

JULY-AUGUST 2000

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## Latest Draft of 3809 Regs Contains “Mine Veto” Provision

*Solicitor Leshy's version of “It's Good To Be The King” politics*

On May 18, 2000, the Washington office of the Bureau of Land Management (BLM) transmitted an April 28, 2000 pre-decisional draft of revised 43 CFR 3809 regulations to all BLM state offices. This latest draft differs from the draft that was submitted for public comment in February 1999, in several important respects. **The most significant (and outrageous) is the new “mine veto” provision.** Obviously the work of Interior Department Solicitor John Leshy, the *unnecessary or undue degradation* phrase has been redefined to mean “conditions, activities, or practices that: ... (4) occur on mining claims or millsites located after October 21, 1976 (or on unclaimed lands) and result in **substantial irreparable harm to significant scientific, cultural or environmental resource values of the public lands that cannot be effectively mitigated.**” (Emphasis added).

This “mine veto” provision is more detrimental than any provision contained in any previous draft, or, for that matter, the entire unwarranted 3809 rulemaking. Under this standard, it would be entirely a matter of administrative discretion to determine whether “irreparable” harm would result to “significant” cultural or environmental resource values. Even with the use of the most effective available reclamation practices and technologies, BLM would be free to veto a proposed mine or mine expansion on a whim.

The “mine veto” provision was not included in BLM’s February 1999 Notice of Proposed Rulemaking, nor was it mentioned in the supplemental public notice in October 1999 seeking comments on the National Academy of Science (NAS) report, *Hardrock Mining on Federal Lands*. This “mine veto” provision was not analyzed in Interior’s economic impact studies on the rulemaking, nor in the small business initial regulatory flexibility analysis.

The obvious source of this language is Solicitor Leshy’s December 27, 1999 memorandum concerning **Glamis’** Imperial Gold Mine in the southeastern part of the California Desert Conservation Area. This opinion concluded that the BLM could deny a Plan of Operations to Glamis if the BLM finds that the project proposal would “unduly impair” Native American cultural resources, and the impacts could not effectively be mitigated. In response, on April 14, 2000, Glamis filed suit in the United States District Court in Reno, Nevada, challenging the December 27, 1999 Solicitor’s Opinion as violative of the Federal Land Policy and Management Act of 1976 (FLPMA) and Department of Interior regulations.

What Solicitor Leshy has done in the latest draft of the 3809 regulations is to extend the *illogic* of his December 1999 opinion to the *unnecessary or undue degradation* standard of FLPMA. The “mine veto” provision conflicts with BLM’s statutory authority and the regulatory definition of *unnecessary or undue degradation*, which was adopted by the Department of Interior during the Carter Administration in 1980, and has been followed successfully for the past 20 years.

The “mine veto” provision would apply to public lands open to mineral entry **and the determination could be made after years of work and millions of dollars invested in exploration, permitting and mine development.** In effect, it creates a discretionary veto authority over mining on public lands, which has long been sought by Secretary Babbitt and the environmental activist community. It would give the BLM discretionary authority to declare areas, not

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## End of the Road?

*USFS has changed its vision ... and not for the better*

by Sharon Fitzsimmons  
PERC, Bozeman, Montana

Laws can be repealed without Congress doing a thing. The Clinton/Gore administration's "roadless initiative," which would ban road construction on more than 43 million acres of national forest, is the latest step in the gradual repeal of the laws governing the U.S. Forest Service.

Traditionally, the Forest Service had a goal of producing timber, but also coordinating "outdoor recreation, range, timber, watershed, wildlife and fish and wilderness" [16 USC 1600 Sec. 6(e)(1)].

*This mandate has been virtually replaced by a new vision that stresses setting land aside so that it is largely untouched by human beings.* As the Forest Service now states (1999), its goal is to create "a new vision by making sustainability the foundation for planning and decision making."

The change reflects a President eager for an environmental legacy, an acquiescent Congress, and — perhaps most important — a longtime shift in lobbying power between environmentalists and the natural resources industries.

President Clinton's 1999 directive has just been issued as a proposed Forest Service rule. It applies to about 22% of the nation's federally-owned forest land and has three parts. The first prohibits road reconstruction and construction on 43 million acres. The second guides forest supervisors in identifying additional smaller roadless areas and managing them in accordance with the new vision. The third deals with Alaska's Tongass

National Forest separately.

There is no way to know how much land the second part of the initiative will affect. But alone, the 43 million acres are more than one-fifth of our total national forests — an area larger than the state of Washington.

### Forest Service's skin is molting

There are other signs of metamorphosis in Forest Service philosophy, too. For example, a proposed road management policy would manage the existing road system along the lines of the same vision. Several major national forests, including Colorado's White River National Forest, are revising their forest plans. *The process is bitterly contentious as it reflects a broad proposed planning rule that places "ecological sustainability" above economic or social uses* (USFS 1999).

This new vision of highly restricted use is not limited to the Forest Service. Using the Antiquities Act of 1906, President Clinton has declared five national monuments and has plans to create more. This is comparable to creating national parks simply by decree.

In a *High Country News* column (April 4, 2000), Rochelle Oxarango lamented the undemocratic spirit of these national park designations: "King William has sent his knight in flying armor, Secretary of the Interior Bruce Babbitt, on another crusade to claim another chunk of the West."

*Daringly, each sweeping directive makes drastic changes without congressional approval. By law, Congress alone can designate wilderness; the executive branch only has the authority to identify and recommend it.*

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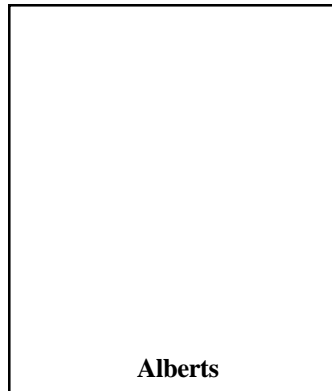
# Getting the Community Involved in Mine Development

by Bruce Rubin

*“The mining industry has made great strides in recent memory. Our reclamation projects are examples of good stewardship; our mining operations are safe, clean and technologically advanced. Yet, the public’s perception of the mining industry is at an all-time low. How did we get to this point?”*

That was the opening paragraph of the Executive Summary of a presentation by **Dale Alberts** at last year’s **Northwest Mining Association Annual Meeting**. Alberts, the Director of Public, Community and Governmental Affairs for **Nicolet Minerals** in Rhinelander, Wis., intended the presentation, entitled *Stakeholder Involvement; The New Social Imperative*, to be a plea to the mining industry to get its act together in its relationships with communities impacted by proposed mining activities. Specifically, Alberts’ talk was based on his experience at the Crandon Project, a copper-zinc deposit south of the town of Crandon in the Wisconsin Northwoods.

*“The industry may have missed the signposts along the way that would have directed us to do some of the things we are doing now, but sooner,”* Alberts continued. *“Leaders who understand the new social and environmental imperatives know that to win in the court of public opinion, the social imperatives must be considered in equal importance to the engineering and environmental impacts of mining projects.”*



*“We have but one chance to prevail in the court of public opinion,”* added Alberts. *“They won’t take our word for it that we will protect the environment ... they want proof. But proof is not demonstrated by one mine; the case for modern mining is demonstrated by the performance of every mine every day. It is responsible mining, it is modern mining, it is the only way to mine.”*

The following includes excerpts and paraphrasings from the body of that presentation (*italics*), interspersed with my comments (see related article on page 7):

*“Sometimes it seems as if no one likes mining anymore, even though our very existence as a society is intricately tied to mined minerals. The point is: Who is our ultimate customer? The smelter worker, the truck driver, the contractor building bridges with mined materials? No, it is the people who live in the same town in which the mine is located.”*

Certainly, society uses mined products; but only the people in the same town as the mine are immediately affected by the operation, especially if the mine came after the town was established. If that happens, the existing culture may be at odds with the superimposed culture of mining.

## Water does not a river make

Consider this for a moment: Water does not make a river, and the river is not *only* the water. The river also is the river bank, the canyon or valley through which the river flows, the fauna and

flora that live in, and depend on, the ecology of the river, and the erosional and depositional processes at work in the canyon. Similarly, a mineral deposit does not make a mine.

People living in the mining town use the mined products; but they also live in “the ecology of the mine,” i.e., mine plan, environmental protection programs, projected life of the mine, increased population impacts, local cultural benefits and changes — everything affected by the presence of the mine.

Of course the environment is disturbed by the mining operation, but the mine provides a product for society, a livelihood for the workers and their families, and taxes to the state, local and federal governments. And, if the mining company’s mine plan holds dear the sanctity of the environment (before, during and after responsible mining), the ecology can be reclaimed and environmental integrity will be preserved.

Disturbing the environment by implementing responsible stewardship through state-of-the-art technology, followed by creative reclamation, shows a certain respect for the ecology, a fact of which the public generally is unaware. And, if mining companies do not concern themselves with “the ecology of the mine,” including the impact on the local culture, then they are missing the boat. Yet, in more instances than are reported to the public, mining companies are building a better boat for all.

