porgera

gold mine in PNG’s Enga Province, and Freeport/Rio Tinto’s giant Grasberg copper and gold mine in West Papua, Indonesia.

Ok Tedi’s negative profile matches the scale of the mine’s environmental and social impacts, with an estimated 1350 sq km of rainforest expected to suffer die back as a result of overbank deposition and consequent disruption to local communities. The mine’s dumping of approximately 70,000 metric tons of waste per day has dramatically exceeded the assimilative capacity of the Ok Tedi and Fly river systems. Ok Tedi’s legacy (and the operators’ exposure to liability claims) will continue for the majority of this century, long after the mine’s closure, which is anticipated to occur in the next five to ten years.

Placer Dome’s Porgera mine dumps about 37,000 metric tons per day of tailings and waste rock into the Porgera and Strickland River. Porgera has not had the same physical impact as Ok Tedi, owing to the lower levels of waste and the higher levels of streamflow through the Strickland system. Overbank deposition of mine-derived sediments has occurred and local communities remain concerned as to possible health and environmental impacts.

Less well known to the general public, until the recent opening up of the Indonesian political system, is the Freeport/Rio Tinto Grasberg mine. In scale, Grasberg dwarfs the Ok Tedi and Porgera operations. Licensed to dump 300,000 metric tons per day into the Ajkwa River system, Grasberg has been recently ordered by the Indonesian government to cut back to approximately 200,000 metric tons per day, following a recent waste-rock landslide into Lake Wanagon and the deaths of four people.

Like Ok Tedi, Grasberg’s disposal of waste rock and tailings is massively in excess of the

Photography by Stephen D’Esposito

Top to Bottom:

Because riverine tailings disposal has devastated forests in the area, BHP is experimenting with dredging to clean up the pollution on the Ok Tedi river.

Where mine waste and a river meet, the Strickland River, Papua New Guinea.

The Strickland River, Papua New Guinea.

A forest devastated as a result of riverine tailings disposal. BHP, owner of the Ok Tedi Mine in Papua New Guinea, has pledged to stop the practice at future mines.



Trucks prepare to dump mine waste directly into Papua New Guinea's Strickland River.

assimilative capacity of the receiving environment. The mine is burying a large area of tropical lowland rainforest and mangroves and its potential impacts on the adjacent marine and coastal areas have yet to be properly assessed. While the company and the government have begun this latter task, it is patently regrettable that this research was not done prior to approval and operation of the mine. The results of the research will simply describe the anticipated impacts. The volumes of waste already entrained in the river system are so large that little can be done to mitigate the impacts over the short term. Even immediate closure would see the mine wastes impacting the environment for many years.

While important, all the other environmental impacts of the Grasberg, Ok Tedi and Porgera mines are largely irrelevant relative to the impacts of the tailings and waste rock disposal. As an independent review of the Grasberg operation in 1999 by environmental management auditors Montgomery Watson revealed, Freeport has competent environmental management systems in place. But it must be said that such systems are exceptionally marginal in their amelioration of the impacts of throwing 200,000 metric tons of waste a day into the river.

Today, downstream communities, NGOs and some of the world's major mining

companies have recognized that riverine tailings disposal is a method well past its "use by" date. Companies like WMC and BHP have accepted that it is a practice that will no longer be tolerated by society, including local communities and their investors, insurers and staff.

WMC Resources announced its decision to forego further investment in mines requiring riverine tailings disposal at the Minerals Council of Australia 1999 Environmental Workshop. In its *Environment Progress Report 1999*, the company said that it believed "... the potential impact of tailings disposal in a river environment was an unacceptable practice for WMC."

BHP's board recently endorsed the following policy:

"BHP will not commit to a new mining project that disposes of waste rock or tailings into a river.

This position does not apply to:

- The disposal of waste rock and tailings materials in conventional waste rock dumps or tailings dams which may be constructed within the catchment of a river system where such structures are designed to retain and store the waste materials.

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Mine waste from BHP's Ok Tedi mine in Papua New Guinea chokes the Ok Tedi and Fly rivers.



This used to be a thriving river, but the practice of dumping mine waste directly into rivers has ravaged this corner of Papua New Guinea.



Where the forest stops, the Ok Tedi pit begins.



Dumping tailings directly into rivers fills them with mine waste. It is a practice that is illegal in many parts of the world and should be illegal everywhere.



Locals search through waste rock for gold at Placer Dome's Porgera Mine in Papua New Guinea.



Rivers Are No Place for Mine Waste, CONTINUED FROM PAGE 5

■ Discharge of water from tailings dams or waste rock dumps (of a quality acceptable for downstream beneficial uses)”

The author is aware of at least two other major mining houses contemplating similar policy announcements.


If the mining industry is to win back community confidence, individual companies and the industry's associations must act decisively on the issue. In the words of one industry insider, this issue is a “no brainer.” It is obvious that the mining industry must abandon the practice,

acknowledging that riverine tailings and waste disposal has no public support. It would be a sign of good faith to the broader community if other companies each immediately endorsed a policy similar to that of the BHP board.

Because of the critical national and local economic and social importance they have assumed, it is highly unlikely that Ok Tedi, Porgera and Grasberg will immediately be closed. A policy that meets the broader community goal would be to ensure that the existing mines using riverine tailings and waste disposal are the last of the breed.

That is, once Ok Tedi, Porgera and Grasberg have closed, there will be no more such mines.

Such a policy would open the way for community engagement in debate over deep-sea tailings and waste disposal, a practice the industry has adopted but is viewed with reservations by many.

For further information please contact Michael Rae, Program Leader – Resources Conservation, WWF-Australia at (03) 9853 7244 

Take The Pledge, NO MORE OK TEDIS

An MPC Perspective

By Stephen D'Esposito
MPC President

In the last few years many in the mining industry have begun to talk about sustainable mining. This has led to debates about whether mining can, in fact, be sustainable, and if it can, what constitutes sustainable mining. Here at MPC we actually prefer the term “responsible” mining. Accepting that some mining is necessary, the critical environmental and social question becomes whether to mine and if so, how to mine in a responsible manner.

We also firmly believe that progress comes through action. While research and analysis are important, they are not a substitute for concrete steps and real commitments. That's why in July of 1999, MPC called on mining companies worldwide to begin to take a number of immediate steps toward more responsible mining. In our report, *14 Steps to Sustainability*, we identified a clear, concrete action plan that if adopted would put the industry on the right track.

One of those concrete steps was a call for an end the unacceptable practice of dumping mine waste directly into rivers. Since July, we have teamed up with partners around the world such as WWF Australia, Mining Watch Canada and the Environmental Mining Council of British Columbia to push mining companies to take this pledge. Two have recently made such a commitment for future mining operations. They should be commended. They are BHP and Western Mining Corporation. Next on our list

are Placer Dome, Newmont, Freeport-McMoran, Barrick, Phelps Dodge and others.

Dumping mine waste directly into rivers is a practice that is outlawed in most developed countries. Yet, in what amounts to an environmental double-standard, mining companies sometimes engage in the practice in the developing world, where strong national safeguards may not exist. Anyone who needs proof that this practice can have devastating results should visit the Ok Tedi and Fly rivers in Papua New Guinea, where pollution from BHP's Ok Tedi mine has devastated the river system.

