



## **HOUSE RESOLUTION 01-1015**

**BY REPRESENTATIVES** Mitchell, Alexander, Cadman, Crane, Fritz, Hefley, Hoppe, Johnson, Lee, Miller, Nunez, Paschall, Rippy, Schultheis, Snook, White, and Young.

### **CONCERNING SUPPORT FOR THE REVIEW AND AMENDMENT OF FEDERAL REGULATIONS GOVERNING MINING ON PUBLIC LANDS.**

WHEREAS, The regulations at 43 C.F.R. Part 3809 (3809 regulations) governing the management of mining operations for hardrock minerals on federal lands that were published by the Bureau of Land Management (BLM) on November 21, 2000, 65 Federal Register 69998, and which became effective January 20, 2001, will have substantial adverse impacts on the mining industry in Colorado and throughout the United States; and

WHEREAS, The BLM has forecast that the implementation of the regulations will result in the loss of up to 6,000 jobs, costing American workers almost \$400 million in personal income, and the agency also projects that mine production from public lands under the regulations could also decline by as much as 30% or \$484 million; and

WHEREAS, The regulations would also impose massive additional obligations on state regulators charged with the responsibility of regulating mining on public lands through cooperative agreements with the BLM; and

WHEREAS, Congress commissioned the National Research Council (NRC) of the National Academy of Sciences to conduct a comprehensive analysis of mining regulations; and

WHEREAS, Congress prohibited the BLM from promulgating final 3809 regulations, except for revisions that are "not inconsistent with" the recommendations contained within the NRC report, *Hardrock Mining on Federal Lands*, published in 1999; and

WHEREAS, The NRC report concluded that the existing array of federal and state laws regulating mining is "generally effective" in protecting the environment, and that "improvements in the implementation of existing regulations present the greatest opportunity for improving environmental protections"; and

WHEREAS, Notwithstanding the unequivocal findings of the NRC report, the BLM published amendments to the 3809 regulations that go far beyond the seven "regulatory gaps" identified in the report; and

WHEREAS, The BLM inserted several additional provisions that ignored the findings of the NRC report, including a "mine veto" provision that was never subjected to public review and comment, as required by the federal "Administrative Procedures Act" and the United States Constitution; and

WHEREAS, The BLM further ignored the advice and recommendations of the Western Governors Association, which specifically advised the BLM to adhere to the findings of the NRC report; and

WHEREAS, The State of Nevada and two industry organizations have filed suit asking that the regulations which became effective on the last day of the former presidential administration be set aside; and

WHEREAS, The litigation calls into substantial question the validity of the 3809 regulations; and

WHEREAS, The BLM has conducted a preliminary review of the regulations, has concerns about "substantial policy and legal issues" raised in these lawsuits, and wants to resolve such concerns before implementing a new regulatory program; and

WHEREAS, The BLM published a proposal on March 23, 2001, 66 Federal Register 16162, to suspend all or some parts of the regulations that took effect on January 20, 2001, pending a complete review of the issues; and

WHEREAS, If such regulations were suspended, mining activities would be subject to the state and federal laws and regulations that the NRC found to be effective in protecting the environment and that were in place prior to the adoption of the current scheme; and

WHEREAS, The BLM's and the new presidential administration's actions once again demonstrate the willingness to provide a balance between important goals of environmental protection and responsible development of our nation's mineral resources; now, therefore,

*Be It Resolved by the House of Representatives of the Sixty-third General Assembly of the State of Colorado:*

That the Colorado House of Representatives hereby expresses its support for the action of the Department of the Interior and the Bureau of Land Management in reviewing and proposing to suspend the 3809 regulations that took effect on January 20, 2001.

That the Colorado House of Representatives urges the Bureau of Land Management to promulgate new 3809 regulations that adhere to the specific recommendations of the report of the National Research Council of the National Academy of Sciences entitled *Hardrock Mining on Federal Lands*, as the United States Congress has mandated.

*Be It Further Resolved*, That copies of this resolution be transmitted to the President of the United States; to the United States Department of the Interior, Bureau of Land Management, Washington, D.C.; to the Honorable Gale Norton, Secretary of the Interior, Washington, D.C.; and to the United States House of Representatives and the United States Senate.

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Judith Rodrigue  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Doug Dean  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES