

Fact Sheet

S. 140, the Abandoned Mine Reclamation Act of 2009

This bill was introduced by Senator Diane Feinstein (D-CA) on January 6, 2009.

The bill is very similar to one introduced by Senator Feinstein in the 110th Congress.

What the bill does, in a nutshell, is to set up an Abandoned Mine Clean-up Fund that would be funded by new and current mines on public lands, by mine claim fees and by a reclamation fee on all mine whether on public or private lands.

In general we support this bill and hope that the bill, in its entirety is amended to S 796, the Hardrock Mining and Reclamation Act of 2009.

Title I – Mineral Exploration and Development

Section 101 sets up a royalty structure for new and existing mines on public lands. All new mines that have not been permitted before passage of this bill would pay a royalty of 8% on the gross income from mining. This is very similar to the new mine royalty provision in HR 699 (the Rahall Bill). All existing mines will pay a royalty of 4%, again similar to the Rahall Bill.

Section 102 raises the annual claim maintenance fee (currently at \$140) to \$300 per year. In addition, the claim location fee and the claim transfer fees are also raised. This section allows the Secretary of Interior to adjust these fees to reflect changes in the Consumer Price Index. The Secretary shall adjust the fees every 5 years or more frequently if needed.

Section 103 sets up a reclamation fee. This requires every operator of a Hardrock mine in the United States to pay a reclamation fee of 0.3% unless the annual income of the mine is less than \$500,000.

Section 104 gives the owner of a mining claim authority to use the mining claim for prospecting and exploration if the claim maintenance fee is paid in a timely manner.

Title II – Abandoned Mine Cleanup Fund

Section 201 sets up the fund and requires that monies in the fund be prudently invested while they are awaiting use.

Section 202 allows donations, royalties from Section 101, fees from Section 102, and the reclamation fees from section 103 to be deposited in the Fund.

Section 203 allows the Secretary of interior to use monies in the Fund to reclaim and restore land and water resources adversely affected by past mining activities on federal lands. It allows other land within the boundaries of any national forest system unit that is not federal land to also be cleaned up with Fund money. It allows lands managed by the BLM to be cleaned up using the Fund. And it allows mines that are at least 50% located on public land to be cleaned up using the Fund.

Section 204 says which lands are eligible to use money from the Fund. Only abandoned mines that were not reclaimed before the enactment of this bill and for which no responsible mine owner or operator can be found.

Section 205 says that money in the Fund will be disbursed by the Director of the Office of Surface Mining Reclamation and Enforcement. The Director can spend the money directly or make it available to the BLM, the Forest Service, the Park Service, the US Fish and Wildlife Service, any other Federal agency, any Indian Tribe, to any other public entity has the ability of carry out a reclamation program.

Title III – Effective date

Section 301 says that this Act will take effect immediately upon its being signed into law.