It's time to end the double-standard. It's time for mining companies to take the pledge to prevent pollution problems like those at Ok Tedi. Those mining companies that do will get the credit they deserve. Those that don't are likely to come under increasing international public pressure as citizens around the world unite to ban this destructive mining practice.

of mining on Interior Department managed lands. A similar set of regulations govern mining on Forest Service managed lands.

The need for stronger regulations is long overdue because new mining practices have outpaced the old regulations. For example, since 1981, the use of cyanide to process gold ore has become prevalent in the industry. This has dramatically increased the environmental risks posed by such mining operations. The old regulations do not address cyanide process mines. In response to this growing regulatory gap, in 1997, Interior Secretary Bruce Babbitt directed the BLM to update its mining rules.

For years, industry backers in the Senate have been delaying the implementation of these new rules. This year, however, is different. This year, the Clinton administration, with strong support from environmental and taxpayer groups, threatened to veto the entire Interior Department funding bill if roadblocks to stronger mining regulations were not removed.

What does all of this mean? It means environmental performance standards that should help keep our water clean, pre-paid environmental bonds that require mining companies to guarantee mine cleanup before mining begins, and protection of environmentally and culturally sensitive areas from the worst mine proposals. If enacted, the rule would likely serve as a template for an update of Forest Service rules for mines and mine proposals on Forest Service managed public lands.

No Road to Mine, Mining and the Roadless Initiative

In July, MPC and a coalition of environmental groups submitted comments to the Forest Service in support of the Clinton administration's draft roadless initiative. The initiative proposes to prevent new road building in 43 million acres of inventoried roadless areas in our National Forests, providing them with lasting protection. While our comments support the overall goal of the roadless initiative, they focused on the initiative's treatment of hardrock mining. Specifically, the proposed initiative ignores a basic tenet of the 1872 Mining Law – that rights under the law are contingent upon the discovery of a valuable mineral deposit. By not explicitly requiring mining claimants to demonstrate that they have a valid claim before they are permitted to mine, the draft rule leaves otherwise protected roadless areas needlessly vulnerable to

irresponsible mineral development. The draft rule also ignores the Forest Service's authority to regulate mining-related activities in national forests and thus appears to give mining claimants *carte blanche* to build roads for mining. The mining law doesn't require that the Forest Service approve road construction to service a valid mining claim. Our comments ask for a final roadless rule that requires a mineral claim holder to demonstrate the validity of his or her claim before mining and any associated road building can begin. It also calls for the Forest Service to acknowledge its authority to limit mining in roadless areas. The Final Environmental Impact Statement (EIS) for the rule will be released in mid-November and the publication of the final rule is anticipated for mid-December.

Patenting Moratorium Extended

In October, Congress and the Clinton administration renewed the patenting moratorium through the next fiscal year (*FY 2001*). The moratorium temporarily halts the patenting of new mining claims under the 1872 Mining Law. According to the 1872 Mining Law, anyone who discovers a valuable mineral deposit on open public lands has an automatic legal right to claim and mine that land. The holder of such a claim also has the right to patent, or purchase, title to the land and minerals for \$2.50 to \$5.00 an acre. Federal agencies must permit the sale, even if the proposed mine is not environmentally or fiscally sound or is located in an ecologically sensitive area. The moratorium was first passed by Congress in 1994. It must – and has been – renewed annually ever since. As long as Congress continues to

approve the moratorium, mineral-rich public lands will not be sold to private interests at 1872 prices.

Mining Tops EPA's Toxics Polluter List

In May, the U.S. Environmental Protection Agency published its Toxics Release Inventory (TRI), under which industrial facilities are required to annually disclose to the public their toxic releases to the air, land and water. This marked the first time that the hardrock mining industry was required to report its toxic waste releases under TRI. It found that the hardrock mining industry released 3.5 billion pounds of toxic pollution in 1998, almost half of all toxic pollution (7.3 billion pounds) released in the U.S. in that year, making it the nation's largest toxic polluter. These releases include dangerous toxins such as cyanide, mercury, arsenic, lead and cadmium. MPC and other environmental groups and local communities affected by mining have been able to use the TRI data in promoting a needed strengthening and reform of state and federal mining laws. In Nevada, for example, the TRI reports exposed massive mercury air emissions at many gold mines. For more information on TRI, contact MPC for its TRI Toolkit or download the toolkit from our web page at www.mineralpolicy.org.

A Good "Good Samaritan" is Hard to Find

On its face, allowing "good Samaritans" to cleanup up abandoned mines is a good idea. But the idea becomes more complicated when the "good Samaritans" turn out to be some of the same mining companies

Hardrock Mining's



Toxic Seed Packet

Toxic seed packets dropped to press and Senate offices. The packets, signified an anti-environmental mining rider – a toxic seed – planted in the agriculture spending bill.

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Mines on Film

Photos Tell Poignant Stories of Everyday Struggles Against Irresponsible Mining

By Chris Cervini
MPC Media Director

Every picture tells a story. But so do the people behind the photos. Every day, across the country and around the world, local heroes step up and carry the banner for common-sense mining-law reform. They give their time and effort, often thanklessly. What motivates them? The desire to ensure that their grandkids will have clean water and pristine places. They want to preserve the wonders of their surrounding environment so that they can be enjoyed by future generations.

Recently, we asked you to send us your mining photos. We expected pictures of torn up land and ruined streams. We got those photos, but we also got so much more.

So many of the photos we received were of beautiful places, not yet scarred by mining. Some were photos of places local heroes had toiled to save. Some were pictures of places where the battle is not yet won. Yes, we received the dirty pictures, but we were also reminded of what we're fighting to protect and why reforming the 1872 mining law is so important.

We were inspired. Not just by the pictures, but by the people behind the pictures. Those fighting irresponsible mining. Here are the photos and stories of people who, bit by bit, are working to keep our special places special.



The strange and beautiful plant life of the Siskiyou.

The rock is known as the Josephine Ultramafic Sheet, or Josephine ophiolite, and its unique chemical composition combined with as much as 120 inches of annual precipitation has given rise to a menagerie of rare and beautiful plant life. It's this exotic beauty that sets the Siskiyou National Forest apart.

"This area has incredible biological values," Ullian said. "It has scientific values in spades."

Ullian points to straight-out-of-science-fiction-looking *Darlingtonia* serpentine fens and other rare plant species that also, because of their rarity, might be nourishing as yet unknown insect species.

"The insect pollinators of these rare plants might be just as rare as the host plants," Ullian says. She added that Rough and Ready Creek watershed is also critical habitat for salmon and Steelhead trout.

You see, the rare soils that allow such fantastic plants to grow are highly mineralized. This means mining interests, particularly nickel laterite and placer gold miners, would love to sink their earth movers into the mineral-rich rock.

Over the past years several local and national groups – including MPC, the Siskiyou Regional Education Project, the Western Mining Action Project and others – have been fighting to protect the area from nearly 6,000 mining claims. One such plan, the Nicore Project, would have resulted in 16 crossings of fragile streams in the area. Fortunately, hard work on the part of conservation groups stalled the project and the Forest Service recently rejected an appeal by Nicore which disagreed with a Forest Service decision that it must test for nickle using helicopters rather than have big trucks trudge through the area.

But the final battle won't be won until the Nicore mine proposal is defeated, the entire area is withdrawn from mineral development and permanent protection is achieved – something Ullian and the Siskiyou's defenders are striving toward.

