

OUTDOOR ALLIANCE

September 2, 2025

Rep. Pete Stauber
Chair, Subcommittee on Energy and Mineral Resources
145 Cannon House Office Building
Washington, DC 20515

Rep. Yassamin Ansari
Ranking Member, Subcommittee on Energy and Mineral Resources
1432 Longworth House Office Building
Washington, DC 20515

RE: September 3rd subcommittee hearing on mining legislation

Chair Stauber, Ranking Member Ansari, and Subcommittee Members,

On behalf of the human-powered outdoor recreation community, we write to provide our perspectives on mining legislation before the Subcommittee during September 3rd's hearing. Outdoor Alliance has long supported thoughtful reforms to America's mining laws in order to facilitate responsible mineral extraction, particularly in support of clean energy deployment, while minimizing impacts to other public lands values including outdoor recreation. These comments recommend targeted changes to help ensure that one bill—the Mining Regulatory Clarity Act—better achieves this outcome of balanced multiple-use management, and also express our concerns with several other proposals before the Subcommittee that would expedite mining without regard for public lands values.

Outdoor Alliance is a coalition of nine member-based organizations representing the human powered outdoor recreation community. The coalition includes Access Fund, American Canoe Association, American Whitewater, International Mountain Bicycling Association, Winter Wildlands Alliance, The Mountaineers, the American Alpine Club, Colorado Mountain Club, and Surfrider Foundation and represents the interests of the millions of Americans who climb, paddle, mountain bike, backcountry ski and snowshoe, and enjoy coastal recreation on our nation's public lands, waters, and snowscapes.



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Currently, the outdoor recreation community and the outdoor economy are profoundly affected by hardrock mining. Improperly sited mines have the potential to irreversibly degrade outdoor recreation resources like rivers, trails, and climbing areas, as well as important cultural sites and conservation lands—often areas that our community considers irreplaceable. Recreationists are also affected by legacy mining pollution, which the EPA estimates has polluted 40% of headwaters in western U.S. watersheds.¹ At least 140,000 abandoned hardrock mine features exist across federal public lands, many of which pose physical hazards to people, as well as environmental hazards that threaten public health, wildlife, and aquatic ecosystems.² Without proper regulation, these mining impacts threaten the outdoor recreation experience on federal public lands and also threaten America’s growing \$1.2 trillion outdoor recreation economy, which employed nearly five million people in 2023.³

The lack of protections for recreation and other public lands values in the 1872 Mining Law—the outdated law that still governs hardrock mining on western public lands today—poses a major barrier for our community to support mining projects that might be needed for clean energy and other purposes. As Congress considers legislation to accelerate domestic production of critical minerals, it is imperative that these policies be paired with significant reforms to the 1872 law that reflect modern uses of public lands, cultural values, and local economies. At a minimum, these reforms should include adequate funding for abandoned mine remediation, royalties for hardrock mining, and clearer discretion for agencies to approve or deny mining projects based on foreseeable impacts to ecological, cultural, or recreational resources. Accelerating hardrock mining without these necessary reforms will likely increase controversy around mining projects leading to uncertainty and delay, as well as degradation of public lands, cultural sites, recreation opportunities, and local economies. We recommend that the Subcommittee advance legislation in line with the Mining Waste, Fraud, and Abuse

¹ U.S. Environmental Protection Agency, EPA-840-B-00-001, Liquid Assets 2000: America’s Water Resources at a Turning Point (2000).

² Abandoned Hardrock Mines: Information on Number of Mines, Expenditures, and Factors that Limit Efforts to Address Hazards. United States Government Accountability Office. March 2020. Report to the Ranking Member, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, U.S. Senate, <https://www.gao.gov/products/gao-20-238>.

³ U.S. Bureau of Economic Analysis, BEA 24-53, Outdoor Recreation Satellite Account, U.S. and States, 2023 (2024).



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Prevention Act of 2025 (S. 859), which would implement many of these important reforms to America's mining laws.

Our comments on specific bills are below.

H.R. 1366, Mining Regulatory Clarity Act of 2025

The Mining Regulatory Clarity Act (MRCA) seeks to address concerns with hardrock mining waste disposal stemming from the 2022 *Rosemont* court decision.⁴ We appreciate that the MRCA has been considerably improved since the version introduced in the last Congress; however, we remain concerned that the bill is more broadly written than necessary to allow for responsible mineral extraction and needs to be improved to provide certainty that it will not lead to mining companies establishing mill site claims beyond what is necessary for mining waste disposal.