*“In spite of the public’s reluctance to work with, not against, the mining industry, we have managed to find some common ground with our opponents. One of the breakthroughs came in the winter of 1998 when the Western Governors’ Conference verbalized a concept that the mining industry had been developing for several years. The concept, **Enlibra**, means balance and stewardship. It encourages resolving environmental problems through consensus by employing the notion that people working together can create jobs and protect the environment.”*

*“Enlibra is a method for resolving conflict. And, while it does not eliminate conflict, the principles of Enlibra can be used to expedite solutions and minimize the costs that differences in opinion can create for both the company and environmental and/or tribal communities. The concept represents the model of how our industry must deal with social, economic and environmental issues. But creating a new paradigm for the industry, and for individual projects, starts with a vision.”*

## Public consultation process

The vision begins with a public consultation process designed to gather input from local residents and conservation and environmental groups. It is about learning to be good listeners. Ideally, the public consultation process begins during mineral exploration, with exploration geologists being the first contact with local residents. This sets the stage for relationships that may last for decades.

After discovery and the decision to mine has been made, presentations concerning “the ecology of the mine” must be made to the community at large (every group possible, from sewing circles to bow hunter’s groups to fishing clubs to town councils) ... no group should be considered unimportant.

*“At those meetings, we at Nicolet found three common concerns about the Crandon Project: groundwater drawdown,*

• Continued on page 11 •

# Ninth Annual Minerals Education Conference: a Success Again

*Minerals-industry educators take advantage of courses and tours to gain insight*

"It was hot. It was wet. It was sweaty. It was dirty ... It was great!"

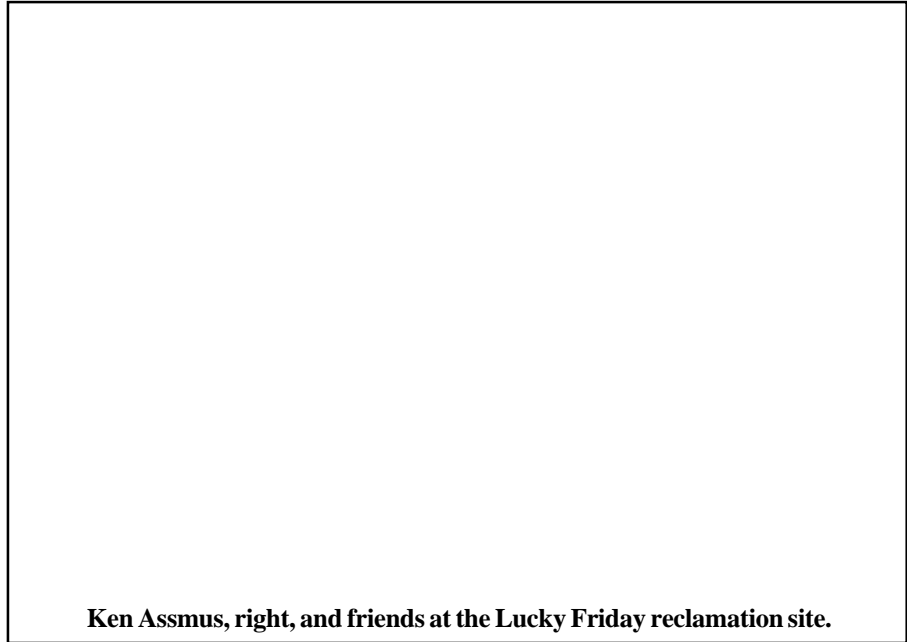
That was the general consensus from participants on the tour of **Hecla's Lucky Friday Mine**, near Mullan, Idaho, during the **Ninth Annual Minerals Education Conference** held in Spokane during the third week in July.

The Lucky Friday Mine tour was just one of three mine tours, along with a multitude of educational sessions at the conference hosted by **The Northwest Mining Association**.

Other sponsors included various mining companies, state and national mining organizations and government agencies.

**Ken Assmus, the Public Education and Outreach Director for NWMA**, said there were 120 people in attendance at the conference, the largest number of people in the nine years of the conference.

"The purpose of the conference is to bring mining-industry educators and public relations personnel, and schoolteachers together to brainstorm and share new teaching techniques and developmental tools available to the public," said



**Ken Assmus, right, and friends at the Lucky Friday reclamation site.**

Assmus. "This is a hands-on conference to get the word out about the importance of the mining industry and how the industry is protecting the environment."

Welcoming remarks were made by **Laura Skaer, the Executive Director of NWMA**, followed by an address by **Jeff Zelms, CEO of The Doe Run Company**.

The education sessions were divided into three Strands. Strand 1, "A Living Catalogue of Resources," consisted of short presentations to help those who were new to minerals education to learn what resources are available to mineral educators, and included talks by Walt Lombardo of the Nevada Division of Minerals, and Kristi Fountain of the Northwest Natural Resource Institute.

Strand 2, "A Strategic Look at the Future of Minerals Education," was designed for the "old pros" of minerals education. The session discussed some of the weightier issues of minerals education, including presentations by Carol Berry of the California Minerals Education Foundation, and Mike Price of the Environmental

Systems Research Institute.

Strand 3, "Hands-On Minerals Education In Action," was designed for educators and included hands-on exercises and experiments that make earth science "come alive in class." Presenters included Deborah Willems of the Mackay School of Mines, and Arola Woolford of **Women in Mining**.

The Keynote Speaker, **Bruce Vincent, President of Communities for a Great Northwest**, gave his usual high-energy, motivational presentation, extolling the virtues of grassroots organizations.

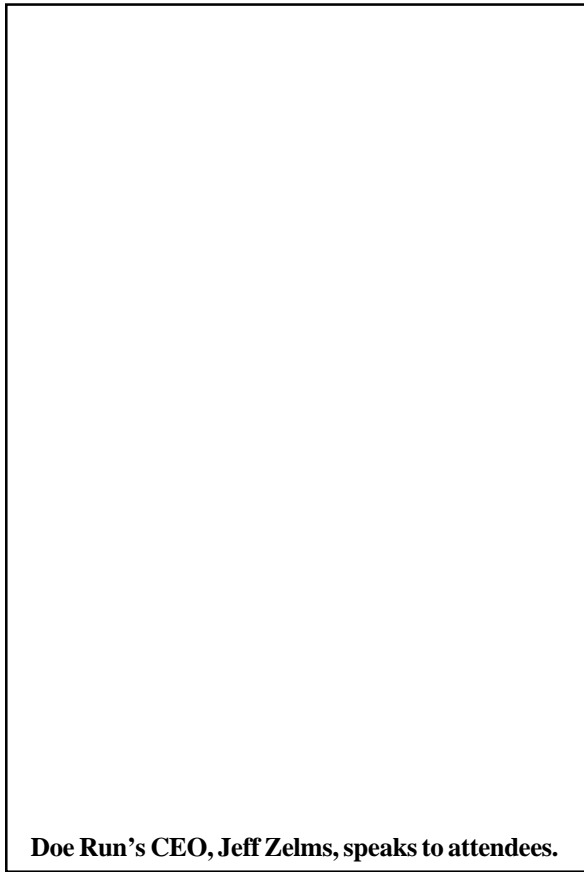
Additional sessions included such topics as "Effective Environmental Education," "What's New and Cool in Minerals Education," and "Educating the Community."

In addition to the Lucky Friday Mine tour, other mine tours included **Coeur's Galena Mine** tour near Wallace, Idaho, and **Echo Bay's Lamefoot Mine** tour near Republic, Washington.

There also was a historical mine tour (surface only) of the Silver Valley of northern Idaho (sponsored by WAAIME), and a geological tour of the Inland Northwest.

The second day of the conference ended perfectly with a dinner cruise on Lake Coeur d'Alene.

"The weather was perfect, the sessions were informative and everybody left happy," added Assmus. \*



**Doe Run's CEO, Jeff Zelms, speaks to attendees.**

# PRESIDENT'S CORNER

Paul Jones, Royal Victoria Minerals, Ltd.

NWMA President 2000

## WMC's Constituent Recruitment Program

The **Women's Mining Coalition (WMC)** is to be congratulated on their *Constituent Recruitment Program* — a program designed to develop a broad-based, mining industry constituent group to individually inform and educate Members of Congress on issues important to mining in the U.S.

The program recruits individual voters who have a direct interest in our industry to help carry mining's message to their lawmakers. Initially, most of the recruited constituents will be people who work for mining industry vendors and suppliers located east of the Mississippi River.

These voters have a vested interest in a successful domestic mining industry because their jobs rely on orders for goods and services from hardrock and coal mining companies across the country.

The program has been endorsed by several state and regional mining associations (including **NWMA**), several corporations, and the National Mining Association (NMA), which has pledged \$60,000 from their 2001 budget.

### Background

*WMC's Constituent Recruitment Program* was initiated in the fall of 1999, and has continued since then with initial funding support from several mining companies and trade associations. Contacts have been made with more than 300 mining and vendor/supplier companies, associations and universities. A trip to Washington, D. C. last March by constituents contacted during this initial phase of the recruitment program.

### What does the *Constituent Recruitment Program* accomplish?

*WMC's Constituent Recruitment Program* is designed to identify, interest and recruit miners, manufacturers, vendors, consultants, landowners and others residing in Congressional Districts not normally thought of as "mining related." Each person recruited will have a vested interest in ensuring a positive future for the domestic mining industry.

WMC uses NMA's new economic database and other sources of information to match constituents with Members of Congress targeted as "swing voters" on mining issues.