But the source of all this scientific and aesthetic value – the rare rock foundation that this biological jewel is built on – could also be its undoing.

Barbara Ullian A Tour Through the Siskiyou

The beauty of Rough and Ready Creek is timeless. That's because the rock that it flows over is some of the oldest and best-preserved areas of exposed oceanic crust in North America.

So, when Siskiyou Regional Education Project Conservation Director Barbara Ullian calls this scenic corner of Southwest Oregon "very old," she means it.



Rough and Ready Creek meanders through the Siskiyou National Forest.

Gene Sentz

Where the Plains Meet the Mountains – Protected

Schoolteacher and backcountry guide Gene Sentz's soft-spoken demeanor masks the magnitude of what he helped accomplish.

With the help of several groups and countless individuals – including MPC, the Montana Wilderness Association, the Montana Environmental Information Center, the Wilderness Society and the Natural Resources Defense Council among others – Sentz and his family spearheaded a campaign which culminated in a mineral withdrawal of more than 400,000 acres of Montana's Rocky Mountain Front.

But, the effort to protect the front began with more of a whimper than a roar.

"We started by sending out about 40-50 letters, alerting people to the problem and asking for help, and (MPC Alum) Will Patric called me back – he was the only one to respond."

Sentz said Patric helped him get a grant for a computer and a copying machine and from there the effort took off. Through letters and action alerts the word spread, and with it, the coalition to save this bastion of spectacular views and wildlife.

Sentz said the letter-writing campaign prompted a visit from a Forest Service official to see what the fuss was all about.

"We hear he said it was one of the most beautiful areas he had seen in his life," Sentz said.

In 1999, after an almost four-year campaign, the Forest Service granted the mineral withdrawal pending an Environmental Impact Statement which is due out soon. Sentz said the forest Service received 1,500 comments on the EIS, with about "99 percent" favoring the withdrawal.

"It was quite a big fight to keep this place as undeveloped as it is," Sentz said. "It's just about as wild as wilderness."



Breathtaking vistas of the Rocky Mountain Front

The Rocky Mountain Front is where mile-high plains meet the mountains. It's a place of stunning vistas, a land where bear still regularly come down from the mountains to bask in the plains.

And it's a place where Gene Sentz, his family and others made a stand against mining interests.

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Where the plains meet the mountains on the Rocky Mountain Front.

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Richard Cargill

The Power of a Watchdog with a Camera

Not too long ago, a member of the St. Vrain Valley Community Watchdogs in Colorado spotted something fishy in a local river.

The watchdog saw that a portion of the gentle river was agitated and discolored. Going up river, he noticed that the cause of the agitated and discolored water was a discharge pipe pumping mine waste from a nearby open-pit gravel operation directly into the river.

From that point, the course of action was clear, said Richard Cargill, another member of the St. Vrain Watchdogs.

They took pictures, called the state and in about a month the pipe was gone.

Cargill says the aggregate company, Goldens, was cited for violating the Clean Water Act and that employees were required to take educational programs about water pollution as part of the company's compliance.

But, such quick action did not come without a cost. Cargill said that a few weeks after the incident he received an angry call from the company's environmental control officer. "He called and accused me of being hysterical and an eco-terrorist," Cargill said. "Do you believe that? He was the environmental control officer for the company."

But, this was not the first time Cargill ran into such attitudes.

He has been accused by his enemies of having a "dust phobia" because he has tried to get the local mining companies to reduce their fugitive dust emissions.

"They also said I was using my educational background to 'spread chaos and terror,'" Cargill said, quoting from a letter.

But it will take more than angry posturing to stop Cargill in his effort to protect his beloved St. Vrain Valley.

"This place in an environmental gem," Cargill said. "There are just two miles of the St. Vrain Valley left and they want to mine the whole thing."

Much of Cargill's ire is reserved for LaFarge, one of the largest aggregate companies in the world.

"We have a geological treasure in Boulder County, Colorado and they don't care," Cargill said. "I don't have enough adjectives

to describe these people. They just have no respect."

And that inspires Richard Cargill and the St. Vrain Watchdogs to take mining interests to task whenever or wherever the local environment might be sullied.

"People pressure puts pressure on these miners," he said. "Now they know we'll be watching and we'll call the state to blow the whistle."

Pollution from a mine site discharged directly into river, St. Vrain Valley, Colorado.





Brown's Gulch shows the scars of on-again off-again mineral exploration.

Bill McGinnis

A Fight on Two Fronts

William McGinnis says it's the "dreams of gold" that drive prospectors to the mineral rights under his land in Montana.

He says they always have a little bottle of gold that they pull out to show wary investors. "How they convince people to put money in this I have no idea," he says. "They talk a good story, I guess."


McGinnis has been living with the aftermath of those glittering stories and empty promises since he bought his Montana property in 1977.

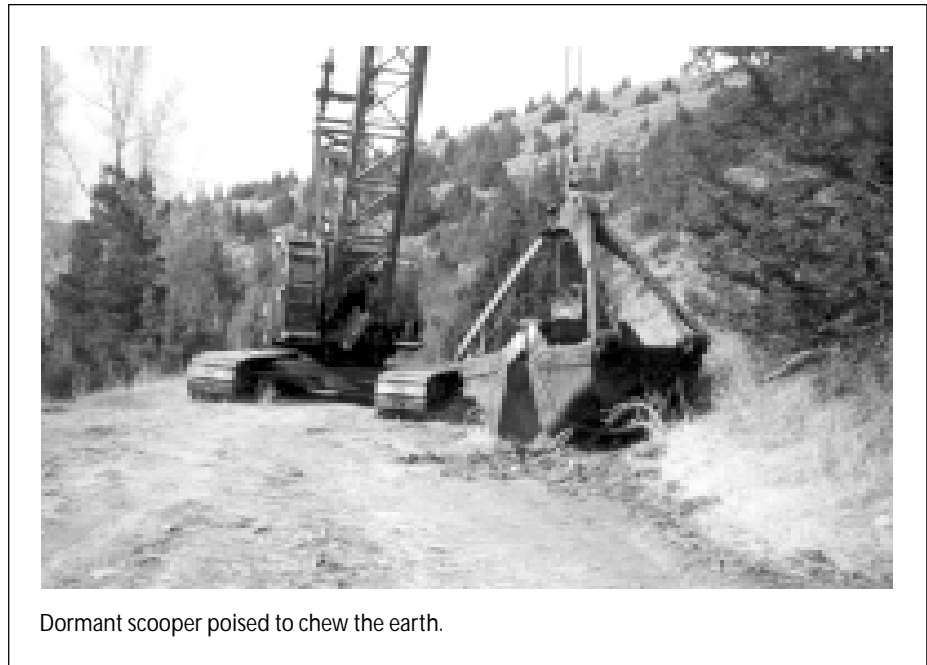
He's seen a long trail of two-bit miners and fly-by-night mining companies go up near his land, foul it and then leave their equipment to rust and leak oil near his property. Central to McGinnis' many fights with irresponsible mining is the 1872 law which allows such reckless activity to go on.

"We had visitors come and take a look and they were appalled. They said, 'they can't do this,' and I said, 'yes they can.' It's all because of that law."

McGinnis is no stranger to tangles with mining companies. He battled copper interests in Arizona throughout much of the '90s when they threatened his land there. He got the last laugh in that battle, though, by donating and selling his land holdings in Arizona to the Nature Conservancy – essentially locking out future developments and mining operations.

