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Subcommittee on Water and Power

COMMITTEE ON EDUCATION AND LABOR
Subcommittee on Workforce Protections
Subcommittee Early Childhood, Elementary and
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March 25, 2010

The Honorable Kenneth L. Salazar
Secretary of the Interior
U.S. Department of the Interior
1849 C Street NW, Washington, DC 20240

The Honorable Tom Vilsack
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave SW, Washington DC, 20250

Dear Secretary Salazar and Secretary Vilsack,

As you know, I am very concerned about the proposed Rosemont mine in the beautiful Santa Rita mountains of southern Arizona. Much of the ore body is on private land, but the company wants to use thousands of acres of the Coronado National Forest and some Bureau of Land Management property for a dumpsite.

I believe that we all agree the mining law of 1872 badly needs to be reformed. However, the Department has an opportunity right now to reverse a bad decision made in the George W. Bush administration in regards to hardrock mining on federal lands. The Bush administration adopted a formal rule giving mining companies the right to use as much federal land as dumpsites for waste rock and tailings piles from mines. This overturned an earlier determination made in the Clinton administration that the companies needed federal permission for large-scale waste dumping on federal lands.

In October, 2009, various conservation groups sued Interior, seeking to overturn the Bush rule (*Earthworks, et al v. U.S. Department of the Interior.*) The government's response is due March 30.

It would be a huge mistake for the government to simply defend the Bush position in litigation. Conservation groups and opponents of the proposed Rosemont mine are watching the administration closely on this and would likely characterize such a position as just caving in to the mining industry and defending a Bush administration position.

The administration need not take a final position on this matter now. Instead, it could simply initiate rulemaking to re-examine the position taken under the last administration. A rulemaking that begins now would not need to be completed until after the 2010 fall elections.

Initiating a rulemaking in this area would be consistent with Secretary Salazar's support of mining reform when he testified before the Senate Energy Committee in the summer of 2009. While he did not testify about this particular issue then, this is an issue that, unlike a number of other mining law issues, is well within the purview of the executive branch to address.

I urge you not to file an answer on March 30 that simply defends the Bush Administration position. I urge you, instead, to announce that you are re-examining this issue in a formal rulemaking.

Sincerely,

Raúl M. Grijalva
Member of Congress

cc: Tom Strickland, Chief of Staff, Department of Interior
Hilary Tompkins, Department of Interior Solicitor
Harris Sherman, Undersecretary for Natural Resources and Environment, USDA
Jay Jensen, Deputy Undersecretary of Agriculture