Initially, the program is focusing on about 80 Midwestern and Eastern Republican and conservative Democratic House Members. These are representatives who have not typically supported mining issues, but usually support other industries.

These Representatives need to know they have constituents with strong economic ties to the mining industry. Other Members of Congress will be subsequently added to the recruitment list as time and funding permit.

### What will be the task of the constituent volunteers?

The identified constituent volunteers will be asked to make frequent contacts with their legislators on key issues related to mining — impressing upon them the importance of the specific mining issue to residents in their district.

The program is designed to be coordinated with specific lob-

bying efforts of the NMA, various company representatives in Washington D. C., and other industry groups. At least two WMC-led trips to will be organized each year for the recruited volunteers and others to meet with their Congressional Delegation on mining issues.

### Funding/management of the *Constituent Recruitment Program*

Though NMA has pledged \$60,000 for the 2001 budget of the program, WMC has launched a fund raising drive for the rest of this year so the program can be fully engaged *before* the start of the 107<sup>th</sup> Congress.

Letters have been sent to more than 40 corporations and associations enlisting their financial and in-kind support for this effort. It is WMC's objective to raise adequate funds this fall so the recruitment program will have *Constituents* from the targeted Congressional Districts identified, recruited and prepared for action when the new Congress convenes in January 2001. A steering committee comprised of contributing companies will be formed to direct the activities of the program.

NWMA is providing accounting support and the Nevada Mining Association is providing office facilities and staff support for the WMC effort.

WMC plans to take full advantage of *MINExpo* this October to enlist constituent volunteers for this program from vendors exhibiting at the exposition in Las Vegas.

This will be an excellent opportunity to inform manufacturers and vendors on a one-to-one basis of their importance to our constituent program and their ability to assist in influencing Congress on our issues.

Remember, vendors and suppliers are as much a part of the mining industry as the miner. One can't survive without the other. Our fates are intertwined.

### A Challenge!

While substantial contributions from NMA and various corporations are needed to adequately fund a successful *Constituent Recruitment Program*, contributions of money and/or time from individuals within our industry can greatly assist in making *WMC's Constituent Recruitment Program* a success.

**My wife and I are contributing \$1,000, and I challenge each of you reading this article to contribute or pledge something to WMC for this worthy endeavor.**

Whatever you can give, your individual contribution will assist WMC in developing this useful list of volunteer-recruits "which will make a difference" in the 107<sup>th</sup> Congress on issues of critical importance to our industry. If you are unable to provide funds for this effort, please pledge a portion of your time to make this program a success.

Send your contribution now to:

*WMC's Constituent Recruitment Project*, c/o Northwest Mining Association, 10 N. Post Street, Suite 414, Spokane WA 99201-0772.

**YOU CAN MAKE A DIFFERENCE!!! \***

## • A Key Battle in the Last Battleground •

On the cover of the May-June 2000 issue of the *BULLETIN*, NWMA President **Paul Jones**, in an essay entitled “An Extremely Important Election,” said what politics-watchers have been saying every four years since anyone can remember: this election “will be the most important in our lifetime.” This time, however, that statement could not be more accurate, especially concerning the mining industry.

When one votes for President, all the tangential issues should be thrown out the window. You know, abortion, gun control, social security and other entitlement programs like prescription drug payments. Those issues pale in comparison to the one major issue we all should consider paramount at every election. That issue is: *The Direction of the Country*.

Do we want a federal government that *does not restrict* our freedoms, or do we want a federal government that *does restrict* our freedoms? Nothing else matters.

Who cares if the President is boring — boring usually means less taxes and less restrictions on our freedoms. If anyone tells you there’s no difference between the

presidential candidates, ask them (that is, when you finally stop laughing) if they want more or less government control in their lives. When they say “less,” explain the difference between the two candidates in “more freedom-less freedom” terms.

The choice has never been clearer (except maybe in the 1980 election). *Considering that, we must realize that the future of the mining industry, and all natural resource industries for that matter, truly hangs in the balance with this election.*

If Al Gore and his self-proclaimed eco-extremist policies continue to hermetically seal the natural resource landscape under frivolous rulemakings, civilization as we know it will suffer irreparably. And if you think the Clinton/Gore/Babbitt triumvirate was scary, just wait until we get *Gored* to death by a whole new array of misinformed ecocracies just waiting to return the environment to pre-Pleistocene times. His voting record proves it. To him, science doesn’t matter — only being politically fashionable matters.

Do I sound like a “special interest” groupie? No more so than schoolteach-

ers, blue collar union workers or environmentalists. But we all know that if mining stops, everything stops.

During every Presidential election campaign, it seems that we see our national consciousness hanging on the brink of destruction. But, looking back over the last forty years or so, the “imminent importance” of past elections seems tame compared to this one.

Then again, in earlier times we never knew the lawlessness, corruption and deceit that we’ve grown to expect from Clinton/Gore. And, when the national media (the supposed watchdog of government excesses) chooses to overlook such intransigence and unconstitutional chicanery, we know our time is short and that our friends in high places are few.

But our real reason for concern should be this: We don’t have a “new world” to sail away to as did our ancestors when their oppression became too much to stand. This is the last battleground, and this just may be the last battle — heaven help us all if we lose the fight! \*

**Bruce Rubin, NWMA Bulletin Editor**

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## 3809 “Mine Veto”

• Continued from page 1 •

previously set aside as Wilderness Areas or otherwise withdrawn from mineral entry, as “unsuitable” for mining.

*This provision could be used to stop all mining on public lands. It would apply not only to new mining proposals, but also to mine expansions or amendments to current Plans of Operation.*

While BLM denies that the latest proposal is a “final” proposal, the May 18, transmittal letter that accompanied the April 28 pre-decisional draft states “The final policy decisions regarding the final form of the regulations have been made.”

It is NWMA’s understanding that the BLM is scheduled to send a draft of the final regulations to the Office of Management and Budget (OMB) in August in order to complete and issue final regulations in September 2000.

We are likely to see Interior rush to beat any congressional language (as per EPA and TMDL rules), that would limit BLM’s proposal to the regulatory gaps identified in the NAS study.

Congress adjourned July 28 for the

August recess and will reconvene after Labor Day. Before adjourning, the Senate approved the FY2001 Appropriations Bill (S. 2536) for the Dept. of Agriculture.

This bill includes language written by Idaho Sen. Larry Craig that would require the BLM to limit its final 3809 regulations to the seven regulatory gaps identified on pages 7 through 9 of the NAS study.

Last year, Congress approved language requiring any final 3809 regulations be “not inconsistent with” the NAS study. It was Congress’ intent that BLM follow the NAS study when issuing final regulations. In typical Lesly style, the Solicitor issued an opinion memorandum within three weeks after the congressional language was signed by President Clinton that essentially said the BLM was not limited by this language as long as whatever rules proposed were not inconsistent with 16 boldfaced, bulleted recommendations, unabashedly ignoring over 200 pages of the study.

Senator Craig offered the current language in response to Solicitor Lesly’s clear and purposeful misinterpretation of congressional intent with respect to last year’s “not inconsistent with” language. The

Craig language clarifies that it is Congress’ intent that BLM limit any final 3809 rules to the regulatory gaps as identified in the NAS study. The Craig language survived an attempt to significantly weaken it by Senator Richard Durbin (D-IL).

Through the efforts of Senators Craig, Burns, Murkowski, Reid and others, the Senate voted against Senator Durbin’s language by a decisive 56-36 vote. The House Agricultural Appropriations bill does not contain a similar provision and the matter will be worked out when the two bills go to conference in early September.

**Action items:** Contact your U.S. Senators and Member of the House and encourage them to support inclusion of the Craig 3809 amendment in the final Agriculture Appropriations bill when the conference report is issued.

Congress appropriated \$800,000 for the independent, consensus NAS study and report. In view of Solicitor Lesly’s callous disregard of congressional intent, it is important that the Craig language be adopted to clearly limit BLM’s rulemaking to the regulatory gaps identified in the NAS study. \*

# Mining and Indigenous Peoples

## *ICME's case studies cite important factors*

The International Council on Metals and the Environment has published **five case studies on mining companies and their relationships with indigenous peoples**. The following is a brief review of important factors concerning those relationships.

Today, corporations are being called upon to assume a greater responsibility for economic, environmental and social impacts of their activities, and to work with stakeholder groups to ensure that community needs also are met.

Nowhere is this more evident than in the mining industry. Because mining represents a long-term investment, the way a company manages its relationship with local peoples (especially in the contribution of jobs, community infrastructure, health and education services) will be a critical factor in the success of the project, as well as post-mining reclamation.

There is no one-size-fits-all model in dealing with the complex issues involving indigenous communities. Approaches must be tailored to local circumstances and cultures, which can vary among communities, even within the same country. Working in tandem, mining companies and indigenous peoples have begun to proudly establish healthy communities that make up the ecology of the mine. Mining companies no longer view indigenous people as obstacles to resource development, but rather as partners in resource development.

### **Paradigm shift**

For these companies, the paradigm has shifted from indigenous participation in mining, to mining company participation in the indigenous community. The companies' efforts outlined in the *Mining and Indigenous Peoples* case studies are from Placer Dome/TVX Gold (Ontario), Rio Algom (Australia), Cominco (Alaska), WMC (Philippines) and Falconbridge (Quebec).