McGinnis, who had been a rancher for 50 years, will soon be retiring. But retirement does not mean a ticket to the golf course. He and his wife are thinking about setting out to travel and document the disasters allowed by the 1872 mining law.

"I say this law is a crime and it needs to be exposed," McGinnis said. "We need to get it to the public." 



Dormant scoper poised to chew the earth.

that caused the pollution in the first place, or when those doing the cleanup hope to gain exemptions from the Clean Water Act. Mineral Policy Center, the Western Organization of Resource Councils, the Western Mining Action Project and other partner groups have been working to promote the actual cleanup of abandoned mines by those who truly are "Good Samaritans" and prevent such a program from being used by mining companies and others as a ruse to escape cleanup liability.

During the just completed 106th Congress, MPC testified on a bill (S. 1787), introduced by Senator Max Baucus (D-MT), known as the Good Samaritan Abandoned or Inactive Mine Waste Remediation Act, that would allow state agencies to obtain a "good Samaritan" permit from the U.S. Environmental Protection Agency for efforts to improve water quality at abandoned mines without being required to meet water quality standards at the sites. State agencies do not want to participate in cleanup activities at abandoned mines when they

believe they will be held responsible for the pollution that they are unable to clean up.

"Just making it better isn't much of a goal," asserts Cathy Carlson, Mineral Policy Center's Policy Adviser. "The states need to be held accountable for their efforts." There also is no penalty for making the pollution worse at the site. While this is clearly not intended in the "good Samaritan" efforts, it may be an unintended consequence of a poorly designed or executed project.

produce an ad rather than a poster. We ran Dave's ad in the New York Times on September 15th (See page 3). On September 18th, the rider we were fighting was stripped from the Department of Agriculture appropriations bill.

Shame Can Clean Rivers

In most developed countries, dumping mine tailings directly into a river would be illegal. But, this is not so in some developing countries. Despite the fact that many mining-company officials claim to follow the same "high" environmental standards worldwide, this pledge doesn't seem to stop them from treating rivers as their sewage systems. MPC, WWF, Mining Watch Canada and others have decided to shame them into changing their behavior. So far BHP and Western Mineral Corporation have agreed to stop the practice. And the campaign hasn't even heated up yet.

The Romanian Cyanide Spill's Ripple Effect

Remember the cyanide spill that took place at a mine in Romania earlier this year? We helped generate coverage on CNN, CBC, the front page of The Washington Post, and The New York Times. The spill ravaged a 250-mile stretch of the Danube River and it's still having a ripple effect. We've used the spill to raise the question, could it happen here? Turns out it could. Federal officials have compared the conditions at the Grouse Creek mine in Idaho to those in Romania. A massive lake of cyanide-laced water and sludge carrying heavy metals could overflow at any time and pollute the Salmon River, a

This invoice on behalf of all American taxpayers was delivered to congressional and press offices during the rider fight this fall. It bills the National Mining Association for \$1 billion in mine cleanup costs. A recent National Wildlife Federation report found that taxpayers are potentially on the hook for \$1 billion in cleanup liability at today's mines.

All American Taxpayers
Everytown, Everystate, U.S.A. 12345

INVOICE

INVOICE NO: 1

To: **The Metal Mining Industry**

Ship To: **National Mining Association**
1130 17th St. NW
Washington, D.C. 20036

DESCRIPTION	AMOUNT
<p>Cleanup of today's polluted mine sites</p> <p style="font-size: 2em; transform: rotate(-30deg); opacity: 0.5;">PAST DUE</p>	\$ 1,037,000,000.00
SUBTOTAL	\$ 1,037,000,000.00
TOTAL DUE	\$ 1,037,000,000.00

Make check payable to: **The American Taxpayers**

Please remit the full amount within 30 days.

Just Say No to Polluting Mines

MPC has intervened along with the Sierra Club in a suit to support the position of the Department of the Interior that it has the authority to deny an open-pit gold mine proposed by Glamis Gold, Inc., in the California Desert. Our position under the Federal Land Policy Management Act (FLPMA), which requires the government to prevent "undue degradation" of public lands, is that the mine can and should be denied. If successful, this would be the first time that FLPMA's "undue degradation" clause was used as a counterweight to the pro-mining bias of the 1872 Mining Law.

It's Ad-ing Up

Two years ago David Loew, an ad agency executive, volunteered to help a community group in Arizona stop a mine proposed in the scenic Santa Rita Mountains. Dave produced some provocative posters and the community group won its fight. Earlier this year, Dave called and offered to produce a poster for us. We took him up on his offer, but decided to

breeding ground for endangered trout and salmon species. Just five years ago the Grouse Creek mine was touted by then Governor Cecil Andrus as a state-of-the-art facility. The culprit in this story – as you might have guessed – the 1872 Mining Law.

The Mining Law Doesn't Work for the Environment, or for Mining Companies

For years the U.S. government was turning a blind eye to the mining industry's use of public lands for illegal mine waste dumps. That changed due to pressure from environmental and community groups and a ruling by DOI Solicitor John Leshy. Leshy ruled that DOI

should strictly enforce the 1872 Mining Law and should not permit mining companies to use public land illegally. In an effort to enforce the law and protect water resources, MPC, Great Basin Mine Watch, and the Western Shoshone Defense Project are contesting Placer Dome's use of mining claims at the proposed expansion of the South Pipeline Project in Nevada. A win might force the industry into a position where it would dislike the mining law as much as we do. The Western Mining Action Project is representing MPC and its allies in the appeal to the Interior Board of Land Appeals.

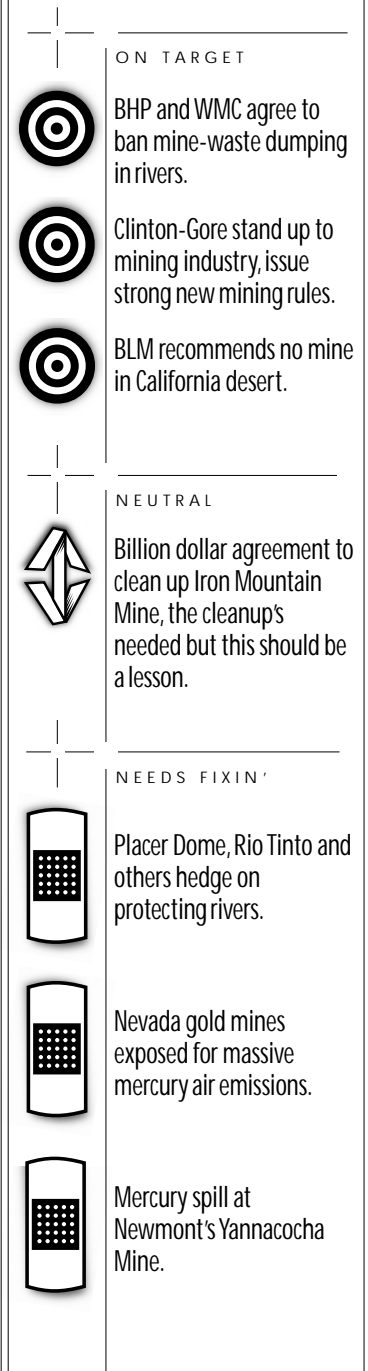
Pay Now, Mine Later
One of the preconditions of

mining should be an environmental bond that requires mining companies to guarantee cleanup funds up front so that the taxpayer doesn't get hit with the cleanup bill after the mine closes. MPC is supporting campaigns in western states (Nevada, Montana, Colorado, Idaho and New Mexico) and nationally to require strong environmental bonds at all mines. A recent National Wildlife Federation report exposed a \$1 billion bonding gap, the difference between current bonds and what cleanup is likely to cost, in 13 western states. MPC expects this gap to grow. Since the report was issued we have discovered that there are now 36 bankrupt mines in Nevada

and gaping holes and enforcement problems with state and federal regulations – making it clear that strong bonding rules need to be implemented and enforced. **M**

