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2010 PRESS RELEASES

No Fooling: Obama's gifts to extractive industries continue with defense of Bush mining policy

Interior decision would allow unlimited use of public land for toxic mine waste dumping

WASHINGTON, D.C., April 1st, 2010 -- In addition to opening up vast areas of our coastline to offshore oil drilling, the Obama administration yesterday elected to defend a Bush-era policy that allows unlimited amounts of our nation's treasured public lands to be used as toxic waste dumps for the multinational hardrock mining industry. This decision -- in the form of a response to federal litigation filed by a coalition of conservation and Native American groups -- is completely inconsistent with earlier remarks by Interior Secretary Ken Salazar on the importance of updating our federal mineral policies to protect public lands.

"Increased oil and gas drilling off our coasts, and now unlimited toxic waste dumping on our public lands send the message that profits are more important than water, wildlife and communities," said Lauren Pagel, Policy Director for EARTHWORKS, one of the plaintiffs in the case against the regulations. She continued, "With this move the Obama administration, like the Bush administration before it, is abandoning clean water and communities in favor of gifts to extractive industries."

The Bush-era policies allow multinational mining companies unlimited amounts of public land to dump toxic mine waste and tailings from large-scale industrial mining operations. The challenged regulation, first issued in 2003, reinterpreted what is known as the "millsite provision" of the 1872 Mining Law. The 1872 Mining Law currently allows mining companies to take valuable minerals like gold, copper and uranium from public lands for free.

"The Obama administration's unfortunate decision to defend the Bush-era mining regulations means that Crested Butte and other communities across the west would continue to face severe threats from mines and mine pollution", said Dan Morse, Executive Director of High Country Citizens' Alliance, another plaintiff in the case. He continued, "allowing mines to use unlimited amounts of public land for mine waste and mine facilities is a severe disservice to the American people. Allowing these companies to pollute public lands essentially for free is unfair and unjust. We will strongly oppose these poorly considered policies."

Another challenged regulation, issued in the waning days of the Bush Administration in December, 2008, reversed a legal ruling that required the payment of "fair market value" for the use of public lands not specifically protected by valid mining and millsite claims. Here, the new regulation ignored a ruling from the federal court in Washington in 2003, which ordered the Interior Department to issue regulations so that mining companies would have to compensate the public for the use of public lands. Instead, the new regulation eliminates the mining industry's obligations to pay fair market value.

"The administration has claimed support for reforming one of the most outdated laws on the books -- the 1872 Mining Law -- yet they choose to perpetuate the gross giveaways to an already subsidized industry without regard for other valuable uses of the public's land," said Pagel. She continued, "It's time for the Obama administration to walk their talk when it comes to our shorelines and our public lands, and responsibly balance resource extraction with protections for communities and taxpayers," said Pagel.

The groups that filed the lawsuit are EARTHWORKS (based in Washington, D.C.), High Country Citizens' Alliance (in Crested Butte, Colorado), Great Basin Resource Watch (in Reno, Nevada), Save the Scenic Santa Ritas (in Tucson, Arizona), and the Western Shoshone Defense Project (in Nevada). The Defendants are the U.S. Interior - the agency that issued the regulations, as well as the Agriculture Department, which along with Interior, oversees mining operations on western public lands.

-- ENDS --

FOR MORE INFORMATION

Background:

- [Backgrounder on the millsite issue](#)
- [Secretary Salazar's remarks in support of mining law reform](#)
- [Interior Department legal defense of Bush policy](#)

COMMUNITY VOICES

Custer National Forest, MT

"Rancher Not Informed about Mineral Leasing" is Jeanie Alderson's story about what it means when the federal government owns the minerals below private land - mainly, that surface owners have little or no input into the leasing process or decisions that will greatly affect their lives and livelihoods.

TAKE ACTION

SUPPORT EARTHWORKS

CAMPAIGNS



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