There are a number of reasons why mining companies are paying much more attention to relations with indigenous communities:

- As areas of exploration are opened up, contact increases with indigenous peoples in countries that acknowledge their right and title to traditional territories;
- Historical, high-profile problems have made mining companies sensitive to risks that can arise from an inability to obtain local support; and
- Mining companies are becoming more responsive to corporate responsibility to the communities, recognizing that the communities are particularly vulnerable to social, cultural and economic disruption from mining projects.

The case studies point to three factors that promote companies' proactive relations with indigenous peoples: legislative requirements, strategic business considerations and demands of indigenous peoples.

Important legislation that recognizes the rights and domain of indigenous peoples, giving them more power in dealing with mining companies, includes: constitutional recognition, royalty payments, land claim settlements that award indigenous peoples land ownership, and the re-establishment of title over indigenous lands.

Companies also see a business benefit that flows from positive relations with indigenous communities. They include:

**Stephen Winter, a member of the Kingfisher Lake Tribe, is a miner at Placer Dome/TVX Gold's Musselwhite gold mine in northwestern Ontario.**

- early consultation enables companies to identify risk factors and to address those factors, thereby lowering risks as early as possible,
- socioeconomic agreements to obtain project approval, and
- indigenous people obtaining title over the land provides greater security for the project, since it preempts the overriding of their interests by others.

As an outgrowth of their greater leverage over the mining project, indigenous people have an interest in all phases of the project, including its benefits, and become involved in the environmental issues that are intimately linked to their culture.

### **Consultation and Negotiation**

As demonstrated by the case studies, consultation and negotiation ensures that the fears and aspirations of the indigenous people are heard and accommodated during the operation of the project.

Community consultation and negotiation is used to formulate programs to ensure trust and to keep expectations realistic through joint decision-making mechanisms.

A direct outcome of this process is environmental concerns, such as: minimizing liquid effluent, acid mine drainage and tailings reclamation; providing employment training programs; and helping indigenous peoples learn business skills.

Mining companies are recognizing that the keys to building and maintaining successful relationships with indigenous people are respect, communications, continuous consultation, flexibility and ongoing diligence.

The measurable progress that has been made by leading mining companies over the last decade is providing a good base for enhanced relations between industry and indigenous peoples. However, much remains to be done.

Expectations are building for mining companies to take a closer look at sustainable development in such a way as to contribute to meaningful outcomes for indigenous communities.

*(The address of ICME is 294 Albert St., Suite 506, Ottawa, ON K1P 6E6.) \**

## Mountain States Legal Foundation Files Another Suit Against Feds

On June 9, President Clinton continued his "War on the West" by issuing yet another **White House decree closing off access to millions of acres of western federal lands**, and in the process killed economic and recreational activities in scores of rural western counties.

Clinton's latest abusive use of the Antiquities Act of 1906 targeted the states of Arizona, Colorado, Oregon and Washington, and drew stinging rebukes from western Senators and Congressmen.

Clinton's proclamation follows the June 1 recommendation of Interior's Bruce Babbitt that Clinton issue a decree closing federal lands in the four states to public access permitted by Congress.

**Mountain States Legal Foundation's (MSLF)** responded to Clinton's illegal and unconstitutional Grand Staircase-Escalante National Monument decree in Utah with a lawsuit in 1996. In that suit, which is still underway, MSLF and the Utah Association of Counties, which also sued Clinton, have won every single legal battle.

Following the latest Clinton decree, U.S. Sen. Ben Nighthorse Campbell (R-CO) said "One way for Clinton to get past the Monica legacy is to create the public lands legacy by locking up public property."

Like its quick response to Clinton's 1996 election-eve decree, MSLF has responded by filing a lawsuit in the U.S. District Court of Washington, D.C., representing a broad cross-section of Westerners opposed to Clinton's unilateral decree by asserting that the President's use of the Antiquities Act to change the status of the lands in the four states is illegal and unconstitutional.

The Antiquities Act allows a President to set aside "historic and prehistoric structures, and other objects of historic or scientific interest" as national monuments, confining any such designation to the "smallest area." However, in designating the Utah monument, Clinton sought to protect "geological treasure" and "outstanding biological resources," *neither of which is permitted by the Antiquities Act.*

Similarly, in Clinton's latest decree, he seeks to protect, for example, "critical spawning ground for salmon in Washington State," "ironwood trees that can live for more than 800 years" in Arizona, "and "bats and old growth habitat" in Oregon.

These may be important and noble purposes: however, they are to be achieved by using the already existing statutes and laws like the Endangered Species Act and the Wild and Scenic Rivers Act.

*But using those statutes requires congressional action, which necessitates the support of Westerners. For Clinton, that's the rub. Westerners oppose such land lockups! And the only way around Congressional defeat is for Clinton to hide behind the skirts of the Antiquities Act, to protect him from the transparent justification of his actions.*

As a result, Clinton moved unilaterally, all but daring Westerners and the Congress, which so far has refused to take action, to "stop me if you can."

Mountain States Legal Foundation intends to stop Clinton's latest violation of the Constitutional and federal law.

Now, Clinton is not the first to use the Antiquities Act to lock up federal lands; that was Teddy Roosevelt who designated Devil's Tower in Wyoming as a national monument. Nor is Clinton the first to abuse his authority; that was Franklin Roosevelt who designated thousands of acres in Wyoming, an action Congress later reversed.

However, with his latest decrees, Clinton moved into second place for locking up federal lands by fiat, behind only President Carter who locked up 55.9 million acres of federal land. Although Clinton would be hard pressed to pass Carter, he would love to please both the *Washington Post* and environmental groups by closing more federal land before he leaves office.

The question remains: Is it legal? Although the Constitution gives Congress exclusive power over federal lands (the Property Clause), for decades Congress acquiesced in the exercise of its of its power by the Executive. In fact, the Supreme Court even upheld presidential action on federal lands due to that acquiescence.

Congress' acquiescence ended in 1976 with the Federal Land Policy and Management Act (FLPMA), in which Congress reasserted its authority over federal lands and severely restricted how and how much federal land could be closed by a president. Although Congress left the Antiquities Act in tact, the 1906 Act is clearly limited to "antiquities."

Not surprisingly, for a president who disputes the meaning of "is," "alone" and "false," Clinton says the Antiquities Act gives him whatever power he chooses to exercise, until a court says otherwise.

MSLF is committed to getting a court to say otherwise.

(From the Summer 2000 issue of *The Litigator*, the newsletter of Mountain States Legal Foundation) \*



### **GOT "AMD" PROBLEMS?**

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## Revealed Improprieties at Interior Available to the Public

Information that outlines “**overwhelming documentation of numerous, highly-unethical and improper actions**” and **illegal political and lobbying activity by employees of the Department of the Interior** is now available to the public.

The information was compiled by the U.S. House Committee on Resources during a year-long investigation into improper activities at the Department’s Office of Insular Affairs (OIA).

Four packets of information were submitted in the Committee’s official record during an oversight hearing July 12. The information substantiates multiple acts of improper involvement in political activities, lobbying, producing materials and collecting information under false pretenses, privacy intrusions and lawsuits by Interior officials — all courtesy of the U.S. taxpayer.

Earl E. Devaney, Inspector General for the Department of the Interior, testified at the hearing that improper activities by former Interior official David North were “the most egregious example I’ve seen in 30 years of law enforcement.”

Devaney testified that he had encouraged the Justice Department to initiate prosecution, and was disappointed (though not surprised) when they declined. North “retired” last year immediately after the Resources Committee began an investigation into North’s political activities.

Devaney also testified that North conducted political activity from his federal office during regular working hours against the advice of House Majority Leader Dick Armey (R-TX), and Majority Whip Tom Delay (R-TX), among other leading House members. Additionally, Devaney testified that North sought to assist Democratic Congressional candidates and had contact with the DNC and the Democratic Congressional Campaign Committee.

Devaney added to his testimony by pointing to North’s assistance to organizations like the Global Survival Network and that North provided confidential information about private individuals to a newspaper reporter.

Another former Interior Department Director of the OIA, Allen Stayman, is the subject of a separate, ongoing investigation by the Office of Special Counsel into allegations of illegal political activity.

Devaney testified that Stayman had admitted to investigators that he contacted the Democratic Committee, and provided a memorandum and draft press release, urging them to intervene in a local election in the Commonwealth of the Northern Mariana Islands, a territory overseen by OIA.

Stayman denied the charges, although he acknowledged that the signature on the memorandum was his, explaining that he signed it without reading its contents.

U.S. Rep. Don Young (R-AK), the Chairman of the Committee, responded that he wasn’t surprised at the proceedings, “considering the Clinton/Gore administrations well-documented manipulation of the Justice Department to protect illegal activity by its political appointees. This is the most partisan and politically-motivated Justice Department in the history of our nation.”

Concerning the testimony by Ferdinand ‘Danny’ Aranza, the current Director of OIA, Rep. Young said, “I’ve never seen high-ranking officials suffer such convenient memory lapses in my 27 years in Congress. Despite the denials and all of the ‘I-can’t-recalls,’ we will continue to pursue this issue.”

The following is a summary of Rep. Young’s opening statement before the Committee on Resources (speaking to the Interior officials and the Committee):

“We have found evidence of massive waste, fraud and abuse at OIA. This is what ‘oversight is all about. OIA’s highly-questionable activities include:

- researching and writing political campaign press releases and candidate position papers for candidates;
- editing, researching and writing reports, for lobbying organizations; and
- hiring private investigators to collect information in foreign countries.

