

Hardrock Mining in the Sky Islands!

Spike in mining proposals throughout the region call for modern oversight and environmental compliance

Last year, the final touches to the Dos Pobres mine — Arizona's newest open-pit copper mine and the largest open pit operation in the United States to go online since the mid-1970s — were completed and soon the blasting and excavation will begin. Dos Pobres now joins a dozen other open-pit copper mines in varying stages of operation in the Sky Island region, which has one of the highest densities of copper production in the world. Unfortunately in the United States, hardrock mining — including open-pit copper mines — is regulated by a law that is 135 years old, contains no environmental protections, and gives minerals on public lands — like the Gila and Coronado National

Forests — away for free. Perhaps you'll wince next time you pay \$5 just to go hiking.

With China and India paying a premium for copper and other raw materials to fuel their explosive

growth, combined with an American society that depends heavily on resource consumption, the world's natural resources are being depleted at an alarming rate. This is nowhere more apparent than in the Sky Islands. The Driest, Patagonia, Gila, Santa Rita, and Empire Mountains all have significant proposals or prospecting in the works.

How do these operations, governed by archaic law, match up with the pressing needs of a world-renowned Biodiversity Hotspot? The Sky Islands have done their fair share of providing raw materials to the rest of the world, and they still do — contributing over 60% of the copper produced in the U.S. It's time to get serious about bringing our laws and values up to date with the 21st Century.

Our position: Revise the 1872 Mining Law. Recycle. Conserve Energy. Let's create a new paradigm for renewable energy — not get stuck in outdated exploitation. We have enough of that already.



SKY ISLAND ALLIANCE
Protecting our Mountain Islands and Desert Seas

Save the Scenic Santa Ritas!



"...With a strong and diversified economy, Pima County no longer needs to be dependent on the boom and bust cycles of mining. Furthermore, the amount of revenue from mining contributed to Pima County's tax base, and thus to local residents in the form of services, has declined drastically. From 1977 to 2007, mine contributions to the Pima County tax base declined from 15% to 1%. The first step towards recognizing this is the withdrawal from mining of the Santa Rita Mountains within the Coronado National Forest in Pima County..." — Chuck Huckelberry, Pima County Administrator

www.scenicsantaritas.org

Protect the Empire-Fagan Valley!

The Arizona State Land Department is currently reviewing two sets of mineral lease renewal applications for sites located in the Empire-Fagan Valley. If approved, these leases would likely result in the development of new open-pit marble quarries... and increased truck traffic, dust, pollution, bright lights, noise from blasting, water table depletion and health concerns.

www.empirefagan.org

Recent Developments

The **Patagonia Mountains** are facing three mining proposals for copper and silver on Forest Service land under active consideration !

Mining giant BHP has been approaching landowners in the **San Rafael** for permission to enter their private land to search for porphyry copper deposits, the prelude to another open pit mine.

Watch www.earthworksaction.org for the latest information...

Defend the Dragoons!

One Driest-area resident called it a siege — first the threat of a marble mine in 2000, and then landowners received letters from Australian-based mining and petroleum giant BHP Billiton informing them of its intentions to conduct surface explorations of their land for porphyry copper. The mining companies are taking advantage of the Stock Raising Homestead Act (1916), designed to promote westward expansion by giving homesteaders surface rights for cattle grazing while Congress retained the mineral rights. "No one ever anticipated that people would come here to live and retire," explains Rick Bishop, head of the Driest Conservation Alliance. He says the problem is the 1872 Mining Law: "We need to get the law changed."

www.savedragonmountains.com

What is the 1872 Mining Law?

The original intent of the 1872 Mining Law was to promote mineral exploration and development on federal lands in the western United States, offer an opportunity to obtain a clear title to mines already being worked, and help settle the west. The Mining Law granted free access to individuals and corporations to prospect for minerals on public lands, and allowed them, upon making a discovery, to stake (or “locate”) a claim on the deposit, entitling the holder to develop the minerals. The Mining Law originally applied to all minerals except coal.