Contributors: Alan Septoff, Stephanie DeMoss, Cathy Carlson, Stephen D'Esposito

Reform Barometer



Call 2 Action:

Petition to Reform the 1872 Mining Law

To Congress and the President:

Since 1872, U.S. taxpayers have given away over \$240 billion worth of gold, silver and other minerals to mining companies for a return of \$0. Mining companies have left us with more than 500,000 abandoned mines and a cleanup bill that could cost taxpayers \$70 billion. It is time to end the giveaways and protect our environment.

We want environmental reform of our nation's mining laws including a fair royalty for taxpayers, an end to \$5-an-acre giveaways of public land, the discretion to protect ecologically important places from mining, and strong environmental safeguards.

We support the efforts of MPC to reform our nation's outdated mining laws.

1.	<i>Stuart L. Udall</i>	<i>1244 Grand Circle Blvd</i>	<i>Suite 300, Salt Lake City, UT 84143</i>
2.			

Sign our petition in support of comprehensive reform of the 1872 Mining Law

Stuart L. Udall, former Secretary of the Interior and founding board chair, was the first signatory to our petition. We have since received hundreds of signatures, but we need more. If you haven't signed on, please do.

To sign, visit our Web site, www.mineralpolicy.org, and click Take Action! You can also receive the petition via fax or mail. Just call us at (202) 887-1872.

Also, call your senator or representative and ask them to support mining law reform! The congressional switchboard number is (202) 224-3121. Thanks!

Alaska: First, is First

The Canadian First Nations successfully challenged land claims, jeopardizing the proposed Tulsequah Chief Mine, a massive operation proposed in one of the few remaining untouched places. While located in Canada, the mine could have impacted the Taku River which drains into Alaska near Juneau. The mine proposal touched off a border dispute between the U.S. and Canada, with Alaska Governor Tony Knowles criticizing the project's environmental assessment and noting that pollution in rivers does not respect political boundaries.

Neighborhoods Watching

In Fairbanks, two groups continue to closely monitor proposals to build open-pit mines in residential areas. Neighborhood Mine Watch and the Northern Alaska Environmental Center have been actively involved in the public process around Kinross Mining Company's plans to construct several open-pit "satellite" mines. These open-pit gold operations, two of which are proposed immediately within or adjacent to residential neighborhoods, would cause quality-of-life impacts, including heavy truck traffic on narrow roads, blasting noise, and threats to drinking water quality and quantity. The mines are largely on state or private land and, unfortunately, Alaska laws provide few meaningful opportunities for the public to be involved in the decision-making process. Regardless, both citizen groups have vowed to insert themselves into the process, making sure local voices are heard when such a project, which presents a long-term threat to community safety, is proposed. For more information call (907) 452-5021, or e-mail info@northern.org.

Arizona: A Fashionable Win for the Environment

In September, the Department of the Interior and the Forest Service protected the San Francisco Peaks in Arizona from an existing pumice mine. Pumice is used primarily to stone-wash jeans. As part of the deal the government agreed to buy out the interests of the mining company. This deal also clears the way for the full withdrawal of 74,000 acres of the San Francisco Peaks from mining activity. Congratulations to the Sierra Club's Save the

Peaks campaign, and all the many local, tribal, and national interests that spoke up for these mountains. For more information call the Sierra Club Grand Canyon Chapter at (602) 253-8633.

Our Condolences:

On Sept. 14, just as they were organizing a celebration for the Save the Peaks Campaign, Sammy James, two of his grandchildren and Andy Bessler were involved in a tragic car accident near Flagstaff. James' grandson was killed, and James, Bessler and James' granddaughter were injured. MPC would like to offer its condolences to Sammy James and his family. James and Bessler were two key figures involved the effort to save the San Francisco Peaks.

Colorado: Summitville, Remedial Learning

In 1992, the Summitville Mine disaster led to the death of a 17-mile stretch of the Alamosa River in Colorado and an ongoing Superfund cleanup that is now estimated to cost \$170 million. It also led regulators and mining-industry officials to say that such a disaster would never happen again. Today, they point to Summitville as yesterday's problem. But that's not because state regulators are enforcing the law at other large mines in the state. Just like Summitville, these mines are not fully bonded for long-term water treatment. In late September, MPC and the Sierra Club gave the Cripple Creek & Victor mine, the largest metal mine in the state, notice of our intent to sue the company for repeated violations of the Clean Water Act. We want the mine to be fully bonded, only then will companies and

state regulators be able to say that they've learned lessons from Summitville. For more information contact MPC's Southwest Circuit Office at (970) 382-0421.

California: A Mammoth Win

Bill McNeill, recently appointed to MPC's Board of Directors, and his colleagues deserve kudos for a well-organized effort to protect one of the most scenic, and seismically active, places in the lower 48 from a proposed cyanide-process gold mine. They formed the Mono County Mining Committee to fight industrial-scale mine activity in the region. Not only did the company withdraw its plans to mine this past August, but the group helped pass a county ordinance that will change the way mining is, or isn't, done in the county.

Dirty Water – Forever?

At the historic Iron Mountain Mine, near Redding, California, the EPA and the property owner are learning that forever could be a long and expensive time. The Iron Mountain Mine, which is one of the nation's most polluted sites, will probably require perpetual treatment of the acid-laden and heavy-metal poisoned water coming off the site. Property owner, Aventis, recently promised to put up \$514 million to treat the water beyond 2030 as part of a historic settlement deal with the EPA. This prompts the question: Can \$514 million last forever? Because that's about how long it will take to clean the polluted water coming off of the site.

Montana: Good Neighbors

At the Stillwater Mine in Montana, a platinum-palladium mine, the mining company and community groups agreed, after years of negotiations, to a series of safety and environmental measures that were beyond those required by law. Thus proving that concerted citizen action makes a difference. The ultimate success of the agreement, however, will depend on the mining company's willingness to invest the time, money and expertise to implement the needed technology and practices to reduce impacts to the environment. With cautious optimism, we are hoping that this agreement will result in a new model for responsible mining and meaningful community involve-

Almece Boulanger

Don Zobel of the Citizens for Preservation of Powers Gulch and Pinto Creek. Zobel and concerned citizens like him are doing what Congress doesn't: saying no to mining companies.





Mitchell Capitan of Eastern Navajo Dine Against Uranium Mining, Crownpoint, New Mexico. Capitan and his group have been working for years to stop a proposed uranium mine on the southeastern edge of the Navajo Nation in New Mexico.

ment in the oversight of the mine. For more information contact MPC's Northwest Circuit Office at (406) 585-9009.