“The Committee on Resources has subpoenaed and reviewed the contents of hundreds of thousands of documents, as well as the contents of six agency computers and dozens of computer diskettes.

“This Committee must not — and will not — turn its back on its duty to oversee the activities of officials at the Interior Department, particularly when there are specific and credible allegations they are using the resources authorized by this Committee, for partisan and inappropriate purposes.

“I’m sure you will hear the same old song and dance from the Democratic minority, that this has been a ‘witch hunt’ and this is partisan, so we should drop it. We’ve seen this rebuttal from the minority and this administration used so many times, yet it still amazes me.

“Even Inspector General Devaney, a Clinton appointee, appears to have found the same level of waste, fraud and abuse at OIA that the Committee has found.

“So, unless you believe in a grand conspiracy involving the Congress and the Inspector General’s office, this is not a political witch hunt. This is about doing your job: protecting the taxpayer, protecting privacy, protecting against waste, fraud and abuse.

“You’ll also hear from the Democratic minority members of this Committee that David North was a ‘rogue operator and is now off the Interior payroll, so let’s drop it.’ But North’s ‘retirement’ doesn’t absolve this Committee from its duty from getting to the bottom of things, and to find out who else might be involved.

*“If federal officials are allowed to break any laws they want, to violate people’s rights, just because they believe there is just cause, then Katie bar the door! The message to all federal employees would be that constitutional and statutory rights don’t matter as long as any ‘big brother’ in the government thinks the cause is just.*

“If the Democratic minority gets its way, then who draws the line? What would my Democratic colleagues say if it was a Republican administration abusing the people’s privacy and conducting partisan political activity, because they thought the cause was just?

“If the Democratic minority thinks that what went on at Interior was okay, and that we should just ignore the partisan activity and the lobbying and privacy violations, then they should go on the record and say so. Then the next administration, and the American people, will know where they stand.”

This oversight information can be obtained by calling Steve Hansen at 202/225-7749, or Art Silva at 202/225-4063, or check out their website at [www.resourcescommittee.house.gov](http://www.resourcescommittee.house.gov). \*

# STATE AND PROVINCIAL REPORTS

## ARIZONA

### Copper's Impact Falls

The total impact of the copper industry on the economy of Arizona in 1999 fell by nearly one-third from 1998 to \$6.2 billion in personal, business and government income. The major reason for the drop was production cutbacks. Arizona's copper industry produced 1,134,600 tons of copper and other minerals with a total value of \$1.79 billion.

The combined direct and indirect contribution to the state's economy was the lowest since 1994. The Arizona copper industry directly employed 9,800 people in 1999, down 12% from the previous year. \*

## COLORADO

### The Good Guys Win One ... For Once!

The proponents of the **ballot initiative (IP-215) that would ban surface gold and silver mining using cyanide ore processing reagents**, missed the deadline Aug. 7 for submitting the requisite number of signatures to the Colorado Secretary of State's Office. As a result, there will not be an anti-mining initiative on the ballot this November.

The anti-mining groups cannot repropose this initiative until the regular general election in 2002. Obviously, a broad-based, united effort in opposition to this measure, spearheaded by the **Coloradans Opposing the Unfair Shutdown Amendment**, lead to its demise. \*

## IDAHO

### Idaho miners make \$250 million cleanup offer

Mining companies in the Silver Valley of northern Idaho are offering \$250 million over the next 30 years to clean up pollution.

The offer could let at least three mining companies off the hook of a billion-dollar lawsuit scheduled to go to trial this fall — if the offer is accepted by the federal government and the Coeur d'Alene Tribe.

The money will be used to clean up "hot spots" of lead and other toxic metals from a century of mining and smelting in the Coeur d'Alene River Basin.

Idaho governor Dirk Kempthorne said "This may not be good news for a lot of attorneys. Our plan is to go out there and start cleaning up."

However, the settlement is not a done deal, state officials said.

The announcement of the offer caught many players in the settlement talks off guard, including the U.S. EPA and tribal officials.

The cleanup proposal is limited to Idaho, even though the Silver Valley drainage flows into Washington.

Kempthorne has met with federal, tribal and industry representatives over the last eight months, and has urged Interior Secretary Bruce Babbitt and Agriculture Secretary Dan Glickman to sign off on the settlement by Labor Day.

### Mining's "good faith" offer

This represents the first "good faith" offer from the mining companies, and is the limit the companies can afford. "This is

not a starting place," said Hecla's Vicki Veltkamp. "We're way beyond that."

The other companies are ASARCO and Coeur d'Alene Mines. Area mining company Sunshine Mining has not officially been named in connection with the offer.

The offer actually consists of \$154 million over 30 years, and another \$96 million in royalties tied to metals prices. If the offer fails, a lawsuit filed by the tribe and federal government against the mining companies will go to trial in November.

Estimates of the cost of cleanup range from \$130 million to \$3 billion. The state plans to remove or cap contamination in the upper Coeur d'Alene River Basin, and combat erosion of contaminated soils from the lower basin. \*

## MANITOBA

### Prairie Province is "Hot" on Mining

The Province of Manitoba is the fourth best place in the world to invest in mining and mineral exploration, according to a recent survey by the Vancouver-based Fraser Institute.

"Manitoba is hot!" said Ed Huebert, the Executive VP of the Mining Association of Manitoba. "It's a good place to do business."

Huebert points to work currently underway in the areas of tax reform, land access, certainty of mineral tenure, environmental regulation and land claims as extremely positive signs for the future.

And, with the price of nickel having doubled in less than four years, he is confident that good times are ahead for the province's mining industry.

The mining industry represents about 4% of Manitoba's gross domestic product and accounts directly for more than 4,500 jobs.

MaryAnn Mihychuk, Manitoba's Minister of Industry, Trade and Mines, (and a geologist by training) met with mining notables at last year's NWMA Annual Meeting to assure the worldwide mining industry that her government is friendly toward mining.

Mihychuk explained that improving prospects for finding new mines is the key to maintaining the strength of the industry in Manitoba, where many of the mines are getting old and are in danger of running out of ore.

"Newer orebodies are needed to take their place, but prospectors need as many breaks as they can get from the government to increase their chances," she said.

Manitoba's three mineral-industry programs has led to increased to exploration activities within the central Canadian province:

- The Minerals Exploration Assistance Program (MEAP) was specifically established to provide financial assistance for non-fuel mineral exploration;

- The Manitoba Prospector's Assistance Program (MPAP) is directed toward self-employed exploration in the province; and

- The Specialty Minerals Incentive Program (SMIP) is designed to assist companies or individuals to elevate the economic potential of existing specialty minerals deposits and to market those products more effectively in local and international markets. \*

## NEVADA

### Gold Production Down in 1999

Even though Nevada's gold production remained the highest in the U.S. in 1999 at 8.26 million ounces, it was down 600,000 ounces from 1998's record of 8.86 million ounces. The new figures also show the value of all minerals mined in the state dropped by \$632 million in 1999, to \$2.7 billion, compared to \$3.32 billion in 1998.

Declining gold prices have had an impact on production figures, forcing more mine closures and cutbacks, and an increase in the number of underground mines in Nevada has led to lower production figures.

Mine regulations and permitting issues also have had an impact on production.

### Placer Dome has Confidence in Getchell

Placer Dome is confident that the recently acquired Getchell Mine in northern Nevada will be a valuable long-term asset. This field season, more than 30 rigs are engaged in an \$87 million exploration and development program at the property. Four mineralized areas are being evaluated. Proven and probable reserves are calculated at 6.5 million ounces of gold grading .36 opt at a price of \$325 per ounce.

Placer became owner and operator of the Getchell and Turquoise Ridge underground mines in May 1999 from Getchell Gold for \$1.1 billion. The property also includes a 3,000-ton-per-day mill.

### Homestake to Own 50% of Round Mountain Gold Mine in Nevada

Negotiations have been completed for Homestake Mining's purchase of an additional 25% interest in the Round Mountain gold mine from Case Pomeroy for \$42.9 million, thereby doubling their interest in the central Nevada mine to 50%. The other 50% of the open-pit, heap-leach operation is owned by Echo Bay Minerals.

The mine becomes Homestake's largest contributor of gold in the U.S., surpassing the Homestake Mine in South Dakota.

In 1999, Round Mountain produced 541,808 ounces at a cash operating cost of \$198 an ounce.

At the end of 1999, 5.9 million ounces remained to be mined at the Nye County operation.

Elsewhere in Nevada, Homestake operates the Ruby Hill Mine and owns a 33% interest in the Marigold Mine. The company also is exploring for deep mineralization at the now-idled Pinson Mine. \*

## ONTARIO

### Milling Deal between BMG and Barrick for Ontario Gold Mill

Battle Mountain Gold and Barrick Gold have signed a custom-milling agreement to send gold ore from BMG's Holloway Mine to Barrick's Holt-McDermott Mill. The agreement includes a \$1.7 million mill expansion to handle all of Holloway's annual production.

The agreement also gives BMG the option to purchase the mill from Barrick at a later date. \*

## WASHINGTON

### Cominco to Reopen Pend Oreille Mine

Strong zinc prices and the coming depletion of its Sullivan deposit in southeastern British Columbia, has Cominco seeking regulatory approval to reopen the Pend Oreille base metal mine near Metaline Falls, Wash.

