

September 13, 2024

Dear Member of Congress,

The 66 undersigned organizations are writing on behalf of our millions of members and supporters to express our strong opposition to the Energy Permitting Reform Act of 2024 (S.4753) and its mining provisions (Section 210). S. 4753 would increase oil and gas extraction on public land, allow approvals of liquefied natural gas (LNG) exports regardless of their impact on the climate or public health, facilitate the construction of more fossil fuel infrastructure that would lock us into decades of fossil fuel use, and limit the ability of local communities to seek justice in the courts. The bill also includes sweeping provisions that would worsen the already outdated 1872 Mining Law and give even more control over our public lands to the mining industry.

As you know, most mining in the United States is already governed under an extremely permissive, more than 150-year-old, mining law that was passed when Ulysses S. Grant was president. The EPA estimates that 40% of U.S. rivers and 50% of lakes have been contaminated by Hardrock mines, decimating watersheds and the communities that depend on them. And recent research has found that the vast majority of critical mineral resources in the United States are located within 35 miles of Native American reservations. Some clean energy technologies rely on minerals for products such as batteries, so it is critical that we get mining reform right if we are to protect communities and the environment while also strengthening our clean energy supply chains. Unfortunately, Section 210 of the Energy Permitting Reform Act would take us backwards, not forwards, and create more conflict over mines, not less.

First, Section 210 would allow mining companies to claim indefinite numbers of millsites on public land, without meaningful limitations, where multinational mining companies can permanently dump toxic waste and construct infrastructure like pipelines and roads. These millsites could block public lands from being used for more suitable purposes, such as renewable energy projects, watershed protection, cultural resources and recreation. This provision would remove any effective limits on millsites and eliminate the requirement that such claims must be located only on non-mineral land, a key feature that prevents lands with valuable minerals from being buried under waste or made inaccessible.

Second, several additional provisions contained within Section 210 would weaken, if not negate, over a century of precedent that has limited the amount of damage to public land caused by our permissive mining law. According to current law, operators must first prove that there are in fact valuable minerals on a mining claim before they gain the right to conduct large-scale operations on those claims. Additionally, operators cannot conduct operations outside of their claims without obtaining further permits. Sec. 210 could render these requirements meaningless by codifying a regulation that defines all activities related to mining under the term "operations," even if they are not directly on a mining claim. This could allow mining companies to build pipelines and conduct other activities across public lands without ever having to get a permit for them. Sec. 210 would also give operators the right to use all public land covered by an approved plan of operations, regardless of whether their mining claims are valid. And finally, Sec. 210 includes a savings clause that states mining companies still have to prove that there are valuable mineral deposits on claims within lands that have been withdrawn from mining. However, the exclusion of similar language for claims on unwithdrawn lands could be read by a court to imply that Congress intended to eliminate the need for such checks on unwithdrawn lands, which make up the vast majority of public lands.

Altogether, these sections essentially give mining companies a nearly unlimited right to mine and develop on public lands in addition to getting to dump that waste on an indefinite amount of public lands under the millsites provision.

While some have touted potential benefits from a few sections of S. 4753, those benefits would be undoubtedly outweighed by harms caused by Section 210 and the rest of the bill's provisions on frontline communities, sensitive ecosystems, and our climate. Instead of passing this legislation, Congress should enact true reforms to our mining laws such as those identified by the Interagency Working Group on Mining Laws, Regulations, and Permitting that would close loopholes for foreign companies, improve environmental standards, and create competitive leasing to balance the nation's clean energy mineral needs with other public land uses. We urge you to oppose the passage of S. 4753 and its mining provisions, whether as a standalone bill or as a part of a larger legislative package.

Sincerely,

350 Bay Area Action

350 Seattle

350.org

350Hawaii

4Corners Broadband/Great Old Broads for Wilderness

Arizona Mining Reform Coalition

Arizona Trail Association

Black Hills Clean Water Alliance

CASA

Center for Biological Diversity

Center for Oil and Gas Organizing

Chesapeake Climate Action Fund

Climate Justice Alliance

Coal River Mountain Watch

Cook Inletkeeper

Earthjustice

Earthworks

Environment America

Friends of the Clearwater

Friends of the Earth

Friends of the Kalmiopsis

Gila Resources Information Project

Grand Canyon Trust

Great Basin Resource Watch

Great Basin Water Network

GreenLatinos

High Country Conservation Advocates

Indigenous Environmental Network

Information Network for Responsible Mining

Kalmiopsis Audubon Society

LEAD Agency, Inc.

Lynn Canal Conservation

Malach Consulting
Mennonite Central Committee U.S.
Mother Kuskokwim Tribal Coalition
Multicultural Alliance for a Safe Environment
Native Village of Dot Lake
NETWORK Lobby for Catholic Social Justice
New Mexico Environmental Law Center
Northeastern Minnesotans for Wilderness
Northern Alaska Environmental Center
Okanogan Highlands Alliance
Oxfam America
Patagonia Area Resource Alliance
Plug In America
Progressive Leadership Alliance of Nevada
Rachel Carson Council
River Alliance of Wisconsin
Rivers Without Borders
Rock Creek Alliance
Save Lake Superior Association
Save Our Cabinets
Save Our Sky Blue Waters
Save the Scenic Santa Ritas
Southeast Alaska Conservation Council
Southern Utah Wilderness Alliance
The Responsible Jewelry Transformative
The Wilderness Society
Turtle Island Restoration Network
Uranium Watch
Weber Sustainability Consulting (retired for community advocacy)
Western Shoshone Defense Project
Wild Arizona
Wild Horse Education
WildLands Defense
Wisconsin Mining Impact