

April 7, 2025

Dear Member of Congress,

The 135 undersigned organizations, Tribes, companies and elected officials are writing on behalf of our millions of members and supporters to express our strong opposition to S. 544, The Mining Regulatory Clarity Act (MRCA). The legislation includes sweeping provisions that would weaken the already outdated 1872 Mining Law and give even more control over our public lands to the mining industry. **We ask you to vote no during the Senate Energy and Natural Resources markup on April 9th, 2025.**

Most mining in the United States is governed under a 150-year-old, extremely permissive law enacted when Ulysses S. Grant was president. The law disempowers frontline communities, has no environmental guardrails, and doesn't require mining companies to pay a royalty on the billions of dollars of publicly owned minerals they extract. This law governs mining on public lands that are currently being dismantled by the administration and their Congressional allies with active threats to sell off millions of acres of our lands, roll back protections such as National Monuments and mineral withdrawals in secret, and firing thousands of workers whose jobs are essential for the future existence of our public lands. Additionally, recent executive orders were signed invoking emergency powers to increase domestic mining and processing of minerals, including those by foreign owned mining companies. They cover not just critical minerals, but others like gold. The executive order explicitly calls for agencies to prioritize mining above all other uses of public lands, and aims to provide funding and loans for mining projects, as well as accelerate permitting processes under the guise of the Defense Production Act. If you combine the antiquated mining law, the recent EO's, and the administration's efforts to dismantle our public lands, along with the now unpredictable compliance with the National Environmental Policy Act (NEPA) (due to President Trump's executive actions) communities are now more at risk from mining harms than they were even 10 years ago.

History already paints a clear picture of the risks posed by irresponsible, deregulated mining for critical resources across the country. The EPA estimates that 40% of headwaters and 50% of lakes have been contaminated by hardrock mines, decimating watersheds and the communities that depend on them for freshwater, including drinking water. Recent research reveals that the vast majority of critical mineral resources in the United States are located within 35 miles of Native American reservations. As demand for hardrock minerals grows domestically and globally, it is critical that we ensure mining laws and standards protect communities and the environment while strengthening and securing our supply chains. Unfortunately, the MRCA would take us backward, not forward, and create more conflict over mines, not less.

First, the MRCA would allow mining companies to claim indefinite numbers of millsites<sup>1</sup> 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 resource access, and recreation. This provision would remove any effective limits on millsites and eliminate the requirement that such claims 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 MRCA 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. MRCA 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, roads, and powerlines and conduct other activities across public lands without ever having to get a permit for them.

The MRCA does not contain any meaningful limits to prevent abuses of the millsite provision. It states that mining companies may use public lands in accordance with an approved plan of operations. But that is of little assistance given the bill grants mining companies an unlimited, statutory right to use those lands—a right that cannot be denied in a mining plan of operations. The offered protections are thus no protections against the giveaway of public lands.

Finally, MRCA 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 requirement 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 dump waste across an indefinite number of acres of public lands under the proposed millsites provision.

This bill's provisions will have a devastating impact on frontline communities, cultural resources, and sensitive ecosystems. Instead of passing this legislation, Congress should enact true reforms to our mining laws such as those identified by the 2023 Interagency

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<sup>1</sup> Section 42 of the Mining Law provides that the holder of a valid mining claim may also claim nearby non-mineral-bearing land to support its mining claim. Such nonmineral land is known as a "mill site," and no mill site "shall exceed five acres." 30 U.S.C. § 42.

Working Group on Mining Laws, Regulations, and Permitting, especially those 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. 544 & H.R. 1366, whether as a standalone bill or as a part of a larger legislative package.