Nevada: A River at Risk

The Humbolt River runs from the very northeast corner of Nevada to the Humbolt Sink in west central Nevada, some 300 miles away. If its basin was a separate country, it would be the third largest gold producer in the world. In the semi-arid lands of northeast Nevada, the river is important to the threatened Lahontan Cutthroat Trout, wildlife, and the agricultural economy of the region. Yet, many of the large mines in the basin are mining below the groundwater table, necessitating pumping of the groundwater to lower it below the mines. As a result, the current water flow of the Humbolt and some of its tributaries is higher than what is natural. In 20 or 30 years, when the mines shut down and the pumping ceases, the opposite will be true, the river and its tributaries will have less water. As the mines pump groundwater they create "cones of depression." These "cones" are localized dry areas in the region's groundwater table. When the pumps turn off, these "cones" refill, reducing the water that flows from the groundwater system into the surface water system. In addition, the mines plan on leaving behind massive lakes in the old open pits created by the mines. These pit lakes not only could be huge toxic stewes, but they will also evaporate a huge amount of water that would

otherwise have been underground. A Cumulative Impact Analysis, issued this past summer by the BLM, revealed that more than 200 springs and seeps – critical water sources for wildlife in an area with few perennial streams, may be affected. Several perennial streams are predicted to stop running for several months annually for a period of up to a hundred years after the mines close – and the Humbolt itself will either be reduced to a trickle, or even dry up at times, for the same 100-plus years. For more information on this serious problem, contact Dan Randolph at (970) 382-0421 or Tom Myers at (775) 348-1986.

New Mexico: Molycorp to Clean Up its Act?

The Molycorp molybdenum mine near Questa has been a source of air and water pollution for more than 30 years. Molycorp, and its parent company, Unocal, had always denied any problems and refused to take serious measures to reduce the pollution. This past August, after years of pressure from citizens' groups, Molycorp agreed to post a \$129 million water-quality reclamation bond. This is an important step because it may set a precedent for other large mines in the state and allow regulators to put teeth into the state's mining law – which is strong on paper.

Oregon: Ruling Stymies Nicore Proposal

In an Oct. 6 decision, the Forest Service denied the Nicore mining proposal's appeal of the Siskiyou National Forest's decision to require the miner to conduct a bulk sample prior to approving any plan for full-scale mining in the Rough & Ready Creek Watershed and the South Kalmiopsis Roadless Area.

"Though we believe the Forest Service should have denied the Nicore mining plan outright, the decision to require the claimant to submit a complete and reasonable plan is nonetheless precedent-setting for how mining is managed on the National Forests," said Barbara Ullian, Conservation Director of the Siskiyou Regional Education Project, the organization leading the opposition to the proposed mine.

The 1872 Mining Law requires that a mining claimant discover a valuable mineral deposit

before being granted the right to mine public lands, yet the land-managing agencies seldom require a showing of "discovery." The October 6th denial of Nicore's appeal acknowledged that "the apparent lack of a 'discovery' has been one of the factors the Forest Supervisor considered in making his decision."


Former Forest Supervisor Mike Lunn's August 4, 1999, Record of Decision for the Nicore plan's environmental impact statement not only required the mine proponent to demonstrate that the mining plan will work but also stipulates that the ore must be removed only by helicopter – an acknowledgement of the sensitive nature and exceptionally high water quality, botanical and ecological values of the Rough & Ready Creek area. Lunn wrote, "[j]uxtaposed with the deleterious impacts of road development and mining in an area of incredible natural values is a mining proposal that is seemingly uneconomical and speculative." For more on the Siskiyou, see *Mines on Film* in this edition of MPC News.

International Peru: Citizens Wary after Mercury Spill

At first those living near Newmont's Minera Yanacocha, South America's largest gold mine, welcomed it because of the jobs it brought.

Now, many people living near the mine know what so many communities in the western United States know: the environmental costs of such a mine can sometimes far outweigh economic benefits.

In early June, a mercury spill near the mine contaminated homes and sickened more than 400 people. Also, many locals complain of acidic water coming off the mine and endangering streams and farmland in northern Peru's Cajamarca Valley.

The mine's problems have led some to protest the mine and even prompted Cajamarca city council members to draft an ordinance aiming to prevent Yanacocha from expanding its operations. For more information on Minera Yanacocha and the people living in the Cajamarca Valley contact Project Underground at (510) 705-8981. 

Contributors: Aimee Boulanger, Dan Randolph, Stephen D'Esposito, Chris Cervini

interpret the 1872 Mining Law to mean that they must permit a mine. The mining law was written at a time when the miners' tools were a pick and a shovel. The law was not written to regulate modern mining with its massive open pits and cyanide-saturated ore piles. Mining today often threatens safe drinking water, healthy fisheries, open ranch lands, and the quality of life in rural communities.

Today, here is what can happen when a mining company comes to town. Big trucks rumble down narrow neighborhood roads, lights blare through the night, blasting is felt in the foundations of local homes, and dust chokes the air on windy days. Pristine mountaintops are crumbled and massive open pits scar the landscape. Massive quantities of cyanide solution are sprayed on crushed ore to leach out small specs of gold. Cyanide or sulfuric acid leaks and heavy metals pollution threatens local streams and groundwater. And when mining is complete, what's left, at best, are waste piles and scarred landscapes. At worst, a toxic nightmare.

Why, because the federal government won't reject polluting mines. And Congress has been unwilling to modernize this country's outdated mining laws.

The American people are fed up and, despite congressional inaction on mining-law reform, they have taken matters into their own hands. Resourceful and creative community leaders have begun to say no to polluting mines. They've succeeded by employing a mix of media, organizing, political and legal strategies. But mostly they've succeeded because they're right. And they've succeeded despite the 1872 Mining Law.

The deck is stacked against these community leaders. Multinational corporations typically confront them with enormous financial resources and a cadre of scientists, lawyers and technical experts. These experts try to explain why, this time, it will be different. That this time, the cyanide won't leak into streams and that the mine won't create acid runoff.

But these are strong, knowledgeable, committed and organized people who care about the future of their communities.

In Mono County, California, citizens have

endorsed reform of the 1872 Mining Law and put in place strong, countywide restrictions on destructive mining techniques. Montana citizens have enacted a ban on the use of cyanide at new mines, or at mine expansions. Citizens in New Mexico have forced one of the state's biggest mines to post an environmental bond to fund mine cleanup.

Across our public lands, communities have said no to polluting mines and mines proposed for places that should be protected.

Despite congressional inaction on mining-law reform, community opposition to polluting mines will continue to grow. In this article we share with you the stories of some of the community leaders who are fighting these battles against long odds and on an uneven playing field. For us the moral is clear, it's time to level the playing field and reform the outdated 1872 Mining Law. And it's time that those in Congress got the message. Just as those in communities across the West are saying no to polluting mines, it's time for a mining law that allows us to distinguish between responsible mine proposals and those that are not – those that would result in damage to the environment, threaten communities, or are proposed for tracts of public land that deserve protection.

This article looks more closely at just a few examples of where communities are taking a stand.

Top of the World, Arizona

The communities near Top of the World, Globe/Miami to the east and Superior to the west are mining towns. In Superior, the mines have shut down. It looks like a ghost town. In Globe/Miami, the mines are either closed or running on reduced work forces.

