

## Priority List of "Small Miner Amendments"

### WHAT WE NEED FROM YOU:

What should our priorities be? We may need to submit a few items each legislative cycle to get them through Congress. Copy, scan or print out this page and check the three items that are most important to you as a small miner. You can fax it to us at (831) 479-4385; mail it to ICMJ, PO Box 2260, Aptos, CA 95001; or scan it and email your response to editor@icmj.com. (Please put "Small Miner Amendments" in the email subject field.)

### Summary Goal:

To provide clear regulatory certainty and agency accountability to exploration level permitting requirements under the 1872 Mining Act. To provide millions of dollars of cost savings to operations in exploration and development phases without compromise to environmental health or miner safety.

### Section 101:

- Amends the Equal Access to Justice Act (EAJA) to allow the payment of attorney fees and expenses to all prevailing mine owners / operators in a federal court action.

### Section 102:

- Removes presently overlapping and duplicative, and conflicting regulation at the State and Federal level.
- Resolves the RS-2477 battles by use of "implied easements".
- Eliminates hostile State regulatory authority by the affirmative discretion of owner / operator and removes issues such as State suction dredging bans.
- The 1955 Multiple Surface Use Act is further clarified so the mine owner can file complaint for undue material interference providing cost effective relief from unreasonable agency action. Chevron deference to agencies will be limited in scope.

### Section 103:

- Clearly provides definitions to BLM for "casual use" language not requiring a permit.
- Places clear mitigation time limits that an agency shall act upon otherwise operations shall be "**approved by operation of law**" giving true regulatory certainty for mine planning and cost analysis projections.
- Places clear requirements to published best management practices and due process given to operators through notices of non-compliance without shutting down entire mining operations that avoids costly down time for the mine.
- Clearly states that a NOI is not a major federal action within the meaning of NEPA or agency action within the meaning of the ESA. This overturns a recent job killing ruling by the 9<sup>th</sup> Circuit Court of Appeals and reestablishes the previous 40-year rulings providing reasonable regulation of the mining industry.

### Section 104:

- Provides clarity and exemptions to the Clean Water Act where mine operations are not *adding* a pollutant or the introduction of a foreign substance.

### Section 105:

- Provides Exemption to Mine Safety and Health Administrative (MSHA) rules provided operations have no employees.
- Provides clear due process for MSHA non-compliance that eliminates punitive mine killing citations by MSHA while still incentivizing compliance.

### Section 106:

- Review and Revise regulations of the DOI, USDA, EPA and MSHA consistent with this Act.

### Section 107:

- Provides for the non-binding of federal consent decrees without the express consent of mine owners.

### Section 108:

- Provides for the mineral patent holder to opt out of duplicative State regulation unless the State declared its intentions to further regulate mine development at the time of patent issuance.

### Section 109:

- Provides for the restoration of federal lands that are presently minerally withdrawn by administrative action. This will provide more opportunities to stake more mineral claims in the U.S. for rare earth minerals and metals; the United States now imports over 92% from foreign sources that imperil the United States National Security.

Name: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_