The 1872 Mining Law gives anyone the right to enter, stake a claim and prospect for minerals on public lands (Forest Service or BLM), no matter what other values may exist there, such as wildlife habitat, recreation, scenic beauty, or water resources. The BLM and other federal agencies regulating “multiple use” public lands often give mining highest priority because of the Mining Law. Unfortunately, once mined, the land is no longer useful for any other purposes. Under the Mining Law there are no provisions for environmental protection and no requirements for reclaiming and restoring the land when the miners are through. Federal environmental laws provide for minimal anti-degradation protection and some states have strong mine reclamation laws, although Arizona's is not very strong. Arizona's reclamation act deals primarily with public safety, and only nominally with environmental protection; most other western states have better and stronger reclamation requirements than Arizona's. You can read the Arizona Mined Land Reclamation Act at www.asmi.state.az.us/documents/rec.pdf.

A primary force behind the development of mineral resources in the West, its ancillary industries and services also wielded considerable influence on western economies. Major hardrock minerals developed in the West include copper, silver, gold, lead, molybdenum, and uranium. During the 19th century, major mining districts for silver and gold were developed under the Mining Law in Colorado, California, and Nevada. Early in the 20th century, there were major developments of porphyry copper in Arizona. Large molybdenum and tungsten deposits in Colorado were also developed. The Mining Law continues to provide the structure for much of the Western mineral development on public domain lands.

Mining from Space:

“Our actions as a society leave a legacy for the future. Do we want Arizona’s legacy to be a continuation of landscape devastation? A number of years ago, an astronaut took pictures of Tucson from the space shuttle (Jones, STS059) and sent one to my husband, Jonathan. ... It’s ironic that the most visible evidence of Tucson is the mine complex. When I spoke with Tom (now retired from NASA) on the 20th of February, he told me that the Great Wall of China, one of the world’s largest man-made structures, is not visible to the naked eye from space as many people believe, but these mine sites are. What are we leaving for future generations to see of our work on the planet?”

— Written testimony by Ms. Cynthia Lunine, Private Land Owner at the Joint Subcommittee Oversight Field Hearing: “Our National Forests at Risk: The 1872 Mining Law and its Impact on the Santa Rita Mountains of Arizona,” 24 February 2007 (see link on page 3).

And why does it need to be reformed?

The Mining Law contains *no environmental provisions*, which means taxpayers are often left to clean up the mess that companies leave behind. Just miles away from the proposed Rosemont mine at the Mansfield Gulch Superfund site, *we* are footing the bill to clean up gold and silver leach containments from abandoned tailing piles.

It will take \$32 to 72 billion to clean up the hundreds of thousands of abandoned hardrock mines littering the American West.

Yet the 1872 Mining Law forces the government to give away \$1 billion in publicly-owned minerals every year.

The federal law governing coal mine operations includes a special program for abandoned mine cleanup funded by a tonnage fee on coal.

It also includes federal reclamation standards.

No similar cleanup provisions exist in the 1872 Mining Law.

We believe the Coronado National Forest and its Sky Island mountain ranges provide more value for our nation than an open-pit copper mine ever could.

The Rosemont Mine

by Lainie Levick, *Save the Scenic Santa Ritas*

The Threat

The Rosemont Mine is a new proposal for an open pit copper/molybdenum mine at Rosemont Ranch in the Santa Rita Mountains — 2960 deeded acres along with 18,000 acres of grazing leases within the Coronado National Forest and adjoining state lands, for about 20,960 acres in total. Augusta plans to use their mining claims on Forest Service lands to dump their waste and not for mineral extraction (the ore body is on their private land). Pima County has recently requested that the Forest Service investigate the validity of Augusta's claims — under the Mining Law, all mining claims must, in order to be valid, be supported by the “discovery” of a mineral deposit that can be “extracted, removed and marketed at a profit.” If the claims are not valid, Augusta will have difficulty proceeding with their proposal because they will not be able to use the Forest Service lands, which they need for the project.

Why It's A Bad Idea

This area is important to all of us in Southern Arizona.

It is used extensively for various types of recreation including hiking, mountain biking, off-road vehicle and dirt bike riding, hunting, camping, horse back riding and wildlife viewing. Situated almost entirely within the designated biological core area of the Sonoran Desert Conservation Plan's Multiple Species Conservation Plan, it provides valuable wildlife habitat and is a crucial migration corridor that links the Santa Ritas, Davidson Canyon, Cienega Creek and Rincon Mountains. The proposed mine site is within the watershed of Pima County's Davidson Canyon Natural Preserve, proposed in the Sonoran Desert Conservation Plan.