The MRCA would allow mining claimants to establish 5-acre mill sites “as are reasonably necessary for its operations” and use these sites for waste disposal or other operations incident to mining. We recommend that the bill be targeted in the following ways:

- Amend the “as are reasonably necessary” language from subsection (c)(2)(A) to clarify that claimants are only allowed to claim the minimum number of mill sites necessary to dispose of mining waste.
- Clarify that, with regards to non-withdrawn lands, the MRCA preserves 1872 Mining Law's core requirement that the right to use and occupy mining claims is contingent on the discovery of a valuable mineral deposit. As written, the bill includes a savings clause in subsection (c)(8)(D) explicitly preserving the discovery requirement for withdrawn lands, which could be read to inadvertently imply that this requirement doesn't extend to non-withdrawn lands. This ambiguity should be clarified.
- Provide clear statutory authority for agencies to approve or deny a mining plan of operations, and provide guidance for agencies to ensure that mill

⁴ *Center for Biological Diversity v. U.S. Fish & Wildlife Service*, 33 F.4th 1202 (9th Cir. 2022).



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sites are not sited on areas with resource conflicts, including outdoor recreation sites, cultural sites, or environmentally sensitive lands.

- Delete the phrase “or other operations reasonably incident to mineral development” from the definition of mill sites. This language is not necessary to address *Rosemont*, which only addressed mining waste disposal.
- Increase funding for the Abandoned Hardrock Mine Fund. We are pleased that the bill would invest mill site claim maintenance fees in abandoned hardrock mine remediation; however, we recommend increasing claim maintenance fees beyond the current \$200/year and also identifying other sources of funding for this purpose.

These changes are necessary to prevent abuses of the mill site provision and will help ensure that mining occurs in a way that is responsive to the concerns of local communities. Finally, given the pressing need for holistic reforms to mining governance, we believe the issues addressed by the MRCA are only appropriately addressed in the context of broader reforms as contemplated by the Mining Waste, Fraud, and Abuse Prevention Act.

H.R. 4018, To unleash America’s offshore critical minerals and resources.

Outdoor Alliance strongly opposes H.R. 4018, which would expedite permits and authorizations for seabed mining. The deep ocean and its seabed are considered the last unexplored regions of our world, yet what we do know of them is that they are highly intricate and fragile, containing some of the oldest living coral species on the planet. The severity of environmental impacts caused by seabed mining is poorly understood. Expediting permits for seabed mining, as directed by H.R. 4018, risks causing irreversible harm to these ecosystems as well as to ocean and coastal recreation and tourism, which depend on a healthy ocean environment. The U.S. should instead play a leadership role at the global level by supporting moratoria on seabed mining until its consequences, and its technological and economic feasibility, are more fully understood.



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Combatting Obstruction Against Leasing Act of 2025 (H.R. 280) and Streamlining NEPA for Coal Act (H.R. 4068)

Both H.R. 280 and H.R. 4068 seek to increase coal mining on federal public lands. H.R. 280 would require the BLM to approve all active applications for coal mining on federal lands, while H.R. 4068 would task the Secretary of Interior with identifying existing and potential categorical exclusions under the National Environmental Policy Act for the production and export of coal.

Addressing the climate crisis by reducing global greenhouse gas emissions is an urgent priority for the outdoor recreation community. Given coal energy's outsized contribution to global greenhouse gas emissions and changes in energy markets that have shifted towards lower-carbon energy sources, we do not believe it is appropriate to incentive coal extraction on federal lands.

H.R. 4090, To codify certain provisions of certain Executive Orders relating to domestic mining and hardrock mineral resources, and for other purposes.

Outdoor Alliance strongly opposes H.R. 4090, which would further elevate hardrock mining over other uses of federal public lands. We are especially concerned by Section 3, which would require the Secretaries of Agriculture and Interior to take all "necessary and appropriate" actions to approve plans of operations, permit applications, and other applications of approval for certain mining projects on federal lands. This directive is certain to cause agencies to rush to approve projects without adequate consideration of impacts on other resource values such as outdoor recreation resources, likely increasing controversy, litigation, and delays related to hardrock mining projects. Under the 1872 Mining Law, agencies are already unnecessarily limited in their ability to deny permits for projects that may unacceptably degrade public lands and waters. Section 3 is likely to exacerbate this longstanding problem.

We are also concerned by Section 5 of the bill, which requires the Secretaries of Agriculture and Interior, in consultation with the mining industry, to identify regulations and other agency actions that impose an "undue burden" on domestic hardrock mining and then implement an action plan to suspend, revise, or rescind those regulations. By prioritizing mining over other uses of public lands, and by



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prioritizing mining industry input over other stakeholders, this section is likely to cause agencies to move to undo important policies that protect outdoor recreation and other values on public lands.

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Thank you for considering our community's input. We look forward to working with you to reform hardrock mining policy to meet the demand for critical minerals while protecting outdoor recreation opportunities, conservation values, and cultural resources on America's public lands.

Best regards,



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Outdoor Alliance

cc: Adam Cramer, Chief Executive Officer, Outdoor Alliance
Heather Thorne, Executive Director, Access Fund
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David Page, Executive Director, Winter Wildlands Alliance
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