

Testimony submitted to the
HOUSE COMMITTEE ON NATURAL RESOURCES
Subcommittee on Energy and Mineral Resources

“Hardrock Mining and Reclamation Act of 2007”

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Submitted by
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the Theodore Roosevelt Conservation Partnership

Chairman Costa and members of the Subcommittee, I greatly appreciate the opportunity to address the subcommittee today. My name is William Molini, and I am here today to represent the interests of hunters and anglers who are part of Sportsmen United for Sensible Mining, a campaign led by the Theodore Roosevelt Conservation Partnership, Trout Unlimited and the National Wildlife Federation. I am a third-generation Nevadan, and I worked for 30 years for the Nevada Department of Wildlife and served as the director of that agency for more than 16 years. I also served on the State of Nevada Environmental Commission for 16 years. I have been retired for several years, and, besides doing mostly volunteer work for the conservation of fish and wildlife, I spend a good deal of time enjoying hunting and fishing on the public lands and waters of Nevada. The primary purpose of my testimony today is to address the long-standing need for reform of the General Mining Law of 1872.

Nevada has the highest percentage of public lands of any state in the West except for Alaska, and these public lands, primarily managed by the U.S. Bureau of Land Management and the U.S. Forest Service, provide the vast majority of habitat for the more than 600 species of fish and wildlife that reside in our state. These same lands provide the major resource base for hard rock minerals and, therefore, for mining in Nevada. Thus, there is inherently the circumstance for conflict between mineral extraction and the maintenance of fish and wildlife habitat. These public lands constitute nearly all of the desert, Rocky Mountain and California bighorn sheep habitat in Nevada and provide a large majority of the habitat for pronghorn, mule deer, Rocky Mountain elk and mountain lion. They likewise support the primary populations of upland game, such as chukar, gray partridge and sage grouse. The majority of stream trout fisheries, including for the threatened Lahonton cutthroat trout, are found on public lands. About 90 percent of the state's big game and upland game hunting takes place on public lands, as does most of the stream trout fishing. Therefore, productive public lands are vitally important to Nevadan sportsmen. These lands also supply most of the water to our rivers, lakes and wetlands that accommodate considerable fishing and waterfowl hunting opportunities. Clearly the public lands of Nevada are very important to local sportsmen, as well as to hunters and anglers from across the country.

Mining is tightly linked with the history of Nevada, and for much of its early history it played a pivotal role in the settlement of the state. Mining continues to be an important industry in Nevada and one that has significant economic impact in several rural communities, such as Elko, Carlin, Eureka, Battle Mountain and Winnemucca. Hunting and fishing also play a major economic role in Nevada, generating more than \$280 million in 2006. During my tenure as director of the Nevada Department of Wildlife, our agency had considerable interaction with the mining industry, and, over time, we developed a solid record of working together to address some of the more urgent challenges that faced wildlife because of mining activities. One of the most pressing in the early days of gold mining resurgence in Nevada (late 1970s and early 1980s) was the unexpected loss of migratory birds at sodium cyanide solution ponds. Working with the industry on various potential resolutions, we ultimately concluded that lethal ponds must be covered by mesh netting or other means – and the industry complied. The industry further worked with us to develop legislation that provided for an assessment on the tonnage of ore mined that would help fund the Department’s costs associated with mining activities; this program is still in place. However, while these assessment fees originally were adequate for the Department’s need to address immediate mining impacts, they never were intended to address the long-term needs of wildlife, and, in fact, the revenue from these fees has decreased in recent years because of mine consolidation.

Certainly placing a major gold mine in important wildlife habitat has impacts on the habitat and associated wildlife. Some of these impacts, such as direct habitat loss and displacement of animals by mine activity, may be short term or long term, depending on the habitat type or the type of animal and its behavior, as well as the life of the mine. Whatever the case, considering the many variables, some negative impact will occur. Water quality may be the impact that is most persistent and challenging to address. We seek to help minimize these impacts through reform of the 1872 law. While many mining impacts can be mitigated to various degrees, some of the long-term impacts remain unknown.

The General Mining Law of 1872 may have served the country well in the early years of Western expansion, settlement and development, but clearly the West is a far different place today with its well-established agriculture, rapidly expanding urban populations, and the increasing demand for water resources and outdoor recreation. Sportsmen United for Sensible Mining strongly believes that it is time to reform the Mining Law of 1872 to better address the needs of today’s society, and to that end we have developed guidelines as tenets that we ask to be included in any mining law reform and that are, for the most part, included in HR 2262.

The first guideline is to assess a royalty on any mineral mined from public lands to fund fish and wildlife conservation programs and abandoned mine reclamation. I already have covered the high value of public lands to wildlife and to sportsmen. Since sportsmen long have provided funding for wildlife management, habitat maintenance and improvement through license fees and excise taxes on fishing and hunting equipment, it seems appropriate to us that mining companies, which benefit significantly from public land resources and which impact fish and wildlife, should share in the cost of

rehabilitating and improving fish and wildlife habitats. We believe that royalty payments should be collected into the federal treasury and then be reallocated to the state fish and wildlife agencies, conservation organizations and private entities for wildlife and habitat management and improvement purposes.

Our second guideline is to strengthen protection for fish, wildlife and water resources from the potential impacts of mining. We believe that federal land managers need clear legal and regulatory authority to assure adequate reclamation of mining sites. Even more importantly, we believe that the sale of public lands under the patenting provisions of the current law is particularly troubling for future management of public fish and wildlife habitat and for hunting and fishing access. We therefore request that the law be reformed to prohibit the patenting or sale of public lands.

Our third tenet proposed for this legislation is to give federal resource managers discretion to protect the highest-value fish and wildlife habitats from mining use. Such areas are critical to the future viability and sustainability of fish and wildlife on public lands, and we believe the only way to protect these critical areas are to preclude mining on them. Title II of HR 2262 makes such provisions with the exception of national wildlife refuges, which we believe should be included.

Our final recommended guideline is that a reformed mining law should provide “Good Samaritans” with reclamation incentives and common-sense liability. Companies and conservation organizations that have no connection to the abandoned mine waste or interest in re-mining the area should be allowed to return the land to other valid uses, following reclamation of the land to the extent feasible.

Again, I would like to thank the Subcommittee for this opportunity to present the position of sportsmen on reforming the Mining Law of 1872. We look forward to working with Chairman Costa, the Subcommittee and of course with Sen. Reid and the rest of the Nevada delegation in formulating appropriate mining law reform. I hope that this testimony has been helpful to the Subcommittee and that you will give the recommendations presented here careful consideration in your future deliberations.

Thank you.