

ADOPTED BY THE
MAYOR AND COUNCIL

June 6, 2023

RESOLUTION NO. 23626

RELATING TO FEDERAL LEGISLATION; OPPOSING THE PERMITTING FOR MINING NEEDS ACT OF 2023 AND THE MINING REGULATORY CLARITY ACT, INTRODUCED IN THE CONGRESS AS H.R. 209, S. 1281 and H.R. 2925; CALLING ON ARIZONA'S CONGRESSIONAL DELEGATION TO OPPOSE THIS AND SIMILAR LEGISLATION; SUPPORTING THE CLEAN ENERGY AND MINERALS REFORM ACT; AND DECLARING AN EMERGENCY.

WHEREAS, on January 2, 2023, the "Permitting for Mining Needs Act of 2023" was introduced as H.R. 209 in the United States House of Representatives; and

WHEREAS, on April 25, 2023, the "Mining Regulatory Clarity Act" was introduced as S. 1281 in the United States Senate (with an equivalent act introduced in the House as H.R. 2925); and

WHEREAS, both Acts do not provide meaningful mining reform and instead would make it easier for mining companies to gain access to federal lands at the expense of all other uses such as recreation, tourism, conservation, watershed protection, climate mitigation, traditional uses by Tribal Nations, cultural and historic preservation, healthy forest management, and other uses that contribute significantly to the local, state, and national economies; and

WHEREAS, both Acts would allow mining companies to "... use, occupy, and conduct operations on public land, with or without the discovery of a valuable mineral deposit." This includes dumping waste and tailings on federal land without the need to prove valid mining claims, as well as on federal land absent of claims; and

WHEREAS, both Acts would authorize actions where mining companies secure rights on our federal public lands through unpatented mining claims without proving that the claims are valid, actions that have occurred for too many years; and

WHEREAS, both Acts are intended to legislatively reverse recent decisions by the United States District Court for the District of Arizona (“District Court”) in 2019 and the Ninth Circuit Court of Appeals (“Ninth Circuit”) in 2022 halting the construction of the proposed Rosemont Mine on the eastern slopes of the Santa Rita Mountains, located in Pima County, and the dumping of waste rock and tailings on 2,500 acres of unpatented mining claims in the National Forest; and

WHEREAS, the District Court’s ruling, which the Ninth Circuit later affirmed, confirmed a long-standing concern, raised by Pima County since the beginning of the Rosemont Mine federal review process in 2006, that Federal agencies such as the U.S. Forest Service failed to consider whether Rosemont held valid unpatented mining claims; and

WHEREAS, the District Court’s ruling confirmed that the Forest Service needs to consider reasonable alternatives when reviewing mining proposals, providing the opportunity for a more balanced approach to public lands management; and

WHEREAS, the proposed mining operations at Rosemont threaten an area of public lands that provide a disproportionately high amount of water for runoff and groundwater recharge for the Tucson basin, and are proposed for an area that is recognized worldwide for its extraordinary biodiversity; and

WHEREAS, the Clean Energy Minerals Reform Act, as sponsored by Sen. Heinrich and Rep. Grijalva, would enact meaningful mining reform, including the establishment of royalties on mining operations and a leasing system similar to what applies to oil and gas

industries, while protecting national parks and monuments and other public lands and key environmental resources:

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The Mayor and Council opposes the Permitting for Mining Needs Act and the Mining Regulatory Clarity Act, as well as any similar legislation, including but not limited to H.R. 209, S. 1281 and H.R. 2925, that attempts to allow mining projects on public lands in areas without mining claims and in areas with unproven mining claims; and that makes it easier for mining companies to gain access to federal lands at the expense of all other uses such as recreation, tourism, conservation, watershed protection, climate mitigation, traditional uses by Tribal Nations, cultural and historic preservation, healthy forest management, and other uses that contribute significantly to the local, state, and national economies.

SECTION 2. The Mayor and Council calls on Arizona's Congressional delegation to oppose the Permitting for Mining Needs Act and the Mining Regulatory Clarity Act, as well as any similar legislation.


SECTION 3. The Mayor and Council supports the Clean Energy Minerals Reform Act, as sponsored by Sen. Heinrich and Rep. Grijalva, which would enact meaningful mining reform while protecting national parks and monuments and other public lands and key environmental resources; and call on Arizona's Congressional delegation to support this legislation.

SECTION 4. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Resolution, including but not limited to taking measures necessary and appropriate to communicate the City of Tucson's

opposition to the Permitting for Mining Needs Act and the Mining Regulatory Clarity Act and its support for the Clean Energy Minerals Reform Act.


SECTION 5. WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Tucson that this Resolution become effective immediately, an emergency hereby is declared to exist, and this Resolution shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, June 6, 2023.




MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

REVIEWED BY:



CITY MANAGER

MR/dg
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