



Feinstein Calls on Pombo to Withdraw Provision Allowing Sale of Nation's Public Lands for Mining

November 9, 2005

Washington, DC – U.S. Senator Dianne Feinstein (D-Calif.) today urged the Chairman of the House Resources Committee, Richard Pombo, to withdraw a provision that would open up millions of acres of public lands – including areas in National Parks – for sale to mining interests.

Chairman Pombo inserted the provision into the Budget Reconciliation bill, which will be considered by the House of Representatives tomorrow.

The provision would lift the Congressional moratorium on the sale of mining claims, imposed since 1994, and allow claimants to purchase the underlying public lands for \$1,000 per acre, or "fair market value" for the surface estate, whichever is greater. Claimants would not have to pay for the far more valuable minerals underlying the lands. Nor would they have to prove that their claims contain mineral deposits before they can purchase the rights to the land.

This could mean that as much as 4,500,000 acres of public lands, National Forests, and National Parks could be sold nationwide.

Following is the text of Senator Feinstein's letter to Chairman Pombo:

"I am deeply concerned that you propose to sell off significant parts of America's treasured public lands, including areas in National Parks, Wilderness areas, and National Forests, as part of the House budget reconciliation bill.

I understand that the bill would in essence lift the Congressional moratorium on the 'patenting' of mining claims, imposed since 1994, and allow claimants to purchase the underlying public lands for \$1,000 per acre, or 'fair market value' for the surface estate, whichever is greater. Claimants need not pay for the far more valuable minerals underlying the lands. Critically, while the 1872 Mining Law requires patent applicants to prove that their claims contain valuable mineral deposits before they are entitled to patents, your proposal appears to effectively repeal this requirement.

This provision could allow claimants to carve out numerous private enclaves within our public lands, without even proving that mining deposits lie beneath them. According to the Bureau of Land Management (BLM), in FY 2004 there were 228,638 active mining claims nationwide. If these mining claims are each 20 acres in size, which is typical, it appears that as much as 4,500,000 acres of our public lands, National Forests, and National Parks containing existing mining claims are subject to privatization under your language. And the language

allows the purchase of potentially huge blocks of contiguous BLM and National Forest lands as well -- stating that 'blocks' of mining claims or millsites may be purchased if contiguous to claims on public lands where the applicant presents evidence that mineral development work including such activities as remote aerial surveys has been performed.

The effects could be particularly severe on the National Parks protected under the California Desert Protection Act of 1994, which I sponsored. There are 432 unpatented mining claims in the Mojave National Preserve and 286 such claims in Death Valley. The sale of these lands could fragment the desert parks. Equally at risk are close to 40,000 acres with active mining claims in the Tahoe National Forest north and west of Lake Tahoe.

Moreover, your bill also appears to *require* the Secretary of the Interior to sell 'mineral deposits' or lands containing 'depleted' mineral deposits to anyone desiring them, 'Notwithstanding any other provision of law.' Although certain conservation lands are exempted from this sweeping provision (National Parks, Wilderness areas, National Monuments, National Conservation Areas, National Wildlife Refuges, National Recreation Areas, Wild and Scenic Rivers, and National Trails), it appears that potentially millions of acres of National Forests and BLM lands would now be *required* to be put up for sale by the Interior Secretary merely because they contained 'mineral deposits' – a term undefined in your bill – or even 'depleted' mineral deposits.

Such significant legislation for our public lands needs to be fully debated on the merits, not forced through Congress in a reconciliation bill. I urge you to withdraw these land sale provisions from the reconciliation package.”

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