Cominco acquired the mine in 1996, through a \$31.2 million takeover of RFC Resources. After the Sullivan closes in 2002, Cominco will need a new source of zinc and lead concentrate for its Kivcet smelter in Trail. So far, permitting is proceeding without major problems.

Located only 12 miles south of the Canadian border, and within easy trucking distance of Trail, Pend Oreille produced from 1938 to 1977.

Remaining reserves total 5.7 million tons grading 8.9% zinc and 1.34% lead. A 1994 feasibility study estimated a cost of \$33 million to rehabilitate the existing surface facilities and develop a 1,500-ton-per-day operation.

Current reserves point to an 11-year mine life, with the potential of the discovery of additional reserves.

### New Dawn Millsite Cleanup Plan

A new plan to close the radioactive sludge pits near the Dawn uranium mill has been endorsed by the Washington Department of Health. The plan would cut years off the cleanup project near the Spokane Indian Reservation by filling the pits with clean fill and materials from the site, and by eliminating the need to truck 29 million tons of contaminated tailings from out-of-state locations.

The source of the radioactive material was the now-defunct Midnight Mine in northeastern Washington. \*

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## Community Involvement

### • Continued from page 3 •

wastewater disposal and tailings management. And, in addressing those concerns, Nicolet embarked on a new social and engineering approach to the project.

"We acknowledged the opposition to the project and worked with them to find new ways of addressing old concerns. We stopped trying to convince people that an engineering method was safe and would protect the environment. Instead, we listened to them and worked with them to incorporate engineering changes they believed improved the protection of the environment. This is the way we do business.

"With this new social and engineering approach, the political climate concerning the mine turned from stormy to partly cloudy, and we began to envision sunny days ahead."

Nicolet believes that the best way to gain the public trust is to show the people that the company wants to protect the resources and the environment as much as they do — the miners are residents, too. A commitment to sustainable development requires a mining company to not only meet economic, engineering and environmental objectives, but to meet social and cultural objectives by including the local stakeholders in the process, thereby building credibility and trust. This is what "the ecology of the mine" is all about. "Concerning the Crandon Project, we still believe that if you are a true environmentalist, you'll want this mine to happen," said Alberts. \*

# COMMITTEE REPORTS

## ENVIRONMENTAL ISSUES COMMITTEE

Co-Chair: Lisa Kirk, MAXIM Technologies  
406/582-8780

Co-Chair: Luke Russell, Coeur  
208/667-3511

### Another Crandon Project Delay

**Groundwater pollution concerns** have been raised once again concerning **Nicolet Minerals'** Crandon copper-zinc project in northern Wisconsin. The Wisconsin Department of Natural Resources had hoped to release its draft EIS on the mine this summer, but it will be delayed for several months due to "fears" raised by the Mining Impact Coalition, just another in a long line of eco-extremist groups in the People's Republic of Wisconsin who want only to stop mining without regard to Nicolet's state-of-the-art technology-based environmental safeguards. Isn't it funny how every time a mining company comes up with a *new, safer* technology, the eco-extremists drag out the *old* rhetoric!

### EPA Considers LDR changes

In a recently published notice, EPA asked for **comments on proposed changes to the land disposal restriction (LDR) regulations**. Comments are due by September 18, 2000. The focus is on how EPA can encourage source reduction, recycling, and the use of innovative waste treatment technologies. It also is seeking input on methods to stabilize metal-bearing wastes and their long-term effectiveness.

### Reduction in Arsenic Limits Proposed

EPA is proposing to **lower arsenic levels in drinking water from 50 to 5 micrograms per liter**. The factor-of-ten decrease is creating controversy, and the U.S. House of Representatives has voted to retain language barring EPA from enforcing new rules on both arsenic and radon in drinking water. Analysts believe that the proposed change would have far reaching ripple effects on other regulatory programs. Cited are RCRA and Superfund cleanups, allowable emissions under the Clean Air Act, and standards for surface and ground waters. Comments must be submitted by September 20, 2000. \*

## HEALTH & SAFETY

Chair: Dale Avery, NIOSH  
509/484-1610

### MSHA's Revamps Dust Monitoring Program

The Mine Safety and Health Administration has announced a major four-part change in the system for **sampling, detecting and controlling respirable coal mine dust**.

*The new proposal is partly in response to the mining industry's successful court challenge of MSHA's earlier attempts to change the dust standards on the grounds that rulemaking requirements of the Mine Safety and Health Act were not met.*

Under the new proposal, federal mine inspectors would do all the sampling to find out if the underground coal miners are over-exposed to respirable dust that can cause black lung disease and silicosis. Miners' representatives will be able to observe the sampling for plan verification as well as compliance sampling by MSHA inspectors.

### Northern Nevada to Get MSHA Training

An MSHA program called **Spotlight on Training** will address the rise in fatalities in northern Nevada's gold mines. MSHA is conducting in-depth training evaluations at individual mines to develop new, cohesive training programs in the key areas of accident prevention, contractor responsibilities and hazard recognition. Between 1990 and 1999, more than half of all U.S. gold mine fatalities occurred in Nevada mines. The program is in cooperation with the Nevada Mining Association.

### Drilling Equipment Safety Labels

The National Drilling Association has developed a **safety label kit** suited to the needs of the drilling industry. The kit was produced in accordance with American National Standards Institute (ANSI) guidelines for such products and meet ANSI Z535 guidelines.

A primary goal was to provide a uniform and consistent visual layout for safety signs and labels applied to a wide variety of drilling equipment. The labels contained in the kit are intended to warn against the most common and dangerous hazards, as no single kit can address every hazard on every machine in the field today.

For more information call the National Drilling Association at 614/ 798-8080 or visit their website at [www.nda4u.com](http://www.nda4u.com). \*

## NOMINATING COMMITTEE

Chair: Pat Gochnour, Gochnour & Associates  
303/770-7580

### Trustees Nominations Due Soon

As fall is rapidly approaching, it is time to consider nominations for the incoming class of Trustees. **Paul Jones** has appointed a **Nominating Committee** consisting of **Jim Duff, Bob Micsak, Rich Hall, George Byers** and myself as Chairman. In accordance with the By-Laws of the Association, the Committee will nominate a slate of candidates to fill the ten (10) vacancies for the Trustees whose terms expire at the end of this year. The Committee is required to nominate one candidate for each vacancy to be filled.

The Committee will make its selection in early-October and report its selection of nominees to the President prior to October 15. On the eighth day following the report of the Nominating Committee, the Secretary will prepare and mail ballots to members in good standing. The votes will be counted and certified by a Counting Committee four weeks following the date of mailing of the ballots.

In addition to the procedure described above, nominations may also be made by petition, signed by seven members in good standing, providing that the petition is filed with the President and Secretary five days prior to the mailing of the ballots. Candidates nominated by this process will be included on the ballot containing the names of the other nominees.

Trustee nominees must be members of the **Northwest Mining Association** who have a sincere commitment to the Association and a broad interest in, and understanding of, the issues facing the modern mining industry. The Board of Trustees normally meets four times a year in addition to the meeting held during the

annual convention in December, and Trustees should be prepared to attend all meetings (except, of course, when normal business activities make that impractical). Also, candidates should be prepared to actively serve on Association committees and generally take an active role in the affairs of the Association, including serving as an officer if requested by the Board of Trustees.

The responsibility for the direction and governance of the Association is vested in the Board of Trustees. Your participation in the process will ensure strong and active leadership of the Association.

Please give this your careful considerations and contact myself (Fax: 720/851-2999) or another Committee member with your input prior to mid-September. \*

## PUBLIC LANDS

Chair: Bill Prince, Dorsey & Whitney LLP  
801/350-3581

### BLM Proposes Guidance Manual

To improve its management and protection of public land resources, the BLM **has proposed a new guidance manual** relating to the agency's preparation and updating of its land-use plans.

The proposed guidance, which would encourage greater public participation throughout the planning process, would affect manuals and handbooks used by BLM land managers. Copies of the proposed guidance manual are available from any BLM Field Office. NWMA has already submitted comments.

### New Mineral Exam Policy Issued

The BLM announced a **Notice of Policy on Mineral Commodity Pricing and Opportunity for Comment** on July 6, 2000 (65 Fed Reg. 41734). Even though the new policy became effective upon publication, BLM is accepting comments until September 5, 2000. The new policy will apply to validity exams of mining claims to determine "marketability" of the mineral resource. This will provide the basis for determining if a "discovery" has been made.

The BLM policy directs mineral examiners to use the average commodity price of the mineral being claimed. Normally, this will be the price set by the markets for a period of 36 months before and after the mineral exams occurred. The prices used after the exams will be based on the average futures prices, taken on a monthly basis. In the case of claims associated with operating mines, the examiner will use the prices at which the claimant actually sold the commodity.

NWMA will be submitting comments and would welcome input from members. Contact Ivan Urnovitz at the Association office: 509/624-1158.

### Governors adopt mining resolution

The Western Governors' Association recently adopted a non-partisan resolution recognizing the importance of the mining industry to the overall economy of the Western United States, specifically concerning mining regulations.

