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Steven Feldgus, Deputy Assistant Secretary

Land and Minerals Management

Bureau of Land Management

Division of Solid Minerals

1849 C Street NW, Room 5645

Washington, DC 20240

Submitted via regulations.gov

RE: Request for Information to Inform Interagency Working Group on Mining Regulations,

Laws, and Permitting (Docket No. DOI-2022-0003; 223D0102DM, DS6CS00000,

DLSN00000.00000, DX.6CS25)

Dear Sir:

Thank you for the opportunity to comment about the Request for Information to Inform Interagency Working Group in Mining Regulations, Laws, and Permitting. In the past, I have lived on a family ranch that was threatened by the actions of a multinational mining company, and we succeeded in our battle only because the date of the ranch homestead excluded it from the General Mining Law of 1892 precedent. As a 40 plus year Alaskan resident, I have lived in areas now threatened by other mining actions and proposed infrastructure, and have seen new concerns relating to climate change issues in the Arctic become serious threats to our lands, waters and villages.

The General Mining Law of 1892 (the Law) is an outdated law which has not been significantly altered to taking into account the reality of life in this century. In addition, this antiquated act was passed by Congress to codify two older laws, the Lode Law of 1866 and the Placer Act of 1870. These acts were part of a national move to ‘colonize’ unappropriated lands in the United States, at a time when power was in the hands of rich white men only, and indigenous peoples rights were not even considered. Additionally, the Law now too often serves to financially benefit foreign and multi-national corporations at the expense of our national public lands, our natural resources and the wildlife they support, and the health and welfare of our citizens, often those who can least afford to deal with or mitigate these effects.

The Law has never had any real force in basic protections for our public lands, for cleaning up the inevitable toxic wastes left behind or for reclamation of the lands and waters. In Alaska alone, a 2020 report found that 4 out of 5 major hardrock mines did not properly control contaminated wastes and water, resulting in water quality violations that often took extended time to clear up. It also found that the predicted number of mine spills at these 5 large mines was hugely underestimated, and that spills from the mines released more than 2.3 million gallons and 1.9 million pounds of hazardous materials during the 26 year that the study investigated

Under this Law, many indigenous tribes have had their sacred and valuable lands desecrated, and have had to bear the results of decades of water, air and land contamination and the resulting health problems caused by this. Not only their health has been compromised, but by losing their sacred lands their very cultures have been threatened.

I hope that any Interagency Working Group will take into serious consideration the comments filed by so many groups about this problem, such as the extensive letters from Earthjustice et al and the comments filed by the Trustees For Alaska et at.

I stress that particular attention needs to be paid to these points, amongst others:

1. It should be made very clear that the federal government, and the agencies under it, have a right and a responsibility to deny mine proposals . Mining proposals must be balanced against other important land uses.
2. Treaty rights must be protected, including protecting the lands and waters needed for fishing, hunting and other subsistence and cultural activities. Meaningful Tribal consultation must be part of any mining considerations. Additionally, Tribes should be give the rights to petition the Government to withdraw federal lands from mining entry when such lands are sacred or valuable to the tribes.
3. Environmental and Economic Justice considerations should be given to all mining applications. Too often infrastructure such as roads will be approved for mining activities when such infrastructure only serves the needs of (often multinational and foreign) mining companies and not the needs or desires of the local communities. This is especially true in remote and rural locations such as much of Alaska.
4. Lands that have been given special consideration, such as National Conservation Lands, Special Areas, and Areas of Critical Environmental Concern, should be protected. Any substantial impacts to these resources should be prohibited.
5. Climate Change Issues should be a substantial part of any mine proposal consideration. Melting permafrost in the arctic, greatly decreased water resources, increased areas prone to flooding on coastal regions, increased storm intensities and numbers are among the issues that could greatly affect and be affected by mining activities. I believe that the Working Group should have well defined Climate Change Considerations requirements, and should require any mining proposals to have a climate change management plan that shows how their activities and all of their infrastructure will be handled in such as way as to minimize impacts on the environment and the climate change. Such a plan should also detail what will be done to address increased risks to the safety and stability of the mining operations and support infrastructure. All mining activities should be operated using a significant percentage of reusable sources for energy needs. To not do this would be in direct noncompliance to the National Climate Change Goals.
6. Reclamation and Restoration plans should be looked at with a very critical eye. For instance, claims that anadromous streams and their supportive habitats can be reconstructed to their prior productive levels are not supportable. Such claims of restoration to the waters and their supportive hydrology have not been shown to be technologically possible and are generally economically infeasible.
7. Bonding requirements should be set at appropriate levels to support full reclamation and rehabilitation as well as to take into account the significant costs of dealing with the changing climate.
8. Before defining any national needs for minerals, especially when considering the ‘valuable minerals’ needed for new technology and renewable resource technology, the Government should invest serious time and money into studying, forming a plan for and implementing recycling of these minerals. A cyclical system of use should be initiated and have priority over and be factored into any needs for development of proposed new mining sources.

These comments barely scratch the surface of the needs for changes and additions to any future mining laws. I believe it would behoove the Task Force to keep long term considerations in mind. They should be required to make any and all decisions with the adherence to the National Climate Change goals as a primary consideration. Mining today for a mineral that might be needed, when recycling and reusing no longer needed components and developing new possibilities such as alternative sources for lithium for batteries or totally new battery designs altogether could greatly minimize new mineral source needs, is short sighted and injurious to our environment, our public lands, to future lands uses , and to the physical and mental health of our citizens.

I appreciate that the Task Force asked for and is accepting comments regarding their consideration of the General Mining Law of 1872. I fully support stronger federal mining regulations and policies for hardrock and placer mining. The era of the dominance of the Great White Father and his deep pocket needs is and should be long over. The long view of the needs of the pubic, of the public lands, of the changing environment, of maintaining and improving our wildlife habitat, and of improving the lives of marginalized societies should be the primary consideration in all Government decisions.

Sincerely,

Loren J Karro