



**NATIONAL ASSOCIATION OF STATE TRUST LANDS
RESOLUTION 2021-06**

Abandoned Hardrock Mine Reclamation

Whereas, the National Association of State Trust Lands (“NASTL”) and its member states manage over 500 million acres of trust lands, minerals, and waterways; and

Whereas, members of NASTL have state constitutional mandates to manage millions of acres of lands for economic development, public education, conservation, recreation, and other public purposes provided by state law; and

Whereas, leasing trust parcels for hardrock mining has been ongoing for many decades as a source of revenue for trust beneficiaries; and

Whereas, historical hardrock mining supplied the metals necessary for the building of our nation and helped settle the American West; and

Whereas, it is estimated there are as many as 500,000 abandoned mine sites in the west with over 33,000 of those degrading the environment, tainting surface and ground water, and presenting a danger to the public at large and where no responsible party currently exists; and

Whereas, numerous industry and conservation stakeholders and local and state governments are willing to act as Good Samaritans to assist in the remediation and cleanup of abandoned mines; and

Whereas, the vast majority of abandoned mines are primarily public safety concerns and could be remedied with modest investments but for liability concerns; and

Whereas, many historic mine sites contain waste rock and mine tailings that contain recoverable amounts of minerals that could be further processed to ensure maximum extraction from previously mined areas; and

Whereas, the Clean Water Act (CWA), the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and the Resource Conservation and Recovery Act (RCRA) currently expose Good Samaritans to Federal liability relating to remediation and cleanup efforts of abandoned mine sites; and

Whereas, the mining industry and conservation advocates have proposed bi-partisan legislation allowing for the remediation and cleanup of abandoned mines on federal and state lands which provides liability protections for Good Samaritans and ensures strict oversight of these activities by the Environmental Protection Administration (EPA) and land management agencies; and

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Whereas, the Enabling Act of each State created a scattered pattern of ownership of trust lands and many abandoned mines are located on state trust lands which are also in need of remediation and cleanup; and

Whereas, the United States Congress has failed to enact legislation that would provide states, Good Samaritans, and state and local governments with the needed protections to incentivize remediation and cleanup of abandoned mines.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. NASTL urges the U.S. Congress to enact legislation that will provide protections to Good Samaritans from current liabilities existing under the CWA, CERCLA, and RCRA; and
2. NASTL urges the U.S. Congress to provide authorities for Good Samaritans to fully extract valuable minerals from historic mine waste as part of remediation efforts; and
3. NASTL calls on the U.S. Congress to provide adequate funding to ensure these sites can be remediated and cleaned up with the support and oversight by the EPA and the land management agencies and to cover costs beyond the abilities of Good Samaritans.

Adopted this 21st day of September, 2021.



President, NASTL



Secretary, NASTL

*This Resolution will remain in effect through July 31, 2023
unless otherwise terminated, amended, or replaced by the Association.*