The resolution, sponsored by governors Jim Geringer (R-WY), Kenny Guinn (R-NV), Mike Leavitt (R-UT) and Bill Owens (R-CO), points to a National Research Council (NRC) report,

*Hardrock Mining on Public Lands*, that supports the states' position that better implementation of the existing Sec. 3809 regulations "... would yield the most benefit [to the mining industry] and that no new, one-size-fits-all federal regulations are needed."

The policy statement urges the Bureau of Land Management to rethink the draft of the proposed 3809 rulemaking in the light of the NRC report, which the governors believe contains information that shows how much of the proposed rule is "... unnecessary, unwarranted or unwise."

The WGA suggests that the BLM should refocus its efforts on addressing regulatory gaps in the current system and "... strongly encourage the BLM and the Forest Service to aggressively and cooperatively pursue the other non-regulatory issues and recommendations identified in the report," rather than undertake a wholesale rewrite of the Sec. 3809 regulations. \*

### U.S. Senate Sides with Clinton on National Monuments

To the amazement of many, the Republican-controlled **Senate has upheld President Clinton's authority to protect federal lands by designating them as national monuments.**

By a 50-49 roll-call vote, lawmakers rejected an effort to force the White House to win congressional approval before any future monuments were designated.

The amendment to the \$15.5 billion natural resources bill, proposed by Majority whip Don Nickles (R-OK), challenged a well-established presidential right granted under the national Antiquities Act of 1906, *but Western Republicans said Clinton had overstepped his bounds by setting aside millions of acres without adequate consultation with local and state governments.*

Sen. Robert Byrd of West Virginia was the only Democrat to side with the Republicans in this issue.

The Clinton initiative, which was developed after closed meetings with environmental groups, allows his rule making to become the law of the land rather than directly seeking legal authority from Congress.

The move leaves the way open for the Clinton/Gore administration and Interior Secretary Bruce Babbitt to further limit access and natural resource development and production in the American West, thereby severely hurting rural economies and destroying resource-based cultures.

So far this year, the Clinton/Gore administration has added nearly two million acres to this country's national monuments, mainly in Arizona, California, Colorado, Oregon and Washington. Look for a national monument coming to your neighborhood ... soon. \*

## NWMA MEMBERS

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EMAIL: BRUCE@NWMA.ORG

## Undue Influence Uncovers Agenda

The natural resources industries are under attack by eco-extremist groups!

And *Undue Influence*, by Ron Arnold, tells you why and how. The book details what the author calls "Rural cleansing; dismantling industrial civilization piece by piece. It's not about the environment; it's about power."

Arnold does a good job of laying out a case that prescriptive foundations, grant-driven environmental groups and overly-zealous bureaucrats have a symbiotic relationship that wields "undue influence."

Arnold warns that "... all green groups operate on other peoples' money, all with agendas that harm the resource class."

Arnold analyzes such groups, including The Mineral Policy Center, The Okanogan Highlands Alliance, The Bullitt Foundation, The Pew Charitable Trusts,

The Southwest Forest Alliance, The Audubon Society and The Nature Conservancy. The activities of Vice President Al Gore, Secretary of the Interior Bruce Babbitt, EPA's Carol Browner, and at least 50 Clinton/Gore appointees, also are microscoped.

Arnold also examines:

- the defamation of the natural resources industries by the national media, academe and government;
- the involvement of the EPA in the New World Mine shutdown; and
- how Montana's Initiative 125 was funded by out-of-state money.

"It is remarkable how isolated from resource producers [these environmental groups] are," said Arnold. "It is as if there are no real people out there providing food, clothing, shelter and all other material goods."

*Undue Influence* can be ordered by calling 425/454-7009. \*

## MineDepot Opens for eBusiness

MineDepot, Inc., a global business-to-business eCommerce marketplace for the mining industry, has announced it is co-sponsoring an Industry Forum on B2B eCommerce for mining companies and suppliers to the Industry.

The event, cosponsored by **Northwest Mining Association**, will take place Sept. 21 in Denver. Attendance is free and all industry professionals are encouraged to attend.

Presenters include a representative of iXL, Inc., one of the nation's top full-service Internet consulting firms; a representative of MJRS Ltd., a mining-related research firm; and Rod Heller, CEO of FoodUSA.

Call Mitchell Krebs at 773/255-9808; Email is [info@minedepot.com](mailto:info@minedepot.com); website is [www.minedepot.com](http://www.minedepot.com). \*

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## End of the Road?

### • Continued from page 2 •

According to the Wilderness Act of 1964 [16 USC 1121 Sec. 2 (c)], wilderness is "an area where earth and its community of life are untrammelled by man ... without permanent improvements or human habitation." In such areas, surface-disturbing activities are prohibited by law.

By prohibiting roads, the roadless initiative creates *de facto* wilderness areas. Forest Service Chief Mike Dombeck said as much when he stated that "the last vestiges of wilderness, the roadless areas, hang in the balance" (Subcommittee on Forests and Public Lands Management 1999).

The Forest Service already manages 34.75 million acres of congressionally-designated wilderness roughly one-third of the national total. The roadless initiative will more than double the amount of national forest land devoted to wilderness use.

Even though the rule does not prohibit mining or logging, realistically, without road access, they might as well be banned.

### Legacy is the name of the game

While the President seems to be ensuring his administration's environmental legacy, the philosophical change has been a long time in the making — reflecting an

evolution of the players who affect the public land agencies. *Long an agency that worked closely with the natural resource industries, the Forest Service now caters to the agenda of wilderness advocates.*

In a shift often referred to as "the greening of the Forest Service," demographics at the agency have changed. In his book on American environmentalism, Mark Dowie (1995) notes that when President Clinton took office, "about two dozen environmentalists were hired directly from national environmental organizations and were salted strategically throughout the Clinton/Gore administration."

Policies like the Wilderness Act and the Endangered Species Act of 1973 have made large tracts of federal land unavailable for natural resource harvesting.

Indeed, the Northwest Forest Plan set aside 24 million acres for the northern spotted owl in 1994, forcing the closing of 36 sawmills in northern California. National forests provided 18% of the total volume of timber harvested in the United States; by 1999, that total decreased to 5%.

Western governors, who must balance the interests of a variety of groups, have attempted to carry the voice of a variety of grassroots groups to the national level, but not very successfully. Eleven Western governors were ignored by the President after requesting cooperative agency status in formulating the roadless rule.

The roadless initiative is an executive act, yet by prohibiting access to roughly one-quarter of our national forests, the initiative represents a major departure from traditional uses of executive authority. *More than 350,000 written comments were received by the Forest Service during a six-week comment period on the draft roadless rule. But because the initiative is a presidential directive, the rule need not even address these comments.*

### A powerful environmental image

The idea of protecting roadless areas has a powerful environmental image and thus strong public support, even though significant evidence suggests that *such extreme levels of preservation may be detrimental to forest health and safety.* Still, the anti-environmental stigma is a persuasive disincentive to act.

Since it is not a law, the initiative could be overturned by either the courts or a future presidential administration. So, its fate is uncertain. This certainly leaves the Forest Service in limbo, operating without codified policy.

In an article in the Eugene (Ore.) *Register-Guard*, Zane Smith wrote (Nov. 23, 1999), "Local officials are left to twist in the wind while their superiors ignore the reality of conflicting values and objectives shared by the citizens who own the national forests." \*

## NWMA Members' News

**Sterling Mining Company** will be setting up their Troy Mine/Rock Creek Project information tent at the Sanders County Fair in Plains, MT Aug. 31 - Sept. 3. The booth will provide the company newsletter, education materials about the projects, and seed packets with the company's logo. And there will be a drawing for a remote-controlled earth moving machine. More than 50,000 people are expected at the fair that will host a rodeo, demo derby, motorcross race and carnival. **NWMA** will be there too, with educational materials and information on environmentally responsible mining.

**Hecla Mining's Tom Fudge** has been promoted to the position of Manager of Operations in Coeur d'Alene, Idaho. His duties will be expanded to include oversight of the Lucky Friday Mine, the Rosebud Mine and Hecla's interest in the Greens Creek Mine, as well as responsibility for engineering and concentrate marketing. He also will oversee all exploration activity in the United States and assist in exploration matters outside the country. **Tim Arnold** has taken Fudge's place as the Unit Manager at the Lucky Friday Mine.

In other Hecla news, the company announced it has decided to formally review its strategic options regarding its industrial minerals company, Kentucky-Tennessee Clay Co. Apparently, a number of companies have expressed interest in purchasing K-T Clay.

**NWMA** member **Zheng Song-yan**, was recently appointed to the important post of vice director of the Fujian Provincial Economic and Trade Commission. This appointment was a result of his progressive and capable leadership at **Fujian Provincial Coal Industry Company**. FPCIC embraced China's economic reform policy soon after it was adopted, and Mr. Zheng guided his organization skillfully through uncharted waters. Replacing him as general manager is **NWMA** member **Xu Weihua**, formerly deputy general manager. **NWMA** wishes them both the best in their new positions.

