

To:

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Subject: Public comment for Hearing referred to as “Toxic Legacy of the 1872 Mining Law”

Submitted by e-mail on August 10, 2021

Please forward to the Subcommittee Chair and Ranking Member and enter into the record as public testimony with respect to the current subcommittee hearings

I understand that public comments are being received through today regarding what has been referred to in the House Subcommittee on Energy and Mineral Resources as “The Toxic Legacy of the 1872 Mining Law”. I feel that this hearing title with regard to the 1872 Mining Law is a significant and misleading misstatement of that law and its incredibly positive impact on our country over an extended time period. I was unaware until very recently that the hearings were being held. As a result of the short time period until the opportunity for comment closes, I wish to submit some initial comments at this time and I would welcome the opportunity to comment in more detail about the subject in the future if the comment period could be extended.

As a brief introduction to my comments, I state that I am a well-seasoned mineral industry professional, with formal education in the relevant subject matter, with experience around the world in the mining and minerals industry, and with experience in the wider economy and many cultures into which the United States fits and into which its mining industry is also active. I am also a strong supporter of the United States and am knowledgeable in its history, including history of the 1872 Mining Law and the very positive, important role that it has had in our country as part of developing its strong economy, strong national defense, and advancements in education, jobs, technology, and the high-quality standard of living that prevails in the United States..

The 1872 Mining Law was debated and adopted at a time that some people state as being long ago, of a different time, and no longer being needed. However, those statements do not necessarily or logically lead to a conclusion that the 1872 Mining Law should be abandoned or that major changes should be made. Applying similar criticisms to our senior U.S. citizens - born long ago, born and lived at a different time, and no longer being needed - would not be acceptable with reference to our senior citizens, and similarly should not be used to condemn, throw out, or radically modify the 1872 Mining Law. The mining industry has had situations that would not now be considered

acceptable, this has also been the case with any large category of people or businesses or governments, these were not attributable to the 1872 Mining Law and the relatively few transgressions, many of which were standard and accepted practice or were even unknown at the time, have been subsequently addressed by other provisions of law and regulation.

On a larger scale, the 1872 Mining Law helped to create order and substantial progress in states such as California, New Mexico, and many other states located generally west of the 100th meridian . The law' s longevity has been very successful in leading to social and economic stability in those states and more generally in the U.S which shared in and benefited from the minerals produced in those states west of the 100th meridian. When changes and challenges arose at various times in history, modifications and clarifications were made by modifications in law and through court rulings, but the fundamental premises and provisions of the 1872 Mining Law have been impressively sound, enduring, and positive. In addition to the soundness of the 1872 Mining law, knowledge and technology advances have also led to improvements in the manner in which the mining industry operates, as has also been the case in many other economic and social arrangements and understandings. The law has also fostered creativity, development of knowledge, and entrepreneurship through its provisions that stimulate and encourage those admirable human and economic qualities which we continue to need to this day.

Thank you for considering my comments as you discuss this subject. My comments here are limited by the short time available to file them, although I understand there has been more extensive testimony on the subject, and you may wish to refer to testimony on July 27, 2021 by Ms. Debora Struhsacker on behalf of the Women' s Mining Coalition, which provides more extensive background information and comments. I believe there are strong reasons that the 1872 Mining Law should be retained including subsequent modifications to it and court rulings related to it. In fact there are strong positive - elements of the 1872 Mining Law that might be positively extended and applied to other parts of the United States, which increasingly needs the minerals bounty of the United States and the skills and technologies and entrepreneurship of United States citizens to be able to successfully maintain our strong economy, our strong defense, and our high quality of living.

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