In 1992, Cambior, Inc., a Canadian mining company, came to Top of the World. Cambior is notorious for the massive mine disaster at its Omai Mine in Guyana, which devastated a river and ecosystem with cyanide and acid pollution. Cambior submitted a plan of operations for a new 3,000 acre open-pit heap leach copper mine on Forest Service managed lands just northeast of Top of the World, in the

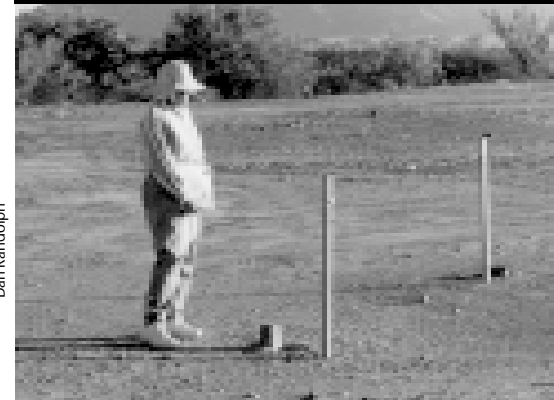
bottom of the scenic Pinto Creek Canyon. Some people felt the area was a prime place for a new copper mine. After all, in the twenty miles between Superior and Globe there were already more than 16 mines and thousands of acres of mining disturbance. However, Pinto Creek and its tributaries – Haunted Canyon and Powers Gulch – remained relatively pristine. And Pinto Creek has a year-round stream flow, which is rare in this arid landscape. The largest of the open pits to be blasted under Cambior's plan, the Cactus Pit, would sit in the very bottom of Pinto Creek Canyon, necessitating a mile-and-a-half diversion of the creek around the pit.

Those who had concerns about the mine's potential impacts were realistic about their chances of stopping it. After all, this was mining country, Arizona was a mining state, and the Tonto National Forest was seen as a mining-friendly agency. With all that, and the 1872 Mining Law's pro-mining bias, the mine was a done deal, right? Wrong.

Eight years later here is where things stand. Carlota Copper Company, Cambior's subsidiary, has received its "go ahead" from the Tonto National Forest, despite a suit which MPC and others brought over the inadequacy of the public decision-making process. The Army Corps of Engineers has granted all its permits, as has the Arizona Departments of Environmental Quality and Water Resources. Yet, despite all of these approvals, the project has not gone forward. Why?

The technical answer is that a number of dedicated citizen's groups realized that Cambior had not done all of its homework.

Edie Harmon looking at claim stakes in the Imperial Valley. Harmon and others have worked tirelessly to protect the Imperial Valley from an irresponsible mine plan.



Dan Randolph

These groups appealed the EPA's approval of the discharge permit, arguing that the proposed project has too many serious flaws to assure water safety for the area surrounding the site and for those who live downstream.

The real answer is that while the 1872 Mining Law is still essentially unchanged, vigilance pays. Citizens can hold mining companies accountable for following other state and federal laws when it comes to issues such as clean water. While this doesn't level the playing field, it gives determined citizens a fighting chance.

The real answer is that a Miami, Ariz., lawyer, Deborah Ham, thought Pinto Creek was too valuable to risk. She joined a group of other local folks, who called themselves Citizens for the Preservation of Powers Gulch and Pinto Creek, and reached out to others such as the Sierra Club, the Audubon Society, American Rivers, the National Wildlife Federation, the Union of Plumbers and Steamfitters, the White Mountain Apache Tribe and MPC. In 1998 Deborah unexpectedly died, but the coalition she helped form continued on with the addition of a Phoenix-based group, the Friends of Pinto Creek.

By demanding that the project not only get permits, but that the permitting agencies also do adequate and complete jobs on those permits, and by continuing to insist that the Pinto Creek and Haunted Canyon streams are too valuable to destroy, a bad mine proposal remains only a proposal.

Indian Pass, California

Indian Pass is part of the California's Imperial Desert. The area is one of the hottest and driest places in the U.S. Many people would call it barren despite the ravines filled with ironwood and palo verde. The area also contains numerous sites that are sacred and culturally significant to the Quechan Tribe.

In 1989, Glamis Gold, Inc., purchased some mining claims in the area and began the process of developing a new open-pit cyanide heap leach gold mine. The proposed mine is immediately adjacent to the Quechan Tribe's reservation on the California-Arizona border.

Leaders of the Quechan Tribe and a Sierra Club activist, Edie Harmon, were unwilling to simply accept that mining was the best use of this sensitive and sacred land. And they were unwilling to allow the 1872 Mining Law to be

Mary Mitchell (left) of the Rock Creek Alliance and Aimee Boulanger, MPC's Northwest circuit rider, at Alpine Lake in the Cabinet Mountains Wilderness. The Rock Creek Alliance is fighting mine plans that endanger one of the nation's oldest designated wilderness areas.

Aimee Boulanger



used as a tool by Glamis Gold to rollover their interests. These leaders soon realized that the unique cultural and environmental attributes of this land provided them with an opportunity to protect it. Their argument was simple but powerful – the 1872 Mining Law isn't the only law of the land. The Federal Land Management Protection Act, passed in 1976, requires the U.S. government to prevent "unnecessary" and "undue" degradation of public lands. They asked the U.S. government to use FLPMA to protect Indian Pass. In essence they were asking that, for the first time, FLPMA's requirement to protect public lands be balanced against the 1872 Mining Law's pro-mining bias. They also pointed to the American Indian Religious Freedom Act and the California Desert Protection Act to reinforce their arguments.

After years of hard work, things began to fall into place. The initial Draft Environmental Impact Statement was too weak to withstand scrutiny, and a second draft had to be done. The BLM began to heed the pressure from the Quechan Tribe, and proposed the area for a mineral withdrawal. The Advisory Council on Historic Preservation, a national government agency, concluded that the proposed mine "would effectively destroy the historic resources in the project area. The Council recommended "that Interior take whatever legal means available to deny approval for the project."

Then, last year, the Department of the Interior issued an opinion based on the mandates of the American Indian Religious Freedom Act, the California Desert

Protection Act and FLPMA's requirement to prevent "unnecessary or undue degradation" to public lands. This opinion stated that Bureau of Land Management local offices could indeed deny the mine. Glamis has filed a lawsuit as a result and a decision on the mine is imminent.

This could be a precedent-setting decision for communities across the West. It is thanks to the hard work and commitment of the Quechan Tribe and a woman named Edie Harmon, who lives about 60 miles west of the proposed mine site. Edie thought the area to be mined was too special to be destroyed, and as she learned more about the importance of the area to the Quechan people, she enlisted the support of the Sierra Club group she was a member of, the Western Mining Action Project, MPC and others.

As this is written we are waiting on the Final EIS. Again, a single woman and a small tribe have demanded the right to say no.

Cabinet Mountains Wilderness, Montana

This little-known wilderness area in northwest Montana was among the first 10 wilderness areas ever designated in this country. Its remoteness has made it a haven for species like the grizzly bear and bull trout, whose habitat are being lost. Over the last 12 years, a mining company named ASARCO, with more than 20 Superfund sites associated with its name (some of the nation's most contaminated sites), proposed to literally undermine the Wilderness in search of veins of copper and silver. Another

CONTINUED ON PAGE 18

company, Noranda, has proposed to do the same thing. It is feared that these two proposals are likely to be joined and create a vast network of miles of shafts and tunnels beneath the wilderness; a “Swiss cheese” formation which could “pull the plug” and – like a bathtub – drain high alpine lakes.