The National Mining Hall of Fame and Museum's replica of an underground hardrock mine has been given new "life," thanks to five mannequins crafted by Gary Prazen. Prazen, a famed artist and sculptor, installed an assayer, a blacksmith, a hoist operator, a jackleg operator and a miner in a cage at the Hall of Fame's headquarters in Leadville, Colorado. Two additional mannequins are works in progress. \*

### • Quotable Quotes •

*"And if we are going to satisfy the American public's escalating demand for minerals, we have to get them from somewhere. The question is: Is it right for the United States to consume the minerals that we consume, yet export the environmental risks and impacts to Third World countries?"*

**Laura Skaer**, Executive Director of the **Northwest Mining Association**, on Fox News Channel's special TV program *Vanished Property: Who Owns America*, when asked about decreasing domestic mining operations.

**Battle Mountain Gold's Dan Robertson**, an **NWMA** member, also appeared on the program. \*

## NOW IS THE TIME TO RESERVE YOUR "OFFICE" SPACE AT NWMA'S 106TH ANNUAL MEETING AND EXPOSITION

When you exhibit at the **NWMA** show, you are opening an open-air "office" at the most prestigious annual mining event in the USA.

Display your products and services, share your knowledge with your clients and potential clients, arrange meetings with old friends and make new contacts, and offer real solutions to real problems.

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The 'walk-in' traffic will be brisk at your "office," so bring materials and bring your staff. Be prepared to create interest with knowledgeable technical staff, professional sales people, and executives authorized to close the deal.

**CAN YOU AFFORD NOT TO HAVE AN  
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CALL PAT BRONCHETTI AT  
509/624-1158  
FAX: 509/623-1241

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## • CALENDAR OF UPCOMING EVENTS •

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**22nd Nevada Mining Association Annual Convention, Sept. 7-9**, Harvey's Lake Tahoe. Call Diane Kasterko at (775) 829-2121 for details.

**Platinum Group Metals Seminar**, Sept. 13 at the New York Mercantile Exchange in New York City. Registration fee is \$275. Call (212) 785-8325 for additional information.

**New Mexico Mining Association's 61st Annual Convention & Trade Show**, Sept. 17-19, Farmington, N.M. Email Janis Ramer at [ramer.janis@bhp.com.au](mailto:ramer.janis@bhp.com.au) for details.

**The Public Lands Foundation's Annual Convention**, Reno, Nev. Call (703) 790-1988 for more information.

**The National Mining Association's Mining Lawyer's Conference**, Sept. 21-23, at the Santa Fe Hilton, Santa Fe, N.M. Call Jennifer El Marji at (202) 463-2637 for details.

**AML Reclamation 2000-National Association of AML Programs Annual Conference**, Sept. 24-27, 2000, Sheraton Steamboat Springs, Steamboat Springs, Colorado. For information call (303) 866-4097 or visit [www.onenet.net/~naamlp/conf2000.htm](http://www.onenet.net/~naamlp/conf2000.htm).

**Sampling of Gold - Exploration and Ore Grade Control**, Oct. 3-5, Golden, Colo.; sponsored by Colorado School of Mines. Call (303) 273-3321 for more information.

**MINExpo International 2000**, Oct. 9-12, 2000, Las Vegas Convention Center, Las Vegas, Nev. Contact Kendy Allen with National Mining Association at (202) 463-2611 or visit [www.minexpo.com](http://www.minexpo.com) for details.

**Blast Design and Assessment for Surface and Underground Mines and Quarries**, Oct. 23-25, Reno, Nev. Sponsored by Golder Associates. Call Graeme Major at (775) 828-9604 for details. Email [gmajor@golder.com](mailto:gmajor@golder.com).

**The Alaska Miner's Association Annual Convention and Trade Show**, from Oct. 30-Nov. 3, Anchorage. Call Sharon at (907) 563-9229 for details.

**The National Western Mining Conference**, sponsored by the Colorado Mining Association, Nov. 1-4, at the Broadmoor in Colorado Springs. Call 1-800-634-7711 for more information.

**Randol at Vancouver-Global Mining Opportunities**, Nov. 13-15, 2000, Robson Square Conference Centre, Vancouver, British Columbia. For information call (303)

526-1626 or visit their website at [www.randol.com](http://www.randol.com).

**Manitoba Mining & Minerals Convention 2000: Manitoba - Your Rock-Solid Advantage**, Nov. 16-18 at the Winnipeg Convention Centre. Call (800) 223-5215 for details. Email [convention@em.gov.mb.ca](mailto:convention@em.gov.mb.ca).

**Conference on Mercury in Mining**, Nov. 28-30 at the Cathedral Hill Hotel in San Francisco. Sponsored by EPA's Office of Research and Development. Call Doug Grosse at (513) 569-7844 for details.

**NWMA Annual Meeting & Exposition, Dec. 4-8, 2000, Spokane Convention and Agricultural Trade Centers, Spokane, Washington.** Contact NWMA at (509) 624-1158 or visit [www.nwma.org](http://www.nwma.org) for details.

**The Tailings and Mine Waste '01 Conference**, Jan. 15-18, 2001, at Colorado State University, Fort Collins. Call (970) 491-6081 for more information. Email address is [lhinshaw@enr.colostate.edu](mailto:lhinshaw@enr.colostate.edu).

**The 18th Annual Cordilleran Exploration Roundup**, Jan. 23-26, 2001, Vancouver, B.C. Sponsored by the B.C. & Yukon Chamber of Mines. Call (604) 681-5328 for additional information. \*







# NWMA STATEMENT OF ENVIRONMENTAL PRINCIPLES

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IN SUPPORT OF ITS MISSION TO ADVANCE THE MINERAL INDUSTRIES, THE **NORTHWEST MINING ASSOCIATION** IS COMMITTED TO PRINCIPLES THAT EMBODY THE PROTECTION OF HUMAN HEALTH, THE NATURAL ENVIRONMENT AND A PROSPEROUS ECONOMY. ACCORDINGLY, THE **NWMA** AND ITS MEMBERSHIP RECOGNIZE ENVIRONMENTAL PROTECTION AS AN ESSENTIAL ELEMENT OF MINING AND HEREBY AFFIRM THESE PRINCIPLES:

- THAT THE BUSINESS OF THE MINERAL INDUSTRIES SHOULD BE CONDUCTED IN A MANNER THAT INTEGRATES THE PROTECTION OF HUMAN HEALTH AND OF THE NATURAL ENVIRONMENT WITH THE BENEFITS OF ECONOMIC AND SOCIAL GROWTH;
- THAT FACILITIES SHOULD BE DESIGNED, DEVELOPED AND OPERATED BASED UPON THE EFFICIENT AND ECONOMIC USE OF ENERGY RESOURCES AND MATERIALS, THE PROTECTION OF THE ENVIRONMENT, AND THE MINIMIZATION OF WASTE;
- THAT FROM PROJECT INCEPTION THROUGH CLOSURE, POTENTIAL ENVIRONMENTAL IMPACTS SHOULD BE COMPREHENSIVELY IDENTIFIED, AND APPROPRIATELY EVALUATED, MANAGED AND MITIGATED;
- THAT RESEARCH INTO, AND EDUCATION PERTAINING TO, THE MOST EFFECTIVE AND EFFICIENT METHODS OF MITIGATION OF ENVIRONMENTAL IMPACTS SHOULD BE SUPPORTED AND THE RESULTS SHARED AND OPENLY DISCUSSED;
- THAT ENVIRONMENTAL PRACTICES SHOULD COMPLY WITH STATUTORY AND REGULATORY REQUIREMENTS AND, IN THE ABSENCE OF FORMAL REGULATION, THAT APPROPRIATE PRACTICES SHOULD BE APPLIED;
- THAT ENVIRONMENTAL PROTECTION, NOT JUST COMPLIANCE WITH STATUTORY AND REGULATORY REQUIREMENTS, SHOULD BE THE GOAL, AND THAT TECHNICALLY AND ECONOMICALLY SOUND IMPROVEMENT IN ENVIRONMENTAL PERFORMANCE SHOULD CONTINUALLY BE SOUGHT AND IMPLEMENTED;
- THAT AFFECTED PARTIES, INCLUDING THE COMPANY, ITS EMPLOYEES, SUPPLIERS AND CONTRACTORS, AND THE LOCAL COMMUNITY, SHOULD BE KEPT INFORMED AND INVOLVED ON TECHNICAL, LEGISLATIVE AND REGULATORY ISSUES;
- THAT OPEN AND CONSTRUCTIVE PARTNERSHIPS SHOULD BE FORGED WITH GOVERNMENTAL BODIES, AFFECTED PARTIES, AND THE GENERAL PUBLIC FOR THE FORMULATION OF AN EFFECTIVE, EFFICIENT AND EQUITABLE LEGISLATIVE AND REGULATORY FRAMEWORK TO SUPPORT MINERAL INDUSTRIES WHICH ARE BOTH ECONOMICALLY VIBRANT AND ENVIRONMENTALLY RESPONSIBLE; AND
- THAT THE UNDERSTANDING SHOULD BE PROMOTED THROUGH EDUCATIONAL PROGRAMS AND OTHER MEANS, WITHIN AND BEYOND THE MINING INDUSTRY, THAT MINING AND ENVIRONMENTAL PROTECTION ARE COMPATIBLE, AND THAT MINERAL PRODUCTS MAKE POSSIBLE BOTH THE DEVELOPMENT OF OUR SOCIETY AND THE MITIGATION OF MODERN SOCIETY'S IMPACT ON THE ENVIRONMENT.

ADOPTED BY THE **NWMA** TRUSTEES, OCTOBER 15, 1998  
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