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Steven Feldgus, Deputy Assistant Secretary
Land and Mineral Management
Bureau of Land Management
Division of Solid Minerals
1849 C Street NW, Room 5645
Washington, DC. 20240

Submitted via [regulations.gov](https://www.regulations.gov)

RE: Request for Information to Inform Interagency Working Group on Mining Regulations, Laws, and permitting (Docket No. DOI-2022-0003; 223DO102DM, DS6CS0000, DLS6CS0000, DLSN00000.00000, DX.6CS25

Dear Mr. Feldgus:

I am a retired Department of the Interior employee and worked closely with gold miners on permitting and compliance issues. The comments I am submitting are very general in nature, and I hope it will add to the discussion of your Working Group.

First and foremost, I will state the obvious. The 1872 mining law was passed 150 years ago. The "Purpose" of the law was to encourage mineral development in order to settle the West and establish the industrial base of the East. It was passed during what was known as the "Gilded Age" a period of gross materialism and political corruption.

Mark Twain published a book in 1873 (one year after the Mining Law was passed) titled "The Gilded Age" which provides caricatures of the greedy industrialist and corrupt politicians of that time. These individuals were also known as "captains of industry" and "robber barons" and they grew rich through monopolies they created in the steel, petroleum, and transportation industries. The land ethic at that time was referred to as the "Old West Period" and extended from the end of the Civil War in 1865 to 1890. The West was considered a "Frontier" and focused on the conquest and settlement of the American Frontier for private gain.

I would urge the working group to look at the revisions and updates for this new Mining Law, in terms of a vision for our future instead of getting in the weeds and trying to word smith the current law, written in the distant past. The world population, economy, technology and land use have made substantial changes in the past 150 years. Climate change, environmental stressors and the health of our planet and its inhabitants are major concerns and should factor into all our decisions. I encourage you to start with a new "Purpose" for the Mining Law, to help you craft an up to date concept, philosophy and language which will better regulate current and future mining in the United States.

I would urge you to look at the period between 1872 and now and look to the future, projecting as far out as you can to meet not only our needs for minerals, but the needs of future generations as well. Our society's current demands and concerns are quite different from what they were in 1872, but unfortunately the mythos and glorifications of mining and extracting minerals from the earth still remains in the "Frontier and Wild West" mentality. At a public hearing in Alaska last year, a leading political figure stated that if the land was left idle and the mine was not permitted, the land would be wasted. I don't think his opinion is shared by most of the people in the United States, although it is still being "sold" under the guise of our "Nations Founding Principles", by those with mining interests.

I hope you will look at this strategically, creatively weighing the current needs, desires, stressors and opportunities for innovation. I would encourage you to look at how to craft language in this Mining Law to better protect our lands and waters, address increased demands on minerals and natural resources due to increased national and world population, and address how the steep upward trajectory of technology, which seems to require more and more minerals and rare earth elements.

Please address where possible, how and where minerals are being used, and what potential there is to modify this supply and demand cycle to better reuse minerals that have already been extracted. Often times the argument is made that it is not cost effective to recycle, but if the subsidized costs of extraction, the true costs of restoration and destruction of waterways and public lands were taken into account, if miners had to pay a royalty to extract minerals on our public lands, and if large public subsidies were not available for the infrastructure of the mines, those figures may pencil out quite different in terms of cost analysis and effectiveness.

I realize it is not the responsibility of your Task Force to address the use of minerals, but a discussion of why they are being extracted and the financial drivers for these minerals, may shed light on the new regulations you are crafting. For example, 50% of gold is still being used for the manufacturing of jewelry, and 37% of it is being used for electronics (Data from USGS Mineral Commodity Summary, 2019). I find this figure sobering when I look at the incredible costs and risks to our environment from gold mining along anadromous streams in Alaska, when a spill or blow out of a settling pond, could have catastrophic effects on a fishery, an ecosystem, an economy and a subsistence way of life. And to ponder that this risk is being taken to produce a piece of jewelry that may be worn a few times or spend most of its life in a jewelry box. As for the electronics, I see an increase of companies encouraging trade in of old items, when a new one is purchased, but is that being recycled into the manufacturing of new products?

In addition, I hope that when you start addressing changes to the law you will consider the following concerns into your strategic thinking, prior to getting the point of crafting regulations:

- Recycling minerals that have already been extracted instead of mining new ones;
- Address total and not just partial reclamation of old and abandoned mines;
- Address water quality issues of mining, not just related to the mineral being mined, but to all the others that are being released during the process;
- Current liability and bonding for mining is inadequate. A common mining practice of linking the mine to a company that is dissolved and sold to a new company, makes it difficult to hold companies accountable for post mining costs.
- Design, construction and lifetime assurances of settling ponds needs to be addressed. They commonly blow out with high water events. With changing precipitation and weather patterns due to climate change, these will need to be engineered with future climate models in mind.
- Address public benefit in addition to the current law's emphasis on private gain.

I appreciate your request for input on this process and thank you for the opportunity to weigh in. I hope you will approach this controversial and difficult task with a strategic and wise approach for our current and future needs for minerals, our environment, public lands and future generations.

Sincerely,

Kathleen M. O'Reilly-Doyle