The threats posed by these mine proposals go beyond the impacts to wilderness areas. The community of Sandpoint, Idaho, has come out in strong opposition to the mine because ASARCO has proposed to leave 100 million tons of mine tailings along the Clark Fork River – tailings which will be left on the river bank to leach pollution forever. Two groups, Cabinet Resource Group and Rock Creek Alliance, formed to stop this mine as it is currently conceived. ASARCO in 1999 seemed to hand over management of the mine to a new company, known as Sterling. Sterling’s executives have their own names associated with the now bankrupt Zortman-Landusky mine and the Midnite uranium mine in Washington state, designated as a potential Superfund site.

Rock Creek Alliance has sent a simple but effective message to the government agencies responsible for potentially approving this mine. They can and should say “no” to this mine because it would potentially violate the Clean Water Act and the Endangered Species Act, and because of an inadequate mine Plan of Operations. Citizen leaders from the Rock Creek Alliance are also arguing to the Forest Service that a distinction has to be made between the 1872 Mining Law’s pro-mining bias and approving any mine that a company proposes, whatever its flaws. While the 1872 Mining Law is biased in favor of permitting a mine, it does not require that the government permit a mine that would lead to massive pollution problems.

“The reason this project has taken 12 years so far to permit is not simply because of our activism,” says Mary Mitchell with Rock Creek Alliance. “It’s because the company has stubbornly refused to propose a responsible plan, do the needed background data research, and show accountability to reclamation.”

Okanogan Highlands, Washington
Eastern Washington’s rolling rural agricultural landscape is home to apple orchards,

small towns and Native American reservations. Add to this bucolic mix a proposed mine which would be Washington state’s first open-pit, cyanide-process mine and you have a galvanized public ready to stop it.

The citizens’ group Okanogan Highlands Alliance formed to fight the mine which threatened their landscape, water resources, and their way of life. The mining company, Battle Mountain Gold, proposed to literally remove a mountaintop, part of Buckhorn Mountain, and then fill the mountain valley with massive piles of mine waste. The ironically named “Crown Jewel” mine would threaten 5 water-drainages which feed the Columbia River. Land for the proposed mine is managed by both the Forest Service and the Bureau of Land Management.


The Okanogan Highlands Alliance and the Colville Confederated Tribes we’re unwilling to simply yield to the 1872 Mining Law’s “right to mine.” They developed a strategy to fight the mine, capitalizing on public opposition, the bullying-tactics of the mining company, the threats to valuable water resources, and the company’s arrogant abuse of the generous provisions of the 1872 Mining Law.

The story made front-page news in Washington and across the country when the mine was rejected because it had proposed to use public lands, in violation of the 1872 Mining Law, for waste dumps. The 1872 Mining Law essentially lets mining companies use public lands for mining, almost free of charge. But it does not allow mining companies to take public lands and use a disproportionate amount for permanent waste dumps. That’s what Battle Mountain Gold had proposed. Yet when DOI rejected this proposal, Sen. Slade Gorton (R-WA) sought to grant a favor to the company and exempt its proposal from the law. The Okanogan Highlands Alliance and the Colville Confederated Tribes stood strong, however, and with excellent legal support from the Western Mining Action Project and technical experts, continued to explain why the mine was not legal – Battle Mountain Gold had proposed to use water that they didn’t have a right to. The state’s Pollution Control Hearing Board, in reviewing an appeal of a state permitting decision, concurred and reversed its own state agency’s decision. It agreed that both water-quality and quantity issues were not resolved. The board also found that the company’s assurances that the

mine would not be a problem because a large cleanup bond would be posted was tantamount to suggesting that entering a highway onramp going the wrong direction was safe because the driver has auto insurance. The mining company – Battle Mountain Gold, which has recently been bought by Newmont – is appealing this decision.

Leaders like Dave Kliegman of the Okanogan Highlands Alliance have demonstrated that perseverance pays, even when the odds are stacked against you.

Fighting bad mine proposals is not an easy or short-term process. Often, the battle to protect special places can take decades. Two communities, Crested Butte, Colorado, and several towns and reservations around Crandon, Wisconsin, have fought ill-conceived mining proposals for nearly 30 years. In Crested Butte, the High Country Citizens Alliance has doggedly fought a molybdenum mine proposal in the fragile alpine ecosystem surrounding this mountain town. In Wisconsin, several conservation groups, including Wolf Watershed Educational Project/Midwest Treaty Network and Mining Impact Coalition of Wisconsin, as well as the Menominee and Mole Lake tribal communities are now calling on the proposed mine’s newest owner (the 5th so far) Billiton to finally drop the proposal.

Despite the reluctance of Congress to stand up to the mining industry, the public is unwilling to allow the industry to build either poorly planned mines, or mines in inappropriate places. The American public does not accept that mining is the highest and best use of our public lands regardless of location, corporation or accountability. These examples show that due to the severity and permanence of the impacts caused by most modern industrial-scale mines, and despite the pro-mining bias of the 1872 Mining Law, the mining industry is having difficulty following the laws to which we all must adhere: the Clean Water Act, the National Historic Preservation Act, the Endangered Species Act, and the National Environmental Protection Act. And even as Congress fails to act, the American public demands that this industry be brought into balance with other uses and values of public land. It is time that the lawlessness of the gold rush finally end. 

A Message from Kimberlee Dinn, MPC's Development Director

Your support is critical to our success. **THANKYOU** for your continued donations, calls to the White House and Congress, sending letters, signing petitions and for spreading the word. I am encouraged and inspired by your commitment. I grew up in southern Colorado and know the struggles western communities face in their effort to protect special places from irresponsible mining. Like you, I am committed to seeing the 1872 Mining Law reformed.

I look forward to exchanging ideas and finding out what MPC can do to better serve you. This winter, I am introducing a new **monthly donor program** that will lower administrative costs, paper waste and ensure that more of your money is going directly to program work. Please take a minute to fill out the brief survey stapled to the center of this newsletter and I will send you additional information about how to maximize your gift to MPC.

Thanks for your continued support,

Kimberlee Dinn
202.887.1872 x204
kdinn@mineralpolicy.org

3 WAYS TO GET WHAT YOU NEED FROM MPC

#1. BECOME A MEMBER

and get our newsletter, MPC News.

#2. Check out our WEBSITE at WWW.MINERALPOLICY.ORG

for reports, photos, and more.

#3. CALL US at (202) 887-1872.

The voice mail system saves us money. To speak to someone, just dial "0". If we're in the office, we'll pick up!

Monthly Donor Program

You can help Mineral Policy Center even more when you become a monthly donor. You'd be surprised at how much impact \$5 to \$15 a month will have. And we guarantee you can cancel or change your monthly amount at any time. It's easy. Just send in the enclosed reply form at the center of the newsletter for more information.

How to Become a Member

Send in the envelope stapled into the center of this newsletter or give us a call (202) 887-1872 x204. Soon it will be possible to give via our website.

Thanks

Many thanks to all of you who renewed your MPC membership. A sincere welcome to all those new members who responded to our fall membership drive!



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Stephen D'Esposito

Digging for Gold in Papua New Guinea

Local Porgerans in Papua New Guinea dig through mine waste in search of small amounts of gold at Placer Dome's Porgera Mine. Health officials are concerned because the Porgerans often process the ore in their huts using mercury. The practice can lead to significant health problems for them and their families.



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