Water use for the mine would be 5,000-8,000 acre feet per year for approximately 20 years, enough for a city the size of Santa Fe, New Mexico. Millions of tons of waste



What YOU can do:
Contact the Forest Service to be notified of public comment opportunities on this project: Beverly Everson, beverson@fs.fed.us.
Get informed, Get involved:
www.ScenicSantaRitas.org
Join our email alert list:
send an email to info@scenicsantaritas.org.

Highway 83's much beloved and endangered Scenic View *courtesy the author.*

rock and tailings from the mine would fill Barrel Canyon, one of the main tributaries to Davidson Canyon. Although the mining company claims they will be environmentally responsible, the risk of unintended leaks or spills, or surface and ground-water contamination is high. Augusta has not divulged their water source, but wherever the water comes from, an aquifer will be depleted, springs will dry up, and wildlife will be deprived of water resources.

In addition, mined land reclamation in semi-arid climates is rarely successful, requiring additional topsoil, and years of irrigation and monitoring. Arizona's reclamation act requires minimal site restoration, and does not require back-filling of the open pit, which Augusta estimates would be a mile wide by about 1,200 feet deep.

Mining in Dragoon & Northern Cochise County

By Richard Bishop, *Chairman, Dragoon Conservation Alliance*

The year 2006 was eventful for the Dragoon Conservation Alliance. Our group includes residents from Dragoon and other small communities in Cochise County. At the beginning of the year, we were monitoring a mine drilling and exploration operation in the Northern Dragoon Mountains (in the Coronado National Forest). The German company involved got permission to drill in several locations to seek marble deposits for the chemical industry. Then, early in January, local residents began receiving notices from an Australian company that planned to begin exploration for copper on private property as well as public lands in our area. Although the marble mine project lingers as a possible future project, the copper project — involving mostly private and State lands — has been dropped.

Later that summer we learned that Phelps-Dodge was starting a drilling and exploration project near Black Diamond Peak (photo) in the Southern Dragoon Mountains. That project included test holes in a remote area that required a helicopter to bring in materials and manpower. We were surprised to see that this project was not included in the U.S. Forest Service's Schedule of Proposed Actions. Drilling results were not favorable for Phelps-Dodge, so this project is not proceeding.

More recently, we learned that an off-shore company was trying to reopen the Johnson Camp Mine in the Little Dragoon Mountains (near Texas Canyon). This project is uncertain, but as long as copper prices remain high, it is a possibility.

Now we know that the West, in particular Arizona, is far more than just mining and range land. While the mining and cattle industries will continue to be economically important, there is also recognition that the beauty and uniqueness of the Sky Islands and the Sonoran Desert are part of an industry that depends on conservation. That industry includes international tourists, “snowbirds,” retirees, photographers, bird-watchers, hikers, hunters and many other interest groups. When our antiquated mining laws were written, these activities were minor, if not non-existent, in the West.

This May we will be celebrating the Centennial of Dragoon National Forest (now part of the Coronado National Forest). We owe this legacy to President Theodore Roosevelt and other far-sighted leaders. At that time, there was considerable controversy (which

continues today) about the government saving public land and protecting it. We believe that most people would like to see the spectacular Sky Islands and surrounding Sonoran Desert protected for future generations to enjoy.

The challenge for groups like ours is to help draw a line in the sand and say no to some of the many projects that threaten the foundation of the “new economy” of the Southwest. Our group believes that we should have a continuing dialogue that cuts across interest groups, political affiliations and “labels” to help define how we leave this country. We hope that when the Dragoon National Forest's Bicentennial comes along in 2107, people will think we were just as farsighted as President Roosevelt was in 1907.



What YOU can do:
Write Cochise County's reps in DC and tell them it's time to reform mining laws and preserve the Dragoons and other important Federal lands:
<http://giffords.house.gov/>
<http://mccain.senate.gov/>
<http://kyl.senate.gov/>
Get informed, Get involved:
www.savedragoonmountains.com



This...



or this?

