

SANTA FE COUNTY RESOLUTION NO. 2009-8

INTRODUCED BY:

Commissioner Vigil

Commissioner Montoya

A RESOLUTION

In Support of Sensible Reform of the 1872 Mining Law

WHEREAS, clean water, wildlife and our public lands are precious resources and a foundation for local economic prosperity; and

WHEREAS, across the western United States mines have poisoned streams and drinking water with acids, cyanide and toxics; according to the U.S. Environmental Protection Agency (EPA), mining has polluted forty percent of the headwaters of western watersheds; and three dozen mining company bankruptcies in the last decade alone have left taxpayers with millions of dollars in cleanup costs; and

WHEREAS, tens of thousands of abandoned mines across the western United States continue to leak poisons into waterways; the EPA has designated dozens of mines as Superfund sites where water pollution poses an imminent threat to human health and wildlife; and the cost of cleaning up thousands of abandoned mines across the western United States has been estimated at between \$32 and \$72 billion dollars; and

WHEREAS, Americans suffer when our public lands are deeded (patented) into private ownership; more than 155 million people visit western national forests annually; the most popular activities are recreational in nature; millions of people also enjoy Bureau of Land Management (BLM) lands; public lands contain more than fifty percent of the nation's blue-ribbon trout streams and are strongholds for imperiled trout and salmon in the western United States according to the U.S. Forest Service (USFS); more than eighty percent of the most critical habitat for elk is found on lands managed by the USFS and the BLM alone; and antelope, sage grouse, mule deer,

1 salmon, steelhead and countless other fish and wildlife species are similarly dependent on public
2 lands; and

3 **WHEREAS**, federal public hardrock minerals are mined without any return to the
4 federal taxpayer; mining corporations have removed an estimated \$245 billion worth of minerals
5 from public lands without paying a federal royalty; and unlike hardrock mining, the coal and oil
6 and gas industries, which also operate on public lands, pay royalties of roughly twelve and one-
7 half percent; and

8 **WHEREAS**, the 1872 Mining Law, passed shortly after the Civil War and still in effect
9 today, is largely to blame for these conditions as the law is out of date and elevates mining as the
10 highest and greatest use of public lands above more important public interest; America needs a
11 modern federal mining law for the 21st century—a new law that protects clean water and restores
12 the balance and common sense to land management decisions involving mining; and this new law
13 should work in conjunction with current state and federal laws to reinforce and support protection
14 of the environment and the local custom and culture and restore the balance and common sense to
15 land management decisions involving mining.

16 **NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioner of
17 Santa Fe County supports responsible comprehensive federal mining law reform that: (i)
18 establishes commonsense standards to protect clean water; (ii) ends the selling off (patenting) of
19 public lands for mining in perpetuity; (iii) holds mining companies responsible for restoration and
20 reclamation; (iv) restores balance to public lands management; (v) explicitly gives land managers,
21 with input from local communities, authority to deny mines that cause undue threats to clean
22 water and other values; (vi) provides financial resources for the cleanup of abandoned mines; and
23 (vii) protects highly valued public lands, including wild and scenic rivers, roadless national
24 forests, Native American sacred places and wilderness-quality lands, from large-scale industrial
25 mining.

PASSED, APPROVED, and ADOPTED this 27 day of January 2009.

[Handwritten Signature]
CHAIRMAN

ATTEST:

[Handwritten Signature: Valerie Espinoza]

VALERIE ESPINOZA, SANTA FE COUNTY CLERK

APPROVED AS TO FORM:

[Handwritten Signature: Steve Ross]

STEVE ROSS, SANTA FE COUNTY ATTORNEY



COUNTY OF SANTA FE)
 STATE OF NEW MEXICO) ss

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I Hereby Certify That This Instrument Was Filed for
 Record On The 28TH Day Of January, 2009 at 11:35:52 AM
 And Was Duly Recorded as Instrument # 1550404
 Of The Records Of Santa Fe County

Deputy *[Handwritten Signature: Marcella]* Witness My Hand And Seal Of Office
 Valerie Espinoza
 County Clerk, Santa Fe, NM