



Our membership and services span the globe

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Recent NWMA Accomplishments for the U.S. Mining Industry

- Worked with Spokane Public Television to produce a 15-second spot on the role of minerals in achieving energy independence and producing alternative sources of electrical energy.
- NWMA filed comments on virtually every rulemaking proposal that affects the U.S. mining industry.
- At the request of Senate staff, NWMA produced a White Paper rebutting allegations of the Pew Campaign for Responsible Mining that modern mines are polluting the environment and will become tomorrow's abandoned mines. This NWMA White Paper clearly demonstrates how modern environmental laws and regulations governing mining produce fully-bonded, environmentally responsible mines that will not become future abandoned mines.
- Helped lead industry efforts to try to defeat chairman Rahall's Hardrock Mining and Reclamation Act of 2007 (H.R. 2262). NWMA's Executive Director made sixteen trips to Washington, DC, meeting with Members of Congress and their staffs, pointing out the problems with H.R. 2262. NWMA retained a seasoned and respected Washington, DC based government affairs representative to assist in these efforts.
- Produced a White Paper demonstrating that the environmental provisions of the House Mining Law bill (H.R. 2262 now H.R. 699) are solutions in search of a problem that doesn't exist.
- Produced a White Paper on the evolution of federal and state reclamation bonding requirements for hardrock exploration and mining projects documenting how state and federal regulators working with industry have used existing regulatory authorities to respond to shortcomings in the reclamation bonding program.
- Organized successful Washington, DC fly-ins in October, 2007 and January, 2008, meeting with Chairman Rahall, Subcommittee Chairman Costa, Ranking Member Young, Ranking Subcommittee Member Pearce, Representatives Cathy McMorris Rodgers, Dean Heller, Bill Sali, John Salazar, Majority Leader Senator Harry Reid, Chairman Bingaman and staffs of every Member of the Senate Energy and Natural Resources Committee, and the staffs of several other Members. The fly-in provided an opportunity for Members to hear first hand from the men and women who run mining companies, are responsible for permitting exploration and mining projects, and operate producing mines.
- Met with Majority and Minority staff of the House Resources Committee and the Senate Energy and Natural Resources Committee providing them with the views of our members on Mining Law reform and what responsible Mining Law legislation should contain.
- Retained an experienced lobbyist to represent NWMA and its members in the Washington State legislature.

- Provided testimony on Abandoned Mine Land issues at the October 2, 2007 House Energy and Mineral Resources Subcommittee hearing on H.R. 2262 and the March 12, 2008 legislative hearing in the Senate Energy and Natural Resources Committee.
- Helped secure a strong Statement of Administration Policy (SAP) against H.R. 2262, which included a recommendation by the President's senior advisors to veto the bill should it reach his desk, by providing a legal memorandum concluding that H.R. 2262's imposition of a royalty on mineral production from existing, valid unpatented mining claims is unconstitutional and violates the Takings Clause of the Fifth Amendment of the U.S. Constitution. The legal analysis was requested by the House Energy and Mineral Resources Minority staff and delivered to the White House Office of Management and Budget (OMB).
- Provided comments to the U.S. Bureau of Land Management (BLM) on draft revisions to their Minerals Examiners Handbook, ensuring that the BLM continues to follow the Mining Law and cases interpreting the requirements for establishing a discovery of a valuable mineral deposit, instead of inappropriate public company reporting standards, such as those issued by SME.
- Represented its membership on the Washington State Department of Ecology Citizen's Advisory Panel concerning a proposed rule on managing lead in the environment.
- NWMA filed comprehensive and detailed comments in response to BLM's Advanced Notice of Proposed Rulemaking (ANPR) on whether or not the Federal Land Policy and Management Act (FLPMA) requires BLM to collect fair market value for the use of public lands for locatable mineral activities. NWMA's comments clearly demonstrated that the 1872 Mining Law authorizes all mining related activities on federal public land, with or without a mining claim, and that FLPMA's fair market value policy does not apply. The ANPR was in response to Judge Kennedy's remand order in *MPC v. Norton*, which challenged Secretary Norton's 3809 regulations. BLM issued an Interim Final Rule on December 4, 2008 concluding that FLPMA's FMV policy does not apply to mining operations on public land.
- Worked with the USFS Washington, DC office to ensure that draft Environmental Impact Statements do not include a detailed discussion of bonding or bond calculations.
- NWMA's knowledge of the Small Business Regulatory Flexibility Act and the relationship we have developed with the SBA forced the EPA to revise a proposed stormwater discharge permit rule that would have required stormwater discharge monitoring at all inactive mine sites. Had EPA finalized the proposed rule it would have cost NWMA members tens to hundreds of thousands of dollars to comply.
- Worked with the National Mining Association and congressional staff to secure Senate Environmental and Public Works Committee approval of the Salazar/Allard Good Samaritan legislation in 2006. This was the first time in more than 10 years that any Good Samaritan legislation has been approved by a congressional committee.
- Provided testimony to the House Energy & Mineral Resources Subcommittee in July 2006, supporting the need for Good Samaritan legislation that will remove legal impediments and allow the mining industry and others to reclaim abandoned mine lands.
- Worked closely with the Montana Mining Association and NWMA members active in Montana to convince the Montana Department of Environmental Quality to oppose a rule that would have

required all mines in Montana to demonstrate at the time an operating permit was granted that the mine could be fully reclaimed with no active or passive water treatment required within 2 years after the last ore was extracted. In announcing Montana DEQ's opposition to the proposed rule, Montana DEQ cited the problems and reasons raised in NWMA's comments.

- Worked closely with the USFS Geology and Minerals staff to correct deficiencies in an Interim Rule governing when a Plan of Operations is required and when a Notice of Intent is required.
- During the Bush administration, we have used the relationships we have built with federal agencies and key political appointees to intervene on behalf of members to:
 - Prevent land management agencies from using the Clinton Roadless Rule to deny access to mineral deposits;
 - Prevent the personal anti-mining bias of agency personnel from corrupting the Plan of Operation approval process;
 - Stop unnecessary mineral withdrawals that were designed to stop existing and planned mining operations;
 - Force reluctant BLM and Forest Service land managers to recognize the rights granted by the Mining Law.
 - Keep member's projects on federally managed land moving forward.
- Recognized by Members of Congress as a strong and effective voice for the U.S. mining industry. NWMA staff and members provide leadership on Mining Law, public land, and environmental issues, and are asked to provide testimony at congressional hearings on a regular basis.
- Awarded the American Mining Hall of Fame 2005 Industry Partnership Award, presented by the Mining Foundation of the Southwest on December 3, 2005.

These accomplishments demonstrate that NWMA is an **EFFECTIVE** and **RESPECTED** association working hard for you. We provide a much needed on-the-ground voice. Your membership will help ensure that we have the financial resources and membership clout to continue to effectively represent you.