LEFT: Mine in Globe-Miami courtesy Lainie Levick.
 ABOVE: Hikers at rest courtesy Trevor Hare.

In 5 Minutes...

You can help these groups by visiting their websites and joining their email alerts lists.

In 10 Minutes...

You can send an email to your local newspaper — please be brief and remember to include your name, address, and daytime phone number.

In Just a Little Longer...

You can send your comments to land management agencies, the Governor, and Congressional representatives.

You CAN make a difference:

Urge these key members of Congress to bring the Law up-to-date with today's needs:

Rep. Nick Rahall, D, WV-3
 Chair, Natural Resources Committee
 2307 Rayburn HOB
 Washington, DC 20515-4803
 Phone: (202) 225-3452
<http://rahall.house.gov/>

Rep. Raúl Grijalva, D, AZ-7
 1440 Longworth HOB
 Washington, DC 20515-0307
 Phone: (202) 225-2435
<http://grijalva.house.gov/>

Rep. Steve Pearce, R, NM-2
 1607 Longworth HOB
 Washington, DC 20515-3102
 Phone: (202) 225-2365
<http://pearce.house.gov/>

Rep. Gabrielle Giffords, D, AZ-8
 502 Cannon HOB
 Washington, DC 20515-0308
 Phone: (202) 225-2542
<http://giffords.house.gov/>

Demand Real Reform of the Law!

Comprehensive reform of hardrock mining law in the United States must include provisions that protect special places from irresponsible mining. Reform of the mining law must give land managers the ability to deny a mine proposal if there are other important resource values that could be damaged by a mining operation.

Comprehensive reform should balance the demands for minerals with the public's demand for the long-term use of the land by: Preventing significant, permanent and irreparable damage to our public lands ... Ensuring adequate reclamation ... Safeguarding surface and groundwater during and after mining.

Comprehensive reform needs to protect the American taxpayer. The 1872 Mining Law still allows multinational mining companies to buy (patent) mineral bearing public land for less than \$5 an acre — although the annually renewed patenting moratorium has stopped new patents since 1995. *It is important to note that the private land on Rosemont Ranch where Augusta would like to dig its open pit at one time was public land, but was sold by the federal government for \$5 an acre under the Mining Law.*

Under the 1872 Mining Law, mining interests have been able to patent an area roughly equivalent in size to the state of Connecticut containing mineral values exceeding \$245 billion! **Reform of the 1872 Mining Law needs to bring an end to this practice and keep these resources in the public domain.**

Current law also allows extraction of public minerals from federal public lands without payment to taxpayers — BLM estimates that \$982 million in hardrock minerals were taken from public lands in 2000... *yet industry paid no royalty for those minerals.* **A royalty system must be established on the removal of minerals from public lands.** Coal, oil and natural gas extractors pay between 8% and 12.5%. A similar return to the American public for minerals taken from public lands is reasonable for hardrock mining companies to pay as well.

While the Interior Department mining regulations contain provisions enacted in 2003 that require mining companies to post bonds to cover the full costs of mine cleanups, *the regulation no longer provides cleanup standards.* Without such standards, it is unclear exactly what such reclamation bonds will pay for, and taxpayers may still be exposed to liability in the future. **Reclamation bonds should be paid in cash, up front and in an amount that would fully cover third-party reclamation costs.** The recent bankruptcy of ASARCO is a painful reminder of the danger of not having adequate and liquid reclamation bonds.

Comprehensive reform needs to recognize the ongoing social and environmental costs of abandoned mines and create a mechanism to clean up the mining industry's historic messes. Priorities should be set to ensure public health and safety from surface and groundwater pollution; general public health and safety; and the restoration of land, water, fish and wildlife resources.

Finally, comprehensive mining law reform requires substantially better industry oversight, including the following concepts: The Secretary of the Interior should use all legal powers available to prevent mining in protected areas ... Failure of a mining company to address a violation should require the Secretary of the Interior to stop operations causing the violation ... Regular inspections should be permitted without advance notice. They should occur at least once per quarter, and the public should be allowed to request an inspection ... Violators should be fined an amount that would deter large international corporations from further violations ... Citizen suits should be permitted ... Operators that currently violate laws should not receive new permits; past law-breakers should only receive a permit if their past violations are not part of a willful pattern of abuses.