Sincerely,

350 Bay Area Action  
350Hawaii  
Alaska Clean Water Advocacy  
Alaska Longline Fishermen's Association  
Alaska Wilderness League  
Alliance for the Wild Rockies  
Appalachian Citizens' Law Center  
Arizona Faith Network  
Arizona Mining Reform Coalition  
Arizona Trail Association  
Arizonans for Community Choice  
Becky Daggett, Mayor of Flagstaff, AZ (as an individual)  
Bitterrooters for Planning  
Black Hills Clean Water Alliance  
Cabinet Resource Group  
California Environmental Voters  
Californians for Western Wilderness  
CalWild  
Cascade Forest Conservancy  
Cascadia Wildlands  
CdT Preservation Alliance  
Center for Biological Diversity  
Citizens for a Safe & Clean Lake Superior  
Citizens to Protect Smith Valley (NV)  
Coalition for Sonoran Desert Protection  
Colorado Citizens Against ToxicWaste Inc  
Conservation Northwest  
Continental Divide Trail Coalition  
Corona de Tucson Preservation Alliance  
Day One  
Deer Tail Scientific  
Defenders of Wildlife  
Earthjustice  
Earthworks  
Emily Mine Information Group  
Environmental Protection Information Center - EPIC

Esker Cycles  
Friends of the Amargosa Basin  
Friends of the Bitterroot  
Friends of the Clearwater  
Friends of the Inyo  
Friends of the Kalmiopsis  
Friends of the Santa Cruz River  
Friends of the Sonoran Desert  
Gallatin Wildlife Association  
Gila Resources Information Project  
Global Witness  
Grand Canyon Trust  
Grand Staircase Escalante Partners  
Great Basin Resource Watch  
Great Basin Water Network  
Great Old Broads for Wilderness, Tucson Broadband  
GreenLatinos  
High Country Conservation Advocates  
Idaho Conservation League  
Idaho Rivers United  
Indigenous Environmental Network  
Information Network for Responsible Mining  
Jeff and Karen Ives  
Kalmiopsis Audubon Society  
Kalmiopsis Guides Association  
Kettle Range Conservation Group  
Klamath-Siskiyou Wildlands Center  
League of Conservation Voters  
Living Desert Alliance  
Living Rivers & Colorado Riverkeeper  
Local Environmental Action Demanded (LEAD) Agency, Inc.  
Los Padres ForestWatch  
Lynn Canal Conservation  
Malach Consulting  
Maricopa Audubon Society  
Mennonite Central Committee U.S.  
Mining Impact Coalition of Wisconsin  
MiningWatch Canada  
Montana Chapter Sierra Club  
Mount Shasta Bioregional Ecology Center  
Multicultural Alliance for a Safe Environment  
Native Village of Fort Yukon  
Nature For All  
NETWORK Lobby for Catholic Social Justice

Nevada Conservation League  
New Mexico Environmental Law Center  
Next 100 Coalition  
Nicole Palese PLLC  
Noowuh Knowledge Center  
Northeastern Minnesotans for Wilderness  
Northern Alaska Environmental Center  
Norton Bay Watershed Council  
Oregon Natural Desert Association  
Oregon Wild  
Patagonia, Inc.  
Patagonia Area Resource Alliance  
Progressive Leadership Alliance of Nevada  
Protect the Kobuk  
Rachel Carson Council  
Responsible Jewelry Transformative  
River Alliance of Wisconsin  
Rivers Without Borders  
Rock Creek Alliance  
Rural Arizona Engagement  
San Pedro 100  
Save Lake Superior Association  
Save Our Cabinets  
Save our St. Vrain Valley, Inc.  
Save Our Sky Blue Waters  
Save the Scenic Santa Ritas  
Save the South Fork Salmon  
Sierra Club  
Sky Island Alliance  
Smith River Alliance  
Soda Mountain Wilderness Council  
Southeast Alaska Conservation Council  
Southeast Alaska Indigenous Transboundary Commission  
Southern Utah Wilderness Alliance  
Sustainable Ocean Alliance  
The Healthy Environment Alliance of Utah  
The Native Village of Dot Lake  
The Ocean Project  
The Wilderness Society  
Tucson Bird Alliance (formerly Tucson Audubon)  
Turtle Island Restoration Network  
Upper Peninsula Environmental Coalition  
Uranium Watch  
Washington Wild

WaterLegacy  
Weber Sustainability Consulting  
Western Shoshone Defense Project  
Western Shoshone Nation  
Western Watersheds Project  
Wild Arizona  
Wild Hope  
Wild Horse Education  
WildEarth Guardians  
Wildlands Defense  
Yellow Dog Watershed Preserve