



NPCA Position on H.R.2925 the Mining Regulatory Clarity Act of 2023

January 30, 2024

Dear Chairman Stauber, Ranking Member Ocasio-Cortez, and members of the Energy and Mineral Resources Subcommittee:

Since 1919, the National Parks Conservation Association (NPCA) has been the leading voice of the American people in protecting and enhancing our National Park System. On behalf of our 1.6 million members and supporters nationwide, and the undersigned organizations, I write to share our position on H.R. 2925, the Mining Regulatory Clarity Act of 2023.

We appreciate the subcommittee looking at the General Mining Act of 1872 and the need to bring our nation's mining system to the same standards as other types of extractive development on public lands. This is especially relevant due to the growing demand for minerals essential for the renewable energy transition and the subsequent growth of domestic mining on our public lands. Extreme flooding, drought, storms and fires pose a significant threat to the national park system, often destroying the unique landscapes, wildlife, ecosystems and cultural and historical objects that make these so special. We must take immediate action to reduce greenhouse gases from fossil fuels to prevent climate change from getting worse while preparing these treasured landscapes for the impacts they cannot avoid. This includes a rapid transition to renewable energy technologies.

Investments in the clean energy economy have grown significantly in recent years and need to grow exponentially in the years and decades ahead. The issue our nation faces is how do we get the materials necessary to build out these renewable energy technologies. Demand reduction through energy efficiency improvements, recycling and developing a robust circular economy are all helpful, but the reality is that some amount of mining is necessary. To fully transition to a renewable energy economy under current conditions requires more minerals and metals than we currently have in circulation today. The mining for these renewable energy minerals must be done with the highest environmental safeguards and with the greatest consideration for national parks, special places, sacred sites and local communities. We believe this means meaningful changes to the mining law.

H.R. 2925--The Mining Regulatory Clarity Act: NPCA opposes this bill, which disrupts the effective management of our public lands, including vital conservation efforts. While the proposed intent of the bill is pitched as a “fix” to the ancillary uses issue raised by the Rosemont Decision, H.R. 2925 goes **further than** fixing that decision by abolishing the discovery requirement altogether, one of the longest standing pieces of the claim system under the 1872 law. Under current law, the discovery of a valuable mineral must be proven on a claim for said claim to be considered valid. Without the discovery of a valuable mineral, a claim can be challenged, and the mineral rights revoked.

The proof of discovery is essential for conservation tools such as mineral withdrawals, monument designations and even the creation of new national parks. Importantly, when any of these

conservation tools are used, *all existing and valid rights* are still preserved. Valid claims pose a threat to park resources due to the potential for new mining to happen as allowed under the Mining in the Parks Act. Under the proposed changes in H.R. 2925, there would no longer be a requirement for claimants to prove the discovery of a valuable mineral to hold or validate their claim to the land. This essentially removes the ability of the federal government to contest superfluous claims on lands reserved for conservation. Despite what proponents contend, **this legislation does NOT return the mining law to the status quo.**

Moreover, across the National Park System there are currently 1100 active mine claims held by private entities in 15 parks, covering thousands of acres. Many of these claims are already patented prior to the creation of the surrounding park, but many remain unpatented and therefore subject to the validity examination that H.R. 2925 would dramatically deteriorate. Under the legislation as written, the unpatented claims across the National Park Service (NPS) would effectively become private property and NPS would have insufficient power to challenge potentially damaging activities on these lands.

The Rosemont decision has apparently created new issues for mining companies, many of which have found other ways of addressing it already. By potentially undermining other conservation goals and important public lands, H.R. 2925 as written, is not the appropriate solution to this problem. Other options exist, such as those in the [May 2023 DOI solicitor's opinion](#), for mining companies to pursue for their ancillary activities, such as Mill-site claims and tools available under the Federal Land Policy and Management Act (FLPMA). **Nevertheless, H.R. 2925 is the wrong approach for addressing this issue and would only exacerbate the threat of mining in our precious National Parks.**

NPCA supports a renewable energy transition and acknowledges some domestic mining may be necessary for the transition. We look forward to working with the subcommittee to meaningfully modernize our mining laws to both advance the development of less-damaging mining projects and to ensure that national parks and other special places, communities and the environment are not irreparably harmed. Ultimately, we believe that most mining operations are incompatible with the mandate of the National Park system to protect natural and cultural resources in perpetuity. Any reform must include the removal of the 1,100 active mine claims from the National Park System.

Thank you for considering our views. If you have any questions or need additional information, please contact me at (colsen@npca.org).

Sincerely,
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National Parks Conservation Association

National Park Solutions, LLC
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