

December 8, 2023

Members of the Senate Energy & Natural Resources Committee,

Regarding the legislative hearing concerning hardrock mining on December 12th in the Public Lands, Forests, and Mining Subcommittee, the ten below organizations write to share our strong support for S. 1742, The Clean Energy Minerals Reform Act (CEMRA), and strong opposition to S. 1281, The Mining Regulatory Clarity Act (MRCA). We believe S. 1742 is a more sustainable way to move into a mineral-dependent clean energy future. On the other hand, we believe S. 1281 will threaten our lands, waters, and wildlife, inhibiting our ability to meet our key climate and environmental justice goals. Enclosed are also two letters signed by dozens of groups, companies and communities laying out the details of concerns with S. 1281 and specific reasons for support of S. 1742.

The transition from a fossil-fuel based economy to a clean energy economy is essential for the viability of our planet and relies upon an assortment of minerals to fuel the shift. The clean energy technologies that we rely on today and that need to scale—such as lithium-ion batteries, wind turbines, and solar panels—are currently made from minerals that must be dug or leached out of the ground, or recovered from recycled materials. Demand for some of these key clean energy minerals, such as graphite, lithium and cobalt, is expected to grow by 400-500% by 2050 to meet the additional demand from the clean energy transition.

Despite the need to confront modern challenges, domestic mining operations are still governed by the Mining Law of 1872. This Civil War-era statute was designed to “settle” the West and still gives broad latitude for both individuals and corporations to extract minerals from public lands without payment of royalties to the federal government and contains no protections for the environment, Indigenous sacred sites, or the public health of communities. Over 150 years later, the law still gives the mining industry a sweetheart deal at the expense of Indigenous rights, conservation, clean energy, recreation and tourism, drinking water supplies, and other important land uses.

We support CEMRA (S. 1742) because a clean energy transition does not require more dirty mining. Some places are simply too special or sacred to be mined, and where mining does occur, we need greater accountability to ensure that projects will meet the highest environmental standards with minimal community impacts. Our laws must also require mining companies to clean up their own messes to prevent dangerous pollution impacting the environment and communities long after mining operations end.

MRCA (S. 1281) is a highly problematic, unprecedented giveaway of America’s cherished public lands to mining corporations, upending and reversing over a hundred years of public land law precedent. Under the bill, anyone—for a nominal fee—gains absolute rights to occupy land in perpetuity, construct massive waste dumps, and build roads and pipelines across public lands to the detriment of all other values. Despite what proponents contend, this legislation does NOT return the mining law to the status quo. Instead, S. 1281 weakens the mining law by removing a simple requirement that miners actually discover valuable minerals. This undermines the federal government’s longstanding authority to safeguard public lands, threatening the protection of

irreplaceable cultural, environmental, and economic resources. If an alternative use—like an electric transmission line or a renewable energy project—needed to cross “claimed” public lands, mining companies could block the project or demand large sums of money in exchange for giving up their claim. This bill would tip the scales away from communities, the environment, and our clean energy future—giving the mining industry the power to dictate how we use our public lands.

We urge the committee to reject S. 1281, the Mining Regulatory Clarity Act, and instead pursue reforms such as those in S. 1742, the Clean Energy Minerals Reform Act, which will ensure our mining laws meet the needs of our clean energy future.

Sincerely,

Center for Biological Diversity

Earthjustice

Earthworks

Friends of the Earth

League of Conservation Voters

Mennonite Central Committee U.S.

Natural Resources Defense Council

Sierra Club

Southern Utah Wilderness Alliance

The Wilderness Society